

Legislation provides a framework to maintain and improve quality of practice

It provides guidance for workers in H&SC and early years settings

It sets out standards of practice that staff should meet when working in these sectors

## EQUALITY ACT 2010

- Based on Discrimination**
- It is illegal to discriminate against any of the protected characteristics
  - Covers Victimisation and Harassment based on the Protected characteristics
  - Reasonable adjustments have to be made by employers/ service providers for those with disabilities e.g. ramps, larger print, hearing loop systems, braille.
  - Women have the right to breast feed in public
  - Encourages positive action e.g. encourage training/ promotion.
  - Discrimination due to Association is an offence. Carers of an individual who has protected characteristics cannot be discriminated against.
  - Pay cannot be kept secret. It is illegal

- Nine Protected Characteristics.**
- Age
  - Disability
  - Gender
  - Marriage (civil partnership)
  - Pregnancy and maternity
  - Race
  - Religion
  - Sex and sexual orientation

- Does not allow discrimination in:**
- Education
  - Employment
  - Access to goods and services
  - Housing

### Combination of the Sex Discrimination Act. Race Relations Act and the Disability Discrimination Act

## CHILDRENS ACT 2004

- Protect children at risk and keep them safe. May involve taking them away from family.
  - Paramountcy principle – the child’s needs MUST come first. Children have the right to stay with wider family if necessary.
  - Children have the right to be consulted. It gives children old enough/mature enough to have a voice to express their wishes.
  - Children have a right to an advocate. Someone would represent the child and speak on their behalf. An advocate acts in the best interest of the child.
  - Every child matters 5 outcomes.
    - Staying safe
    - Being healthy
    - Enjoying and achieving
    - Making a positive contribution
    - Economic well-being.
- (The outcome above are universal and apply to all children whatever their backgrounds.)
- Encourage partnership working. Information must be shared where appropriate to avoid miscommunication or lack of knowledge.
  - Childrens commissioner** was created. Role is to raise awareness of the best interests of children and report yearly to Parliament
  - All areas need a Children’s Safeguarding Board to represent children’s interests, develop policies and promote safeguarding.

Although anyone can be discriminated against some are more vulnerable (**children** as they are not aware of their rights, don’t know how to complain or are abused, **ill people** may find it hard to stand up for their rights and the **elderly with Dementia** may forget that how they have been treated so it is never reported. Lack of ramps, braille, different languages are examples of discrimination.

Discrimination can be **direct** (e.g. not given an operation because they are too old) or **indirect** (employees must be clean shaven would discriminate religious beliefs of not shaving)

Legislation gives people rights. Allows people to take action.

## **Data Protection Act 1998**

- Data should:**
- Processed fairly and lawfully. Information should be on a need to know basis**
  - Used only for the purpose it was intended for.**
  - Adequate and relevant but not excessive. Care workers should only collect necessary information. A social worker would need more information than a nurse would.**
  - Accurate and kept up-to-date.**
  - Inaccurate information should be destroyed or corrected.**
  - Kept for no longer than is necessary.**
  - Processed in line with the rights of the individual. We have a right to know what information is kept on us and how it is used.**
  - Information should be securely locked away so only authorised staff can access.**
  - Not transferred to other countries.**

Key term	Definition
RIGHT	Everyone is entitled to their rights by law.
LEGISLATION	Collection of laws passed by parliament to give people rights
LAWS	A system of rules controlled by the courts

# Health and Safety at Work Act 1974 (HASAWA)

## Employers MUST

- The working environment Must not put anyone at risk
- The equipment provided must be safe and works correctly
- Adequate Health and safety training provided
- Staff given a health and safety policy
- 'Health and Safety law' poster is displayed
- Health and safety procedures are in place e.g. fire evacuation
- Working fire alarms, extinguishers and accessible fire doors
- Health and safety signs up
- First aid is available
- Protective equipment is available free of charge

## Employees MUST

- Co-operate with their employer by following health and safety regulations
- Report any hazards
- Do not misuse or tamper with equipment
- Understand their responsibilities to look after themselves and others in the work place

The HASAWA set up the Health and Safety Executive that is the regulator for the health, safety and welfare of people in work settings in the UK.

The HSE can carry out inspections, investigate accidents or complaints. And can take action to improve services. (improvement notices)

## Legislation protects:

- Vulnerable adults
- Older adults
- Children and young people
- Men and women
- People with disabilities
- Minority ethnic groups

## Mental Health Act 2007

- It defines different types of mental disorders
- Relatives and social workers can detain a person under the act for their own safety and others
- Sets out the circumstances which a person can be treated without their consent
- The circumstances in which people with a mental disorder can be admitted to a psychiatric hospital against their wishes. This is called sectioning
- Detention – the initial assessment can be up to 28 days
- A longer period of detention can follow which involved medication
- Provision for aftercare and treatment of discharged people into the community.
- How a person should be safeguarded.
- Advocates can appeal sectioning against their will

**The Act does not apply to everyone with a mental disorder – only those that pose a threat to themselves and others**

## How legislation impacts on people who use services

- ❖ Mental Health Act provides protection from harming themselves or others
- ❖ Equality act helps makes all settings accessible
- ❖ Individuals have a right to e.g. choice and consultation
- ❖ Individuals are entitled to be treated fairly and protected from abuse and harm

## How legislation impacts on care practitioners

- ❖ Mental Health Act = clear which practitioners can make decisions
- ❖ Data Protection Act = detailed regulations on how to handle information
- ❖ HASAWA = informs of individual responsibilities for keeping themselves and others safe

## How legislation impacts on service providers

- ❖ Organisational policies and procedures must be made e.g. bullying
- ❖ Training must be provided
- ❖ Risk assessments to be carried out and protective clothing provided.
- ❖ Recruitment procedures must meet the requirements of the Equality Act. Certain groups must not be discriminated against

## Key terms

**Discrimination** – when people judge others based on their differences, and use these differences to create disadvantage. This could be based on race, disability or gender.

**Vulnerable** – An individual who is unable to take care of themselves against significant harm or exploitation. This could be due to mental or physical disability or illness.

**Dementia** – A condition that causes memory loss, confusion and difficulty with daily living tasks.

**Disabilism** – Behaviour that is abusive or discriminatory based on the belief that people with disabilities are inferior.

**Sexualism** – Discrimination or negative attitudes towards a person or group based on their sexual orientation e.g. against lesbians, gay or bi-sexual.

**Transphobia** – Discrimination against transgender or transsexual individuals on the basis that they don't conform to societys gender expectations.

**Redress** – To obtain justice after being discriminated against or receiving inadequate care. E.g. compensation

**Victimisation** – Bad treatment directed towards someone who has made a complaint under the Equality Act

**Harassment** – Unwanted behaviour that has the purpose of violating someone dignity or will humiliate them.

## Legislation provides a method of Redress

If rights are breached (not upheld), then the law can be enforced by taking legal action through the courts so that rights can be restored.

A fine, imprisonment or a setting closed down could be the consequence

## Forms of discrimination

Racism – race and ethnicity

Disabilism – Disability

Sexualism = sexuality

Ageism = age

Sexism = gender