

2 HEALTH & SOCIAL CARE

Key term/definitions:

- Equality** – being equal, especially to having the same political, social & economic rights.
- Discrimination** – this is the acting out of negative prejudices.
- Diversity** – recognising and appreciating differences. Valuing diversity means accepting and respecting individuals differences such as faith, diet, ethnicity and customs.

Equality Act 2010 (key aspects):

- Direct & indirect discrimination on basis of **protected characteristics** is illegal
- Prohibits/forbids discrimination in education, employment, access to goods/services, & housing
- Covers **victimisation & harassment** on the basis of protected characteristic
- Reasonable adjustments to be made by employers, service/goods providers for those with disabilities
- The Act encourages positive action
- Discrimination due to association is an offence
- Pay secrecy clauses are illegal
- Women have right to breastfeed in public, (not at work)

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Key terms/definitions:

- Jargon** – specialist terminology must be explained & should be age-appropriate. May use **translators** or **interpreters**.
- PECS** – picture exchange. A communication system.
- Dynavox** – speech generating software
- Lightwriter** – text to speech device (typed onto keyboard, displayed on screen, converted into speech).

Know the difference between DIRECT discrimination and INDIRECT discrimination.

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Providing up-to-date information can support individual's rights ...

Opening times & contact details - know when can access service & how (phone/email) for communication purposes

Type of care provided – choose which is appropriate/informed choices/can have a say in their treatment

Location – to be aware of where services are available

Alternatives available – empowers to take control

Results of tests/treatment – to know/choose options & know why they need care

Complaints procedure – know what to do if rights not being met & concerns taken seriously

How legislation impacts on people who use services:

- The Equality Act helps make all settings accessible. It states that HSC & Early Years have to make reasonable adjustments to accommodate individuals with disabilities. E.g. speaking lifts with Braille controls, hearing loops, automatic doors & ramps.

5 Discriminatory behaviour.

Examples of how to challenge and examples:

- At the time (explain & raise awareness)
- Afterwards through procedures (use policies, instigate disciplinary procedures)
- Through long-term proactive campaigning (awareness sessions, courses, staff training to raise awareness)

KEY TERMS:

- DISCRIMINATION – When people judge others based on their differences, and use these differences to create disadvantage or oppression. Discrimination could be based on race, disability or gender.
- VULNERABLE
- DEMENTIA
- DISABILISM
- SEXUALISM
- TRANSPHOBIA

6 Complaints procedures:

When to complain
Options available
Steps to take
Procedure to follow

REDRESS – TO obtain justice after being discriminated against or receiving inadequate care. This may take the form of compensation awarded by courts or having your rights restored in some way.

PROTECTED CHARACTERISTICS (see box 16)

VICTIMISATION – Bad treatment directed towards someone who has made a complaint or taken action under the EQUALITY ACT.

HARASSMENT – Unwanted behaviour that has the purpose or effect of violating a person's dignity, or intends to intimidate or humiliate them.

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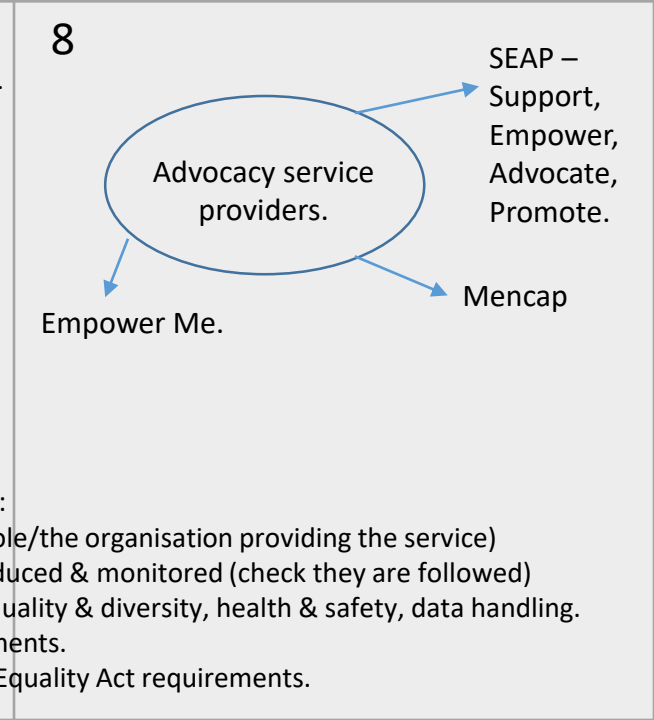
Advocacy - allows individuals to ...

- Express views, wishes & concerns.
- Voice is heard.
- Helps to understand & explore different care options & choices.
- Assists to understand their rights, and to access info' & services.

Empowers individuals to be involved in decisions about their lives.

How legislation impacts on service providers: (service providers = the care setting as a whole/the organisation providing the service)

- Organisational policies & procedures produced & monitored (check they are followed)
- Staff provided with training, e.g. about equality & diversity, health & safety, data handling.
- HASWA (see box 11) requires risk assessments.
- Staff recruitment procedures must meet Equality Act requirements.



9 Values of care to be applied in **HEALTH & SOCIAL CARE** settings are:

- Promoting equality & diversity
- Maintaining confidentiality
- Promoting rights and beliefs

Data Protection Act 1998 – information and data should be:

- Processed fairly & lawfully
- Used only for the purpose for which it was intended
- Adequate & relevant but not excessive
- Accurate & kept up to date
- Kept for no longer than necessary
- Processed in line with rights of the individual
- Secured
- Not transferred to other countries (o/s of EU)

10 Values of care to be applied in **EARLY YEARS CARE AND EDUCATION** settings are:

- Ensuring the welfare of the child is paramount
- Keeping children safe, and maintaining a healthy and safe environment
- Working in partnership with parents/guardians and families
- Encouraging children’s learning and development
- Valuing diversity
- Ensuring equality of opportunity
- Practising anti-discrimination

Children Act 2004 (key aspects):

- Aims to *protect children at risk* & keep safe
- **Paramountcy principle** – child comes first
- **Right to be consulted** – given voice if old enough
- **Right to an advocate** – to represent a child
- **Every Child Matters (ECM) – 5 outcomes = staying safe; being healthy; enjoying & achieving; making a positive contribution; economic well-being.**

11 Where values for **HEALTH CARE** settings are applied: Clinic; Hospital; Drop-in centre; Pharmacy; Health centre; Nursing home; Optician; GP surgery; Medical centre; Dentist.

Health & Safety at Work Act 1974 (HASAWA)
Employers must ensure:
Work environment doesn’t put anyone at risk.
Equipment is safe & in good working order.
Staff are provided with adequate health & safety training
Written health & safety policy is provided.
‘Health & safety law’ poster is displayed.
Procedures are in place (e.g. fire evacuation procedures)
Settings have working fire alarms, extinguishers & accessible fire doors.
Appropriate health & safety signs are provided.
Adequate first aid is available.
Protective equipment, if needed, is available free of charge to employees.

12 Where the values for **SOCIAL CARE** settings are applied:
Retirement home; Lunch club; Day centre; Residential home; Social services department; Support group; Community centre; GP surgery; Medical centre; Dentist.

Mental Health Act 2007 (key aspects):
Gives definition of different types of mental disorder
Gives relatives & approved social workers & doctors right to have a person detained under the Act for **their safety/safety of others.**
Sets out how person can be treated without their consent.
- Sets out process for people admitted to psychiatric hospitals against their wishes (‘sectioning’); initially, for assessment, can be up to 28 days but can be followed by longer period with a requirement to receive medication.
Makes provision for aftercare (& supervised treatment in community)
Sets out safeguards to which the person is entitled.
It establishes Hearings, Tribunals & Commissions for legal appeals against sectioning & treatment against their will.

13 Where the values for **EARLY YEARS CARE & EDUCATION** settings are applied:
Nursery; Parent & toddler group; Playgroup; Primary school; Nursery school; Preschool; Children’s home; Kindergarten; Children’s centre; Crèche; Breakfast club; Childminder.

How legislation impacts on service providers: (service providers = the care setting as a whole/the organisation providing the service)

- Organisational policies & procedures produced & monitored (check they are followed)
- Staff provided with training, e.g. about equality & diversity, health & safety, data handling.
- HASWA (see box 11) requires risk assessments.
- Staff recruitment procedures must meet Equality Act requirements.

14 The importance of applying the values of care:

- Ensures standardisation of care
- Improves quality of care
- Provides clear guidelines to inform/improve practice
- Maintains or improves quality of life

How legislation impacts on care practitioners:
Practitioners are individuals working in a setting delivering the health and social care or early years service.

- Mental Health Act – clear which practitioners can take decisions for individuals, in what situations & how far they should go about it.
- Data Protection Act – detailed regulations on how to handle information as there is a lot of personal/private information used.
- The Health & Safety at Work Act – informs practitioners of their responsibilities for keeping themselves & others safe in the care setting e.g. training, wearing protective clothing, reporting damaged/dangerous equipment.

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Effects on people who use services if values of care are not applied.

- P = Physical
- I = Intellectual
- E = Emotional
- S = Social

Effects of values not being applied e.g. ...
P – malnutrition; dehydration; self-harm; injuries; existing illnesses worsening.
I – for a child: limited communication/vocabulary; lack of skills development. For a care home resident: lack of mental stimulation, loss of focus/concentration; lack of interest.
E – feeling disempowered; loss of self-confidence
S – feels marginalised; lonely/isolated

16 **Legislation** protects all groups of people in society. It imposes responsibilities on service providers.

- Provides a framework to maintain & improve quality of practice
- Provides guidance for those who work in the HSC and early years sectors
- Sets out the standard of practice & conduct to meet for those who work in HSC & early years

Protected characteristics
(identified by Equality Act 2010):

1. Age
2. Disability
3. Gender reassignment
4. Marriage & civil partnerships
5. Pregnancy & maternity
6. Race
7. Religion or belief
8. Sex
9. Sexual orientation

It’s unlawful to discriminate against someone on the basis of any one of these protected characteristics.