

## SAP Legal & Policy Framework

The Department of Health National Service Framework for Older People 2001 requires NHS and social care organisations to undertake one single assessment process to avoid duplication and ensure a person centred approach. There are a number of other legal responsibilities for NHS or social care organisations which impact upon the Single Assessment Process (SAP). Staff should familiarise themselves with these.

**Table 1 - Legislation for Local Authorities and NHS Organisations**

Local Authority	NHS
NHS and Community Care Act 1999	NHS and Community Care Act 1999
Chronically Sick and Disabled Persons Act 1976	National Health Service Act 1977
	Health Act 1999
Health and Social Care (Community Health and Standards) Act 2003	Health and Social Care Act 2001
	NHS Reform and health care professions Act 2002
Disability Discrimination Act 1995	Disability Discrimination Act 1995
Mental Health Act 1983	Mental Health Act 1983
Mental Capacity Act 2005	Mental Capacity Act 2005
Children Act 2004	Children Act 2004
Carers Act 1996 Carers (Equal Opportunities) Act 2004	Carers Act 1996 Carers (Equal Opportunities) Act 2004
Care Standards Act 2000	Care Standards Act 2000
Community Care (Delayed Discharges) Act 2003	Community Care (Delayed Discharges) Act 2003
National Assistance Act 1948	National Health Service (Consequential Provisions) Act 2006
Race Relations (amendment) Act 2000	Race Relations (amendment) Act 2000
Employment Equality (Sexual Orientation) and (Religious Belief) Regulations 2003	Employment Equality (Sexual Orientation) and (Religious Belief) Regulations 2003
Equality Act 2006	Equality Act 2006
Employment Equality (Age) Regulations 2006	Employment Equality (Age) Regulations 2006
	NHS Code of Practice Records Management 2006

Information Sharing and Holding of Data
Police and Criminal Evidence Act 1984
Common Law Duty of Confidentiality
Data Protection Act 1998
Computer Misuse Act 1990
Human Rights Act 1998
Freedom of Information Act 2000
Local Government Act 1972
Crime and Disorder Act 1998

Most legislation since 1977 has been summarised within three acts of parliament. These received royal assent on 8<sup>th</sup> Nov 2006 and will come into effect on 1<sup>st</sup> March 2007 (subject to a few exceptions). These are: The National Health Service Act 2006, The National Health Service Act (Wales) 2006 and the National Health Service (Consequential Provisions) Act 2006.

### Information sharing

The information sharing aspect of Single Assessment is primarily covered by the legislation listed in the table above, together with other specialist legislation on health and social care. Essentially, all personal information collected on the individual must comply with confidentiality rules and be protected as specified in the Acts above. The individual must be properly informed on the use of their information, and their consent obtained before sharing with other agencies involved in their care. For more detailed information on information sharing, see SAP Implementation Guidelines: Section 4 - Sharing and Protecting your Information, and the Southwest NHS and Social Care Information sharing protocol at [www.devon.gov.uk/sap-pro](http://www.devon.gov.uk/sap-pro)

### Other Relevant Policies or Strategies

- Fair Access to Care Services 2003 - guidance on eligibility criteria for social care
- The Continuing Care (National Health Service Responsibilities) Modification Directions 2006
- National Service Framework for Long Term Conditions - Good Practice Guide and Examples 2005
- Urgent Care - Department of Health Direction of Travel for urgent care (2006)
- White paper - "Our Health, Our Care, Our Say" and Making it happen (2006)
- No Secrets guidance developing multi-agency policies and procedures to protect vulnerable adults from abuse 2000
- The Caldicott Report 1997 - (confidentiality principles)



- The Coughlan judgement 1999 (continuing health care)
- The Grogan judgment 2006 (continuing health care)
- National Care Standards Commission Regulation & Standards
- Dignity in Care Campaign - Dept of Health
- NHS Code of Practice on confidentiality
- The Community Care Assessments Directions 2004

For more details of the above and other relevant policy and guidance, see the Department of Health website [www.dh.gov.uk](http://www.dh.gov.uk).

Another useful website with information about various conditions and host of the national SAP website is [www.cpa.org.uk](http://www.cpa.org.uk) (Centre for Policy on Ageing).

