

# SECTION 4

## 132. Legislation and national policies

This section of the Policy Framework outlines eight key documents that lay the foundation for effective safeguarding at the local level. A summary is provided for each document together with a link if more detailed information is required.

### Care Act 2014 Statutory Guidance (Department of Health, 2014)

The legal framework for the Care Act 2014 is supported by this statutory guidance which provides information and guidance about how the Care Act works in practice. The guidance has statutory status which means that there is a legal duty to have regard to it when working with adults with needs of care and support and carers.

[Care Act 2014 Statutory Guidance \(Department of Health, 2014\)](#)<sup>34</sup>

### Mental Capacity Act 2005 Code of Practice (Department of Constitutional Affairs, 2007)

The legal framework provided by the Mental Capacity Act 2005 is supported by this Code of Practice (the Code), which provides guidance and information about how the Act works in practice. The Code has statutory force, which means that certain categories of people have a legal duty to have regard to it when working with or caring for adults who may lack capacity to make decisions for themselves.

[Mental Capacity Act 2005 Code of Practice](#)<sup>35</sup>

### Government Statement of Policy on Adult Safeguarding (HM Government, 2013)

The document outlines the Government's policy on safeguarding adults vulnerable to abuse and neglect. It includes the statement of principles for Local Authority Social Services and housing, health, the police and other agencies to use, for both developing and assessing the effectiveness of their local safeguarding arrangements. It also describes, in broad terms, the outcomes for adult safeguarding, for both individuals and organisations.

[Government Statement of Policy on Adult Safeguarding](#)<sup>36</sup>

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/366104/43380\\_23902777\\_Care\\_Act\\_Book.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf)

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224660/Mental\\_Capacity\\_Act\\_code\\_of\\_practice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224660/Mental_Capacity_Act_code_of_practice.pdf)

<sup>36</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197402/Statement\\_of\\_Gov\\_Policy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197402/Statement_of_Gov_Policy.pdf)

## **Safeguarding; roles and responsibilities in health and care services (Department of Health, Local Government Association, ADASS, NHS Confederation, Association of Chief Police Officers, 2013)**

This guidance provides clarity about the roles and responsibilities of the key agencies involved in adult safeguarding. The aim is to ensure that the right things are done by the right people at the right time, working within their own agency and with partners.

[Safeguarding – roles and responsibilities in health and care services](#)<sup>37</sup>

## **Information Sharing Guidance (Department of Health) Statement of Government Policy on Safeguarding (HM Government, 2013)**

This guidance supports good practice in information sharing by offering clarity on when and how information can be shared legally and professionally, in order to achieve improved outcomes. This guidance will be especially useful to support early intervention and preventative work where decisions about information sharing may be less clear than in safeguarding situations.

[Information Sharing Guidance \(Department of Health\)](#)<sup>38</sup>

## **NHS Accountability and Assurance Framework (Department of Health, 2015)**

This document sets out the safeguarding roles, duties and responsibilities of all organisations in the NHS. It has been refreshed in partnership with colleagues from across the health and social care system, the Department of Health and the Department for Education.

[NHS Accountability and Assurance Framework](#)<sup>39</sup>

## **Making Safeguarding Personal Guide 2014 (Local Government Association)**

This guide is intended to support councils and their partners to develop outcomes-focused, person-centred safeguarding practice. It was originally drafted to support the 53 councils who signed up to Making Safeguarding Personal (MSP) in 2013/14. It has been updated based on their experience. It gives some guidance about how to embark upon and take forward Making Safeguarding Personal in your council if your local area is interested in the approach.

[Making Safeguarding Personal Guide 2014](#)<sup>40</sup>

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<sup>37</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/197402/Statement\\_of\\_Gov\\_Policy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/197402/Statement_of_Gov_Policy.pdf)

<sup>38</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417696/Archived-information\\_sharing\\_guidance\\_for\\_practitioners\\_and\\_managers.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417696/Archived-information_sharing_guidance_for_practitioners_and_managers.pdf)

<sup>39</sup> [https://www.engage.england.nhs.uk/survey/revise-safeguarding-framework/user\\_uploads/draft-framwrk.pdf](https://www.engage.england.nhs.uk/survey/revise-safeguarding-framework/user_uploads/draft-framwrk.pdf)

<sup>40</sup> <http://www.local.gov.uk/documents/10180/5854661/Making+Safeguarding+Personal+-+Guide+2014/4213d016-2732-40d4-bbc0-d0d8639ef0df>

## **Commissioning for Better Outcomes (Department of Health, Local Government Association, ADASS, Think Local, Act Personal)**

This guidance outlines standards to support a dynamic process of continuous improvement and, through self-assessment and peer review, to challenge commissioners and their partners, to strengthen and innovate to achieve improved outcomes for adults using social care, their carers, families and communities. The standards are relevant to all aspects of commissioning and service redesign, including decommissioning. The standards have been designed to reflect the improvements that experience has shown are needed, to support the transformation of social care to meet people's reasonable aspirations, and to support the implementation of the Care Act 2014.

[Commissioning for Better Outcomes](#)<sup>41</sup>

## **Prevention in Safeguarding (Social Care Institute of Excellence, 2011)**

This guidance outlines a range of methods of preventing the abuse of vulnerable adults, from public awareness campaigns through to approaches that empower the individual to be able to recognise, address and report abuse. In addition, it examines policy and practice guidance and examples of emerging practice.

[Prevention in Safeguarding](#)<sup>42</sup>

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<sup>41</sup> <http://www.local.gov.uk/documents/10180/5756320/Commissioning+for+Better+Outcomes+A+route+map/8f18c36f-805c-4d5e-b1f5-d3755394cfab>

<sup>42</sup> <http://www.scie.org.uk/publications/reports/report41/>