

A summary of the relevant legislation is listed below, although it should be noted that this list is by no means exhaustive, most recent legislation listed first.

Children & Social Work Act 2017

The Act makes several significant changes for safeguarding at both local and national levels, by amending the Children Act 2004. This includes abolishing Local Safeguarding Children Boards and puts duties on three 'safeguarding partners' – the local authority, clinical commissioning groups and police. It introduces corporate parenting principles stating the local authorities must 'have regard to the need' to take certain actions in their work for children in care and care leavers.

Modern Slavery Act 2015

The Modern Slavery Act gives law enforcement the tools to fight modern slavery, ensure perpetrators can receive suitably severe punishments for these appalling crimes and enhance support and protection for victims.

Counter Terrorism and Security Act 2015

The Counter Terrorism and Security Act 2015 place duties on local authorities to ensure that publicly-owned premises are not used to disseminate extremist views.

Serious Crime Act 2015

The Bill proposes to outlaw causing emotional distress of children, regulate corrupt accountants and other businesses who assist criminal gangs, regulate 'drug cutting agents', and deal with offences related to female genital mutilation, paedophilia, and amend the Terrorism Act 2006

Anti-social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014, makes it a criminal offence to force someone to marry, and Forced Marriage is now a criminal offence punishable by law (16 June 2014).

The Forced Marriage (Civil Protection) Act 2007 makes provision for protecting children, young people and adults from being forced into marriage without their free and full consent.

Care Act 2014

Sets out a clear legal framework for how local authorities and other parts of the health and care system should protect adults at risk of abuse or neglect.

Domestic Violence, Crime and Victims Act (Amendment) 2012

The Domestic Violence, Crime and Victims (Amendment) Act 2012 extends the offence in section 5 of the 2004 Act to cover causing or allowing serious physical harm (equivalent to grievous bodily harm) to a child or vulnerable adult.

Equality Act 2010

ANNEX I: LEGISLATIVE FRAMEWORK

The Act makes it unlawful to discriminate against people on the basis of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Children and Young Persons Act 2008

The purpose of the Act is to reform the statutory framework for the care system in England and Wales, by implementing the proposals in the White Paper that require primary legislation. This forms part of the Government's programme to ensure children and young people receive high quality care and support. The Act also includes provisions in relation to well-being of children and young people, private fostering, child death notification to Local Safeguarding Children Boards and appropriate national authorities, the powers of the Secretary of State to conduct research and applications for the discharge of Emergency Protection Orders.

Safeguarding Vulnerable Groups Act 2006

Introduced the new vetting and barring scheme for those working with children and vulnerable adults, in a paid or voluntary capacity. The Disclosure and Barring Service replaces the Criminal Records Bureau and the Independent Safeguarding Authority. The Disclosure and Barring Service process requests for criminal records checks; decide whether to place or remove an individual from a barred list; place or remove a person from the children's or adults barred lists for England, Wales and Northern Ireland.

The Mental Capacity Act 2005

The five principles are outlined in the Section 1 of the Act. These are designed to protect people who lack capacity to make particular decisions, but also to maximise their ability to make decisions, or to participate in decision-making, as far as they are able to do so.

Domestic Violence, Crime and Victims Act 2004

Domestic Homicide Reviews (DHRs) were established on a statutory basis under section 9 of the Domestic Violence, Crime and Victims Act (2004). This provision came into force on 13th April 2011.

The Children Act 2004

Councils are defined in section 13(3) of the Children Act 2004 as partners on the Local Safeguarding Children Board. As a "Board partner", the Council has a duty to contribute to the effective work of the Board. As such, and under *Working Together to Safeguard Children Guidance 2013*, the Council has a legal obligation to complete a self assessment, or audit, of its safeguarding activities around children.

Sexual Offences Act 2003

In England, the legislation relating to Child Sexual Exploitation is covered under the Sexual Offences Act 2003. Girls and boys under the age of 16 cannot by law, consent to sexual intercourse and anyone engaging in sexual activity (as defined in The Sexual Offences Act 2003) with a child under the age of 16 is committing an offence. Children under 13 years of age cannot under any circumstances consent to

sexual activity and specific offences, including rape, exist for child victims under this age.

Female Genital Mutilation Act 2003

The Female Genital Mutilation Act 2003, came into force in March 2004. It introduces the issue of extra-territoriality, which makes it an offence for FGM to be performed anywhere in the world on UK nationals or UK permanent residents. The 2003 legislation also increases the penalty for aiding, abetting or counselling to procure FGM to 14 years imprisonment or a fine or both.

Sexual Offences Act 2003

Sections 30-33 - create offences that rely on the inability of a person to refuse the sexual activity on account of lack of capacity or where they are unable to communicate their refusal. Sections 34-37 relate to situations where a person suffering from a mental disorder is threatened, coerced or deceived into sexual activity where the perpetrator knew the person was suffering from a mental disorder, or reasonably suspects.

Homelessness Act 2002

Under Section 12 of the Homelessness Act 2002, as a housing authority, the Council is required to refer homeless persons with dependent children who are ineligible for homelessness assistance or are intentionally homeless, to Children's Social Care, as long as the person consents. If homelessness persists, any child in the family could be in need. In such cases, if Children's Social Care decides the child's needs would be best met by helping the family to obtain accommodation, it can ask the Council for reasonable assistance in this.

The Adoption and Children Act 2002

This act replaces the Adoption Act 1976, updates the Children Act 1989 and modernises the existing legal framework for domestic and inter-country adoption in England and Wales.

The Protection of Children Act 1999

Under this act, childcare organisations (defined as those that are 'concerned with the provision of accommodation, social services or health care services to children or the supervision of children') must make use of the Disclosure Service in their recruitment and reporting processes and urges other organisations working with children to also do so.

Data Protection Act 1998

This act replaced the Data Protection Act 1984 and the Access to Personal Files Act 1987. It relates to recording information, including information about children. Under the 1998 act, personal information must be obtained fairly and processed lawfully. Information can only be shared in certain circumstances and it has to be accurate, relevant and kept securely.

The Human Rights Act 1998

The Human Rights Act applies the European Convention on Human Rights to domestic law. Article 8, which covers respect for private and family life, limits state intervention in family life, which must be “in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”. This ensures that a child’s right to protection overrides a family’s right to privacy.

Housing Act 1996

Part VII – This Act places a duty on local authorities to provide accommodation for homeless people with a priority need, i.e. people who are vulnerable because of old age and homelessness, mental illness, learning and physical disability or other special reason.

Sections 145 & 149 – Provides a new ground for the granting of a possession order on the application of the local authority/housing association where a partner has left the dwelling because of violence or threats of violence by the other partner and the court is satisfied that the partner who has left is unlikely to return.

United Nations Convention on the Rights of the Child (1989)

This international agreement sets out the minimum standards for protecting children’s rights and refers to all children up to the age of 18 years old. The principles and standards are binding on states that have ratified them. There are 54 articles: 40 give direct rights to children. The Convention defines the basic human rights of all children and specifies 14 basic rights.

The Children Act 1989

The Children Act 1989 came into force in October 1991. It brought together legislation on caring for and protecting children and is still the framework for safeguarding children and promoting their welfare.

Criminal Justice Act 1988

Section 39 – Common Assault – Assault is defined as any physical contact without consent. It includes acts or words involving threats of violence. No physical evidence may be present. It includes assault and battery, which involve the threat of immediate violence and which are summary offences

Mental Health Act 1983

Section 127(2) – Provides that it is an offence for any staff member of a hospital or mental nursing home or for any person to ill treat or wilfully neglect a patient or person who is subject to his/her guardianship under this Act. It is also an offence for a guardian, or other person who has care of a mentally disordered person living in the community, to ill treat or wilfully neglect that person.

The Rehabilitation of Offenders Act (1974)

This act made any convictions ‘spent’ after a certain period and the convicted person would not normally have to reveal or admit the existence of a spent conviction. In most circumstances, an employer cannot refuse to employ someone, or dismiss

ANNEX I: LEGISLATIVE FRAMEWORK

them, on the basis of a 'spent' conviction. However under this act all applicants for positions which give them "substantial, unsupervised access on a sustained or regular basis" to children, must declare all previous convictions whether spent or unspent, and all pending cases against them.