Legislation

Definition of Safeguarding and Promoting Welfare overview

Each nation in the UK has its own legislation affecting safeguarding and child protection and, in the case of Scotland, differing definitions. The Open University adopts a four-nation approach. This provides an overview of the relevant legislation in each Nation.


- protecting children from maltreatment
- preventing impairment of children's health and development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- undertaking that role so as to enable children to have optimum life chances and enter adulthood successfully.

Legislation - England

The relevant legislation for England is:

- Children Act 1989
- Children Act 2004
- Human Rights Act 1998
- UN Convention on Rights of the Child

The Children Act 2004 replaces Area Child Protection Committees with Local Children's Safeguarding Boards, which are set up on a statutory footing.

- Local authority social services departments have a duty to investigate suspected child abuse.
- Staff who hold possible evidence of child abuse should give information to local authority social services departments to enable them to carry out their investigatory and protective duties.
- Two other agencies have powers to investigate child abuse: the Police and the NSPCC. The local authority should be informed where information is passed to the Police or the NSPCC for investigation.
Legislation - Scotland

The relevant legislation for Scotland is:

- Children (Scotland) Act 1995
- Human Rights Act 1998
- UN Convention on the Rights of the Child

- Local authority social work departments have a duty to investigate all cases of suspected child abuse.
- Staff who hold possible evidence of child abuse should give information to local authority social work departments to enable them to carry out their investigatory and protective duties.
- There may be circumstances where a local authority social work department is unable to respond, or a child is in immediate danger. The police also have powers to investigate child abuse, and if a child is in immediate danger staff may consider informing the police, but the local authority must always be informed of any action taken.

Legislation - Wales

The relevant legislation for Wales is:

- Children Act 1989
- Children Act 2004
- Human Rights Act 1998
- UN Convention on the Rights of the Child

The Children Act 2004 replaces Area Child Protection Committees with Local Children's Safeguarding Boards, which will be set up on a statutory footing.

- Local authority social services departments have a duty to investigate all cases of suspected child abuse.
- Staff who hold possible evidence of child abuse should give information to local authority social services departments to enable them to carry out their investigatory and protective duties.
- Two other agencies have powers to investigate child abuse: the police and the NSPCC. The local authority should be informed where information is passed to the Police or the NSPCC for investigation.
Legislation - Northern Ireland

The relevant legislation for Northern Ireland is:

- Children (NI) Order 1995
- The Family Homes and Domestic Violence (NI) Order 1998
- Northern Ireland Act 1998
- Human Rights Act 1998
- The protection of Children and Vulnerable Adults (NI) Order 2003 (PDF)
- UN Convention on the Rights of the Child

Each health and social service trust has a statutory duty to undertake investigations where there is reason to believe that a child in its area is suffering, or is likely to suffer, significant harm. Health and social services boards have the lead responsibility for the establishment and effective functioning of area child protection committees (ACPC).

Any member of staff or volunteer who is concerned that a child has suffered, or is likely to suffer significant harm should consult with a senior manager and report the matter to the relevant social work manager in the Trust’s Family and Child Care Team in the area in which the child or young person is currently resident.