

# Spark Care's Legal & Ethical Compliance Summary



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# Silver Shield

Silver Shield is a privacy-first fall detection and ambient monitoring system designed for regulated care environments. It supports earlier intervention and safer outcomes, while aligning with key UK care legislation and ethical practice.

This summary outlines how Silver Shield helps care providers meet their legal responsibilities and protect the rights of those they support.



# The Mental Capacity Act (2005)

## What it is:

This Act protects individuals who may lack the capacity to make certain decisions. It promotes autonomy, person-centred care, and the use of the least restrictive options.

## How Silver Shield supports it:

1. Designed to respect autonomy and the least restrictive option

Silver Shield is a non-intrusive technology that does not use cameras, microphones, or physical wearables. It passively monitors movement using mmWave radar, enabling real-time alerts without requiring residents to change their behaviour or consent to being visually recorded.

This makes it one of the least restrictive forms of monitoring available, particularly for individuals who may lack capacity but still have the right to privacy and dignity.

## 2. Supports decision-making and best interest assessments

Silver Shield helps care teams gather objective insight into a person's movement, behaviour, and sleep patterns, providing valuable evidence to support best interest decisions under the MCA.

This is especially useful when reviewing care plans for individuals with fluctuating capacity, or when assessing whether additional interventions are appropriate.

## 3. Encourages person-centred care

By offering a detailed view of individual routines and changes in behaviour, Silver Shield enables care teams to personalise support rather than rely on generalised risk-based decisions. This aligns with the MCA's emphasis on tailoring decisions to the individual, rather than making assumptions based on diagnosis or condition.



# Deprivation of Liberty Safeguards (DoLS) & Liberty Protection Safeguards (LPS)

## What it is:

DoLS (soon to be replaced by LPS) is a legal framework that ensures people are not unlawfully deprived of their liberty in care homes or hospitals, particularly when they cannot consent due to cognitive impairment.

## How Silver Shield supports it:

### 1. Does not restrict liberty

Silver Shield does not confine or restrain individuals. It monitors their natural movement within private rooms and sends alerts only if a risk is detected (e.g. a fall, prolonged inactivity, or night-time wandering).

This does not prevent or limit the person's ability to move freely and does not restrict access to spaces.

## 2. Transparent implementation

Whenever Silver Shield is used as part of a care plan, Spark Care encourages providers to document its use in a way that is transparent and proportionate, especially for individuals under DoLS authorisation.

This includes:

- Clearly stating the purpose (e.g. fall prevention, safety monitoring)
- Confirming that the tool is non-restrictive and non-coercive
- Ensuring families, advocates, or legal representatives are informed

## 3. Supports least restrictive monitoring alternatives

In many cases, Silver Shield can reduce the need for more restrictive measures, such as bed rails, night-time checks that disrupt sleep, or locked doors. This supports the DoLS requirement to use the least restrictive option in care planning.

# CQC Fundamental Standards (Health & Social Care Act 2008)

## What it is:

These are the quality and safety standards enforced by the Care Quality Commission (CQC). Providers must meet them to legally operate a care service.

## Key Standards Supported by Silver Shield:

Regulation 9: Person-Centred Care

Silver Shield supports personalised care by revealing individual behaviour and sleep trends.

Regulation 12: Safe Care and Treatment

It enables earlier intervention, reduces risk of falls, and alerts staff to signs of deterioration.

Regulation 13: Safeguarding from Abuse

Passive monitoring can help identify neglect, isolation, or distress in people unable to communicate.

Regulation 17: Good Governance

The system includes a digital dashboard and incident logging tools to support audit trails, record keeping, and data-led decision-making.

# UK GDPR & Data Protection Act 2018

## What it is:

This law governs how personal data is collected, used, stored, and shared. Care providers must handle data lawfully, fairly, and transparently, especially when it relates to health.

## How Silver Shield complies:

No cameras, microphones, or images: The data collected is anonymised movement and occupancy data, not identifiable.

Data minimisation: Silver Shield collects only the information necessary to ensure safety and improve care.

DPIA support: Spark Care can provide information for Data Protection Impact Assessments (DPIAs) when needed.

Secure access: Data is only accessible by authorised personnel and stored securely in line with UK GDPR standards.

## Human Rights Act 1998 - Article 8

### What it is:

This protects a person's right to privacy, dignity, and autonomy. Care homes must ensure monitoring practices are respectful and proportionate.

### How Silver Shield supports it:

Privacy-first by design: No visual surveillance, no listening devices, only passive motion data in the resident's private space.

Less intrusive than traditional checks:  
Replaces physical disturbances like frequent door entry at night, offering more dignity and independence.

# NICE Guidelines - Falls in Older People (NG5)

## What it is:

This national guideline outlines best practice in reducing falls, improving prevention, and understanding risk in older adults.

## How Silver Shield supports compliance:

Detects a wide range of falls: Including fast, slow, and seated falls. Even those that would otherwise go unwitnessed.

Provides trend data: Helps care teams understand patterns, identify high-risk periods, and tailor fall prevention strategies.

Reduces hospital admissions: Earlier detection can lead to faster support and fewer escalations.

