



## Legislation: 4 Nations Safeguarding Systems

England: [Child protection system for England | NSPCC Learning](#)

The Department for Education (DfE) is responsible for child protection in England. It sets out policy, legislation and statutory guidance on how the child protection system should work.

### **Why legislation is important for safeguarding children**

Legislation provides the framework for safeguarding and child protection in England. It makes clear the expectations and requirements around duties of care to children and creates accountability for these. The main legislation in England is the Children Act 1989, the Children Act 2004 and the Children and Social Work Act 2017.

### **Who is responsible for safeguarding and child protection**

Local safeguarding partners are responsible for child protection policy, procedure and guidance at a local level.

The local safeguarding arrangements are led by three statutory safeguarding partners:

- the local authority
- the integrated care board (ICB, previously clinical commissioning group or 'CCG')
- the police.

Working together with other relevant agencies, they must co-ordinate and ensure the effectiveness of work to protect and promote the welfare of children, including making arrangements to identify and support children at risk of harm.

### **Reviewing the child protection system in England**

In May 2022, two government-commissioned reviews were published about the child protection system in England:

- The National review into the murders of Arthur Labinjo-Hughes and Star Hobson looked at how and why the services intended to protect children were not able to do so (Hudson and Child Safeguarding Review Panel, 2022).
- The independent review of children's social care looked at the changes needed to better protect and support children and young people (MacAlister, 2022).

> [Read the CASPAR briefing on the National review into the murders of Arthur Labinjo-Hughes and Star Hobson](#)

> [Read the CASPAR briefing on the independent review of children's social care](#)

In February 2023, the DfE responded to the reviews' recommendations with a long-term plan for the reform of children's social care. Consultation on the Stable homes, built on love: implementation strategy (DfE, 2023) ran up to May 2023, with the Government's response expected in September.

[> Read the CASPAR briefing summarising the government's strategy](#)

In October 2022, the Independent Inquiry into Child Sexual Abuse (IICSA) published its final report and recommendations into child sexual abuse and exploitation in institutions in England and Wales (IICSA, 2022). In May 2023, the Home Office (Home Office, 2023) set out how they would be responding to IICSA's recommendations.

[> Read the CASPAR briefing on the Independent Inquiry into Child Sexual Abuse \(IICSA\) final report and government responses](#)

Wales: [Child protection system for Wales | NSPCC Learning](#)

The [Social Services and Well-being \(Wales\) Act 2014](#) came into force in April 2016. It provides the legal framework for social service provision in Wales. At a local level regional safeguarding children boards co-ordinate and ensure the effectiveness of work to protect and promote the welfare of children. They are responsible for local child protection policy, procedure and guidance. Each board includes any:

- local authority
- chief officer of police
- local health board
- NHS trust, and
- provider of probation services that falls within the safeguarding board area.

In October 2022, the Independent Inquiry into Child Sexual Abuse (IICSA) published its final report and recommendations into child sexual abuse and exploitation in institutions in England and Wales (IICSA, 2022). The Welsh Government (Welsh Government, 2023) and the Home Office (Home Office, 2023) set out how they would be responding to IICSA's recommendations.

[> Read the CASPAR briefing on the Independent Inquiry into Child Sexual Abuse \(IICSA\) final report and government responses](#)

Scotland: [Child protection system for Scotland | NSPCC Learning](#)

The Scottish Government is responsible for child protection in Scotland. It sets out policy, legislation and statutory guidance on how the child protection system should work.

Child Protection Committees (CPCs) are responsible for multi-agency child protection policy, procedure, guidance and practice.

Within each local authority, CPCs work with local agencies, such as children's social work, health services and the police, to protect children.

Each local authority and its relevant health board are required to jointly prepare a Children's Services Plan for each three-year period. This relates to services which have a significant effect on the wellbeing of, or are of benefit to, children and young people. The Scottish Government has provided [statutory guidance on children's services planning](#) (Scottish Government, 2020).

The national approach to improving outcomes for children and young people in [Scotland is Getting it right for every child \(GIRFEC\)](#) (Scottish Government, 2021a). This provides a framework for those working with children and their families to provide the right support at the right time.

The key guidance for anyone working with children in Scotland is the [National guidance for child protection in Scotland](#) (Scottish Government, 2021b). In Scotland, the definition of a child varies in different legal contexts, but statutory guidance which supports the [Children and Young People \(Scotland\) Act 2014](#), includes all children and young people up to the age of 18. Where a young person between the age of 16 and 18 requires support and protection, services will need to consider which legal framework best fits each persons' needs and circumstances. The [National guidance for child protection in Scotland](#) gives more detail about this and explains how professionals should act to protect young people from harm in different circumstances (Scottish Government, 2021b).

#### NI: [Child protection system for Northern Ireland | NSPCC Learning](#)

The Northern Ireland Executive, through the Department of Health (DoH), is responsible for child protection in Northern Ireland. They set out policy, legislation and statutory guidance on how the child protection system should work.

The Safeguarding Board for Northern Ireland (SBNI) co-ordinates and ensures the effectiveness of work to protect and promote the welfare of children. The board includes representatives from health, social care, the police, the probation board, youth justice, education, district councils and the NSPCC. The SBNI is responsible for developing policies and procedures to improve how different agencies work together.

In June 2023, Professor Ray Jones and an independent review panel published their final report on Northern Ireland's children's social care services. The independent review looked at the difficulties facing the service; collated the experiences of children, families, and various service providers; and set out recommendations for reform.

[> Read the CASPAR briefing on the report of the independent review of children's social care services in Northern Ireland](#)

The Department of Health responded to the review's recommendations by stating that some of the challenges identified in the report are already being addressed, and there would be a public consultation on the recommended organisational and service changes (Department of Health, 2023).

#### 4 Nations Safe Recruitment/Checks:

[Disclosure and Barring Service - GOV.UK \(www.gov.uk\)](#)

England

[Disclosure and Barring Service - GOV.UK \(www.gov.uk\)](#)

[About us - Disclosure and Barring Service - GOV.UK \(www.gov.uk\)](#)

Wales

[Disclosure and Barring Service - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[About us - Disclosure and Barring Service - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

NI



[AccessNI criminal record checks | nidirect](#)

**Disclosure and barring – protecting children and vulnerable adults**  
Disclosure and barring arrangements help protect children and vulnerable adults. Below is information on how they work and information on the law.  
**Contents**

[Skip table of contents](#)

- [How disclosure and barring arrangements work](#)
- [Disclosure and Barring Service](#)
- [Barring people from working with vulnerable groups](#)
- [If you think someone shouldn't be working with vulnerable groups](#)

How disclosure and barring arrangements work

Safeguarding legislation enables organisations to carry out background checks on those individuals they engage to work, or volunteer, in regulated activity. The checks are issued by AccessNI.

- [AccessNI: criminal record checks](#)

Disclosure and Barring Service

The Disclosure and Barring Service (DBS) helps employers in England, Wales and Northern Ireland make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. The DBS decides whether it is suitable for a person to be placed on or removed from a barred list.

Barring people from working with vulnerable groups

If the DBS receives information that indicates that a person may pose a risk of harm to vulnerable groups, including children, they will look into this and may make a decision to include this person on a barred list.

The individual concerned will be told why and will be able to have their say. If barred, an individual may be able to appeal, depending on the circumstances.

- [Disclosure and Barring Service\(external link opens in a new window / tab\)](#)

If you think someone shouldn't be working with vulnerable groups

If you're an employer and you have removed one of your staff, or you would have done so had the person not left, because you think that they have harmed or may harm a child or vulnerable adult, the law says you must tell the DBS.

You'll need to fill out a form and send it with any evidence like details of any disciplinary process.

More useful links

- [Safeguarding vulnerable groups disclosure and barring arrangements \(external link opens in a new window / tab\)](#)

## Scotland



[Disclosure Scotland Check - Basic, Standard, Enhanced - DBS Online Scottish \(dbs-online.org.uk\)](https://disclosure.scotland.nhs.uk/)

[Disclosure Scotland – DBS Online Checks](https://disclosure.scotland.nhs.uk/)

[Types of disclosure - mygov.scot](https://mygov.scot/)

### Types of disclosure

Last updated

**27 Jul 2023**

You may need a criminal record check from [Disclosure Scotland](https://disclosure.scotland.nhs.uk/) if you're applying for work, volunteering, or things like adopting a child.

Disclosure Scotland checks and shares information about people's criminal records. This helps organisations recruit the right people for certain types of work, like working with children.

The type of disclosure you need depends on your role or the work you're doing.

Type	Fee
Basic	£25
Standard	£25
Enhanced	£25
Protecting Vulnerable Groups (PVG) scheme	£18 or £59 (see <a href="#">P</a> )

### Basic disclosure

Basic disclosure is the most common type of criminal record check. It's the lowest level of disclosure. It shows any unspent convictions you have.

Under the [Rehabilitation of Offenders Act 1974](#), some convictions are treated as spent after a certain length of time. [Spent convictions](#) are not included on a basic disclosure.

Disclosure Scotland does not monitor people as part of a basic disclosure. The disclosure only shows the information available on the date it was created.

### How to apply

You can [apply online for basic disclosure](#).

### Warning

If you need a basic disclosure for a job in England or Wales, apply to the [Disclosure and Barring Service](#).

### Standard and enhanced disclosure

Standard and enhanced disclosures involve [higher level checks](#). They're for people doing certain types of work or looking to adopt.

- [standard disclosure](#) is for specific roles such as solicitors, accountants or providing a care service

- [enhanced disclosure](#) applies to specific roles such as checking people are suitable for adoption, or applying for certain gaming or lottery licences

#### **How to apply**

The organisation you're working with will send you a form to complete. Organisations can [download the digital form](#). Once the form is complete, the organisation needs to email it to Disclosure Scotland.

#### **Protecting Vulnerable Groups (PVG) scheme**

The [PVG scheme](#) is for people doing [regulated work](#) with children and protected adults. The organisation you're working with may ask you to join the scheme.

A PVG disclosure shows unspent and certain [spent convictions](#). It also shows any non-conviction information that the police or other government bodies think is relevant.

Disclosure Scotland continuously monitors PVG members' records. It checks for convictions or other vetting information that might affect their suitability to work with vulnerable groups.

#### **How to apply**

The organisation you're working with will [start the application online](#).

Once they complete the first part of the application, you'll receive an email with a link to the second part. You need to complete this part online and submit the application.

Organisations must [register with Disclosure Scotland](#) to apply for standard, enhanced or PVG disclosures. If they do not want to register, they can [use an umbrella body](#) instead.

#### **Help**

##### **Training webinars**

Disclosure Scotland runs free webinars to help organisations understand the types of disclosure. [Sign up on the Disclosure Scotland events page](#) or email [dsworkshop@disclosurescotland.gov.scot](mailto:dsworkshop@disclosurescotland.gov.scot) to find out more.

##### **Video guidance**

There's [guidance on Youtube](#) that explains the different types of disclosure.

##### **Contact Disclosure Scotland**

Email: [response@disclosurescotland.gov.scot](mailto:response@disclosurescotland.gov.scot)

Phone: 0300 020 0040

Monday to Thursday 9am to 4pm

Friday 9am to 3:30pm

[Find out about call charges](#)

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HISW

22<sup>nd</sup> August 2023