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Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 7

SAFEGUARDING

VALID FROM 06/04/2016

Safeguarding Children Boards and Safeguarding Adults Boards

134 Safeguarding Children Boards and Safeguarding Adults Boards

- (1) Regulations must set out those areas in Wales for which there are to be Safeguarding Boards (“Safeguarding Board areas”).
- (2) Each of the following is a Safeguarding Board partner in relation to a Safeguarding Board area—
 - (a) the local authority for an area, any part of which falls within the Safeguarding Board area;
 - (b) the chief officer of police for a police area, any part of which falls within the Safeguarding Board area;
 - (c) a Local Health Board for an area, any part of which falls within the Safeguarding Board area;
 - (d) an NHS trust providing services in the Safeguarding Board area;
 - (e) the Secretary of State to the extent that the Secretary of State is discharging functions under sections 2 and 3 of the Offender Management Act 2007 in relation to Wales;
 - (f) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a Safeguarding Board partner in relation to the Safeguarding Board area.

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- (3) After consulting the Safeguarding Board partners for an area, the Welsh Ministers must by regulations specify—
 - (a) a Safeguarding Board partner as the lead partner in relation to children for the area, and
 - (b) a Safeguarding Board partner as the lead partner in relation to adults for the area.
- (4) The lead partner in relation to children must establish a Safeguarding Children Board for its Safeguarding Board area.
- (5) The lead partner in relation to adults must establish a Safeguarding Adults Board for its Safeguarding Board area.
- (6) A Safeguarding Board must include—
 - (a) a representative of each Safeguarding Board partner mentioned in subsection (2) in relation to the Safeguarding Board area, and
 - (b) a representative of any other person or body specified in regulations as a Safeguarding Board partner in relation to the Safeguarding Board area.
- (7) Regulations under subsection (6)(b) may only specify a person or body as a Safeguarding Board partner if that person or body exercises functions under an enactment in relation to children in Wales or, as the case may be, adults in Wales.
- (8) Regulations under subsection (6)(b) may not specify a Minister of the [^{F1}Crown,] the governor of a prison or secure training centre (or, in the case of a contracted out prison or secure training centre, its director)[^{F2}or the principal of a secure college] as a Safeguarding Board partner unless the Secretary of State consents.
- (9) A Safeguarding Board may include representatives of such other persons or bodies, being persons or bodies mentioned in subsection (10), as the Board considers should be represented on it.
- (10) Those persons or bodies are persons and bodies of any nature who or which exercise functions or are engaged in activities relating to children or adults (as the case may be) in the Safeguarding Board area in question.
- (11) In this section—
 - (a) a reference to a prison includes a young offender institution;
 - (b) a reference to a contracted out secure training centre has the meaning given by section 15 of the Criminal Justice and Public Order Act 1994;
 - (c) a reference to a contracted out prison has the meaning given by section 84(4) of the Criminal Justice Act 1991.

Textual Amendments

- F1** Word in s. 134(8) substituted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 9 para. 32\(2\)\(a\)](#); S.I. 2015/778, art. 2(1)(c); S.I. 2015/778, art. 2(1)(c); S.I. 2015/778, art. 2(1)(c)
- F2** Words in s. 134(8) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 9 para. 32\(2\)\(b\)](#); S.I. 2015/778, art. 2(1)(c); S.I. 2015/778, art. 2(1)(c); S.I. 2015/778, art. 2(1)(c)

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135 Functions and procedures of Safeguarding Boards

- (1) The objectives of a Safeguarding Children Board are—
 - (a) to protect children within its area who are experiencing, or are at risk of, abuse, neglect or other kinds of harm, and
 - (b) to prevent children within its area from becoming at risk of abuse, neglect or other kinds of harm.
- (2) The objectives of a Safeguarding Adults Board are—
 - (a) to protect adults within its area who—
 - (i) have needs for care and support (whether or not a local authority is meeting any of those needs), and
 - (ii) are experiencing, or are at risk of, abuse or neglect, and
 - (b) to prevent those adults within its area mentioned in paragraph (a)(i) from becoming at risk of abuse or neglect.
- (3) A Safeguarding Board must seek to achieve its objectives by co-ordinating and ensuring the effectiveness of what is done by each person or body represented on the Board.
- (4) Regulations must—
 - (a) provide for a Safeguarding Board to have functions relating to its objectives (including, for example, functions of review or investigation);
 - (b) make provision as to the procedures to be followed by a Safeguarding Board;
 - (c) specify when and how children or adults who are, or may be, affected by the exercise of a Safeguarding Board's functions must be given the opportunity to participate in the Board's work.
- (5) A Safeguarding Board may cooperate with another one or more Safeguarding Boards.
- (6) A Safeguarding Board may act jointly with another one or more Safeguarding Boards in relation to their combined areas and if they do so—
 - (a) references in this Part to a Safeguarding Board are to be read as references to the Boards acting jointly, and
 - (b) references in this Part to a Safeguarding Board area are to be read as references to the combined area.
- (7) The Safeguarding Children Board and the Safeguarding Adults Board for an area may form a joint board for the area, and if they do so—
 - (a) the joint board is to have the objectives in both subsections (1) and (2), and
 - (b) references in this Part to a Safeguarding Board are to be read as references to the joint board.

136 Safeguarding Boards: annual plans and reports

- (1) Before the beginning of each financial year a Safeguarding Board must publish a plan (its “annual plan”) setting out its proposals for achieving its objectives in that year.
- (2) No later than 31 July of each year, a Safeguarding Board must publish a report on—
 - (a) how it has exercised its functions in the preceding financial year, and
 - (b) the extent to which it implemented the proposals in its annual plan for the preceding financial year.

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- (3) Regulations may make further provision about the making of plans and reports under this section (including provision about their form and content and how they are to be published).
- (4) In this section “financial year” means the twelve months ending with 31 March.

137 Supply of information requested by Safeguarding Boards

- (1) A Safeguarding Board may, for the purpose of enabling or assisting the Board to perform its functions, ask a qualifying person or body to supply specified information to which subsection (2) or (3) applies to—
 - (a) the Board, or
 - (b) a person or body specified by the Board.
- (2) This subsection applies to information relating to—
 - (a) the qualifying person or body to whom or to which the request is made,
 - (b) a function or activity of that qualifying person or body, or
 - (c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that qualifying person or body.
- (3) This subsection applies to information which—
 - (a) has been supplied to the qualifying person or body in compliance with another request under this section, or
 - (b) is derived from information so supplied.
- (4) The qualifying person or body to whom or to which a request is made under subsection (1) must comply with the request unless the person or body considers that doing so would—
 - (a) be incompatible with the duties of the person or body, or
 - (b) otherwise have an adverse effect on the exercise of the functions of the person or body.
- (5) A qualifying person or body who decides not to comply with a request under subsection (1) must give the Safeguarding Board which made the request written reasons for the decision.
- (6) Information supplied under this section may only be used by the Board or other person or body to whom or to which it is supplied for the purpose mentioned in subsection (1).
- (7) In this section—
 - “qualifying person or body” (“*person neu gorff cymhwysol*”) means a person or body whose functions or activities are considered by the Board to be such that the person or body is likely to have information relevant to the exercise of a function of the Board;
 - “specified” (“*penodedig*” and “*a bennir*”) means specified in a request made under subsection (1).

138 Funding of Safeguarding Boards

- (1) A Safeguarding Board partner may make payments towards expenditure incurred by, or for purposes connected with, the Safeguarding Board on which it is represented—

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- (a) by making the payments directly, or
 - (b) by contributing to a fund out of which the payments may be made.
- (2) A Safeguarding Board partner may provide staff, goods, services, accommodation or other resources for purposes connected with the Safeguarding Board on which it is represented.
- (3) Regulations may—
 - (a) require payments to be made by a Safeguarding Board partner towards expenditure incurred by, or for purposes connected with, the Safeguarding Board on which it is represented, and
 - (b) provide for how the amount of those payments is to be determined in respect of a specified period.
- (4) The Welsh Ministers must consult the Secretary of State before making regulations under subsection (3) which require payments to be made by a Safeguarding Board partner mentioned in section 134(2)(b), (e) or (f).

139 Safeguarding Boards: supplementary

- (1) A Safeguarding Board must cooperate with the National Board, and must supply the National Board with any information it requests.
- (2) Regulations may make provision as to the functions of Safeguarding Board partners relating to the Safeguarding Boards on which they are represented.
- (3) A Safeguarding Board partner must, in exercising its functions relating to a Safeguarding Board, have regard to any guidance given by the Welsh Ministers.
- (4) Each Safeguarding Board partner must take all reasonable steps to ensure that the Safeguarding Board on which it is represented operates effectively.

140 Combined Safeguarding Boards

- (1) The Welsh Ministers may by order provide that in each Safeguarding Board area, the Safeguarding Children Board and the Safeguarding Adults Board are to combine so as to form a single Safeguarding Board for the area (“a Safeguarding Children and Adult Board”).
- (2) An order under this section may—
 - (a) amend any provision of this Part as a consequence of there being a single Safeguarding Children and Adult Board for each Safeguarding Board area, and
 - (b) make other consequential provision including amendments of any other enactment (whenever passed or made).

141 Procedure for orders under section 140

- (1) Before making an order under section 140, the Welsh Ministers must consult—
 - (a) each Safeguarding Board partner for the Safeguarding Board area to which the proposed order relates,
 - (b) the Secretary of State, and
 - (c) such other persons as the Welsh Ministers consider appropriate,

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on the proposed draft order.

- (2) The Welsh Ministers must—
- (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft order,
 - (b) consider any comments submitted within that period, and
 - (c) publish a summary of those comments.
- (3) If, following that consultation, the Welsh Ministers wish to proceed with the making of an order under section 140, they must lay a draft order before the National Assembly for Wales.
- (4) A draft order laid under subsection (3)—
- (a) must be accompanied by a statement of the Welsh Ministers giving details of any differences between the draft order consulted on under subsection (1) and the draft order laid under subsection (3), and
 - (b) may not be approved by a resolution of the National Assembly for Wales in accordance with section 196(6) until after the expiry of the period of 60 days beginning with the day on which the draft order is laid.

142 Interpretation of Part 7

In this Part—

“National Board” (“*Bwrdd Cenedlaethol*”) means the National Independent Safeguarding Board referred to in section 132;

“Safeguarding Board” (“*Bwrdd Diogelu*”) means a Safeguarding Children Board or a Safeguarding Adult Board established under section 134 (and references to a Safeguarding Board's area are to the Safeguarding Board area for which it is established);

“Safeguarding Board area” (“*ardal Bwrdd Diogelu*”) means an area set out in regulations under section 134(1);

“Safeguarding Board partner” (“*partner Bwrdd Diogelu*”) means a person or body mentioned in section 134(2) or in regulations made under section 134(6)(b) (and references to a Safeguarding Board partner's area are to the Safeguarding Board area in relation to which it is a Safeguarding Board partner).

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