

Appendix 3: Relevant Legislation

The following form the main legislative and good practice framework for working with vulnerable groups in Wales. This list is not exhaustive.

- **The Social Services and Well-being (Wales) Act 2014**
The Act has 11 parts. Part 7 of the Act relates to safeguarding. Part 7 is intended to be read in the context of the Act as a whole <https://gov.wales/safeguarding-people-introduction>
- **The Wales Safeguarding Procedures 2019**
replaces the All-Wales Child Protection Procedures 2008 and the Wales Interim Policy & Procedures for the Protection of Vulnerable Adults from Abuse 2010 <https://safeguarding.wales/>
- **Children Act 1989** is the principal piece of legislation which makes provision about the safeguarding and promotion of the welfare of children. It gives every child the right to protection from abuse and exploitation and the right to inquiries to safeguard their welfare.
- **The Children's Act 2004** is a development from the 1989 Act and stresses that all people and organisations working with children have a responsibility to help safeguard children and promote their welfare.
- **United Nations Convention on the Rights of the Child 1989 (UNCRC)** is an international agreement setting out the 42 rights of children that give children and young people what they need to grow up happily, healthily, and safely. In 2011 Wales became the first country in the UK to make the UNCRC part of its domestic law.
- **Human Rights Act 1998** sets out the fundamental **rights** and freedoms that everyone in the UK is entitled to.
- **Equality Act 2010** The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society replacing previous anti-discrimination laws with a single Act.
- **Data Protection Act 2018** The DPA 2018 sets out the framework for data protection law in the UK. It updates and replaces the Data Protection Act 1998 and came into effect on 25 May 2018. It sits alongside the GDPR, and tailors how the GDPR applies in the UK.
- **Charities Act 2011** brings together provisions of the Recreational Charities Act 1958, the Charities Act 1993 and much of the Charities Act 2006, all since amended by other legislation. The Act updates the text and simplifies the structure of the existing legislation, but it does not change the existing law or introduce new policy.
- **Safeguarding Vulnerable Groups Act 2006 and (Controlled Activity) (Wales) Regulations 2010**
sets out the scope of regulated activity and operation of the barring element of DBS, which was previously undertaken by the Independent Safeguarding Authority (ISA).
- **Protection of Freedoms Act 2012** established the DBS whereby the responsibilities of ISA were merged with the Criminal Records Bureau (CRB) to create one body, the Disclosure & Barring Service (DBS) which is responsible for criminal record disclosures and referrals for barring consideration and maintaining the list of barred individuals. Part 5 of the Act covers the reduction in scope of the definition of regulated activity, new services provided by the DBS, and disregarding convictions and cautions for consensual gay sex.
- **The Rehabilitation of Offenders Act (ROA) 1974** sets out in legislation rehabilitation periods, and that individuals do not have to disclose spent convictions unless they are covered in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 which sets out the exceptions when an individual can be asked about spent convictions – known as asking ‘an exempted question’.
- **Police Act 1997 Part V** allowed for the formation of the Criminal Records system. This led to the formation of the Criminal Records Bureau (CRB) for England and Wales in 2002. (updated by Protection of Freedoms Act 2012).
- **Criminal Justice and Court Services Act 2000** created the National Probation Service for England and Wales and the Children and Family Court Advisory and Support Service (CAFCASS) and set up an integrated statutory system to prevent unsuitable people from working with children.
- **Sexual Offences Act 2003** categorises and defines different types of sexual abuse including rape and sexual assault. In June 2022, Section 22A was amended to include further **positions of trust** notably those in religion and sport such as religious leaders, church youth leaders and sports coaches. A person (A) is considered to be in a position of trust in relation to another person (B) if they regularly coach, teach, train, supervise or instruct (B). It is against the law for someone in a position of trust to engage in sexual activity with a child in their care, even if that child is over the age of consent (16 or over).