

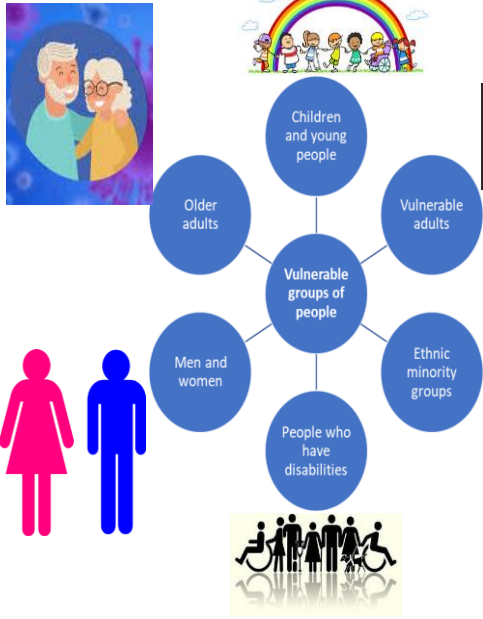
RO21 LO3 KNOWLEDGE ORGANISER  
UNDERSTAND HOW LEGISLATION IMPACTS ON CARE SETTINGS

**WHAT IS MEANT BY LEGISLATION**

Provides a framework to maintain and improve quality of practice.

Provides guidance for those who work in the health and social care and early years sector.

Sets out the standard of practice and conduct for those sectors to meet.



**Equality Act 2010** <https://www.equalityhumanrights.com/en/equality-act-2010/what-equality-act>

The **Equality Act** covers these protected groups – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are now called '**protected**'

Prohibits discrimination in education / employment.

Reasonable adjustments for disabilities

Encouraging people to take part / apply for things

Equal pay

**CHILDRENS ACT 2004**

The Children's Act 2004 is a **development** from the 1989 Act. It reinforced that all people and organisations working with children have a responsibility to help safeguard children and promote their welfare – ECM (Every child matters) 5 aims for children's services: staying safe / being healthy / enjoying and achieving / making a positive contribution / economic well-being.

**Protect children at risk**

**Paramourncy principle (a child's needs come first)**

**Right to be consulted – give children a voice**

**EVERY CHILD MATTERS**

**MENTAL HEALTH ACT 2007**

The **Mental Health Act 2007** is designed to give **health** professionals the powers, in certain circumstances, to detain, assess and treat people with **mental disorders** in the interests of their **health** and safety or for public safety.

Protects people for their own safety – who are a threat to themselves

Sets out circumstances in which a person can be treated / . Detained for their own protection (up to 28 days initially)

Provides aftercare and supervision

**HEALTH AND SAFETY AT WORK ACT 1974**

The **Health and Safety at Work Act 1974** (HASAWA) lays down wide-ranging duties on employers. Employers must protect the '**health, safety and welfare**' at **work** of all their employees, as well as others on their premises, including temps, casual workers, the self-employed, clients, visitors and the general public

**Provides key aspects for employers AND employees**

**Employers – safe working environment / adequate training / health and safety procedures / first aid / protective equipment**

**Employees – follow health and safety regulations / reporting hazards / understand responsibility to take care of themselves and others in the workplace**

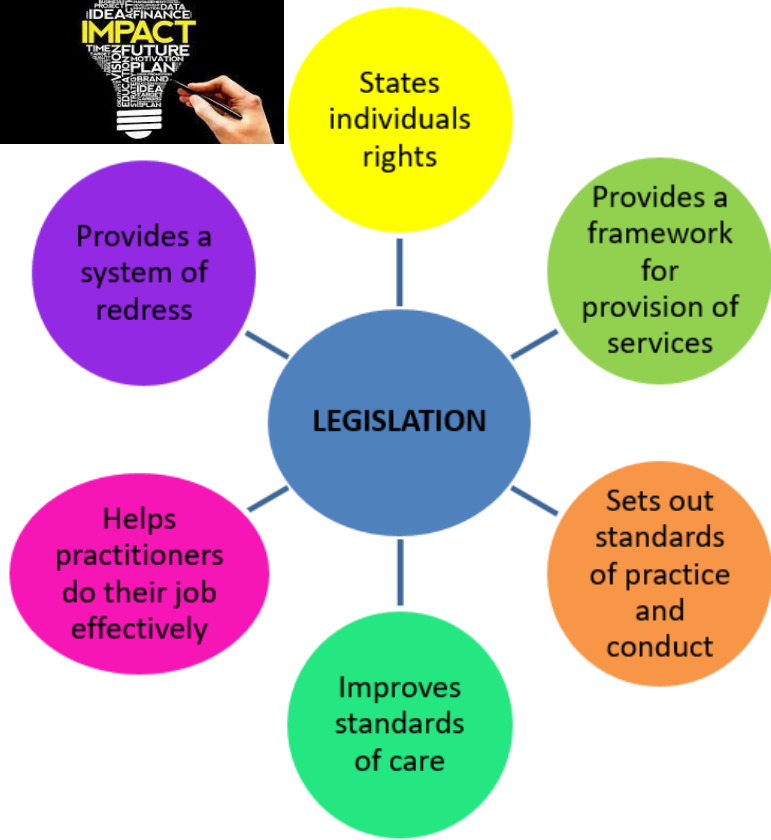
**DATA PROTECTION ACT 1998**

The **Data Protection Act** was developed to give **protection** and lay down rules about how **data** about people can be used.

The **1998 Act covers** information or **data** stored on a computer or an organised paper filing system about living people. The basic way it works is by: having an Information Commissioner to enforce the rules

**8 DPA Principles. Information should be:**

Processed fairly / used for intended purpose / accurate & up to date / kept for no longer than necessary / secured / not transferred to other countries/ adequate and relevant (only information that is needed)/ used in line with individuals' rights



Impact – the effect it has on an individual /organisation.  
 WHY LEGISLATION IS THERE – TO PROTECT  
 What happens when not followed = the impact

**SYSTEM OF REDRESS**

Each legislation outlines the rights individuals are entitled to.  
 If those rights are not met (breached) then legal action can be taken through courts to ensure that individuals have their rights restored, or the person or organisation breaking the law is ‘penalised’ (held accountable) in some way (fine / imprisonment or even closed down)

**IMPACT ON SERVICE USERS** (Person using a service e.g. patient / resident / child)

Service users can **choose**, ask to be **consulted** when using care and support services.  
 Service users are entitled to be treated fairly and protected from abuse and harm. They can use complaints procedures if they feel they have been treated unsatisfactorily.

**EQUALITY ACT** – makes all settings accessible. (E.G. lifts / Braille / ramps)

**MENTAL HEALTH ACT** – protects people who harm themselves or others and provides support in the best way possible.

**GROUPS IMPACTED BY LEGISLATION**

**IMPACT ON CARE PRACTITIONERS** (Personal providing the service e.g. Nurse / care worker / Doctor / social worker)

**Practitioners = individuals working in a setting delivering the health and social care or early years’ service.**

**MENTAL HEALTH ACT** clearly says how practitioners should make decisions for individuals and when they can do this.

**DATA PROTECTION ACT** provides regulations on handling information.

**HEALTH AND SAFETY AT WORK ACT** informs individuals of their responsibilities for keeping themselves and services users safe in the care setting.

**IMPACT ON SERVICE PROVIDERS** (Organisation responsible for the service e.g. NHS / GP surgery /Council)

**GROUPS IMPACTED BY LEGISLATION**

**Service providers = the organisation providing the service.**

Organisational policies and procedures have to be produced effectively. Setting must monitor the polices are procedures and ensure they are being followed.

Provide staff with training about equality and diversity, health and safety and data handling.

HASAWA states – risk assessments must be carried out, training must be provided and protective clothing.