

Regulation 10: Dignity and respect

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 10

The intention of this regulation is to make sure that people using the service are treated with respect and dignity at all times while they are receiving care and treatment. To meet this regulation, providers must make sure that they provide care and treatment in a way that ensures people's dignity and treats them with respect at all times. This includes making sure that people have privacy when they need and want it, treating them as equals and providing any support they might need to be autonomous, independent and involved in their local community.

Providers must have due regard to the protected characteristics as defined in the Equality Act 2010.

CQC cannot prosecute providers for a breach of this regulation or of its parts, but we can take regulatory action. See the [offences section](#) for more detail.

CQC must refuse registration if providers cannot satisfy us that they can and will continue to comply with this regulation.

The regulation in full

10.—

1. Service users must be treated with dignity and respect.
2. Without limiting paragraph (1), the things which a registered person is required to do to comply with paragraph (1) include in particular—
 - a. ensuring the privacy of the service user;
 - b. supporting the autonomy, independence and involvement in the community of the service user;
 - c. having due regard to any relevant protected characteristics (as defined in section 149(7) of the Equality Act 2010) of the service user.

Guidance

This sets out the guidance providers must have regard to against the relevant component of the regulation.

10(1) Service users must be treated with dignity and respect.

Guidance on 10(1)

- When people receive care and treatment, all staff must treat them with dignity and respect at all times. This includes staff treating them in a caring and compassionate way.
- All communication with people using services must be respectful. This includes using or facilitating the most suitable means of communication and respecting a person's right to engage or not to engage in communication.
- Staff must respect people's personal preferences, lifestyle and care choices.

- When providing intimate or personal care, provider must make every reasonable effort to make sure that they respect people's preferences about who delivers their care and treatment, such as requesting staff of a specified gender/sex
- People using the service should be addressed in the way they prefer.
- People using the service must not be neglected or left in undignified situations such as those described in the guidance for Regulation 13(4) below.

10(2) Without limiting paragraph (1), the things which a registered person is required to do to comply with paragraph (1) include in particular—

Guidance on 10(2)

- Providers must make sure that they treat people using services with dignity and respect. In particular this includes the things listed in 10(2) (a)-(c) but these things are not exhaustive and providers must demonstrate that they take all reasonable steps to make sure that people using their service are always treated with dignity and respect.

10(2)(a) ensuring the privacy of the service user;

Guidance on 10(2)(a)

- Each person's privacy must be maintained at all times including when they are asleep, unconscious or lack capacity.

- All reasonable efforts should be made to make sure that discussions about care treatment and support only take place where they cannot be overheard.
- Staff must make sure that people have privacy when they receive treatment and that they are supported to wash, bath, use the toilet and hold private conversations.
- Each person's privacy needs and expectations should be identified, recorded, and met as far as is reasonably possible.
- People's relationships with their visitors, carer, friends, family or relevant other persons should be respected and privacy maintained as far as reasonably practicable during visits.
- People using services should not have to share sleeping accommodation with others of the opposite sex, and should have access to segregated bathroom and toilet facilities without passing through opposite-sex areas to reach their own facilities. Where appropriate, such as in mental health units, women should have access to women-only day spaces.
- If any form of surveillance is used for any purpose, providers must make sure this is in the best interests of people using the service, while remaining mindful of their responsibilities for the safety of their staff. Any surveillance should be operated in line with current guidance. Detailed [guidance on the use of surveillance](#) is available on CQC's website.

10(2)(b) supporting the autonomy, independence and involvement in the community of the service user;

Guidance on 10(2)(b)

- People who use services must be offered support to maintain their autonomy and independence in line with their needs and stated preferences. When offering support, staff should respect people's expressed wishes to act independently but also identify and mitigate risks in order to support their continued independence as safely as possible. (See Regulation 12(2)(a) & (b) for more detail).
- People must be supported to maintain relationships that are important to them while they are receiving care and treatment.
- People must be supported to be involved in their community as much or as little as they wish. Providers must actively work with people who wish to maintain their involvement in their local community as soon as they begin to use a service. The provider must make sure that people are not left unnecessarily isolated.

Note: Where people are detained in high security settings, 'the community' relates to the facility where they are detained and their level of involvement in it will depend on their care and treatment needs.

10(2)(c) having due regard to any relevant protected characteristics (as defined in section 149(7) of the Equality Act 2010) of the service user .

Guidance on 10(2)(c)

- People using services must not be discriminated against in any way and the provider must take account of protected characteristics, set out in the Equality Act 2010.

The protected characteristics are age, disability, sex, gender reassignment, pregnancy and maternity status, race, religion or belief and sexual orientation.

This means that providers must not discriminate, harass or victimise people because of these protected characteristics. This includes direct and indirect discrimination, which is described in the Equality Act 2010.

- Providers must also make sure that they have due regard to people's protected characteristics in the way in which they meet all other regulatory requirements. For example, in relation to care and treatment reflecting the person's preferences in Regulation 9(1)(c) or in relation to community involvement in relation to Regulation 10(2)(b).