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# **The Social Services and Well-being (Wales) Act 2014 Part 7: Safeguarding**

## **Deddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 Rhan 7: Diogelu**

**David Clayton**

# Strengthening Safeguarding Cryfhau Prosesau Diogelu



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New legal framework to protect adults and children.

- Formal “Adult at Risk” definition.
- Duties to Report; Enquire; Co-operate; and Share Information.
- Adult Protection and Support Order.
- Safeguarding Boards.
- National Independent Safeguarding Board.

Fframwaith cyfreithiol newydd i ddiogelu oedolion a phlant.

- Diffiniad ffurfiol o “Oedolyn mewn Perygl”.
- Dyletswyddau i Adrodd; Ymholi; Cydweithredu; a Rhannu Gwybodaeth.
- Gorchymyn Amddiffyn a Chynorthwyo Oedolion.
- Byrddau Diogelu.
- Bwrdd Diogelu Annibynnol Cenedlaethol.

# Regulatory Framework

## Fframwaith Rheoleiddio



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- The Safeguarding Boards (General) (Wales) Regulations 2015.
- The Safeguarding Boards (Functions and Procedures) (Wales) Regulations 2015.
- The Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015.
- The National Independent Safeguarding Board (Wales) Regulations 2015.
- Rheoliadau Byrddau Diogelu (Cyffredinol) (Cymru) 2015.
- Rheoliadau Byrddau Diogelu (Swyddogaethau a Gweithdrefnau) (Cymru) 2015.
- Rheoliadau Gorchmynion Amddiffyn a Chynorthwyo Oedolion (Swyddog Awdurdodedig) (Cymru) 2015.
- Rheoliadau'r Bwrdd Diogelu Annibynnol Cenedlaethol (Cymru) 2015.

# Evidence

## Tystiolaeth



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- Welsh Institute of Health and Social Care Review
- Care and Social Services Inspectorate Wales “National Inspection of Adult Protection”.
- Health Inspectorate Wales “Safeguarding Adults in Wales”.
- Safeguarding Advisory Panel
- Adolygiad Sefydliad Iechyd a Gofal Cymdeithasol Cymru
- “Arolygiad Cenedlaethol o Amddiffyn Oedolion” Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru.
- “Diogelu Oedolion yng Nghymru” Arolygiaeth Iechyd Cymru.
- Panel Cyngori ar Ddiogelu



# Definition of an Adult at Risk

## Diffiniad o Oedolyn sy'n wynebu Risg

**An adult at risk for the purposes of this part of the Act is:-**

- (a) experiencing or is at risk of abuse or neglect;
- (b) has needs for care and support (whether or not the authority is meeting any of those needs); and
- (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

**At ddibenion y rhan hon o'r Ddeddf, mae oedolyn sy'n wynebu risg:-**

- (a) yn cael, neu yn wynebu risg o gael, ei gam-drin neu ei esgeuluso;
- (b) mae ganddo anghenion gofal a chymorth (waeth a yw'r awdurdod yn diwallu'r anghenion hynny ai peidio);
- (c) o ganlyniad i'r anghenion hynny ni all amddiffyn ei hun yn erbyn cael ei gam-drin na'i esgeuluso neu'r risg o hynny.

# Abuse Cam-drin



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“abuse” means:-

physical, sexual, psychological, emotional or financial abuse.

(and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place).

“ystyr “cam-drin” yw:-

cam-drin corfforol, rhywiol, seicolegol, emosiynol neu ariannol.

(ac mae’n cynnwys cam-drin sy’n digwydd mewn unrhyw leoliad, waeth a yw’n digwydd mewn preswylfa breifat, sefydliad neu unrhyw le arall).



# Financial Abuse

## Cam-drin Ariannol

“financial abuse” includes:-

- having money or other property stolen;
- being defrauded;
- being put under pressure in relation to money or other property;
- having money or other property misused.

mae “cam-drin ariannol” yn cynnwys:-

- pan fo’ch arian neu eitem arall o’ch eiddo yn cael ei ddwyn;
- cael eich twyllo;
- cael eich rhoi dan bwysau mewn perthynas ag arian neu eitem arall o’ch eiddo;
- pan fo’ch arian neu eitem arall o’ch eiddo yn cael ei gamddefnyddio.

# Neglect Esgeulustod



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“neglect” means:-

a failure to meet a person’s basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person’s well-being.

(for example, an impairment of the person’s health or, in the case of a child, an impairment of the child’s development).

ystyr “esgeulustod” yw:-

methu â diwallu anghenion sylfaenol corfforol, emosiynol, cymdeithasol neu seicolegol unigolyn, a bod hynny’n debygol o amharu ar les yr unigolyn.

(er enghraifft, amharu ar iechyd yr unigolyn, neu yn achos plentyn, amharu ar ddatblygiad y plentyn).



# Duty to Report

## Dyletswydd i Adrodd



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Relevant partners of a local authority must report if they suspect an adult is at risk in:-

- their area;
- another area;
- an area to which the person is proposing to move.

Mae'n rhaid i bartneriaid perthnasol awdurdod lleol adrodd os ydynt yn amau bod oedolyn mewn perygl:-

- yn eu hardal;
- mewn ardal arall;
- mewn ardal y mae'r unigolyn yn bwriadu symud iddi.



# Duty to Enquire

## Dyletswydd i Ymholi

Duty on local authority where it suspects a person is an adult at risk to:-

- make enquiries;
- cause others to make enquiries;
- decide if the person is an adult at risk;
- decide what if any action is required;
- record conclusions in care and support plan.

Pan fo awdurdod lleol yn amau bod unigolyn yn oedolyn sy'n wynebu risg, mae dyletswydd arno i: -

- wneud ymholiadau;
- gwneud i eraill wneud ymholiadau;
- penderfynu a yw'r unigolyn yn oedolyn sy'n wynebu risg;
- os oes camau i'w cymryd, penderfynu beth yw'r camau hynny;
- cofnodi casgliadau mewn cynllun gofal a chymorth.



# Adult Protection & Support Orders

## Gorchmynion Amddiffyn a Chynorthwyo

### Oedolion

Authorised officer appointed by local authority can apply to a justice of the peace. Order of last resort.

#### Purpose and Extent:

- to enter premises (with a police constable);
- to speak in private;
- to check decisions are made freely;
- to determine “adult at risk” and action needed.

Gall swyddog wedi'i awdurdodi a benodwyd gan awdurdod lleol wneud cais i ynad heddwch. Gorchymyn dewis olaf.

#### Diben a Chwmpas:

- mynd i mewn i'r adeilad (gyda chwnstabl yr heddlu);
- siarad yn breifat;
- darganfod a oes rhyddid i wneud penderfyniadau;
- pennu “oedolion sy'n wynebu risg” a'r camau sydd angen eu cymryd.

**At Risk / Wynebu Risg**



**Duty to Report / Dyletswydd i Adrodd**



**Duty to Enquire / Dyletswydd i Ymholi**



**Protection and Prevention / Amddiffyn ac Atal**



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# Safeguarding Boards

## Byrddau Diogelu



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Function - to protect and to prevent.

Separate Boards for Adults and Children.

Regulations and Statutory Guidance specify:

- Lead Partner; Safeguarding Board Areas; Functions; Procedures; User Participation; Funding; Annual Plans and Annual Reports.

Swyddogaeth – amddiffyn ac atal.

Byrddau Gwahanol ar gyfer Oedolion a Phlant.

Mae Rheoliadau a Chanllawiau Statudol yn nodi:

- Prif Bartner; Ardaloedd Byrddau Diogelu; Swyddogaethau; Gweithdrefnau; Cyfranogiad Defnyddwyr; Cyllid; Cynlluniau Blynyddol ac Adroddiadau Blynyddol.

# National Independent Safeguarding Board

## Bwrdd Diogelu Annibynnol Cenedlaethol



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- advisory Board by public appointment;
  - advise and support Safeguarding Boards;
  - promote improvement, consistency and collaboration;
  - report on adequacy & effectiveness of safeguarding;
  - make recommendations to Welsh Ministers;
  - make an annual report to Welsh Ministers;
  - use a communication strategy & share good practice.
- 
- Bwrdd cynghori gyda phenodiadau cyhoeddus;
  - cynghori a chynorthwyo Byrddau Diogelu;
  - hyrwyddo gwelliannau, cysondeb a chydweithredu;
  - adrodd ar effeithiolrwydd diogelu a pha mor ddigonol ydyw;
  - gwneud argymhellion i Weinidogion Cymru;
  - llunio adroddiad blynyddol ar gyfer Gweinidogion Cymru;
  - defnyddio strategaeth cyfathrebu a rhannu arferion da.



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# Part 10 - Advocacy

## Rhan 10 - Eiriolaeth



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# A new approach (1)

## Dull newydd (1)



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**The fundamental principles of our new system are about:**

**People** - putting an individual and their well-being outcomes at the centre. Giving people a voice in, and control over reaching those outcomes.

**Well-being** - supporting people to achieve their own well-being and measuring the success of this care and support. Looking at all contributions to well-being; people, families, supporters, formal and informal services.

**Mae egwyddorion sylfaenol ein system newydd yn ymwneud â'r canlynol:**

**Pobl** – gwneud unigolyn a'i ganlyniadau llesiant yn ganolog. Rhoi llais i bobl yn y canlyniadau hynny, a rheolaeth ar y modd y cânt eu cyrraedd.

**Llesiant** – cynorthwyo pobl i sicrhau eu llesiant eu hunain a mesur llwyddiant y gofal a'r cymorth a roddir. Ystyried yr holl gyfraniadau i lesiant; pobl, teuluoedd, cefnogwyr, gwasanaethau ffurfiol ac anffurfiol.



# A new approach (2)

## Dull newydd (2)



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**The fundamental principles of our new system are about:**

**Earlier intervention** - increasing preventative services within the community to support independence and reduce and delay the escalation of critical need.

**Collaboration** - Strong partnership working between all agencies and organisations to deliver better outcomes for people.

**Mae egwyddorion sylfaenol ein system newydd yn ymwneud â'r canlynol:**

**Ymyrryd yn gynnar** – cynyddu gwasanaethau ataliol yn y gymuned i gefnogi annibyniaeth a lleihau ac arafu dwysâd angen critigol.

**Cydweithio** – Trefniadau cryf o ran gweithio mewn partneriaeth rhwng yr holl asiantaethau a sefydliadau er mwyn cyflawni'r canlyniadau gorau i bobl.

# Well-being Llesiant



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- a) physical and mental health and emotional well-being;
- b) protection from abuse and neglect;
- c) education, training and recreation;
- d) domestic, family and personal relationships;
- e) contribution made to society;
- f) securing rights and entitlements;
- g) social and economic well-being;
- h) suitability of living accommodation.

- a) iechyd meddwl a chorfforol a llesiant emosiynol;
- b) diogelu pobl rhag cael eu cam-drin a'u hesgeuluso;
- c) addysg, hyfforddiant a hamdden;
- d) perthnasoedd domestig, teuluol a phersonol;
- e) cyfraniad i'r gymdeithas;
- f) sicrhau hawliau pobl;
- g) llesiant cymdeithasol ac economaidd;
- h) addasrwydd y llety y mae pobl yn byw ynddo.



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# Well-being Outcome Statements(1)

## Datganiadau o Ganlyniadau Llesiant(1)

### **Well-being:-**

I know and understand what care, support and opportunities are available to me and I get the help I need, when I need it, in the way I want it;

### **Llesiant:-**

Rwy'n gwybod ac yn deall pa ofal, cymorth a chyfleoedd sydd ar gael imi ac rwy'n cael yr help y mae ei angen arnaf, pan fo'i angen arnaf, yn y ffordd yr wyf yn dymuno'i gael;



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# Well-being Outcome Statements(2)

## Datganiadau o Ganlyniadau Llesiant(2)

### **Securing rights and entitlements:-**

My rights are respected, I have voice and control, I am involved in making decisions that affect my life, my individual circumstances are considered, I can speak for myself or have someone who can do it for me and I get care through the Welsh language if I need it.

### **Sicrhau hawliau:-**

Mae fy hawliau'n cael eu parchu, mae gen i lais a rheolaeth, rwy'n rhan o'r broses o wneud penderfyniadau sy'n effeithio ar fy mywyd, mae fy amgylchiadau unigol yn cael eu hystyried, rwy'n gallu siarad drosof fi fy hun neu mae gennyf rywun sy'n gallu gwneud hynny ar fy rhan ac rwy'n cael gofal trwy gyfrwng y Gymraeg os oes ei angen arnaf.

# Promoting Well-being

## Hybu Llesiant



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- LA must promote people's well-being when carrying out any of its functions.
- Population Needs Assessment informed by barriers to promoting well-being; key to preventing reducing, or delaying care and support needs.
- Enabling people to live independently.
- Actively involving people in making decisions about their lives
- Information, Advice and Assistance Service.
  
- Mae'n rhaid i ALL hybu llesiant pobl wrth gyflawni unrhyw un o'i swyddogaethau.
- Asesiad o Anghenion y Boblogaeth sy'n cynnwys gwybodaeth am y rhwystrau i hybu llesiant; dyma'r allwedd i atal, lleihau neu arafu dwysâd anghenion o ran gofal a chymorth.
- Galluogi pobl i fyw'n annibynnol.
- Mynd ati mewn ffordd weithredol i gynnwys pobl yn y broses o wneud penderfyniadau ynghylch eu bywydau
- Gwasanaeth Gwybodaeth, Cyngor a Chymorth.

# Over-arching Duty (1)

## Dyletswydd Drosfwaol (1)



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Local authorities **MUST** take a person's views, wishes and feelings into account when identifying, assessing and supporting people to achieve personal well-being outcomes.

Mae'n **RHAID** i awdurdodau lleol gymryd barn, dymuniadau a theimladau person i ystyriaeth wrth adnabod, asesu a chynorthwyo pobl i gyflawni canlyniadau llesiant personol.

# Over-arching Duty (2)

## Dyletswydd Drosfwaol (2)



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Local authorities **MUST** have regard to the importance of providing appropriate support to enable a person to make decisions about their well-being and participate in decisions that affects their lives.

Mae'n **RHAID** i awdurdodau lleol roi sylw i bwysigrwydd darparu cymorth priodol i alluogi pobl i wneud penderfyniadau am eu llesiant a chyfranogi mewn penderfyniadau sy'n effeithio ar eu bywydau.

# Over-arching Duty (3)

## Dyletswydd Drosfwaol (3)



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Local authorities **MUST** ensure that people are involved as much as possible in their care and support, including signposting and supporting advocacy services where appropriate.

Mae'n **RHAID** i awdurdodau lleol sicrhau bod pobl yn cael eu cynnwys gymaint â phosibl yn eu gofal a'u cymorth, gan gynnwys cyfeirio at wasanaethau eirioli a'u cefnogi lle y bo'n briodol.



# Advocacy Eiriolaeth



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Minister considered and concluded:

- Dedicated Statutory Code of Practice on Advocacy.
- Informs the exercise of duties under the Act and is reflected throughout the Code(s).
- Golden Thread throughout Act.

Fe ystyriodd y Gweinidog a daeth i gasgliad fel a ganlyn:

- Cod Ymarfer Statudol pwrpasol ar Eiriolaeth.
- Mae'n sail i gyflawni dyletswyddau o dan y Ddeddf ac fe'i hadlewyrchir drwy'r Cod(au).
- Edefyn Aur drwy'r Ddeddf.

# Barriers to full engagement and participation (1)

## Rhwystrau i ymgysylltu a chyfranogi'n llawn (1)



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Local authorities must consider, for each person, whether they are likely to experience barriers to fully engaging and participating in determining their well-being outcomes.

Mae'n rhaid i awdurdodau lleol ystyried, ar gyfer pob person, a yw'n debygol o brofi rhwystrau i ymgysylltu a chyfranogi'n llawn yn y broses o bennu ei ganlyniadau llesiant.

# Barriers to full engagement and participation (2)

## Rhwystrau i ymgysylltu a chyfranogi'n llawn (2)



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Key barriers will include issues and situations that will impair individuals' ability to:

- understand relevant information;
- retain information;
- use or weigh information;
- communicate their views, wishes and feelings.

Bydd rhwystrau allweddol yn cynnwys materion a sefyllfaoedd a fydd yn amharu ar allu unigolion i:

- ddeall gwybodaeth berthnasol;
- cadw gwybodaeth;
- defnyddio neu bwysu a mesur gwybodaeth;
- cyfleu eu barn, eu dymuniadau a'u teimladau.

# Appropriate Individual (1)

## Unigolyn Priodol (1)



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Local authorities **must** consider whether there is an appropriate individual who can facilitate an individual's involvement in the assessment, planning or review process, and this includes three specific considerations.

Mae'n **rhaid** i awdurdodau lleol ystyried a oes unigolyn priodol a all roi cymorth i gynnwys unigolyn yn y broses asesu, cynllunio neu adolygu, ac mae hyn yn cynnwys tair ystyriaeth benodol.

# Appropriate Individual (2)

## Unigolyn Priodol (2)



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The appropriate individual cannot be:

- someone the individual does not want to support them;
- someone who is unlikely to be able to, or available to, adequately support the individual's involvement;
- someone implicated in an enquiry into abuse or neglect or whose actions have influenced a local authority decisions to consider Adult Protection and Support Order actions.

Ni all yr unigolyn priodol fod yn:

- rhywun nad yw'r unigolyn am iddo/iddi ei gefnogi;
- rhywun sy'n annhebygol o allu, neu o fod ar gael i, roi cymorth digonol i'r unigolyn gymryd rhan;
- rhywun sy'n gysylltiedig ag ymchwiliad i gam-drin neu esgeuluso neu y mae ei weithredoedd wedi dylanwadu ar benderfyniadau awdurdod lleol i ystyried camau gweithredu sy'n ymwneud â Gorchmynion Amddiffyn a Chynorthwyo Oedolion.

# Definition

## Diffiniad



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Local authorities **must** arrange an independent professional advocate to facilitate the involvement of individuals where individuals' can only overcome the barrier(s) to participate fully in the assessment, care and support planning, review and safeguarding processes with assistance from an appropriate individual, but there is no such appropriate individual available.

Mae'n **rhaidd** i awdurdodau lleol drefnu eiriolwr proffesiynol annibynnol ar gyfer person nad yw'n gallu goresgyn y rhwystr(au) i gymryd rhan yn llawn yn y prosesau asesu, cynllunio gofal a chymorth, adolygu a diogelu heb gael cymorth gan unigolyn priodol, ond nad oes unigolyn priodol ar gael.

# Advocacy Eiriolaeth



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## Regulation & Inspection Bill (2017)

- Regulated Service under 1<sup>st</sup> Tranche of Regulations in 2016.
- Registered providers.
- Statutory “Standards”.
- Subject to inspection.

## Bil Rheoleiddio ac Arolygu (2017)

- Gwasanaeth a Reoleiddir o dan y Gyfres 1<sup>af</sup> o Reoliadau yn 2016.
- Darparwyr cofrestredig.
- “Safonau” statudol.
- Yn cael eu harolygu.



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Am ragor o wybodaeth am weithgareddau sy'n ymwneud â gweithredu'r Ddeddf yn eich ardal, cysylltwch â'ch Pennaeth Gweithredu Rhanbarthol:

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# Abuse and Significant Harm



Llywodraeth Cymru  
Welsh Government

[www.cymru.gov.uk](http://www.cymru.gov.uk)

## 2014

Section 197 - harm in relation to a child means abuse or the impairment of physical health or physical, intellectual, emotional, social or behavioural development, and

where the question of whether harm is significant turns on the child's health or development, the child's health or development shall be compared with that which could reasonably be expected of a similar child.

## 1989

Section 31(9) - *harm* means ill treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another.

*development* means physical, intellectual, emotional social or behavioural development.

*health* means physical or mental health.

*Ill-treatment* includes sexual abuse and forms of ill-treatment which are not physical.

31(10) Where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.