

A principle for
implementing duty of
care in health, social
care or children's
an...

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**ASSIGN
BUSTER**

Outcome 1

To have a duty of care means providing care and support for individuals within the law and also within the policies, procedures and agreed ways of working of the Employer. A negligent act could be unintentional but careless or intentional that results in abuse or injury. A negligent act is breaching the duty of care. If an individual has evidence that you have been negligent, you are likely to be disciplined. You could lose your job and you could have legal action taken against you.

In my role I have a duty of care to raise any concerns I may have about any aspect of my work. These can range from inadequate working conditions, poor equipment, poor practice by other staff; to raising concerns about potential abuse cases and situations of neglect. It is my duty of care to safeguard individuals from harm. All employees should report any concerns of abuse they have. These might include evidence or suspicions of bad practice by colleagues and managers, or abuse by another Individual, another worker or an individual's family or friends.

Outcome 2

1. During my work I may find myself in situations where the individuals I am supporting do not agree with what I believe is best for them. In situations where there is a conflict of interest or a dilemma between an individual's rights and my duty of care, it is best practice to make sure the individual is aware of the consequences of their choice and that they have the mental capacity to understand the risks involved in their choice. It is their right as an individual to be able to make informed choices about their own lives even if

you disagree with their choice. It is the right of every individual in my care to make choices and take risks.

It is my role to assist them in making those choices and reducing the risks without compromising their rights. An individual may be restricted if his or her behaviour presents a serious risk of harm to his or herself or to other people. People who receive care and support are considered to be vulnerable, and as such the law requires that an assessment be carried out to look at any possible risks there might be to the individual or to others. The aim of this assessment is not to remove the individual's right to take risks, but to recognise and reduce them where possible to an acceptable and manageable level.

Mental Capacity Act 2005

MCA has a set of criteria to determine whether a person is able to make informed decisions and choices. The term ' a person who lacks capacity' means a person who is unable to make a particular decision or take a particular action for themselves at the time the decision or action needs to be taken. It is important we are familiar with what the MCA says as we may be concerned that an individual we are working with shows signs of lacking the capacity to make decisions for. This could happen to an individual at any time and I would need to ask for professional support to determine if the individual does lack capacity.

2. If individuals insist on doing something that I disagree with, I can only advise and encourage them. I cannot force them to do anything.

For example: If an individual refuses to take medication and their well-being depends on this medication, I cannot force them to take the medication. I should immediately contact my supervisor / manager and seek advice. I should also make sure I record what has happened and the action taken in the care or support plan.

Scenario: The care and support plan for a physically disabled individual includes for the support worker to take them to a café or restaurant every week so they can dine out as they are unable to do this alone. The individual wants to eat at a McDonalds burger restaurant every week. The support worker is vegetarian and believes that burgers are unhealthy and shouldn't be eaten that regularly. The individual has the mental capacity to make this kind of decision and it is one of their desires to maintaining a fulfilling life.

Scenario Answer: The support worker should tell the individual the facts about eating at McDonalds and ask them if they would like to try somewhere different. Then take them to McDonalds if this remains their choice. This allows the individual to make an informed choice about where and what they eat. It is essential that the support worker uses an encouraging and supportive tone of voice and words and that the individual does not feel bullied or harassed into doing what the support worker wants them to do. I might want to consider whether the individual has the capacity to make decisions or whether you need to seek additional advice and support from your supervisor /manager.