
STATUTORY INSTRUMENTS

2014 No. 2936

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

PART 3

Requirements in relation to Regulated Activities

SECTION 2

Fundamental Standards

Safeguarding service users from abuse and improper treatment

13.—(1) Service users must be protected from abuse and improper treatment in accordance with this regulation.

(2) Systems and processes must be established and operated effectively to prevent abuse of service users.

(3) Systems and processes must be established and operated effectively to investigate, immediately upon becoming aware of, any allegation or evidence of such abuse.

(4) Care or treatment for service users must not be provided in a way that—

- (a) includes discrimination against a service user on grounds of any protected characteristic (as defined in section 4 of the Equality Act 2010) of the service user,
- (b) includes acts intended to control or restrain a service user that are not necessary to prevent, or not a proportionate response to, a risk of harm posed to the service user or another individual if the service user was not subject to control or restraint,
- (c) is degrading for the service user, or
- (d) significantly disregards the needs of the service user for care or treatment.

(5) A service user must not be deprived of their liberty for the purpose of receiving care or treatment without lawful authority.

(6) For the purposes of this regulation—

“abuse” means—

- (a) any behaviour towards a service user that is an offence under the Sexual Offences Act 2003⁽¹⁾,
- (b) ill-treatment (whether of a physical or psychological nature) of a service user,
- (c) theft, misuse or misappropriation of money or property belonging to a service user, or
- (d) neglect of a service user.

(7) For the purposes of this regulation, a person controls or restrains a service user if that person—

(1) 2003 c. 42.

- (a) uses, or threatens to use, force to secure the doing of an act which the service user resists, or
 - (b) restricts the service user's liberty of movement, whether or not the service user resists,
- including by use of physical, mechanical or chemical means.