

Duty of Care



—BELMATT—
HEALTHCARE TRAINING

Learning outcomes

Understand how duty of care contributes to safe practice

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

Deal with Comments and complaints

Deal with Incidents, errors and near misses

Deal with confrontation and difficult situations.

Standard 3 of the Care Certificate



What is a 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**



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. Workers 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.



Supporting independence

Workers must:

- Respect and protect individuals' rights
- Promote individuals' independence
- Enable the person to make an informed choice.



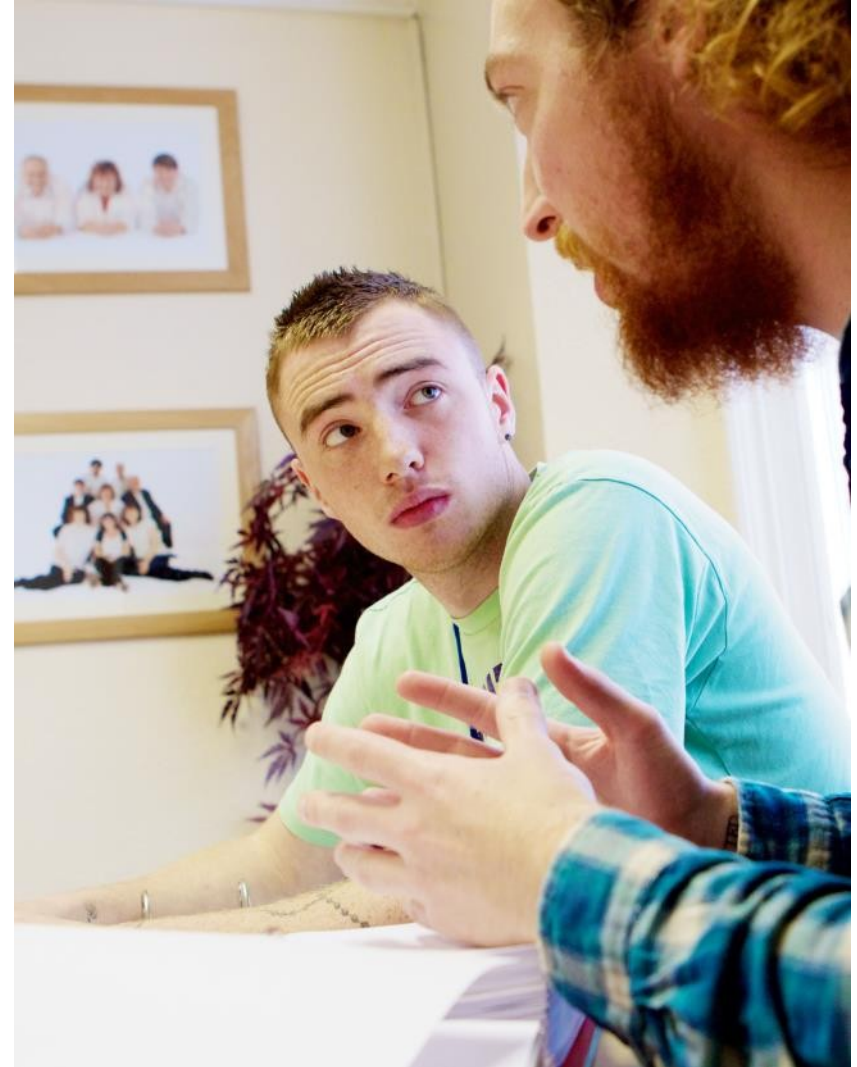
Dilemmas



There may be a conflict between protecting a person's rights and independence and their safety and wellbeing. This can lead to dilemmas.

It may be necessary to balance:

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



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.

Comments and complaints

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



Legislation and guidance relating to comments and complaints includes:

- **The Local Authority Social Services and NHS Complaints (England) Regulations 2009**
- **The NHS Constitution in 2011**
- **Your organisation's agreed ways of working.**

Supporting individuals to make a complaint



Provide a private and quiet space for comments or complaints to be made



Inform the individual of the confidentiality policy



Listen to the individual, making sure that you do not judge



Explain the complaints procedure and whom their comments or complaints should be forwarded to



Inform your manager so that they are aware of the situation

Incidents, errors and near misses

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

Mistakes can be:

Adverse events

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

Errors

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

Near misses

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

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.

Legislation

When incidents happen, legislation sets out how to handle incidents. Relevant legislation includes:

- **The Health and Safety at Work etc. Act 1974**
- **The Management of Health and Safety Regulations 1999**
- **The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)**
- **The Control of Substances Hazardous to Health Regulations 2002 (COSHH)**
- **The Provisions and Use of Work Equipment Regulations 1998 (PUWER).**



Conflict in the workplace



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

Reasons could be:

- **Biological**
- **Social**
- **Environmental**
- **Psychological.**

Managing conflict

Acting on early signs of frustration and aggression can stop conflict developing into violence. Always treat the individual with respect and dignity. If possible and safe:

- **Take them to a quiet place**
- **Ask questions and listen carefully**
- **Take their feelings seriously**
- **Try to agree a way forward.**

