**Duties and Responsibilities**

**Learning outcomes**

Understand how duty of care contributes to safe practice

2. Understand the support available for addressing dilemmas that may arise about duty of care

3.Deal with comments and complaints

4. Deal with incidents, errors and near misses

5. Deal with confrontation and difficult situations.

**What is your duty of care?**

You have a duty of care to all those receiving care and support in your workplace

A Duty of Care is the duty to promote wellbeing and make sure that people are kept safe from harm, abuse and injury

* Promoting rights
* Promoting wellbeing
* Safeguarding/keeping safe the care receiver from harm, abuse and injury

**Additional information**

* A Duty of Care is a legal requirement; workers cannot choose whether to accept it or not (Breaking this duty, for example through negligence, could result in legal action in many countries)
* Workers have a duty to the people they provide support to and the people that they work with
* The Duty of Care will usually be included in the worker’s job description in a medical establishment

**Wellbeing:** Wellbeing could be defined as the positive way in which a person feels and thinks of themselves.

**What do I need to do?**

Workers must have the knowledge and skills to act on their duty of care, and must be able to:

* Identify areas of concern
* Report concerns in agreed ways

Your manager will be able to advise you of what to do if you are unsure

**Examples of things which could cause concern include:**

* Poor working conditions
* Unsafe equipment
* Unsafe working practices
* Suspected abuse

**Supporting independence**

Workers must:

* Respect and protect individuals’ rights
* Promote individuals’ independence
* Enable the person to make an informed choice
* Individuals have the right to be treated fairly, with dignity and to have some control of their lives
* Workers must always work in ways that protect the legal rights of the individuals that they support
* Individuals must be supported to live their lives as independently as possible, making informed decisions and being involved in decisions about their care
* Workers should only act within their roles- if they are in any doubt about a situation they should speak to engager, the family or manager

**Dilemmas**

There may be a conflict between protecting a person’s rights and independence and their safety and wellbeing, and this can lead to dilemmas

It may be necessary to balance:

* Their right to make choices
* The need to protect individuals from harm

**Examples:**

-A person with a disability wants to take part in a new physical activity

-A person chooses to eat a fatty and unhealthy diet

-A person chooses not to take their medication

-A person with dementia wants to go out alone

**What should you do if an individual you are supporting makes a decision that is unwise?**

**Suggestions**

* Giving the person as much information about the decision as possible
* Supporting the person to make an informed decision
* Assessing the risks of each decision
* Enabling the individual to make decisions that are risky by taking action to reduce the risks
* Suggesting the individual discusses the decision with trusted people such as: friends, family, and advocate, their Doctor or their social worker
* Recording the decisions on the individual’s care plan to make others aware
* The worker discussing the matters of concern with their manager

**Mental capacity**

Some individuals may not have the ability to:

* Understand their choices
* Make an informed decision
* Understand what could happen

If decisions have to be made for an individual who lacks capacity, the decision made must be in their best interests

**Additional information**

The individuals can make decisions unless they are unable to do one or more of the following;

• Understand information given to them

• Retain information for long enough to be able to make the decision

• Weigh up the information available to make the decision

• Communicate their decision- individuals must be supported to communicate through all possible means

A lack of capacity may not be permanent:

* Infections can worsen symptoms of dementia meaning that they are temporarily unable to retain information for long enough to make an informed decision. When the infection clears, they may be able to make a decision.
* A person in a coma will be unable to communicate any decisions they make - when they wake from the coma they may have the capacity to make decisions

An individual who is unable to make one decision may be able to make other decisions

* The individual may be unable to make complex decisions about finances or medical treatment but may be able to make day to day decisions about what to wear or what to eat

**Comments and complaints**

The Duty of Care includes a duty to support individuals to make comments or complaints about their care

Guidance relating to comments and complaints may include:

* Any Regulation or Law
* Your employer’s agreed ways of working
* Agreed way of working with the family

**Agreed ways of working** sets out the ways in which you should deal with comments and complaints. This will be specific to the workplace and is likely to include the forms or paperwork that should be used to record comments and complaints and the person who is identified to deal with them.

**Incidents, errors and near misses**

Mistakes must be dealt with appropriately so that similar things do not happen again.

Mistakes can be:

1. **Adverse events**

Action or lack of action that leads to unexpected, unintended and preventable harm

1. **Errors**

Not doing something as it should have been done, for example through bad planning or being forgetful

1. **Near misses**

Situations where an action could have harmed the individual but, either by chance or purpose, was prevented

1. **Incidents**

Specific negative events. In health and social care serious incidents are described as events which need investigation as they caused severe harm or damage to either the person receiving care or the organisation.

**Mistakes can happen because of:**

* Lack of worker knowledge or understanding
* Poor communication between workers
* Not sharing information
* Stress
* Negligence
* Being distracted

**After an incident:**

* The first priority must be the meet the immediate needs of the individuals involved
* An incident form should be completed giving the facts of what happened including date, time, who was involved and where the incident happened
* Reports and incident forms **SHOULD NOT** include your opinions and should not blame anyone.

**Legislation**

When incidents happen, legislation sets out how to handle incidents in a particular country is relevant, that may include:

* Health and Safety Regulations
* Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
* Control of Substances Hazardous
* Provisions and Use of Work Equipment Regulations

*Note: There are many such regulations, that may exist in any country. Some examples may be given and explained.*

**The Reporting of Injuries, Diseases and Dangerous Occurrences:**

This places duties on responsible persons in the workplace to report specific workplace accidents, occupational diseases and specific dangerous occurrences or near misses to the concerned authority including but not limited to your employer, the family or manager.

Anyone responsible for work equipment should ensure that it is suitable for the job, well

maintained, inspected regularly and only operated by well-informed and trained staff.

**Conflict in the workplace**

Conflict or challenging behaviour often happens as a result of distress or because the individual’s needs are not being met.

Reasons could be:

* Biological-e g the side effects of medicine, pain
* Environmental-e g noise, smell, too much light
* Psychosocial -social isolation
* Psychological- loneliness