

	Code	Subject (item in bold is the search item)	Hyperlink
1.	A7, D4, E5 (glossary)	<p>Safeguarding of children and vulnerable adults.</p> <p>Links also to capacity, and consent.</p>	<p>There is a range of different information on safeguarding children listed here on the GOV.UK website: https://www.gov.uk/schools-colleges-childrens-services/safeguarding-children.</p> <p>See for example: advice for practitioners: What to do if you are worried if a child is being abused. https://www.gov.uk/government/publications/what-to-do-if-youre-worried-a-child-is-being-abused--2</p> <p>The Department for Education published the latest ‘Working together to safeguard children’ guidance document in March 2015 – this is also applicable for health service professions working in a school environment: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf</p> <p>These documents references the following as sources of guidance about safeguarding children and young adults for health care professionals:</p> <ul style="list-style-type: none"> • Royal College of Paediatrics and Child Health (2014) <i>Safeguarding children and young people: roles and competences for health care staff</i> https://www.rcpch.ac.uk/sites/default/files/page/Safeguarding%20Children%20-%20Roles%20and%20Competences%20for%20Healthcare%20Staff%20%2002%200%20%20%20%20%20%20(3)_0.pdf • Royal College of General Practitioners (2014) <i>Safeguarding Children and Young People: The RC GP/NSPCC Safeguarding Children Toolkit for General Practice</i> http://www.rcgp.org.uk/clinical-and-research/clinical-resources/~/_media/Files/CIRC/Safeguarding-Children-Toolkit-2014/RCGP-NSPCC-Safeguarding-Children-Toolkit.ashx <p>The NHS Commissioning Board has also published its <i>Safeguarding Vulnerable People in the Reformed NHS: Accountability and Assurance Framework</i> (2015): https://www.england.nhs.uk/wp-</p>

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			<p>content/uploads/2015/07/safeguarding-accountability-assurance-framework.pdf</p> <p>Children’s Act (2004) http://www.legislation.gov.uk/ukpga/2004/31/pdfs/ukpga_20040031_en.pdf however, this does not include any changes made by correction slips; the latest version can be viewed here: http://www.legislation.gov.uk/ukpga/2004/31/contents.</p> <p>The first Part of the act is applicable to the UK, however later Parts differ:</p> <ul style="list-style-type: none"> • Part 2 – Children’s services in England • Part 3 and 4 – Children’s services in Wales, and Advisory and support services for family proceedings (Wales only) • Part 5 – Miscellaneous (England and Wales only) <p>Scotland:</p> <p>The Scottish Government issued the <i>Child Protection Guidance for Health Professionals</i> in 2013: http://www.gov.scot/Resource/0041/00411543.pdf There are a number of differences as to what constitutes a child in Scotland. http://www.gov.scot/Publications/2014/05/3052/3</p> <p>Children and Young People (Scotland) Act 2014 a "child" will be defined for the purposes of all Parts of that Act, as someone who has not attained the age of 18.</p> <p>Wales:</p> <p>NHS Wales hosts a governance e-manual on its website containing links to guidance ‘Standard 11: Safeguarding Children and Safeguarding Vulnerable Adults’: http://www.wales.nhs.uk/governance-emanual/safeguarding-children</p>

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			<p>Children and young people’s right to consent in health settings: On 22 April 2013, the Children’s Commissioner for Wales and Welsh Government published a new guide to raise awareness about children and young people’s consent in health settings. It includes practical guidance on what young people should expect from health professionals, including nurses, doctors and dentists, and outlines their right to be involved in decisions about their health, health care or treatment – a right afforded to them under Article 13 of the UN Convention on the Rights of the Child (UNCRC).</p> <p>http://www.wales.nhs.uk/sites3/page.cfm?orgid=465&pid=11930</p> <p>Northern Ireland; http://www.safeguardingni.org/professionals</p> <p>Finally, see also advice which is pertinent to hospitals, care homes, care in the home and dentists: http://www.cqc.org.uk/content/safeguarding-people</p>
<p>You have a duty under the law to safeguard and protect children and vulnerable adults if you work with them. Those in most need of protection are children, young people and adults whose circumstances make them vulnerable. Section 60 of the Safeguarding Vulnerable Groups Act 2006 defines a Child as “a person who has not attained the age of 18.</p> <p>The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). See: https://www.gov.uk/disclosure-barring-service-check/overview</p>			

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2.	A4	Equality	<p>Equality Act 2010: see here: http://www.legislation.gov.uk/ukpga/2010/15/contents</p> <p>Equal opportunities and discrimination are described as “transferred matters” in Northern Ireland and as a result, the Equality Act 2010 does not form part of the NI law apart from a few very specific exceptions. Instead, the Disability Discrimination Act 1995 remains in force in Northern Ireland. http://www.legislation.gov.uk/ukpga/2010/15/notes/division/2/6</p> <p>The Equality Commission for Northern-Ireland have published the relevant equality and anti-discrimination laws here: http://www.equalityni.org/Footer-Links/Legislation</p> <p>Equality and Human Rights Commission: http://www.equalityhumanrights.com/</p> <p>Scotland http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland</p> <p>Wales http://www.equalityhumanrights.com/about-us/devolved-authorities/the-commission-in-wales</p> <p>Signposting to resources for healthcare providers http://www.equalityhumanrights.com/private-and-public-sector-guidance/public-sector-providers/human-rights-health-and-social-care/human-rights-health-and-social-care-signposting-resources</p> <p>Human Rights: http://www.equalityhumanrights.com/your-rights/human-rights/what-are-human-rights/human-rights-act</p> <p>All public bodies (such as courts, police, local governments, hospitals, publicly funded schools, and others) and other bodies carrying out public functions have to comply with the Convention rights.</p>

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			<p>Signposting to resources relating to Human Rights: http://www.equalityhumanrights.com/guidance-theme</p> <p>Further reading (2007): http://www.equalityhumanrights.com/human-rights-healthcare</p>
<p>The Equality Act 2010 aims to:</p> <ul style="list-style-type: none"> • eliminate discrimination, harassment and victimisation • advance equality of opportunity • foster good relations between different parts of the community <p>And, it covers the protected characteristics: age, race, disability, gender reassignment, marital or civil partnership status, pregnancy or motherhood, religion or belief, sex and sexual orientation</p> <p>The Equality Act 2010 is fully applicable and forms part of the law in England and Wales, and apart from one chapter (which is not relevant to medical practice) the act also applies to Scotland. http://www.legislation.gov.uk/ukpga/2010/15/notes/division/2/3</p>			
3.	E1 (glossary)	Capacity	<p>There is a Code of Practice applicable to England and Wales which acts as guidance on complying with the Mental Capacity Act (MCA) 2005: http://www.legislation.gov.uk/ukpga/2005/9/contents for those working with people who 'lack capacity' to make decisions or take action for themselves: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf</p> <p>The Department of Health, and the relevant departments in the devolved parliaments/assemblies, have published their own sets of guidance for practitioners on gaining consent for examination or treatment:</p>

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			<ul style="list-style-type: none"> • England: www.gov.uk/government/uploads/system/uploads/attachment_data/file/138296/dh_103653_1_.pdf • Northern Ireland: www.dhsspsni.gov.uk/public_health_consent • Wales: www.wales.nhs.uk/sites3/Documents/465/WHC%282008%29010.pdf • Scotland: http://www.sehd.scot.nhs.uk/mels/HDL2006_34.pdf <p>The General Medical Council also has links to various Codes of Practice and guidance documents for capacity issues: http://www.gmc-uk.org/guidance/ethical_guidance/consent_guidance_other_sources_of_information.asp</p>
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No-one else can make a decision on behalf of an adult who has the capacity to do so. Which means they can understand, remember, use and weigh up the information needed to make a decision, and can communicate their wishes.

It should always be assumed that adults have the capacity to make a decision unless it is shown to be otherwise. If you have any doubts, ask yourself: 'Can this patient understand and weigh up the information needed to make this decision?'

Unexpected decisions do not prove the patient is incompetent, but may mean there is a need for more information or explanation. According to the NHS the MCA is about:

- Everyone has the right to make his or her own decisions. Health and care professionals should always assume an individual has the capacity to make a decision themselves, unless it is proved otherwise through a capacity assessment.
- Individuals must be given help to make a decision themselves. This might include, for example, providing the person with information in a format that is easier for them to understand.
- Just because someone makes what those caring for them consider to be an "unwise" decision, they should not be treated as lacking the capacity to make that decision. Everyone has the right to make their own life choices, where they have the capacity to do so.
- Where someone is judged not to have the capacity to make a specific decision (following a capacity assessment), that decision can be taken for them, but it must be in their best interests.
- Treatment and care provided to someone who lacks capacity should be the least restrictive of their basic rights and freedoms possible, while still

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providing the required treatment and care.
 See: <http://www.nhs.uk/Conditions/social-care-and-support-guide/Pages/mental-capacity.aspx>

4.	B3	Advertising	https://www.gov.uk/marketing-advertising-law/advertising-codes-of-practice http://www.cap.org.uk/Advertising-Codes.aspx
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All marketing and advertising must be an accurate description of the product or service, and be

- legal
- decent
- truthful
- honest
- socially responsible (not encouraging illegal, unsafe or anti-social behaviour)

There are regulations that restrict what advertisers can and cannot do.

As well as the regulations, there are 2 advertising codes of practice that you need to follow to help you advertise legally.

See also: <http://cap.org.uk/Advice-Training-on-the-rules/Advice-Online-Database/Use-of-the-term-Dr-Chiropractors.aspx#.VTpr2Rs5DZM>

5.	B4 H	Data Protection Act 1998	https://www.gov.uk/data-protection/the-data-protection-act From May 2018, the EU General Data Protection Regulation (GDPR) will replace the 1998 Data Protection Act. More information can be found at: https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/
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		Links to Records management	<p>Code of practice (NHS) on Confidentiality:</p> <p>England: http://www.england.nhs.uk/wp-content/uploads/2013/06/conf-policy-1.pdf</p> <p>Scotland: http://www.ehealth.scot.nhs.uk/wp-content/documents/nhs-code-of-practice-on-protecting-patient-confidentiality.pdf</p> <p>Wales http://www.wales.nhs.uk/sites3/documents/950/codeofpractice.pdf</p> <p>N.Ireland http://www.dhsspsni.gov.uk/confidentiality-code-of-practice0109.pdf</p>
<p>Summary Overview:</p> <p>Data protection – looking after the information you hold about patients. If you handle and store information about identifiable, living people – for example, about patients – you are legally obliged to protect that information.</p> <p>Under the Data Protection Act, you must:</p> <ul style="list-style-type: none"> • only collect information that you need for a specific purpose; • keep it secure; • ensure it is relevant and up to date; • only hold as much as you need, and only for as long as you need it; and • allow the subject of the information to see it on request. 			

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6.	C8	Ionising Radiation (medical Exposure) Regulations 2017	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627847/Annex I - Draft IR ME R 2018 Regulations.pdf The earlier iteration can be found here: http://www.legislation.gov.uk/uksi/1999/3232/contents/made and Amendments 2006 and 2011 here: http://www.legislation.gov.uk/uksi/2011/1567/contents/made
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Summary Overview:

The regulations are intended to:

- protect patients from unintended, excessive or incorrect medical exposures.
- ensure the benefits outweigh the risk in every case.
- make certain patients receive no more than the required exposure for the desired benefit, within technological limits.

The regulations also apply to exposures as part of established health screening programmes, medical or biomedical, diagnostic or therapeutic research and those undertaken for medico-legal purposes.

See helpful notes on the new legislation here: <http://www.cqc.org.uk/news/providers/ionising-radiation-changes-england-february-2018>

Other useful/important information:

7.	B7	Duty of Candour	See here: https://www.gcc-uk.org/good-practice/duty-of-candour/ which explains and points to the joint statement signed by all healthcare regulators about openness and honesty and the professional duty of candour. http://www.gmc-uk.org/Joint_statement_on_the_professional_duty_of_candour_FINAL.pdf_58140142.pdf
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<p>The professional duty of candour is that health professionals must be open and honest with patients when things go wrong. The origination of this stemmed from the Francis enquiry – the background and history can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/295773/Duty_of_Candour_Consultation..pdf (note the double full stop is correct). This is regarded as a major step towards implementing a key recommendation from the Mid Staffordshire NHS Foundation Trust Public Inquiry (the Francis Inquiry).</p>			

8.	C7, C8, E, F3 and H2 (glossary)	Consent	http://www.nhs.uk/Conditions/Consent-to-treatment/Pages/Introduction.aspx This is also useful for guidance on assessing the capacity to consent.
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<p>The principle of consent is an important part of medical ethics and the international human rights law. It can be given:</p> <ul style="list-style-type: none"> • Verbally – for example, by saying they are happy to have an X-ray. • In writing – for example, by signing a consent form for a plan of care. <p>The link provides a summary definition for voluntary, informed and capacity all important aspects of consent.</p>			
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9.	D1	Sexual Boundaries	http://www.gcc-uk.org/UserFiles/Docs/Responsibilities_of_Healthcare_Professionals_Jan08.pdf Healthcare professionals must not display sexualised behaviour (acts, words or behaviour designed or intended to arouse or gratify sexual impulses or desires) towards patients or their carers because doing so can cause significant and enduring harm. See www.chre.org.uk for guidance.
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10.	C9	Equipment and safe use	<p>Equipment classed as ‘medical devices’, falls under the authority of MHRA. MHRA enforces the Medical Devices Regulations and the General Product Safety Regulations to ensure medical devices are acceptably safe. http://www.mhra.gov.uk/home/groups/comms-ic/documents/websiteresources/con2031677.pdf</p> <p>The legislation in the European Directive defines medical devices. http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1993L0042:20071011:EN:PDF</p> <p>Further explanations are briefly explained here: http://medicaldevices.bsigroup.com/en-GB/our-services/european-mdd/</p>
11.	C2, H	Records/ Records Management See also Data Protection	<p>Department of Health and NHS code of practice https://www.gov.uk/government/publications/records-management-nhs-code-of-practice http://www.nhs.uk/chq/Pages/1889.aspx?CategoryID=68</p>
<p>The key statutory requirement for compliance with records management principles is the Data Protection Act 1998. This provides a broad framework of general standards that have to be met and considered in conjunction with other legal obligations. The Act regulates the processing of personal data, held both manually and on computer. Personal data is data relating to a living individual that enables him/her to be identified either from that data alone or from that data in conjunction with other information in the data controller’s possession. It therefore includes such items of information as an individual’s name, address, age, race, religion, gender and physical, mental or sexual health.</p>			
12.	A6	Infection Control	https://www.nice.org.uk/guidance/qs61 www.hpa.org.uk

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