

What Legislation must I know when working in Social Care?

A Short Guide



Here is a short guide to help to explain the key legislation that we are obliged to comply with when working in Social care. Further information can be found within the link of each legislation title.

Data Protection Act 2018

The DPA 2018 sets out the framework for data protection law in the UK. It sits alongside the GDPR, and tailors how the GDPR applies in the UK.

The GDPR has 7 principles that must be followed when handling Data in the UK. These are:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

Every piece of data you receive that involves personal information about another person must be in line with the above principles and people must be made aware of what information is being gathered, with whom it is being shared, know how it is being kept and for how long, and have the right to refuse data sharing. In health and social care where safeguarding may impact this, there are measures in place to be able to safely share information in accordance with the law.

Where you work you will notice that information is stored securely and only shared on a need-to-know basis with permission of the person it relates to. People are made aware by use of privacy notices.

Deprivation of Liberty Standards

Article 5 of the Human Rights Act states that 'everyone has the right to liberty and security of person. No one shall be deprived of his or her liberty [unless] in accordance with a procedure prescribed in law'. The Deprivation of Liberty Safeguards is the procedure prescribed in law when it is necessary to deprive of their liberty a resident or patient who lacks capacity to consent to their care and treatment in order to keep them safe from harm.

This means that you cannot do anything that could deprive someone of their liberty (e.g stopping someone from going outside for a walk because they are at risk of getting lost) without following the Mental Capacity Act, determining best interests, and sourcing Deprivation of Liberty authorisation.

Health and Social Care Act 2008 (regulated Activities) Regulations 2014

As a care worker you need to follow regulations that set the standard for how people you support should be treated. The following example regulations are set below:

- [Regulation 9: Person-centred care](#)
- [Regulation 10: Dignity and respect](#)
- [Regulation 11: Need for consent](#)
- [Regulation 12: Safe care and treatment](#)
- [Regulation 13: Safeguarding service users from abuse and improper treatment](#)
- [Regulation 14: Meeting nutritional and hydration needs](#)
- [Regulation 15: Premises and equipment](#)
- [Regulation 16: Receiving and acting on complaints](#)
- [Regulation 17: Good governance](#)
- [Regulation 20: Duty of candour](#)

These are just a sample of regulations that our business must provide evidence of compliance at all time, they also form how the CQC (our regulator) inspects our service to ensure that we are meeting these regulations.

Human Rights Act 1998

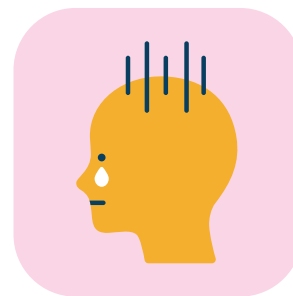
This act sets out the rights and freedoms that everyone in the UK is entitled to.

The act says that 'Public bodies (our business)' must respect people's rights. As a care worker you must be able to demonstrate that you have promoted participation, choice, and control with the people you support at every opportunity. The act also includes the need for our business to intervene with proportion to protect people's rights to live lives free from violence and abuse.

The core rights that apply when supporting people in your role are:

- Article 2: Right to life
- Article 3: Freedom from torture and inhuman or degrading treatment
- Article 5: Right to liberty and security
- Article 7: No punishment without law
- Article 8: Respect for your private and family life, home and correspondence
- Article 9: Freedom of thought, belief and religion
- Article 10: Freedom of expression
- Article 12: Right to marry and start a family
- Article 14: Protection from discrimination in respect of these rights and freedoms
- Protocol 1, Article 1: Right to peaceful enjoyment of your property
- Protocol 1, Article 2: Right to education
- Protocol 1, Article 3: Right to participate in free elections

Video Guide: <https://youtu.be/VO7oS8PqkJY>



Mental Capacity Act (2005) and The Mental Capacity Act Code of practice (2007)

This act covers England and Wales, and provides a framework for:

- People who lack capacity to make decisions for themselves, or
- People who have capacity and want to make preparations for a time when they may lack capacity

It sets out who can take decisions, in which situations, and how they should go about this. It describes their responsibilities when acting or making decisions on behalf of people who lack the capacity to act.

The Mental Capacity Act Code of practice provides guidance and information on how the Act will work on a day-to-day basis for staff who work with people who lack capacity, including family, friends and unpaid carers.

You have a role in protecting people from abuse and neglect. People who are deemed to lack capacity also have added protection by use of best-interests assessments and deprivation of liberty safeguards.

Video Guide: <https://www.scie.org.uk/mca/introduction/mental-capacity-act-2005-at-a-glance>

The Care Act 2014

The Care Act 2014 is the law that sets out how adult social care in England should be provided. It requires local authorities to make sure that people who live in their areas receive services that prevent their care needs from becoming more serious or delay the impact of their needs.

It also sets out a clear legal framework for how local authorities and other parts of the system should protect adults at risk of abuse or neglect.

For staff, this means that you must take steps if you feel anyone is at risk of abuse or neglect and you must know what action is needed.

Video Guide: <https://youtu.be/NKEm83eUBzM>

Codes of Conduct for Adult Social Care Workers in the UK

England

The Skills for Care Code of Conduct for Healthcare Support Workers and Adult Social Care Workers in England:

When you are working, you will be expected to adhere to the Code of Conduct, this sets out the standard expected of all adult social care workers and healthcare support workers in England. It outlines the behaviours and attitudes that people who need care and support should rightly expect. It's commonly used alongside the Care Certificate. The Code of Conduct describes how a support worker **should behave** and the Care Certificate describes the minimum things **you must know and be able to do**.