

# Legislation and frameworks assignment



**ASSIGN  
BUSTER**

Describe Legislation and Frameworks which Govern Work with Individuals with Dementia In this assignment I will be describing the legislation and frameworks which govern work with individuals with dementia. I will be writing about different Acts and how they protect people with dementia.

Human Rights Act 1998 – The Human Rights Act involves: The right to life  
The right to freedom from torture and inhuman or degrading treatment The right to freedom from slavery and forced labor The right to liberty and security The right to a fair and public trial in a reasonable time

The right to freedom from retrospective criminal law The right to respect for private and family life, home and correspondence The right of freedom of thought, conscience and religion The right to freedom of expression The right to freedom of assembly and association The right to marry and found a family The prohibition of discrimination The right to peaceful enjoyment of possessions and protection of property The right to access of education The right of free elections The right not to be subjected to the death penalty People with dementia and those who care for them should be treated with dignity and respect, and should have access to high quality care. Poor quality care and support breaches the rights of people with dementia and their carers. These include the right not to be treated in an inhuman or degrading way, the right to respect for private and family life and the right to liberty. People with dementia and their carers are also confronted daily by discriminatory attitudes about dementia, including assumptions about the quality of life possible with dementia, fear of dementia and ageism.

Safeguarding Vulnerable Groups Act 2006 – The purpose of the Safeguarding Vulnerable Groups Act 2006 is to restrict contact between children and vulnerable adults and those who might do them harm; its key principles are: Unsuitable persons should be barred from working with children (or vulnerable adults) Employers should have a straightforward means of checking that a person is not barred from working with children (or vulnerable adults) Suitability checks should not be one-offs: they should be an element of on-going assessment of suitability to catch those who commit wrongs following a suitability check. Safeguarding is a recognized multi-agency process for protecting children and adults at risk of harm or potential abuse. People with dementia need the extra protection of safeguarding procedures that put a duty on professionals to share information and work together. Although the processes for protecting children and people with dementia are similar, all dementia patients in the UK have the right to make choices and be treated as adults, with dignity and respect.

How dementia affects someone should always be clarified with the adult, and staff should make every effort to communicate directly with the adult to seek their views about an investigation. People with dementia can be abused in additional ways to children and can be at risk of: discrimination, physical abuse, sexual abuse, psychological abuse, financial abuse, neglect and institutional abuse. Mental Health Act 2007 – The Mental Capacity Act 2005 came into force in England and Wales in 2007. The Act aims to empower and protect people who may not be able to make some decisions for themselves. It also enables people to plan ahead in case they are unable to make important decisions for themselves in the future.

The Mental Capacity Act sets out what happens when people are unable to make a particular decision: That being unable to make a complex decision yourself does not mean you cannot aka more straightforward decisions That being unable to make a decision at a certain time does not necessarily mean that you will not be able to make it at a later time or date if the decision can wait That someone cannot decide that you lack capacity, or make assumptions about what is in your best interests, merely on the basis of your age, appearance, condition or behavior That if someone has to make a decision on your behalf, they must still involve you as much as possible That someone making a decision on your behalf must act in your best interests – the Act gives a checklist of factors which they must consider when working out what is in your best interests A decision made on your behalf must be made in a way that is least restrictive of your basic rights and freedoms, as long as it is still in your best interests How care or treatment can be carried out if you lack capacity, providing it is in your best interests – including safeguards and limitations Additional safeguards where decisions involve withholding or withdrawing life-sustaining treatment for someone who lacks capacity to make these decisions How an Independent Mental Capacity Advocate (MICA) can represent you if you are unable to make important decisions and there is no one else who can support you or represent your views.

The Act applies to anyone aged 16 or over in England and Wales. It protects people with dementia as these people may find it difficult to make decisions some or all of the time so they can use the Act to plan ahead in case they are unable to make decisions in the future. The Mental Capacity Act 2007 –

The Mental Capacity Act provides a framework to empower and protect people who may lack capacity to make some decisions for their selves. The Mental Capacity Act makes clear who can take decisions in which situations, and how they should go about this. Anyone who works with or cares for an adult who lacks capacity must comply with the Act when making decisions or acting for that person.

This applies whether decisions are life changing events or more every day matters and is relevant to adults of any age, regardless of when they lost capacity. The Mental Capacity Act is to ensure that those who lack capacity are empowered to make as many decisions for themselves as possible and that any decision made, or action taken, on their behalf is added in their best interests. The five key principles in the Act are: Every adult has the right to make his or her own decisions and must be assumed to have capacity to make them unless it is proved otherwise. A person must be given all practicable help before anyone treats them as not being able to make their own decisions.

Just because an individual makes what might be seen as an unwise decision, they should not be treated as lacking capacity to make that decision.

Anything done or any decision made on behalf of a person who lacks capacity must be done in their best interests. Anything done for or on behalf of a person who lacks capacity should be the least restrictive of their basic rights and freedoms. The Mental Capacity Act 2007 is a law that protects and supports people who do not have the ability to make decisions for their selves such as people with dementia. It also provides guidance to support people who need to make decisions on behalf of someone else. The Mental

Capacity Act covers important decisions relating to the individual's property, financial affairs, and health and social care.

It also applies to everyday decisions, such as personal care, what to wear and what to eat. It can help support people with dementia, their careers and professionals to make decisions, both now and in the future. Valuing People Strategy – All People with a learning disability are people with the right to live their lives like any other person, with the same opportunities and responsibilities, and to be treated with the same dignity and respect. They and their families and careers are entitled to the same aspirations and life chances as any other person. The 4 principles of Valuing People Now Rights People with learning disabilities and their families have the same human rights as everyone else.

**Independent living** This does not mean living on your own or having to do everything yourself. All disabled people should have greater choice and control over the support they need to go about their daily lives; greater access to housing, education, employment, leisure and transport opportunities and to participation in family and community life. **Control** This is about being involved in and in control of decisions made about your life. This is not usually doing exactly what you want, but is about having information and support to understand the different options and their implications and uniqueness, so people can make informed decisions about their own lives.

**Inclusion** This means being able to participate in all the aspects of community – to work, learn, get about, meet people, be part of social

networks and access goods and services – and to have the support to do so. To make sure people with learning dementia have the same life opportunities as any other person they need to get the health care and the support they need to live healthy lives. People with dementia and their families should be able to choose where and who they live with. They also need to have a fulfilling life of their own choice, this includes opportunities to work, study, and enjoy social and leisure activities. Also they need to have the choice to have relationships, become parents and the support to do so.

To make sure people with dementia are treated as equal as everyone else they can speak up and be heard about what they want from their lives, the big decisions and the everyday choices. If they need support to do this, they should be able to get it. They will be able to use public transport safely and easily and feel confident to do so. And be able to use local mainstream services such as leisure centers, sport facilities, libraries, cinemas, restaurants and shopping centers. All people with dementia will be able to live their lives in safe environments and will feel confident and that their right to live safely is upheld by the criminal justice system. They will also be able to make a complaint or seek legal redress; they will be treated with the same dignity and respect as any other person.

Living Well With Dementia (National Dementia Strategy) – The aim of the Strategy is to ensure that improvements are made to dementia services across three key areas: improved awareness, earlier diagnosis and intervention, and a higher quality of care. The Strategy identifies 17 key objectives which should result in significant improvements in the quality of services provided to people with dementia and should promote a greater

understanding of the causes and consequences of dementia. This Strategy should change in the way that people with dementia are viewed and cared for in England. The Department's goal is for people with dementia and their family carers to be helped to live well with dementia, no matter what the stage of their illness or where they are in the health and social care system.