

Dignity Newsletter



Adults, Wellbeing and Health

November 2009 - Second Edition

Welcome to the second edition of the Dignity Newsletter focusing on the important issue of improving dignity, with a spotlight on respecting others. The core concept in treating service users is to 'support people with the same respect you would want for yourself or a member of your family.' (Department of Health Dignity in Care Campaign – Challenge 2)

Nationally there are 9,000 dignity champions, with 600 champions from the North East. If we reflect on the aim of the Dignity Campaign in relation to this region, we should be aiming to increase the number of champions, improve their practise and in doing so 'end tolerance of care services that do not respect people's dignity' (Department of Health Dignity in Care Campaign).



There are many issues that need to be taken into account in respecting service users such as:

- Feeling neglected or ignored whilst receiving care;
 - Being treated more as an object than a person;
 - Disrespectful attitude of staff, or in ways that the service users find disrespectful;
 - Generally being rushed and not listened to.
- (From Department of Health Dignity in Care Campaign)

The responsibility for respect must take place at all levels, but perhaps the most important level is where staff are in direct contact with service users. All professionals must be reflective, engage in critical self-scrutiny and challenge any attitudes that diminish respect and therefore dignity. So in this edition a number of articles focus on the issue of respect and aim to share good practice, for example, The County Durham Safeguarding Adult Partnership's 'The Golden Rules for Effective Information Sharing' recognises in rule 2 that professionals should 'Be open and honest' with service users and their families from the outset, which is central to the issue of respect.

How do I become a Dignity in Care Champion

You can sign up as a dignity in Care Champion by logging onto www.dignityincare.org.uk or call ☎ 0207 972 4007

In this edition we look at:

- **Meet Fiona, the New OT**
- **Deprivation of liberty update**
- **Mental Capacity**
- **There's always room for improvement**
- **Ill Treatment and Wilful Neglect**
- **The Golden Rules for Effective Information Sharing**

Mental Capacity Act 2005 Supports Dignity

High quality services that respect people's dignity should support people with the same respect you would want for yourself or a member of your family. People who lack mental capacity are more dependent on professionals providing health and social care services to help them make decision, from choosing what to wear to deciding where to live.

In accordance with one of five key principles of the act, any person, whether a family member, paid carer, health or social care professional, carrying out an act or making a decision on behalf of a person who lacks capacity must do so in that person's own best interests.

The Mental Capacity Act's best interest framework requires those acting on a person who lacks mental capacity behalf to take every practical step to ensure the individual's participation and to consult with others in the decision making process. The emphasis being to inform the making of decisions that are in keeping with the individual's past and present wishes, beliefs, values and factors known to be of importance to them in defining their quality of life.

Meet Fiona, the Safeguarding Team's new Occupational Therapist

Fiona Hutchinson started with the team at the beginning of October. She comes with a wealth of experience from health, social care and work in the private sector. Based at Priory House, her main role is to improve manual handling within care homes. While supporting the care homes with safeguarding issues she will assist the homes to use the least restrictive intervention possible, share good practice and assist with risk assessments. **Please feel free to contact Fiona for advice on 0191 383 5216 or email fiona.hutchinson@durham.gov.uk**

Link to Safeguarding Adults Training and Dignity Awareness Sessions

The Safeguarding Team has delivered over fifty sessions to care homes throughout County Durham since the last newsletter in June. Each session explores what dignity means to people and how easily dignity can be lost in care surroundings.

Challenge one states, 'zero tolerance of abuse' so the team takes the opportunity to give out the new safeguarding pocket size leaflets to each staff member. Likewise our safeguarding adults trainer links dignity into the Alerter and Managing the Alert training sessions and ensures that all participants receive a dignity in care challenge card.

Deprivation of Liberty Update

Initial outcomes indicate that policies and systems established in preparation for the Deprivation of Liberty Safeguards which came into force on 1st April 2009, have resulted in the Department successfully meeting and supporting other key stakeholders to fulfil the identified statutory requirements.

A key element of the process has been the establishment of a dedicated Deprivation of Liberty Safeguards Team. The team consists of a Manager who coordinates the service, two full-time Deprivation of Liberty Best Interest Assessors and 9 other social care workers who have completed the mandatory training to undertake Deprivation of Liberty assessments.

As well as responding to referrals under the Deprivation of Liberty Safeguards, the team are also proactive in building knowledge and understanding through the provision of awareness raising sessions and networking visits with care homes, service user and voluntary sector groups and social care teams to provide information and advice to implement the new legislation.

To date the Team has received and processed 54 referrals from which 22 standard authorisations have been granted. Issuing the standard authorisation acknowledges that a vulnerable person is being deprived of their liberty due to circumstances which must be clearly unavoidable and in the person's own best interests; thus upholding their rights, freedom and protecting them legally.

There's always room for improvement

As a manager of a Domiciliary Care Company, I have always thought that we provided a good service. We meet the National Minimum Standards and I am proud to say that we have an effective management team who strive to maintain the provision of high quality care. We employ 164 care staff who are trained, supervised and highly valued. We meet all legislative requirements and have excellent quality controls in place. We are not perfect; we know our strengths and the areas where we require improvements.

Recently, however, issues had been raised regarding medication that resulted in two strategy meetings and a meeting at Priory House. The meetings related to two errors that occurred in the same week. Initially we were very defensive. We have policies and procedures in place for staff to follow and adhere to. When we investigated further it was recognised where our systems had failed and the actions required to correct this. Staff morale was affected and emotions were high.

However I soon realised that taking disciplinary action was not sufficient by itself, human errors will happen, we are all responsible and accountable. I thought our systems were effective. The experience has highlighted areas of concern and indicated that there is always room for improvement.”

Attending strategy meetings can be a positive experience. The aims of the core professionals involved in the strategy and the provider are the same – to protect vulnerable people and to ensure they receive high quality care. Having other professionals question your working practices promotes a re-evaluation of policies and procedures and the way in which we operate on a day to day basis.

As a management team we are continually reviewing the way in which we work with regard to training, implementation of one to one meetings with all staff highlighting and informing them of areas that require extra vigilance and the consequences that could result if policies are not followed. Actions have been put into place to minimise

the risk of recurring incidents of a similar nature. We have moved forward, our practice has improved and we now look on the whole experience as a positive development and would encourage others to embrace any concerns raised in a similar manner. The support and guidance of the Safeguarding Adults Team assisted us in implementing the improvements required and highlighted the advantages of working in partnership.

Ill Treatment & Wilful Neglect

Within County Durham a landmark prosecution has recently been achieved using the Mental Capacity Act (MCA). This was achieved via collaborative working between Adult Care, the Police, the Crown Prosecution Service (CPS) & the private sector home.

Section 44 of the MCA introduces a new offence of ill treatment of a person who lacks capacity by someone who is caring for them, or acting as a deputy or attorney for them. The MCA says that the perpetrator can be guilty of ill-treatment if they have deliberately ill-treated a person who lacks capacity, or has been reckless as to whether they were ill treating that person or not. It does not matter whether the behaviour was likely to cause, or actually caused, harm or damage to the victim's health.

The Durham case involved a vigilant home manager who reported their member of staff who was thought to have committed offences under S.44 of the MCA.

The issues were dealt with using Durham's inter-agency safeguarding procedures & involved the independent care home provider, the local Older Person's team, the Safeguarding & Practice Development team, the local Police Vulnerability Unit & the Crown Prosecution Service.

Evidence was gathered, capacity tests on the victims were carried out, & all the resulting documentation was put together for the CPS who came to the conclusion that a prosecution should proceed. The work completed by all parties led to a successful prosecution due to the high degree of collaboration between the organisations involved and in turn resulted in a positive outcome for all concerned.

The Golden Rules for Effective Information Sharing

Central to successful collaborative working is the efficient and timely exchange of relevant information between and across provider services.

Good professional judgement concerning day-to-day decision making about when and when not to share information is essential. The publication *Information Sharing: Guidance for practitioners and managers (HM Government 2008)* acknowledges this and sets out the basic tenants on which such decisions should be made. These are encapsulated in its '7 golden rules' and these should be applied to all decisions made regarding the sharing of information during the collaborative working process. Namely:

1. Remember that the Data Protection Act is not a barrier to sharing information, but provides a framework to ensure that personal information about living persons is shared appropriately.

2. Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.

3. Seek advice if you are in any doubt, without disclosing the identity of the person where possible.

4. Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.

5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.

6. Necessary, proportionate, relevant, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.

7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

The Eighth Golden Rule

NB The County Durham Safeguarding Adult Partnership has added to the above seven and its Eight Golden Rules include the following addition:

If there are concerns that an adult may be at risk of serious harm or a child at risk of significant harm, **then it is your duty to follow the relevant procedures without delay. Seek advice if you are not sure what to do at any stage and ensure that the outcome of the discussion is recorded.**

If there is anything you would like to see in future editions please email Melanie Hesketh, Safeguarding Adults Officer: melanie.hesketh@durham.gov.uk or telephone 0191 383 5216 (VPN 7728 5216)

Please ask us if you would like this document summarised in another language or format.

العربية (Arabic)	(中文 (繁體字)) (Chinese)	اردو (Urdu)
polski (Polish)	ਪੰਜਾਬੀ (Punjabi)	Español (Spanish)
বাংলা (Bengali)	हिन्दी (Hindi)	Deutsch (German)
Français (French)	Türkçe (Turkish)	Melayu (Malay)

(0191) 370 8838

 Braille  Audio  Large Print