

Level 2

Certificate in Understanding Dignity and Safeguarding in Adult Health and Social Care

INFORMATION AND SUPPORT

DILEMMAS

PERSON-CENTRED

SAFEGUARDING

DUTY OF CARE

PROMOTING DIGNITY

Workbook 1

Section 1: Understand duty of care in adult health and social care

In this section you will find out about the duty of care that applies within adult health and social care. You will look at the conflicts and dilemmas you may face between duty of care and individuals' rights and consider what is unsafe practice. Finally, you will look at the impact of your own actions on individuals and others.

What is duty of care?

Please read the following as it will help you to answer questions 1 and 2.

The concept of 'duty of care' has a very interesting and somewhat surprising origin known as the Paisley snail. In 1932, a court in the UK considered a case which involved snails that had found their way into a glass of ginger beer. The woman who drank the ginger beer suffered from nervous shock as a result of seeing the snails in the bottom of her glass. The woman took action against the manufacturer who had produced the drink. She was able to establish that the manufacturer owed her a duty of care and that he had breached that duty of care by allowing the snails to get into the ginger beer. After a lot of deliberation, the court upheld the woman's claim and the principle of 'duty of care' was established.

Since that day the courts have been full of people claiming that they are owed a duty of care by someone – that the other person had been negligent in observing that duty of care and had, as a result, breached it.

In health and social care, a duty of care means that health and social care workers must always act in the best interests of the individuals they support.

Duty of care is defined as a legal obligation to:

- always act in the best interest of individuals and others
- not act or fail to act in a way that results in harm
- act only within your competence and not take on anything which you have not been trained to do

It is about providing care and support for individuals in line with the law as well as policies, procedures and agreed ways of working. It is about caring for individuals in a way that protects them from abuse or harm.

All health or social care workers owe a duty of care to the individuals they support, their colleagues, their employer, themselves and the public interest. It is not something that health or social care workers can opt out of.

Section 1: Understand duty of care in adult health and social care

The duty of care affects your practice when working in a care role. As a health or social care worker you must ensure that you do not do anything, or fail to do anything, that could result in harm to someone. For example, you have a duty of care to act only within your own sphere of competence and you must not undertake tasks for which you have not been trained.

The duty of care underpins everything that health or social care workers do. Exercising duty of care is a legal requirement, and can be tested in court should negligence or malpractice occur.

Thinking about duty of care is helpful when planning care and work tasks. It helps health and social care workers to consider whether what they are planning to do is in the best interests of the individuals they are supporting.

Knowledge Activity 1: Think about duty of care and what it means to the role of a health or social care worker. Make a note of your thoughts below.



Handwriting practice area with horizontal lines for notes.

Fact

You have a duty of care to all the individuals being cared for and supported in your workplace.



Section 1: Understand duty of care in adult health and social care

Dilemmas that may arise between the duty of care and an individual's rights

Please read the following as it will help you to answer question 3.

Exercising a duty of care is not about preventing individuals from taking risks for fear that they might harm themselves. Although you have a duty of care for the individuals you support, they also have a right to make their own choices and make decisions about actions they want to take and the way they would like to live their lives. There may be times when you find yourself in a position where a conflict arises between the individual's rights and your duty of care. Sometimes, having a duty to act in an individual's best interests and protecting them from harm can be very difficult to balance with enabling individuals to take control of their own lives. This can lead to dilemmas or conflicts.

The majority of individuals requiring the support of health or social care services will be in a position to make their own decisions about what they do in their lives. In order to exercise your duty of care, you must ensure that any decisions and choices that individuals make are based on understanding the consequences and potential risks of what they want to do. It is therefore important to ensure you give information about risks and consequences in a way that they can understand. There is no point in giving individuals information they need in order to be able to make decisions, if it is not in a format that is understandable to them. Once you are sure that the information you have given about the possible consequences of actions has been understood, individuals can make their own decisions.

Knowledge Activity 2: What types of dilemmas do you think might arise between duty of care and the rights of individuals?



Section 1: Understand duty of care in adult health and social care

Some examples of dilemmas are:

- an individual may refuse medication even though it is in their best interests to take it
- an individual may refuse to take part in a care planning meeting about their care
- an individual may want to go out alone when they have mobility problems that will make it difficult for them

Individuals have the right to choose even where their choice may not be in their best interests.

Potential conflicts between duty of care to an individual and the demands of an employer

Please read the following as it will help you to answer question 4.

Having a duty of care means that we must always aim to provide high-quality care to the best of our ability and to speak out if there are any reasons why we may be unable to do so.

When health and social workers have a duty of care they must do what a reasonable person, with their training and background, would be expected to do. So, for example, a chef must store and prepare food in such a way that the people eating it do not get food poisoning. In the same way, a health or social care worker is expected to be trustworthy, in accordance with their code of practice, and apply the skills they have been trained in when carrying out care services.

Care workers must always take reasonable care. This means they must:

- ensure their knowledge and skills are up to date
- provide a good quality service, based on the skills, responsibilities and range of activities within their particular area of work or profession
- be in a position to know what must be done to ensure that the service is provided safely
- keep accurate and up-to-date records of the care and support that is required, including any assessments of capacity and the rationale for any decisions that are taken on an individual's behalf
- not delegate work, or accept delegated work, unless it is clear that the person to whom the work is delegated is competent to carry out the work