**P1 Help sheet**

**Duty of Care**

* **Legal obligation to protect wellbeing and prevent harm**

Duty of care is defined simply as legal obligation to always act in the best interests of the service user and any others that may be affected by your actions. You should not act, or fail to act, in a way that results in harm. You should know the limits and act within your competence level.

Part of your code of professional conduct is to set relationship boundaries. It is important to understand that a professional relationship has boundaries. It is very different to your relationships with family and friends. ‘professional detachment’ means that you can provide care objectively and without becoming emotionally involved.

**SAFETY TIP**: You should not take on tasks that you do not think you perform safely.

* **Upholding the rights and promoting the interests of individuals experiencing abuse or neglect**

In the workplace, you may find that service users trust you and you have to act as an advocate for a vulnerable service user, to ensure that they are treated fairly and with dignity. All service users have rights. However, they may not feel able to ask for what they need because they are scared of physically intimidated by another service user, a member of their own family, a friend or even a member of staff.

All service users are individuals with unique needs and abilities. Some service users may lack the capacity to protect their rights because they do not have the mental capacity to understand the implications of their circumstances. You should always consider how disrespectful remarks or actions may impact on the service user’s self-esteem. You must work on the principles that the service user is telling the truth- it is not your job to judge them or tell them that they are wrong.

**SAFETY TIP**: Never promise to keep a secret for a service user as this may put you and the service user at risk of harm. Always tell the service user that you will not keep a secret and make sure that you follow the disclosure policy of the organisation you are working for.

* **Protecting health, safety and wellbeing.**

In the workplace, you are in a position of trust in relation to all service users. It is important to understand that a service user may be vulnerable and you have to take responsibility for the unequal distribution of power, so that the service user is not exploited, intimidated or unjustly treated. When you are working with service users, you should be able to explain to your managers how your actions were safe, fair and considered, and proportionate or warranted. You have a duty as an employee to take care of them as well.

* **Ensuring safe practice.**

Whatever care setting you work in, including a service user’s home, you must ensure that you follow and put into practice the safe workplace policies set by your employing organisation. This is for the benefit of your working environment. No observing safe practices may lead to accidents that can be painful and sometimes cause irreversible damage. In the worst scenario, accidents can be fatal. As well as causing injuries to people, accidents have to be investigated and may be costly both in terms of damaged health and confidence, and in loss of time and money.

All work environments present hazards but this can be particularly true of the service user’s home where there may be additional problems such as large pieces of furniture or thick carpets. Both of these will create problems when using equipment such as a hoist. It is important that you consider additional environmental obstacles before you start a task with a service user. You must plan tasks carefully in order to minimise risks and the floor should be as clear as possible.

The Care Quality Commission (CQC) requires that health and safety training should be part of your induction to the care workplace. Training is an important part of safe and effective working practice and you should ensure that you attend your training sessions to learn about this important aspect of your working life.

**SAFETY TIP:** Remember that the floor should be as clear as possible. Pets, such as cats and dogs, can prove to be hazards. Pets should be moved to a different room before you perform any task involving large equipment, such as hoists or wheelchairs, or if your service user needs assistance to walk.

* **Code of conduct**

A code of conduct is a framework to work to. It tells you how to behave when interacting with others, maintain and improve the quality of your service, be effective in what you do, stay safe and promote the safety of others. The code of conduct sets the standards for your profession. It gives people an idea of what to expect and an indication of how to tell when things do not meet these standards, or when things can be improved.

* **Balancing individual rights with risks.**

We live in a complex, multi-cultural society in which needs, rights and associate risks may be interpreted very differently. We do not live in isolation, so one person’s choices usually have an effect on other individuals, whether positively or negatively. Healthcare professionals may have power over those in their care that service users find difficult to challenge. Many service users fear losing their independence, which can cause conflict with healthcare professionals and friends and family, who may feel that the service user will not cope with independent living. Additionally service users have the right to accept to reject any course of treatment or care that is offered to them. Before examining duty of care and the policies and procedures involved, it may be helpful for you to think about the service user as an individual. Service users have the right to make informed choices even if those choices may involvement a small amount of risk.

**SAFETY TIP:** Different care settings have different policies and procedures, depending on the needs of the service users. Always familiarise yourself with the policies and procedures of the organisation that you are working for before you start to deliver care.

* **Acting in a person’s best interests**

When working in care, you may be concerned about the choices that some service users are making. You may think that the choices that you make in a particular situation would be better. You may think that you are acting in a person’s best interests by preventing them from doing something. You can only do this if you have their consent unless you have evidence that the person lacks the capacity to make that particular decision at the time it needs to be made.