**BTEC Extended Certificate in Health & Social Care**

**Unit 5: Meeting Individual Care and Support Needs**



***Course Workbook - Learning Aim B***

 ***Name:***

***Name:***

***Tutor:***

**Learning Aim B:** Examine the ethical issues involved when providing care and support to meet individual needs

**There are two content areas for this learning aim:**

**B1:** Ethical issues and approaches

**B2:** Legislation and guidance on conflicts of interest, balancing resources and minimising risk

**You will need to use the same two case studies for this learning aim as you did for Learning Aim A to demonstrate the criteria below:**

|  |  |
| --- | --- |
| **5/B.P3** | Explain how to incorporate ethical principles into the provision of support for individuals with different needs |
| **5/B.M3** | Analyse how an ethical approach to providing support would benefit specific individuals with different needs. |
| **5/BC.D2** | Justify the strategies and techniques used to overcome ethical issues and challenges experienced by individuals with different needs when planning and providing care. |

**Coursework: B1 Ethical issues and approaches**

****Essentially ethics is about making choices that are morally correct. It gives us a framework for making decisions about what is right or wrong.

We make decisions in our lives all the time about what is right and wrong. Ethical decisions concern us all. It is about acting fairly and properly as individuals, to make our society and world responsible through making choices and decisions that are fair and equal for everyone.

For example, creating responsible organisations and governments. A top down approach to ethics models a society where decisions are supported by research, theory and a democratic approach to choices and decisions that affect us all.

Can you think of 3 areas of your life where you have had to make a choice or decision that could affect you and/or others?

List them here:

*For example choosing to recycle to reduce environmental waste, reducing your carbon footprint, buying ethically sourced products, goods and services*

We make ethical decisions all the time. Sometimes decisions about right and wrong can be difficult to make. In a health and social care context ‘right’ and ‘wrong’ decisions may be related to individuals and their needs. i.e. your two case studies.

It is useful to be given a framework to support decision-making

Why do you think that is?

You may have identified that a theory or framework can guide your decisions about individuals. A theory can help you decide right from wrong and what needs to be considered to act ethically. It enables a collaborative approach, where decisions and choices can be discussed and presented before being implemented.

**1. WHAT IS ETHICS?**

Ethics provides a set of standards for behaviour that helps us decide how we ought to act in a range of situations. In a sense, we can say that ethics is all about making choices, and about providing reasons why we should make these choices.

**T**he word ethics originates from the Greek word ‘ethos’ meaning habit, character or disposition.  **Ethics** is concerned with **what is good for individuals** and **what is good for society**. It can also be described as a **moral** philosophy.

To understand what ethics means in practice, there are a variety of ethical theories that provide a framework of how ethical practices can be applied in situations to support individuals and society.

**Activity:** Create a mind-map with some key words that you can refer to that support your understanding of the term ‘ethics’.

**Activity linked to your assignment:** To consolidate your learning, explain why ethics and ethical choices are important when working with your two individuals:

(Remember to consider their needs, their situation, the role of the professionals, legal and organisational responsibilities and of course the ethical theories)

**Ethical Theories**

Ethical theories are different ways of approaching ethical problems and providing solutions to them.

They can provide guidance to practitioners when trying to solve questions like:

* What services get priority for funding when there is a limited amount of money to spend?
* How do you solve conflicts in health and social care?
* When is it acceptable to breach confidentiality and why is it acceptable to do so?

Ethical problem solving – we all (whether we are aware of it or not!) make ethical choices in our lives. Sometimes these choices are based on instinct about what is right and wrong. Think about this – you have a train heading down a track that braches off into two tracks. One track has one person tied to it, the other track has 5 people. You are not able to untie ANY of the people on the track, but you are allowed to choose which track the train gos down. What do you do?

1. Research and write two definitions for the word ethics. Then explain why an ethical approach is important when working in health and social care.

Two definitions of the word ethics: (reference your sources)

1. Create your own definition of ethics and identify some ethical issues that may affect areas of your life. *(For example the food you eat, the vaccine for covid-19, ethically sourced products and good you buy).*

**Share your findings with others.**

My Definition of ethics:

When providing care and support for an individual such as for those in your case studies, what are some of the ethical issues that could arise between professionals, the patient and the family? Make a list below.

List of ethical issues for case study 1:

List of ethical issues for case study 2:

**Ethical Theories**

There are four broad categories of ethical theory including consequentialism, deontology, principlism and virtue ethics

**Task:** Create a diagram / poster using SmartArt for all 4 categories of ethics with a definition that you can relate to and perhaps use for your assignment.

**Principlism Theory**

Principlism is the most commonly used ethical approach in healthcare.

* It emphasises four key ethical principles: *autonomy, beneficence, non-maleficence, and justice*. Most ethical theories share and blends these with virtues and practical wisdom.
* **Autonomy** – A person’s right to choose how they live their life.
* **Beneficence** – when a person is unable to make choices for themselves, health professionals have a duty to act in the best interests of that person.
* **Non-Maleficence** – means not causing harm
* **Justice** – moral obligation to act fairly.

This theory attempts to bring together the best elements of ethical theories which are compatible with most societal, individual or religious belief systems

**Watch this clip, discuss and make notes:** [**https://www.youtube.com/watch?v=fy2NUALX4Bg**](https://www.youtube.com/watch?v=fy2NUALX4Bg)

The four ethical principles: should we prioritise autonomy?

Notes on Principlism theory:

**Consequentialism Theory**

This category of ethics gives us guidance when faced with a moral dilemma:

* A person should choose the action that maximises good consequences
* People should live so as to maximise good consequences

Different forms of consequentialism differ over what the good thing is that should be maximised.

Consequentialist ethics holds the view that the correct moral response is related to the outcome, or consequence, of the act.

**Utilitarianism Theory**

Utilitarianism theory states that people should maximise human welfare or well-being.

Hedonism states that people should maximise human pleasure

[**https://www.youtube.com/watch?v=-a739VjqdSI**](https://www.youtube.com/watch?v=-a739VjqdSI)

Watch this video about utilitarianism: Crash Course Philosophy #36

Notes on Utilitarianism Theory:

If you were making a decision about a person’s health or social care using this theory, you would consider what is best for that person’s wellbeing and the wellbeing of others.

**DISCUSS THIS SCENARIO:**

For example, a critically-ill child needs a very expensive surgical treatment and has low survival expectancy.

Should the NHS do the operation or should the money be allocated to carry out hundreds of tonsillectomy operations?

What are the consequences of spending the money either way?

Which is the most important?

**Deontology Theory**

Deontology theory is the opposite of consequentialism theory.

This is concerned with what people do and not the results. So killing someone is always wrong regardless of the situation. It focuses on rules, obligations and duties.

* One of the key criticisms in healthcare is that applying a strictly deontological approach to healthcare can lead to conflicts of interest between equally entitled individuals which can be difficult or even seemingly impossible to resolve.
* Basically any rules about spending money on treatment should be the same for everyone.

Watch this video: <https://www.youtube.com/watch?v=8bIys6JoEDw>

Kant & Categorical Imperatives: Crash Course Philosophy #35

What is your understanding of Deontology Theory?

**Finally … Virtue ethics**

<https://www.youtube.com/watch?v=PrvtOWEXDIQ>

Finally watch this video clip on Aristotle & Virtue Theory: Crash Course Philosophy #38

Notes on Virtue Theory:

**Suicide**

The Suicide Act England and Wales states that it is wrong to assist anyone to commit suicide. Assisted suicide is an ethical dilemma for all concerned.

**Watch the two video clips below and answer these questions:**

1. What are your thoughts?
2. How does this affect your morals and your own values?

Video clip 1: <https://www.youtube.com/watch?v=pVYSMeGioeQ>

Love AND Death

Video clip 2: <https://www.youtube.com/watch?v=96kN76PfSe0>

Tony Nicklinson interview: Why I want to end my life

**Task:** Based on the two clips you have just watched, answer the following questions:

1. **What would a consequentialism ethics view be based on each case?**
2. **What would a deontological view be?**
3. **What ethical principles are involved?**

Answers to questions 1 – 3:

**Managing conflict**

Managing conflict with service users, carers and/or families, colleagues.

* Conflict happens with service users, carers and/or families for reasons such as disagreement over care decisions, concern about the quality or cost of care, or the behaviour of staff.
* Conflict can also occur between colleagues, maybe over decisions made based on different ethical theories

|  |  |
| --- | --- |
| Things you can do to resolve conflict | Things you shouldn’t do, which could create conflict |
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When working with groups of vulnerable people in health and social care settings, there are times when care workers are faced with a conflict of interest for which they will need to find an ethical solution. Often, ethical dilemmas will not have a ‘correct’ answer and the solution will depend on a number of considerations. Nevertheless, the care worker is faced with a dilemma and is expected to make a decision.

What type of things would a care worker need to consider before making their decision?

**Balancing Services and Resources**

Some ethical issues people may face in a health/social care environment

* Disagreement between patients/families and health care professionals about treatment decisions
* Waiting lists
* Access to needed health care resources for the aged, chronically ill and mentally ill
* Shortage of family physicians or primary care teams in both rural and urban settings
* The ethics of surgical innovation and incorporating new technologies for patient care
* Withholding/withdrawing life sustaining treatment in the context of terminal or serious illness
* Ethical issues related to subject participation in research
* Medical error

**Task:** Take each one, of the above, in turn and discuss what these may mean. So e.g. waiting lists, if someone has been on a list for many years and is about to have a lung transplant but someone else needs this more urgently, but they smoke, then who should be at the top of the waiting list?

Watch these video clips and reflect on what the ethical issues are in this case?

**Video clip one:** <https://www.youtube.com/watch?v=kl1yp1FabDg>

Charlie Gard: "He'll fight till the very end“ - 5 News

**Video clip two:** [**https://www.youtube.com/watch?v=44XexltvaI0**](https://www.youtube.com/watch?v=44XexltvaI0)

Charlie Gard's parents lose Supreme Court battle - 5 Fast Facts

What are the ethical issues in this case?

**Task:** Discuss why these are ethical issues and conflicts that could arise.

|  |  |
| --- | --- |
| **Examples of ethical dilemmas** | **Scenario** |
| Right to independence | Laura has dementia and gets confused and disorientated when out. She wants to continue with her weekly visits to her daughter’s house who lives 3 miles away. Laura’s carer is concerned about Laura’s safety and the fact that she gets lost, sometimes for long periods of time. |
| Right to choices | Sam has depression and lives alone. He prefers to stay in bed all day and chooses not to get up until 6pm. Sam’s mental health support worker is concerned about his well-being and lack of activity. |
| Right to confidentiality | Barbra is 75 and has a good relationship with her son who visits her daily. She tells her home carer that her son has asked her for money again and so she thought she had better give it to him. She tells her home carer not to tell anyone about it as she doesn’t want her son to find out. |
| Right to respect | Jackie is 20 and has a learning disability. She has found out that she is pregnant and wants to have a termination. She asks her support worker to accompany her to the hospital. Her support worker holds religious beliefs that do not agree with terminations. |
| Right to dignity | Frank is 85 and lives with his wife who is his sole carer. The social worker visits and notices that Frank is only partly clothed and not wearing any trousers. Frank’s wife explains that this is because it is easier for her to support him when she helps him go to the toilet.  |

**Minimising risk but promoting individual choice and independence for those with care needs and the professionals caring for them**

When working with vulnerable people receiving social care services, there can quite often be a conflict of interest between the individual and the organisation.

Example: A person with learning disabilities wishes to live on their own, however they have bouts of anger and become aggressive. A decision must be made, as to whether or not the benefits of the person living alone and having their own independence or worth the possible risks to those around them. In a situation like this many policies, procedures and assessments must be undertaken to access the level of potential harm to the individual themselves and other people.

**Task:** In small groups or on your own, come up with situations where there could be a risk between an individual’s choice and independence and the professional’s perspective or recommendations.

**Sharing information and managing confidentiality**

* Confidentiality protects the rights of individuals. Within the health and social care sector confidentiality is vital.
* Confidentiality is ensuring all information is private and is not shared about an individual without their knowledge and agreement.
* This even applies to telling family and friends.
* A person working in health and social care must not disclose information to anyone.
* Maintaining confidentiality safeguards service users.

**DISCUSS:** There are occasions when confidential information must be shared. When do you think information may need to be shared?

Watch this video clip: <https://www.youtube.com/watch?v=nJ84360do7Y>

Legal and Ethical Aspects of Medicine – Confidentiality: By Nelson Chan M.D

**Coursework: B2 Ethical issues and approaches**

This criteria explores the organisations, legislation and guidance that influence on the ethical issues. All legislation and guidance must be current and applicable to England, Wales or Northern Ireland.

**Organisations include the National Health Service (NHS), Department of Health (DH), National Institute for Care Excellence (NICE), Health and Safety Executive (HSE). Here is an overview of each of these organisations:**

**The National Health Service (NHS)**

* Launched in 1948 from the ideal that good health care should be available for all, regardless of wealth
* Provides a wide range of health services, the vast majority of which are free at the point of delivery for people legally resident in the UK
* Made up of four, mainly independent, publicly funded health care systems: NHS (England), Health and Social Care in Northern Ireland, NHS Wales and NHS Scotland

**The Department of Health (DH)**

* A ministerial department of the government
* Helps people to live better for longer
* Leads, shapes and funds health and care in England by creating national policies and legislation

**National Institute for Care Excellence (NICE)**

* Set up in 1999 to help prevent ill health and promote healthier lifestyles
* Provides national guidance and advice to improve health and social care, officially only in England, but does provide certain NICE products and services to Wales, Scotland and Northern Ireland
* Accountable to its sponsor department, the DH, but operates independently from the government
* Role is to improve outcomes for people using the NHS and other public health and social care services

**Health and Safety Executive (HSE)**

* Set up as the national independent watchdog for work-related health, safety and illness
* Executive public body, sponsored by the Department for Work and Pensions
* Acts in the public interest to reduce work-related death and serious injury across the UK’s workplaces
* Shapes and reviews policies, reviews regulations, produces research and statistics and enforces the law

**Legislation supporting ethical issues are the: Mental Health Act 2007, Human Rights Act 1998, Mental Capacity Act 2005, National Health Service Act 2006 Section 140, Equality Act 2010, Care Act 2014.**

**Task: In groups create a poster that outlines the six different types of legislation**

*Present back to the class*

**Watch this video and make notes:**

[**https://www.youtube.com/watch?v=pz5Ecovjs4w**](https://www.youtube.com/watch?v=pz5Ecovjs4w)

Human Rights Inquiry case study - The 'Bournewood' ruling (Make notes)

NOTES:

Which parts of the Mental Health Act 2007, **listed below**, do you think came about as a result of the Bournewood Case? Do some research into the details of this case.

* **Mental Health Act excerpts:**
* Changes the definition of mental disorder
* Makes it no longer possible for patients to be compulsorily detained, unless appropriate treatment and all other information is available to that patient
* Broadens the role of practitioners
* Gives relatives and civil partners more rights
* Provides more help, such as age-appropriate services, independent mental health advocacy, quicker tribunals, more safeguards around electro-convulsive therapy (ECT), and supervised community treatment

**Task:** Write an article for a magazine that covers the facts and ethics of this case, including how other Acts now help protect people like HL.

**Guidance to support decision making include the DH Decision Support Tool, five-step framework, NICE and NHS guidance on Care Pathways and Care Plans, Managing Conflicts of Interest: Guidance for Clinical Commissioning Groups (2013) (NHS), HSE guidance on risk assessments.**

* If an individual needs extra support from a healthcare setting there will be an assessment by a professional using a screening tool called the NHS Continuing Healthcare Checklist.
* If results suggest that the individual is eligible for NHS continuing healthcare, a full up-to-date assessment of their needs will be arranged using a tool called the Decision Support Tool.
* Multi-disciplinary teams set out the individual’s needs in relation to twelve care domains, and then make a recommendation as to whether the person is entitled to NHS continuing health care.

**Watch this video clip:** <https://www.youtube.com/watch?v=mlIrKEHP-WU>

1. Step 2 – the Full Assessment: NHS

**Answer the questions below after watching the video:**

What is the care needs assessment?

What is a multi-disciplinary team?

What is the ‘Decision support tool’?

What are the 12 care domains? (Give some examples).

ANSWERS:

**Additional reading for you:**

<https://www.psychologytoday.com/blog/am-i-right/201207/five-steps-better-ethical-decision-making>

**Here is the Five-step framework**

**Step 2**

**Think before you act:**

Think about the issue and summarise so that it is clear to you.

Consider the various options and consequences.

Consider who may be affected and ask others for their views.

**Step 1**

**Recognise the decision or issue:**

What is the actual issue or problem?

Are you being asked to do something that is wrong or illegal?

Are you aware of others involved who are behaving unethically or illegally?

**Step 4**

**Test your decisions:**

Review your decision against ethics and values.

Consulate relevant policies and procedures/legislations/law etc.

Consult others about your actions

**Step 3**

**Decide on a course of action.**

What is your responsibility in this process?

Review all of the relevant information

Assess any risks

Decide on the best course of action

**Step 5**

**Proceed and evaluate:**

Review and move on

Communicate the decision

Celebrate achievement

Measure the impact

**NICE and NHS guidance on Care Pathways and Care Plans:**

* The steps taken to care for and treat a service user are called care pathways; care plans are drawn up for the service user based on the care pathway.
* Pathways implement national standards of care, such as those produced by NICE and the NHS. They are developed by multi-disciplinary teams.
* They identify who carries out key parts of the care or treatment and where care or treatment should be delivered.
* pathways usually include decision support systems to help make ethical decisions about appropriate care in specific circumstances

**Managing Conflicts of Interest:**

* Guidance for Clinical Commissioning Group (2013) (NHS)
* Clinical Commissioning Groups are organisations that are responsible for the provision of NHS services in England.
* They manage conflicts of interest as part of their routine.
* The Health and Social Care Act 2012 sets clear guidelines for CCG’s to manage conflicts of interest.
* This allows the CCG to demonstrate that they act fairly and transparently and in the best interests of their patients and local community.
* *You can search for the CCG in your local area and see what types of things they do*

**HSE guidance on risk assessments** The Health and Safety Executive (HSE) provides guidance to businesses about carrying out risk assessments. They look at in order to: 1) control risks in the workplace 2) keep everyone working in the business as safe as possible 3)ensure that businesses do not break health and safety laws

There are factors that need to be taken into account when using this guidance, including religion, personal choice and government policies.

* Personal choice: For example, someone may be entitled to free care but may decide to pay for their care instead.
* Religion: Someone may refuse to have a blood transfusion that they need because of religious beliefs.
* Government policies: A healthy eating campaign may be put on hold whilst resources are directed at stopping people from smoking in public places.

ASSIGNMENT WRITING PRACTICE

**THE REPORT – Section 2**

**Learning Aim B.P3**

**Explain** how to incorporate **ethical principles** into the provision of **support** for individuals with **different needs**

**Explain**

For this criteria, **explain how and why** a carer/professional would incorporate ethical principles into the provision of support for an individual. Define each of the theories of consequentialism, deontology, principlism, virtual ethics and expand on them in relevance to your two case studies.

Which ones can you link to an individual’s care and explain how that particular ethical principle would work with the individual.

Explain what the conflicts of interest are and how these can be overcome?

What issues can you find in your case study?

**When addressing this criteria for the assignment:**

* You must show that you have planned and carried out research on the different ethical principles using appropriate search techniques.
* You should produce evidence of your understanding that is up-to-date, well-referenced and relevant.
* Your conclusions about the impact of ethical principles must be supported by examples from your research.

**Learning Aim B.M3**

**Analyse** how an **ethical approach** to providing support would **benefit** specific individuals with different needs

**Analyse**

For this criteria you need to carefully consider different ethical theories and approaches and draw conclusions about how the application of each one may impact on meeting individual care and support needs.

**When addressing this criteria for the assignment you need to consider:**

You must demonstrate understanding of more complex influencing factors such as the ethical issues on maintaining confidentiality.

**Learning Aim B.D2**

**Justify** the **strategies** and **techniques** used to **overcome ethical issues** and **challenges** experienced by individuals with different needs **when planning and providing care.**

**Justify**

Give your reason to support an argument; give an explanation for agreeing with a point of view. This might reasonably involve discussing and discounting alternative views or actions. There may be positives and negatives.

Look at the legislation you have covered! What ethical issues may you encounter and how can these issues be overcome?

As a professional what strategies can be used to overcome some individual’s ethical issues?

**When addressing this criteria for the assignment:**

* You will make reasoned judgements about different ethical issues and their influence on planning support to meet individual care and support needs.
* You must suggest how professionals could best minimise risk and balance resources, to reach a justified conclusion of how this can have a positive impact on the individual.

**Notes Page:**