3. Professional and legal issues

3.1. Knowledge of legal frameworks relating to working with children and young people

- An ability to draw on knowledge that clinical work with children/young people is underpinned by legal frameworks
- An ability to draw on knowledge that the sources and details of law may vary across the four home nations of the UK, and:
  - an ability to draw on knowledge of the relevant legislation and policies that apply to the settings in which interventions take place

Mental health

- An ability to draw on knowledge of mental health legislation

Capacity and informed consent

- An ability to draw on knowledge of the legal framework that determines the criteria for capacity and informed consent

Data protection

- An ability to draw on knowledge of legislation that addresses issues of data protection and the disclosure of information

Equality

- An ability to draw on knowledge of equality legislation designed to protect people from discrimination when accessing services (including the statutory requirement for service providers to make reasonable adjustments for disabled service users)

Education

- An ability to draw on knowledge of legislation and guidance that addresses the educational needs of children/young people who face barriers to their learning and who may therefore require additional support

Resources

All relevant legal Acts can be accessed in full at: www.legislation.gov.uk

Mental health legislation

- Mind, Mental Health Act 1983: an outline guide.
  Available at: www.mind.org.uk/media-a/2909/mha-1983-2018.pdf
- The Mental Health (Care and Treatment) (Scotland) Act 2003: easy read guide.
  Available at: www.gov.scot/publications/new-mental-health-act-easy-read-guide-2/

Capacity and consent

- The Mental Capacity Act 2005: overview and guide to how it affects people.
  Available at: www.mind.org.uk/information-support/legal-rights/mental-capacity-act-2005/overview/
- The Scottish Government, The New Mental Health Act: What's it all about – A Short Introduction (2005).
  Available at: www.webarchive.org.uk/wayback/archive/20150219150627/http://www.gov.scot/Publications/2005/07/22145851/58527
- Mental Welfare Commission for Scotland: About mental health law.
  Available at: www.mwcscot.org.uk/law-and-rights
- Age of Legal Capacity (Scotland) Act 1991.
  Available at: www.legislation.gov.uk/ukpga/1991/50/contents
- National Society for the Prevention of Cruelty to Children. Gillick competency and Fraser guidelines.
  Available at: https://learning.nspcc.org.uk/child-protection-system/gillick-competence-fraser-guidelines

Confidentiality

- Department of Health, Confidentiality: NHS Code of Practice, November 2003.
  Available at: www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4069253

Data protection

- Data Protection Act 1998.
  Available at: www.legislation.gov.uk/ukpga/1998/29/contents

Equality

- The Equality Act 2010.
  Available at: www.legislation.gov.uk/ukpga/2010/15/contents

Human rights

- Human Rights Act 1998.
  Available at: www.legislation.gov.uk/ukpga/1998/42/contents