

## Legislation Workshop 26<sup>th</sup> January 2012

As Assessors and IVs of Health and Social Care SVQs:

- We are not expected to be legal experts
- We **are** expected to keep our knowledge and understanding of legislation up to date.
- It's important to always remember that SVQs are vocational, and the relevance of legislation is directly related to the candidate's job role and responsibilities within the organisation they work in.
- Legislation is not written for SVQs. There is not a level 2, level 3 and level 4 version of the Data Protection Act or the Human Rights Act. However a level 2 and a level 3 candidate are likely to have similar responsibilities under these pieces of legislation – whereas a level 4/LMC candidate would need to not only know about how they must act within this legislation but how they must ensure their staff act within this.
- It is important to make sure you are clear about what the legislation is about so that you can pick up on a candidate's misunderstanding and irrelevant referencing to certain pieces of legislation e.g. The Freedom Of Information (Scotland) Act 2002– is it relevant for your candidate to know this and does it apply to their role? (It may be relevant for some candidates but is not as significant as The Data Protection Act 1998 in terms of what the HSC units ask for in terms of knowledge)
- Keep up to date with new legislation on the Scottish Government website and on the UK legislation website e.g. Equality Act 2010. I challenge you to write your own summary of this and other legislation so you have your own ready reckoner to hand when meeting candidates. It is our responsibility as assessors and IVs to regularly check our knowledge of legislation and of anything new that has come out and how it affects us.
- If a candidate refers to a piece of legislation you are unfamiliar with then be willing to research this. It could be that they have invented a piece of legislation or it could be that they are more up to date than their assessor/IV so we need to ensure we research and make a note of new legislation for our own CPD.
- Always refer to reliable websites for information on legislation, rather than a particular organisation's interpretation of legislation. Using sources direct from the government are a helpful way of finding out the information you need from the most accurate source.

- When looking at UK legislation on the Government website there is always an introductory text to a piece of legislation which provides a summary of what the act is about.
- Make sure candidates refer to legislation appropriate to the country they are working in and that governs their practice – Scotland based candidates need to refer to UK and Scottish legislation.
- Carry out your own self-assessment – be honest with yourself and think about the depth of your knowledge and understanding of the various pieces of legislation that occur in the SVQs. Do you feel you can confidently determine the depth of knowledge and understanding candidates need to demonstrate for each of the different SVQ levels that you assess/verify? If you find that you are not confident in the above then it is important to refresh and update your knowledge, as it is easy to get rusty!

The following pieces of legislation are the most likely ones you will encounter as an assessor/IV

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Health & Safety at Work Act 1974 (and associated regulations)
- The Regulation of Care (Scotland) Act 2001
- NHS and Community Care Act 1990
- The Protection of Vulnerable Groups (Scotland) Act 2007
- The Adult Support and Protection (Scotland) Act 2007
- The Mental Health Care and Treatment (Scotland) Act 2003
- The Adults With Incapacity (Scotland) Act 2000
- The Equality Act 2010
- The UN Convention on the Rights of the Child (signed 1989)
- The Children (Scotland) Act 1995
- Sexual Offences (Scotland) Act 2009

Three websites to gain reliable information on legislation from are:

- [www.legislation.gov.uk](http://www.legislation.gov.uk)
- [www.scotland.gov.uk](http://www.scotland.gov.uk)
- [www.direct.gov.uk](http://www.direct.gov.uk)