**SOCIAL SERVICES AND WELL-BEING (WALES) ACT**

**HANDOUT**

**Making Enquiries**

# Introduction

In this handout, the blue boxes contain quotes from the Social Services and
Well-being (Wales) Act 2014 Part 7 Statutory Guidance, and the yellow boxes contain quotes from other legislation for comparison.

# Making Enquiries

Under the Act, if a relevant partner has reasonable cause to suspect that a child is a child at risk they **must** inform the local authority of that fact.

**Abuse** means physical, sexual, psychological, emotional or financial abuse.

**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.

**Harm** means abuse or the impairment of (a) physical or mental health, or
(b) physical, intellectual, emotional, social or behavioural development.

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A **“child at risk”** is a child who is experiencing or is at risk of abuse, neglect or other kinds of harm, and has needs for care and support (whether or not the needs are being met).

The definition of harm in the Act is very similar to the one in the Children Act 1989. This means that referrals of children at risk under the Act will be similar to referrals.

“**harm**” means ill-treatment or the impairment of health or development

“**development**” is physical, intellectual, emotional, social or behavioural

“**health**” means physical or mental health

“**ill-treatment**” includes sexual abuse and forms of ill-treatment which are not physical (Children Act 1989 s31)

“**impairment**” includes impairment suffered by hearing or seeing the
ill-treatment of another (Adoption and Children Act 2002)

The Act refers people to Section 47 of the Children Act 1989 for details of a local authority’s duty to investigate children at risk.

When a child at risk has been reported the local authority shall *make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child’s welfare* under Section 47 of the Children Act 1989.

This means that the Act links into the Children Act 1989 at the point at which a child at risk is referred. At this point, local authorities need to ensure that there are enquiries to find out what if anything should be done to safeguard the child. The language in the Statutory Guidance and the language in Section 47 of the Children Act 1989 is the same.

Where a local authority is informed that a child is the subject of an emergency protection order; or is in police protection; or has reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, the authority shall *make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child’s welfare.* (Children Act 1989 s47)

Section 47 sets out particular circumstances when there is a duty to make enquiries: when the local authority is informed that a child is the subject of an emergency protection order or in police protection, or when there is suspicion of significant harm.

The threshold of significant harm is the threshold for a care or supervision order. [Working Together](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2) describes this as ‘the threshold that justifies compulsory intervention in family life in the best interests of children.’

The Act may mean that some children at risk are referred where the abuse, neglect or harm turns out not to meet the threshold of significant harm. In these cases, the local authority would usually need to have made enquiries to find this out – just as it does now.