

# What Legislation must I know when working in Dentistry?



Here is a guide to help to explain the key legislation that dental organisations are obliged to comply with. Further information can be found in the link to each legislation.

## Access to Health Records Act 1990

The Access to Health Records Act 1990 allows a patient's personal representatives and any person who may have a claim arising out of the patient's death access to their record.

[Access to Health Records Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

## Care Quality Commission (CQC) Regulations

The intention of [The Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014](#) is to ensure that people who have director level responsibility for the quality and safety of care, and for meeting the fundamental standards (such as Registered Managers) are fit and proper to carry out this important role. [The CQC guidance](#) describes how providers and managers can meet the regulations, including the fundamental standards, which are the standards below which care must never fall. It also specifies how the CQC (the regulator) inspects services to ensure that providers are meeting these regulations.

[The Care Quality Commission \(Registration\) Regulations 2009](#) covers the registration of all health and social care providers. This means that all health and social care providers, including Primary Care, must undergo initial registration before being granted permission to deliver services. Providers must demonstrate that they can meet or are already meeting the registration requirements. Continuous demonstration to meet standards is required for ongoing CQC registration.

## Children Act (2004)

The [Children Act 2004](#) is a development from the 1989 Act. It emphasises that all people and organisations working with children have a responsibility to help safeguard children and promote their welfare. Employers are responsible for ensuring their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role. Staff must be given appropriate supervision and support, including undertaking safeguarding training.

Video guide: <https://www.youtube.com/watch?v=TtEz6TfIT48>

## Control of Substances Hazardous to Health Regulations 2002

The [Control of Substances Hazardous to Health Regulations 2002](#) (COSHH) requires employers to control substances that are hazardous to health, such as dust, fumes, vapours, liquids and gas, to prevent or reduce workers exposure to hazardous substances by:

- Finding out what the health hazards are
- Deciding how to prevent harm to health (risk assessment)
- Providing control measures to reduce harm to health
- Making sure they are used correctly
- Keeping all control measures in good working order
- Providing information, instruction and training for employees and others
- Providing monitoring and health surveillance in appropriate cases
- Planning for emergencies

Video guide: <https://www.youtube.com/watch?v=-mD2hstt7DI>



## Data Protection Act 2018

The [Data Protection Act 2018](#) (DPA) is the UK's implementation of the General Data Protection Regulation (GDPR) and controls how personal information is used. Everyone responsible for using personal data must follow strict rules called 'data protection principles'. They must make sure the information is:

- Used fairly, lawfully and transparently
- Used for specified, explicit purposes
- Used in a way that is adequate, relevant and limited to only what is necessary
- Accurate
- Kept up to date and kept for no longer than is necessary
- Handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

Every piece of data received that involves personal information about another person (both patients and staff) must be in line with the above principles and people must be made aware of what information is being gathered, with whom it is being shared, know how it is being kept and for how long, and have the right to refuse data sharing. In Primary Care, where safeguarding may impact this, there are measures in place to be able to safely share information in accordance with the law.

In Primary Care, information must be stored securely and only shared on a need-to-know basis with permission of the person it relates to. People must be made aware of their rights by the use of privacy notices.

The **Caldicott Principles** are fundamentals that healthcare organisations should follow to protect any information that could identify a patient, such as their name and their records. They also ensure that this information is only used and shared when it is appropriate to do so. The seven Caldicott Principles relating to the use of patient identifiable information are:

1. Justify the purpose(s) of using confidential information
2. Only use it when absolutely necessary
3. Use the minimum that is required
4. Access should be on a strict need-to-know basis
5. Everyone must understand his or her responsibilities
6. Understand and comply with the law
7. The duty to share information can be as important as the duty to protect patient confidentiality

Video guide: <https://www.youtube.com/watch?v=pxFwhG9VeQw>

## Dentists Act 1984

The **Dentists Act 1984** is an [Act of the Parliament of the United Kingdom](#) regulating [dentistry](#). In particular the function of the [General Dental Council](#), [dental bodies](#) corporate etc.

[Dentists Act 1984 \(legislation.gov.uk\)](#)

## Employment Rights Act 1996

The [Employment Rights Act 1996](#) covers areas such as unfair dismissal, redundancy payments, protection of wages, zero-hour contracts, Sunday working, suspension from work, flexible working and termination of employment. It provides employees the right to not be dismissed unfairly by the employer.

## Equality Act 2010

The [Equality Act 2010](#) legally protects people from discrimination in the workplace and in wider society. It sets out the different ways in which it is unlawful to treat someone and makes sure that all of the following protected characteristics are protected:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Video guide: <https://www.youtube.com/watch?v=Yue1glAllAs>

## Freedom of Information Act 2000

The Freedom of Information Act 2000 (FOI) creates a general right of access to all types of recorded information held by most UK public authorities, including GP Practices. When receiving a request, Practices must:

- Understand what information is being requested
- Only respond with recorded information that is held by the Practice
- Respond promptly – within 20 working days
- Send out the information in the requester’s preferred means of communication, in their initial request

FOI covers information held by public authorities, but not requests for personal information about the person making the request. FOI is about providing access to public information. Data protection legislation protects personal data.

Video guide: <https://www.youtube.com/watch?v=7P8qrS9zBsg>

## General Dental Council (GDC) Standards

The General Dental Council (GDC) sets out the **standards** of conduct, performance and ethics that govern dental professionals. It specifies the principles, **standards** and guidance which apply to all members of the dental team. It also sets out what patients can expect from their dental professionals.

Dental professionals must follow the GDC’s 9 **Principles**;

- Put the patient’s interests first
- Communicate effectively with patients
- Obtain valid consent
- Maintain and protect patients’ information
- Have a clear and effective complaints procedure
- Work with colleagues in a way that is in patients’ best interests
- Maintain, develop and work within your professional knowledge and skills
- Raise concerns if patients are at risk
- Make sure your personal behaviour maintains patient’s confidence in you

## Health and Safety at Work etc. Act 1974

The [Health and Safety at Work etc. Act 1974](#) is the primary piece of legislation covering occupational health and safety in Great Britain. Under health and safety law, employers have a responsibility to protect workers and others from risk to their health and safety including fire safety. Health and safety law is mostly enforced by the Health and Safety Executive (HSE) or the local authority and those who do not comply with a regulation relevant to their work, could be committing a criminal offence.

There is specific health and safety legislation for healthcare which covers areas such as allergies, blood borne viruses (BBV), sharps injuries, healthcare waste, legionella, PPE, and pandemics.

## The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

The Act was created on 11 March 2009 with the following regulated activities:

- Provision of health care to patients by a National Health Service trust or National Health Service Foundation trust
- Provision of ambulance services, for transporting patients for the purpose of treatment by a National Health Service trust or a National Health Service foundation trust
- Provision of health care to patients by a Primary Care Trust
- Management of NHS Blood and Transplant (This includes supply of blood, supply of stem cells and bone marrow, supply of tissues for transplant or grafting and also the Donor Organs including the matching and allocation)

[Health and Social Care Act 2008 \(legislation.gov.uk\)](http://legislation.gov.uk)

## Human Rights Act 1998

The [Human Rights Act 1998](http://legislation.gov.uk) sets out the rights and freedoms that everyone in the UK is entitled to. Practices must provide:

- Fairness – People are valued as individuals and are listened to, and what is important to them is viewed as important by the Practice
- Equality – People do not experience and have their needs met
- Dignity – People are treated in a compassionate way that supports their self-respect
- Autonomy – People can exercise the maximum amount of choice and control possible, such as care planning and treatment
- Right to life – People will have their right to life protected and respected
- Staff rights and empowerment – Staff have their rights protected and respected, and are encouraged to freely speak up about concerns and not face unlawful workplace discrimination, harassment, bullying or violence

Video guide: <https://youtu.be/VO7oS8PqkJY>

## Medicines Act 1968

The Medicines Act 1968 provides the main legal framework for the prescribing, supply, storage and administration of medicines, and classifying them into categories including prescription-only medicines and controlled drugs. The law requires that the right medicine is given to the right patient, at the right time, using the right dose, in the right formulation.

## Mental Capacity Act (2005)

The Mental Capacity Act 2005 (MCA) is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 and over. The MCA allows people to express their preferences for care and treatment, and to appoint a trusted person to make a decision on their behalf should they lack capacity in the future, such as giving a family member or carer power of attorney.

The five principles of the MCA are:

1. Assume a person has capacity unless proved otherwise
2. Do not treat people as incapable of making a decision unless all practicable steps have been tried to help them
3. A person should not be treated as incapable of making a decision because their decision may seem unwise
4. Always do things or take decisions for people without capacity in their best interests
5. Before doing something to someone or making a decision on their behalf, consider whether the outcome could be achieved in a less restrictive way

Video guide: <https://www.youtube.com/watch?v=nZc36AXNfzc>



## RIDDOR

[The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 \(RIDDOR\)](#). A RIDDOR report is required when the accident or incident is work related, and it results in an injury or occurrence of a type which is reportable. Reportable incidents must be submitted by a 'responsible person' to the HSE under RIDDOR within specified time frames as follows:

- Report immediately:
  - Deaths
  - Major injuries
  - Dangerous occurrences
  - Injuries to members of the public, where they are taken from the scene of an accident to hospital
- Report as soon as possible
  - Diseases
- Report within 15 days
  - Injuries lasting more than 7 days

Video guide: [https://www.youtube.com/watch?v=pGt\\_QZNDYMs](https://www.youtube.com/watch?v=pGt_QZNDYMs)

## Safeguarding Vulnerable Groups Act 2006

The [Safeguarding Vulnerable Groups Act 2006](#) essentially provides a system for employers to check the suitability of employees or volunteers to work with children or vulnerable adults, which is administered by the Disclosure and Barring Service (DBS). The DBS decides whether an individual who carries out a 'regulated activity' should be barred, to prevent them from working with children, or vulnerable adults, or both, following an enhanced DBS check with barred list(s).

## The Hazardous Waste (England and Wales) Regulations 2005

The Hazardous Waste Regulations, which came into force in July 2005, set out the regime for the control and tracking of hazardous waste in England and Wales. Under these Regulations, a process of registration of hazardous waste producers and a new system for recording the movement of waste was introduced.

[The Hazardous Waste \(England and Wales\) Regulations 2005 \(legislation.gov.uk\)](#)

## The Ionising Radiation Regulations 2017 (IRR17)

The Ionising Radiation Regulations (IRR17) are a body of regulations concerned with the protection against exposure to ionising radiation as a result of work activities. IRR17 is administered by the Health & Safety Executive (HSE) as part of the Health & Safety at Work Act 1974.

[The Ionising Radiations Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

## Ionising Radiation (Medical Exposure) Regulations 2017 (IRMER17)

IRMER – Ionising Radiation Medical Exposure regulations (2000) deals with the safe and effective use of ionising radiation when exposing patients.

[The Ionising Radiation \(Medical Exposure\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

