

DOCUMENTS SUPPLIED BY



Making sense of duty of care

looks at two new RCSLT resources to help members deal with issues around their duty of care and cuts to services

Winterbourne View Hospital, the Mid Staffordshire NHS Foundation Trust, the case

of baby Peter Connelly – three appalling scandals of recent times that have served to put the ‘duty of care’ owed by health and social care professionals very much into the public eye. The issue of duty of care is a particular topic of concern at a time when the UK’s health and social care system is coming under increasing budgetary pressures, and practitioners are finding themselves being asked to accept new working practices in the name of cost-efficiency.

In response to a rising number of enquiries from members looking for advice in relation to safe working and the impact of change on the best interests of service users, the RCSLT has developed introductory guidance to summarise some of the principles that apply in connection with SLTs’ duty of care.

The duty of care guidance looks at the legal concepts of duty of care and standards of care and negligence, and includes a brief explanation of how the courts view

each of these issues. It also contains points for discussion and reflection (see panel for examples) to illustrate this somewhat abstract concept in a practical context.

It is important to note that this guidance is not exhaustive and does not constitute legal advice. It complements, and must be read in conjunction with, the guidance provided by the Health and Care Professions Council and your employer, if you have a contract of employment.

The RCSLT guidance also provides links to useful external resources that you can consult if you require information or advice on a specific set of circumstances. Our advice to SLTs who are concerned about issues relating to their duty of care is to consult these resources and seek appropriate advice. The question as to whether a duty

of care arises (and, if so, whether this has been breached or is likely to be breached in the future) will depend on the particular circumstances of each case.

Through our Giving Voice campaign we are helping members to demonstrate how speech and language therapy makes a difference to people with speech, language and communication needs, their families and the wider society. Giving Voice provides the opportunity to engage positively and proactively with the local decision makers who commission services.

However, we have received concerns from SLTs about a range of situations that give cause for concern and threaten the services they provide. For example:

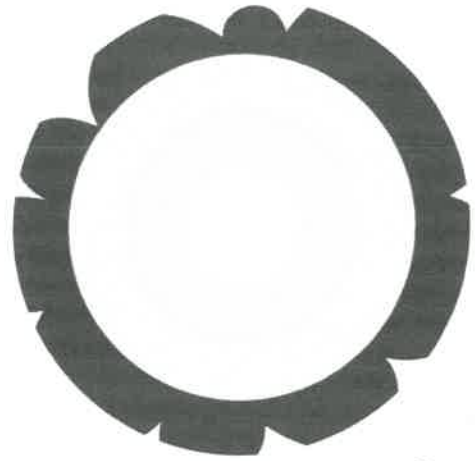


ILLUSTRATION Thomas Phillips

- Demands to increase face-to-face contact with service users as a measure of improved service delivery and activity.
- Demands to provide models of delivery that are not evidence based.
- Hugely increased caseloads due to reducing staff numbers.
- Pressure to discharge clients/patients after episodes of care against professional judgement.
- Reduced skill mix (patient access to qualified SLTs, highly specialist and/or specialist SLTs)
- Denial of access to CPD opportunities in work time.

In response, we have produced a 'Cuts Toolkit' to provide guidance to help you with the decisions you are being asked to make around service structures and priorities. The Cuts Toolkit contains:

- An RCSLT statement on the roles and responsibilities of registered practitioners – reiterating members' professional obligations. This is a useful benchmark against which to gauge any decisions you are being asked to make.
- An RCSLT briefing for decision makers that you can use to give national and local politicians an insight into the short- and long-term impact of poor budget decisions.

In addition, the toolkit provides advice on how to engage and influence local budget holders; explains the rights and responsibilities of SLTs as employees; discusses how services users and their parents and carers can challenge cuts; and summarises the bank of RCSLT resources available in relation to this area.

Both the duty of care information and Cuts Toolkit are now available online. This is essential reading for all RCSLT members facing direct and indirect pressures on the services they deliver. ■

Visit: www.rcslt.org to read these new resources



Additional resources

Duty of care resources:

HCPC Standards of proficiency – SLTs:
<http://tinyurl.com/8q33fd5>

HCPC Standards of conduct, performance and ethics:
<http://tinyurl.com/9tpww55>

Public Concern at Work guidance on the Public Interest Disclosure Act 1998: <http://www.pcaw.org.uk>

Unison Duty of Care Handbook
<http://tinyurl.com/8emt52p>

Unite information on employment-related problems:
<http://tinyurl.com/8f28ld6>

The RCSLT's Duty of Care guidance considers several questions that you can use to reflect on areas of your practice. Please note the list of questions is not exhaustive and does not constitute legal advice.

"I qualified as an SLT last year but am currently working as a teaching assistant. The special educational needs coordinator has recently asked me to run language groups in the school and carry out speech and language therapy assessments on the pupils attending the groups. I would love to put my knowledge and skills to good use but have a few concerns as I am not employed as an SLT?"

"I am part of a specialist SLT team working with children with complex needs, including dysphagia. I am really worried about new waiting list targets and the effect that this could have on our service's existing caseload if children with complex needs are suddenly discharged as a result. I am not sure what to do next?"

"I am an SLT working in a nursing home and I recently observed some members of the care staff treat a patient in a way I think is inappropriate. What should I do?"

"Our community speech and language therapy team runs regular 'drop-in' sessions for young children and families in our local area. There is no need for parents or carers to book. SLTs are on hand to give general advice and information leaflets. We also demonstrate practical ways of using different play equipment to develop communication. These sessions are very popular and successful. What sort of things should we be thinking about in terms of duty of care?"

"I have assessed a child and have recommended speech and language therapy intervention supported by the school and other staff. I am feeling worried as I understand that the child's parents may not be happy with this approach."



GIG
CYMRU
NHS
WALES

Bwrdd
Betsi
Unive



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

OUR VALUES AND BEHAVIOUR STATEMENTS

We can make it sound by putting patients at the heart of everything we do

Take pride in the service we provide and display high ethical standards in order to improve standards of care

Involve patients and their families in treatment decisions and outcomes

Demonstrate respect for privacy, choice, dignity and independence

Ensure each patient feels they have been listened to and treated as an individual

Show empathy and be aware and sensitive to an individual's needs

We can make it happen by working together for patients

Work together positively to achieve efficiency, forward thinking and vision

Promote an environment of mutual support and cooperation among individuals and teams

Embrace challenges, support each other and work together to overcome problems

Develop a unified standard of excellence for performance and delivery of care

Always do what is right, even when challenged

We can make it work by learning and being innovative in all that we do

Use our energy, enthusiasm and initiative to invest in our success

Encourage ownership and involvement in service improvement

Explore and challenge the boundaries of technology, clinical practice and research

Encourage and support creativity to foster ideas for our future success and demonstrate a 'can do' attitude

attitude

Maximise your own and others' potential through learning, nurturing, development and shared wisdom

We can make it safe by valuing and respecting each other

Share, respect and celebrate our achievements together

Be approachable, visible, professional and inspirational as a role model for others

Engage, listen and value the contribution of others

Appreciate the qualities and diversity of each individual and work together towards a common purpose

Hold ourselves, individually and together, accountable for our decisions, actions and performance

We can make it better by communicating openly and honestly

Demonstrate honesty and integrity in our decision-making and communication

Build trust and display transparency in our actions as well as our words

Be professional, polite, courteous, and non-judgemental in our communication

Be honest, respectful and sincere in giving and receiving feedback

Display accuracy, simplicity, respect and clarity in communications with our service users

274