

## Legislation, regulatory requirements and codes of practice

### This handout will cover:

- Legislation
- Legislation – examples
- Regulatory requirements
- Regulatory requirements – examples
- Codes of practice
- Policies and procedures
- Reading list
- Website list

### Legislation

It is important for you to keep up to date with all relevant legislation relating to your role and for your particular subject. This will help ensure you are remaining current with your knowledge and practice, and to keep doing things right. Examples include:

Children Act (2004) will be applicable to you if you work with 14-19 year olds, vulnerable adults or learners with special needs.

Counter-Terrorism and Security Act (2015) will apply if you work with learners who are at risk of becoming radicalised. The Prevent Duty is part of this Act.

Copyright Designs and Patents Act (1988) relates to the copying, adapting and distributing of materials, which includes computer programs and materials found via the internet. Organisations may have a licence to enable the photocopying of small amounts from books or journals. All copies should have the source acknowledged.

Data Protection Act (1998) made provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. In 2018 it's superseded by the General Data Protection Regulation (GDPR).

The Equality Act (2010) replaced all previous anti-discrimination legislation and consolidated it into one Act (for England, Scotland and Wales). It provides rights for people not to be directly discriminated against or harassed because they have an association with a disabled person or because they are wrongly perceived as disabled.

Freedom of Information Act (2000) gives learners the opportunity to request to see the information public bodies hold about them.

Health and Safety at Work etc Act (1974) imposes obligations on all staff within an organisation commensurate with their role and responsibility. Risk assessments should be carried out where necessary. In the event of an accident, particularly one resulting in death or serious injury, an investigation by the Health and Safety

Executive may result in the prosecution of individuals found to be negligent as well as the organisation.

Protection of Children Act (POCA) (1999) was designed to protect children. It gives responsibility to Local Authorities to make enquiries when anyone contacts them with concerns about child abuse.

Rehabilitation of Offenders Act (1974) will be applicable if you work with ex-offenders.

Safeguarding Vulnerable Groups Act (2006) introduced a vetting and barring scheme to make decisions about who should be barred from working with children and vulnerable adults. Assessors may need to apply to the Disclosure and Barring Service (DBS) to have a criminal records' check. The purpose of the DBS is to help employers prevent unsuitable people from working with children and vulnerable adults.

Welsh Language Act (1993) put the Welsh language on an equal footing with the English language in Wales, with regard to the public sector.

*This information does not constitute as legal advice and you should check if there are any recent updates, or differences for Scotland, Wales, Northern Ireland and outside the UK.*

## **Regulatory requirements**

Regulations are often called *rules* and they specify mandatory requirements that must be met. Public bodies, corporations, agencies and organisations create regulatory requirements which must be followed if they are applicable to your job role. For example in education, one of the regulators is Ofqual who regulate qualifications, examinations and assessments in England. Ofqual gives formal recognition to awarding organisations and bodies that deliver and award qualifications. There will also be specific regulations which relate to your specialist subject and you will need to find out what these are. Examples include:

Control of Substances Hazardous to Health (COSHH) Regulations (2002) applies if you work with hazardous materials.

Food Hygiene Regulations (2006) applies to aspects of farming, manufacturing, distributing and retailing food.

Health and Safety (Display screen equipment) Regulations (1992) applies to using display screen equipment, for example, computers.

Manual Handling Operation Regulations (1992) relates to hazards of manual handling and risks of injury.



Privacy and Electronic Communications (EC Directive) Regulations 2003 applies to all electronic communications such as email and mobile phone messages.

Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) Regulations (1995) requires specified workplace incidents to be reported.

Regulatory Reform (Fire Safety) Order (2005) places the responsibility on individuals within an organisation to carry out risk assessments to identify, manage and reduce the risk of fire.

### **Codes of Practice**

Codes of practice are usually produced by organisations, associations and professional bodies. They can be mandatory or voluntary and you will need to find out which are applicable to your job role. If you belong to any professional associations, they will usually have a code of practice for you to follow, for example, the Society for Education and Training (SET) has a Code of Professional Practice. There are other professional associations such as the Chartered Institute for Educational Assessors (CIEA), the Institute for Leadership and Management (ILM), and the Institute of Training and Occupational Learning (ITOL), which you could join.

In addition, your organisation should have documented codes of practice which you will need to follow, such as:

- acceptable use of information and communication technology (ICT)
- code of conduct
- confidentiality of information
- conflict of interest
- disciplinary
- duty of care to learners, including personal development, behaviour and welfare
- duty to prevent radicalisation
- environmental awareness
- lone working
- misconduct
- sustainability.

### **Policies and procedures**

There will be organisational policies and procedures to follow such as appeals, complaints, misconduct, plagiarism and risk assessments. Think of the policy as a statement of intent, and the procedure as how the policy will be put into action. If you are employed, you should have received a contract of employment and employee handbook which might include your organisation's codes of practice. Alternatively, they might be available electronically.

If you are a work-based trainer, you may have to design your training and assessment activities around the company's policies and procedures (sometimes called *Method Statements* or *Work Instructions*). These will usually have the relevant legislation such as aspects of health and safety built in to them.

### **Reading list**

Berry J (2013) *Teachers' Legal Rights and Responsibilities: A Guide for Trainee Teachers and Those New to the Profession* Hertfordshire University Of Hertfordshire Press

Gravells A (2017) *Principles and Practices of Teaching and Training* London Learning Matters SAGE

Insley K (2008) *Teachers and the Law (Issues in Practice)* London Institute of Education Publications

### **Website list**

General Data Protection Regulation - <https://www.itgovernance.co.uk/data-protection-dpa-and-eu-data-protection-regulation>

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

Health and Safety resources: [www.hse.gov.uk/services/education/information.htm](http://www.hse.gov.uk/services/education/information.htm)

Ofqual - [www.ofqual.gov.uk](http://www.ofqual.gov.uk)

Ofsted – [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

Prevent Duty and Safeguarding resources: [www.preventforfeandtraining.org.uk](http://www.preventforfeandtraining.org.uk)

Society for Education and Training (SET) - <https://set.et-foundation.co.uk>