



Cyngor Gofal Cymru
Care Council for Wales

Hyder mewn Gofal - Confidence in Care

Employee Rights and Responsibilities Workbook

for Health and Social Care



Noddir gan
Lywodraeth Cynulliad Cymru
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Introducing the Employee Rights and Responsibilities Workbook for Health and Social Care

Welcome to the Health and Social Care Apprentice's Employment Rights and Responsibilities (ERR) Workbook. This workbook forms part of your Apprenticeship; it covers important aspects of your work, and helps you understand your most important rights and responsibilities as a person employed in Health and Social Care in Wales. This is referenced to the social care induction framework for people joining the sector for the first time and the mandatory units of the Diplomas in Health and Social Care.

The purpose of ERR

There are many laws that protect us at work and ensure that we are treated fairly by an employer. At the same time, everyone who works has to take care that they behave well in work, looking out for their own and other people's safety, and are reliable and trustworthy.

Because this is so important, all Apprentices, whatever job they are doing, have an element of Employee Rights and Responsibilities (ERR) study during their Modern Apprenticeship.

How you can complete the ERR Programme

The ERR programme in this workbook is organised under nine learning outcomes and is part of your off-the-job training hours. You need to cover each of these outcomes in order to complete the Programme. Your assessor may ask you to complete the learning outcomes in one of the following ways:

- By using the materials and guidance in this workbook;
- By using materials that they provide; and

- Or you may cover the outcomes in other ways through work that you do towards your Diploma in Health and Social Care and the completion of your Apprenticeship Framework in Health and Social Care.

There are a number of activities for you to complete to show that you have understood the programme and these are marked clearly.

You will also find information and advice on further information, on reading for you to do using the internet.

When you have completed all the learning outcomes your assessor will sign the Evidence Record Form at the end of your workbook. This is proof that you have completed the programme to the required standards and will then be sent off at the end of your Apprenticeship with your other certificates (your Diploma in Health and Social Care) so that you can receive your Apprenticeship Certificate.

We are sure you will find the information in this workbook useful and hope that you find the content and activities interesting. By completing it you will learn many important things that will help you be successful in work and in your career.

Good Luck with the ERR booklet and the rest of your Apprenticeship Programme!

Learning Outcome 1: Laws that protect you at work

This section will give you good information for the Units in the diploma that relate to Health and Safety.

Care Council for Wales Social Care Induction Framework 2008:

1 Health and Safety

- 1.1 Be aware of key legislation relating to health and safety in
 - your work setting(s) and understand the responsibilities of yourself; and
 - your employer and the individuals you support.
- 1.2 Understand your organisation's policies and procedures in relation to health and safety in your work setting(s) and the individual(s) you support.
- 1.3 Know how to apply your organisation's policies and procedures in relation to health and safety in your work setting(s) and the individual(s) you support.
- 1.4 Know what you are not allowed to do at this stage of your training in relation to health and safety in your work setting(s) and the individual(s) you support.

There are a number of laws and regulations which have been written to protect you at work; they also protect your colleagues, the children you will work with and their parents or carers. As is usually the case, with rights go responsibilities; so these laws also tell you what you are expected to do and how you should behave at work.

The most important of these laws are described below under four main headings:

1. **Workplace Regulations:** laws that keep everyone safe and reduce hazards and manage risks.
2. **Employment Conditions:** outlines the duties, rights and responsibilities of employers and employees.
3. **Equal and Fair Treatment:** ensuring that people have equal access to opportunities and that the diversity of the workforce is valued.
4. **Working with Children:** additional requirements that result from work undertaken with vulnerable people including children and their families.

1.2 Workplace Regulations

HSC 024: Principles of safeguarding and protection in health and social care

HSC 027: Contribute to health and safety in health and social care

HSC 037: Promote and implement health and safety in health and social care

CYP M3.3: Understand how to safeguard the well being of children and young people

1.2.1 Health and Safety

The Health and Safety Executive is a government body that covers a varied range of activities related to workplace safety and regulation; from shaping and reviewing regulations, producing research and statistics and enforcing the law.

Further information www.hse.gov.uk/index.htm

Getting hurt at work or becoming ill through work shouldn't happen but the reality is that around 156,000 injuries are reported each year and an estimated 2.3 million people have ill health caused or made worse by their work. The following legislation has been developed to protect you and other people at work.

1.2.2 Employee Rights re Health and Safety

Employers have legal obligations to ensure a safe and healthy workplace. As an employee, you have rights, and you have responsibilities for your own wellbeing and that of your colleagues. Your rights as an employee to work in a safe and healthy environment are given to you by law, and generally can't be changed or removed by your employer.

The most important rights are:

- As far as possible, to have any risks to your health and safety properly controlled;
- To be provided free of charge with any personal protective and safety equipment;
- If you have reasonable concerns about your safety, to stop work and leave your work area, without being disciplined;

- To tell your employer about any health and safety concerns you have;
- To get in touch with the Health and Safety Executive or your local authority if your employer won't listen to your concerns, without being disciplined; and
- To have rest breaks during the working day, to have time off from work during the working week, and to have annual paid holiday.

1.2.3 Employee Responsibility re Health and Safety

- To take reasonable care of your own health and safety;
- If possible avoid wearing jewellery or loose clothing if operating machinery or if your employer requires it since you are in moving and handling service users;
- If you have long hair or wear a headscarf, make sure it's tucked out of the way;
- To take reasonable care not to put other people = fellow employees and members of the public – at risk by what you do or don't do in the course of your work;
- To co-operate with your employer, making sure you get proper training and you understand and follow the company's health and safety policies;
- Not to interfere with or misuse anything that has been provided for your health, safety or welfare;
- To report any injuries, strains or illnesses you suffer as a result of doing your job;

- To tell your employer if something happens that might affect your ability to work. Because your employer has a legal responsibility for your health and safety, they may need to suspend you while they find a solution to the problem, but you will normally be paid if this happens; and
- If you drive or operate machinery, to tell your employer if you take medication that makes you drowsy – they should temporarily move you to another job if they have one for you to do.

1.3. The Law: Relevant Legislation

1.3.1 Health and Safety at Work Act (1974)

This is a key piece of health and safety law. Under this Act it is your employer's duty to make sure that you are protected from any risks and dangers which could occur in your workplace. As an employee you must avoid taking any unnecessary risks, must use any protective equipment or clothing that you are provided with and follow any training or instructions you are given. All employers and self-employed people have to do a careful examination of what in their work could harm people, so that they can weigh up whether they have taken enough precautions or should do more to prevent harm. This is called a **risk assessment**. Incidents at work involving death, serious injury and some diseases have to be reported to the Health and Safety Executive. All establishments with five or more employees must have a Health and Safety Policy which is accessible to employees and must record risk assessments and arrangements.

If you are under 18, you have further protection through:

1.3.2 The Health and Safety (Young Persons) Regulations (March) 1997

These Regulations are based on the view that young workers are particularly at risk in the workplace for a variety of reasons, such as:

- A general lack of experience;
- Their lack of awareness about occupation risks to their health and safety; and
- Their possible immaturity.

Because of these additional risks for young people your employer must carry out an assessment of the risks to a young person working in their workplace, before any young person starts working for them. If an employer decides there are particular risks, they must reduce the risks to their lowest practical level and make sure the young person is carefully supervised while doing their job.

If you are on a work experience placement you have the right to be provided with **at least** the same health, safety and welfare protection and care as any adult who works with you.

1.3.3 Risk Assessment

A risk assessment is an important step in protecting workers and businesses, as well as complying with the law. It helps employers focus on the risks that really matter in the workplace - the ones with the potential to cause real harm. In many instances, straightforward measures can readily control risks, for example ensuring spillages are cleaned up promptly so people do not slip, or cupboard drawers are kept closed to ensure people do not trip. For most, that means simple, cheap and effective measures to ensure your most valuable asset – the workforce and any one using the service – is protected.

1.3.4 Control of Substances Hazardous to Health Regulations 2002 (COSHH)

Using chemicals or other hazardous substances at work can put people's health at risk, so the law requires employers to control exposure to hazardous substances to prevent ill health. They have to protect both employees and others who may be exposed by complying with the COSHH Regulations 2002.

Hazardous substances include:

- Substances used directly in work activities e.g. adhesives, paints, cleaning agents;
- Substances generated during work activities e.g. fumes from soldering and welding;
- Naturally occurring substances e.g. grain, dust; and
- Biological agents such as bacteria and other micro-organisms.

1.3.5 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)

RIDDOR requires you to report some work related accidents, diseases and dangerous occurrences. It applies to all work activities. Examples of when your employer should report instances are:

- Death;
- Major injury – such as
 1. Fracture (other than fingers, toes or thumbs);
 2. Amputation;
 3. Dislocation of shoulder, hip knee or spine;
 4. Loss of sight – permanent or temporary;
 5. Chemical or hot metal burn to the eye or any penetrating injury to the eye;
 6. Injury resulting from an electric shock or electrical burn leading to unconsciousness or requiring resuscitation or admittance to hospital for more than 24 hours; and

7. any other injury; leading to hypothermia, heat-induced illness or unconsciousness; or requiring resuscitation; or requiring admittance to hospital for more than 24 hours.

- Over-three-day injury- an employee or self employed person working in or on your work premises suffers an over –three day injury;
- Disease – such as
 1. Certain poisonings;
 2. Some skin diseases such as occupational dermatitis, skin cancer, chrome ulcer;
 3. Lung diseases including occupational asthma, farmers lung; and
 4. Infections such as hepatitis, tuberculosis, anthrax and tetanus.
- Dangerous occurrences – such as
 1. Collapse, overturning or failure of load bearing parts of lifts and lifting equipment;
 2. Explosion, collapse or bursting of any closed vessel or associated pipe work; and
 3. Electrical short circuit or overload causing fire or explosion.

1.3.6 Manual Handling Operations Regulations 1992 (MHOR)

Care Council for Wales Social Care Induction Framework 2008 Ref:

3.2 Moving and handling

- 3.2.1 Be aware of key legislation that governs all moving and handling tasks.
- 3.2.2 Know how to assess risks in relation to moving and handling people and/or objects.
- 3.2.3 Know safe moving and handling techniques in relation to people and/or objects.
- 3.2.4 Know what you are not allowed to do in relation to moving and handling at this stage of your training.

This applies to a wide range of manual handling activities, including lifting, lowering, pushing, pulling or carrying. The regulations require employers to:

- **Avoid** – the need for hazardous manual handling, so far as is reasonably practicable;
- **Assess** – the risk of injury from any hazardous manual handling that can't be avoided; and
- **Reduce** – the risk of injury from hazardous manual handling, so far as is reasonably practicable.

Employee duties are to:

- Follow appropriate systems of work laid down for their safety;
- Make proper use of equipment provided for their safety;
- Co-operate with their employer on health and safety matters;
- Inform the employer if they identify hazardous handling activities; and to
- Take care to ensure that their activities do not put others at risk.

1.3.7 Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

These regulations aim to reduce risks to people's health and safety from lifting equipment provided for use at work. In addition to the requirements of LOLER, lifting equipment is also subject to the requirements of the Provision and Use of Work Equipment Regulations 1998 (PUWER).

Basically, these regulations require lifting equipment provided for use at work is:

- Strong and stable enough for the particular use and marked to indicate safe working loads;
- Positioned and installed to minimise any risks;
- Used safely, i.e. the work is planned, organised and performed by competent people; and
- Subject to ongoing thorough examination and, where appropriate, inspection by competent people.

Lifting equipment includes any equipment used at work for lifting or lowering loads, including attachments used for anchoring, fixing or supporting it. The Regulations cover a wide range of equipment including, cranes, for-lift trucks, lifts, hoists, mobile elevating work platforms, and vehicle inspection platform hoists.

If employees provide their own lifting equipment, then this too is covered by Regulations.

1.3.8 The Health and Safety (First-Aid) Regulations 1981

Care Council for Wales Social Care Induction Framework 2008 Ref:

- 3.4 Emergency first aid.
 - 3.4.1 Know what to do in response to illness or accident.
 - 3.4.2 Understand basic emergency first aid techniques.
 - 3.4.3 Understand what you are not allowed to do in relation to emergency first aid at this stage of your training.
- 3.5 Infection prevention & control.
 - 3.5.1 Understand the main routes of infection.
 - 3.5.2 Know how to prevent the spread of infection.
 - 3.5.3 Know how to wash hands properly.

These regulations require employers to provide adequate and appropriate equipment, facilities and personnel to enable first aid to be given to employees if they are injured or become ill at work. They apply to all workplaces including those with five or fewer employees and to the self-employed.

There are additional first aid requirements for people working in health and social care setting in Wales set by the regulator Care and Social Services Inspectorate Wales (CSSIW) you may wish to consider doing the optional unit on Emergency First Aid.

L2EFAW: Emergency first aid skills

1.4 Laws that protect you and people who use the services you work in

1.4.1 Confidentiality

SCH 21: Introduction to communication in health, social care or children's and young people's settings

Care Council for Wales Social Care Induction Framework 2008 Ref:

- 1.2 Confidentiality.
 - 1.2.1 Understand the importance of confidentiality.
 - 1.2.2 Understand the limits of confidentiality.
 - 1.2.3 Know how to apply your organisation's policies and procedures about sharing information.

SHC 31: Promote communication in health, social care or children's and young people's settings

SCMP 3: Professional practice in children and young people's social care

HSC 038: Promote good practice in handling information in health and social care settings

SHC 31: Promote communication in health, social care or children's and young people's settings

HSC 026: Implement person centred approaches in health and social care

HSC 028: Handle information in health and social care settings

What is confidentiality? Confidentiality means not passing on information about a person, organisation, or situation to anyone who has who does not have a right or need to know it. There are many situations in which you should think about confidentiality. Personal information about anyone – child, parents, other staff members – should in general never be discussed with anyone else unless you have that person's permission, or there is a very good reason why someone else needs to know e.g. you suspect abuse or danger. Even then, sensitive information should not be passed on unless it is essential. For instance, it may be necessary to pass on the information that someone is sick, but not to say what their illness is. Information about contact details should never be passed on without permission, as to do so could place someone in danger.

When working with children, there are particular issues concerning child protection and you will learn more about this when working towards your Diploma in CCLD especially the units about safeguarding and communication.

The dangers of gossip. Confidentiality can be broken deliberately, or by accident - for instance by leaving written information around where it can be seen. Probably the most common way of breaking confidentiality, however, is gossip – idle conversation about other people. **This includes talking about service users, carer or staff to, or in front of, other service user, carer, member of the public or staff; or in front of the service user or carer and talking about any of the service user or carer in front of anyone else.**

In a Health and social care setting it is important to remember that children are people too; they have a right not to be discussed without good reason and children may also notice and repeat information; understand and pass on much more than you think if you talk in front of them!

Modern computer technology makes it possible for organisations to hold large amounts of information about people. This Act, which came into force in 2000, protects the personal information that organisations hold about people, whether that is in paper records or on computers. The Act says that information like this:

- Must be correct;
- Must not be used for any reason except the reason it is collected for (unless permission has been given);
- Must not, usually be passed on without permission; and
- Must be kept for longer than necessary.

In Health and Social Care settings this Act therefore affects the information that your employer can hold about the children and parents who use your service, and how it is used as well as information (i.e. personnel records) about you and other staff.

Under the Act, everyone has the right to see what information is held about them by any organisation, to correct it if necessary, and to know how it is being used. A request to see information must be made in writing and there may be a charge. Information on how to do this is available on the website above.

1.4.2 Personnel Records

At work this means that you have a right to see what information is held about you in your personnel record and your employer must ensure that these records are accurate, stored securely and only accessible to those who have a legitimate need to do so. They cannot be released to a third party without your consent. Your employer will probably have had to register as a Data Controller, and must have policies for making sure they are not breaking the law when storing information. It is very important that you follow your organisation's procedures when dealing with information.

1.4.3 Data Protection Act 1999 (guidance published in 2002)

HSC 038: Promote good practice in handling information in health and social care settings

HSC 028: Handle information in health and social care settings

Additional Information

www.ico.gov.uk/about_us/regional_offices/wales.aspx

This Act covers all information held about individuals by an employer. The Act covers both computerised and manual records. The information must be held in a secure place and should not be available to unauthorised people. There are eight common-sense rules known as the data protection principles, these require personal information to be:

- Fairly and lawfully processed;
- Processed for limited purposes;
- Adequate, relevant and not to excessive;
- Accurate;

- Not kept longer than necessary;
- Processed in accordance with your rights;
- Kept secure; and
- Not transferred abroad without adequate protection.

This Act provides stronger protection for sensitive information about your ethnic origins, political opinions, religious beliefs, trade union membership, health, sexual life and any criminal history.

The Act, with some exceptions, gives you the right to find out what information is held about you by organisations. This is known as 'right of subject accesses'. On written request, you are entitled to be supplied with a copy of all the information and organisations holds about you.

1.4.4 Freedom of Information Act 2000

www.ico.gov.uk/about_us/regional_offices/wales.aspx

The Freedom of Information Act gives everyone the right to access information held by the public sector. This right includes Parliament, government departments, local assemblies, local authorities, health trusts, doctors' surgeries, publicly funded museums and other organisations. The main features of the Act are:

- A right of wide general access to information, subject to clearly defined exemptions and conditions;
- A requirements to consider discretionary disclosure in the public interest even when an exemption applies;
- A duty to publish information; and
- Powers of enforcement through an independent Information Commissioner and an Information Tribunal.

Learning Outcome 2: Know about the Conditions of your Employment

You can learn more about this on the website for the Advisory and Conciliation Service:
www.acas.co.uk/index.aspx?articleid=1908

SCH 22: Introduction to personal development in health, social care or children's and young people's settings

SHC 32: Engage in personal development in health, social care or children's and young people's settings

2.1 The Employment Rights Act 1996 (as amended by the Employment Relations Act 1999 and the Employment Act 2002)

This is a large and complicated law that covers many of the rights and responsibilities of employers and employees, including:

2.1.1 Particulars (Contracts) of Employment

A Contract (or Statement) of Employment comes into force as soon as a firm offer of employment has been made and accepted, even if agreement is only verbal e.g. at an interview. All employees are entitled to a written statement of the key terms and conditions of their employment within two months of starting work, providing the contract is to last for more than one month. Employment contracts may be open-ended (permanent), for temporary periods of employment or for fixed terms. They may be for full or part-time work. Any changes to employment contracts must be made following procedures which are designed to protect the employee from unfair treatment and ensure consultation on the nature of any changes proposed. Termination of a contract is governed by procedures that are designed to protect the employee from unfair treatment;

2.1.2 Right to an itemised pay statement and not to suffer unauthorised deductions

Employees have a right to a pay statement. The pay statement will give you information about how much you are being paid and how much is being taken from your pay (deducted);

2.1.3 Right to Time Off Work

Employees have a right to time off for public duties (e.g. if you are a Local Councillor, Justice of the Peace or for jury service), for duties as a trades union representative, for ante-natal care, to look for work or arrange training if you have been made redundant;

2.1.4 Right to Time Off Work for Sickness

There is a statutory right to a prescribed level of sick pay which all employers must abide by. Some employers go beyond this and pay additional entitlements if employees are unwell. There are rules as to who can claim Statutory Sick Pay that relate to how old the employee is, how much they earn and whether they have or are claiming any other form of statutory benefit e.g. maternity pay or incapacity benefit;

2.1.5 Parental Rights

This makes changes to maternity, paternity and adoption rights in the Employment Rights Act 1996.

Maternity rights fall into four main categories:

- Time off for antenatal care;
- Maternity leave;
- Maternity benefit (Statutory Maternity Pay or Maternity Allowance); and
- Protection against unfair treatment or dismissal.

There are also rights for parents (including fathers) paternity leave and rights to flexible working hours for parents;

Further information available at

www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Pregnancyandmaternityrights/index.htm

www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Paternityrightsintheworkplace/index.htm

www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Parentalleaveandflexibleworking/index.htm

2.1.6 Termination of Employment

Both the employer and employee are normally entitled to a minimum period of notice of termination of employment. After one month's employment, an employee must give at least one week's notice; this minimum is unaffected by longer service. An employer must give an employee:

- At least one week's notice after one month's employment;
- Two weeks after two years; and
- Three weeks after three years and so on up to 12 weeks after 12 years or more.

However, the employer or the employee will be entitled to a longer period of notice than the statutory minimum if this is provided for in the contract of employment;

2.1.7 Unfair Dismissal

The law on unfair dismissal gives employees a legal right to be treated in the way, which is fair and reasonable. Employees who feel that they have been dismissed or otherwise treated unfairly have the right to take their case to an independent Employment Tribunal providing certain rules are met about how long they have been employed.

2.1.8 Redundancy Rights

Redundancy is where an employee is dismissed because:

- The employer closes down the business, or
- The employer closes down the employee's workplace, or
- There is a diminishing need for employees to do work of a particular kind.

If an employee is dismissed because of redundancy, he/she has the right to a payment from the employer provided that the individual has 2 or more years of continuous service. Service below the age of 18 does not count.

2.2 National Minimum Wage Act (1998)

Workers are entitled to be paid at least the level of the statutory National Minimum Wage (NMW) for every hour they work for an employer. The most up to date rates including rates for apprentices are available at www.direct.gov.uk/en/NI1/Newsroom/DG_178175

Videos explaining the NMW and a podcast of the most up to date information are available at this website. www.equalities.gov.uk/equality_act_2010.aspx

2.3 National Minimum Wage Regulations 1999

These contain detailed rules as to who qualifies for the national minimum wage.

Further definitions and information is available at www.direct.gov.uk/en/Employment/Employees/TheNationalMinimumWage/DG_175113

2.4 Working Time Directive and Working Time Regulations (1998)

The Working Time Regulations give you a minimum right to:

- Work no more than 48 hours a week on average (though you can choose to work longer)
- Minimum daily rest periods (11 hours in every 24) and weekly rest periods (24 hours in every 7 days)
- Rest breaks at work (20 minutes if you work more than 6 hours)
- Paid annual leave (4 weeks a year, once you have worked for an employer for more than 13 weeks)

The rights of young workers – those over the minimum school leaving age but under 18 – differ in the following ways:

- A limit of eight hours working time a day and 40 hours a week;
- Not to work between 10pm and 6am or between 11pm and 7am (except in certain circumstances);
- 12 hours' rest between each working day; and
- Two days' weekly rest and a 30-minute in-work rest break when working longer than four and a half hours.

2.5 Equal Pay Act (1970/1983)

The Equal Pay Act 1970 gives you the right to the same pay, benefits and conditions of employment as someone of the opposite sex where you are both doing the same or similar work.

2.6 The Right to Time Off for Study or Training Regulations (2001)

If you are 16 or 17 you have the right to **paid time off work** to study or train for approved qualifications to achieve a level 2 qualification for the first time. If you are 18 you also have this right so that you can complete study or training that you began when you were 16 or 17.

This does not mean that you necessarily have to go to another place, such as a college, for this training. Study or training can be undertaken in your workplace, on the job or elsewhere on the site; or it could take place in a college, with an approved training provider, or through open or distance learning.

How much time you can have will also depend on the circumstances in your organisation, and the effect for your employer of you having "time off" on the running of the business. It should be what is reasonable taking into account the requirements of the course or training as well as the situation and needs of the workplace.

You need to remember that some people are self-employed. They have different rights and responsibilities with regard to their entitlement to a range of statutory benefits. If they offer a service (e.g. childminding or private nanny service) they enter into a different kind of contract with the person or organisation for which they carry out any work and this is governed by different legislation.

2.7 Employment Relations Act 1999

This enables employees to be accompanied by a trade union official or colleague at a disciplinary or grievance hearing.

For more information look at:

www.direct.gov.uk/en/Employment/TradeUnions/Tradeunionmembership/index.htm

www.direct.gov.uk/en/Employment/ResolvingWorkplaceDisputes/index.htm

2.8 Part-time Workers Regulations 2000

These give part-time workers the right not to be treated less favourably than comparable full-time workers unless the difference in treatment is objectively justifiable. More information is available at www.direct.gov.uk/en/Employment/Employees/Flexibleworking/DG_10027738

2.9 Equal and Fair Treatment Regulations

www.acas.co.uk/index.aspx?articleid=1908

www.equalityhumanrights.com

Care Council for Wales Social Care Induction Framework 2008 Ref:

- 1.1 The values.
 - 1.1.1 Understand the need to promote the following values at all times: individuality, rights, choice, privacy, independence, dignity, respect and partnership.
 - 1.1.2 Understand the need to promote equal opportunities for the individual(s) you are supporting.
 - 1.1.3 Understand the need to support and respect diversity and different cultures and values.

Promoting equality and valuing diversity are integral parts of work in this sector and are also requirements for the new apprenticeships in Wales across all sectors. In Health and Social Care you will find units that relate directly to this work:

At level 2

- SCH 23 Introduction to equality and inclusion in health, social care or children's and young people's settings.

And at Level 3

- SCH 33 Promote equality, diversity and inclusion in health, social care or children's and young people's settings.

The Acts and Regulations in this section are important for you in two ways. Firstly, as a trainee or employee in a workplace, the following legislation lists your legal rights and responsibilities. Secondly, as someone working with young children, it is very important that you are aware of the importance of treating all people including children equally, fairly and with respect. If you do not do this you may find that you are contravening the Equalities Act 2010 or the United Nations Convention on the Rights of the Child. It is also important, of course, that you treat all the people that you work with equally, fairly and with respect and that you do not discriminate. (By discrimination, we mean that you should not treat someone unfairly because of limited or inaccurate information you have about them).

2.9.1 The Sex Discrimination Act (1975)

Under this Act an employer must not treat men and women who they employ differently if they cannot show a good reason for doing so and if either the men or women suffer because of being treated differently. The law also applies to treating married people and single people differently. Some exemptions from the Sex Discrimination Act exist to cover very specific situations.

2.9.2 The Race Relations Act (1976), Amendments (2000) and Regulations (2003)

www.equalityhumanrights.com

Taken together, these laws and regulations make it unlawful for anyone to discriminate against anyone else because of their race, colour, nationality (including citizenship), or ethnic or national origin. They apply to a wide range of situations, including:

- Jobs;
- Training;
- Housing;
- Education; and
- The provision of goods, facilities and services.

So for example, your employer must not treat you in any way differently on grounds of race or ethnic or national origin. However, there are some situations when this is permissible for instance, where being of a particular race or ethnic or national origin is a genuine occupational requirement. The circumstances in which this would apply are identified in the Act.

Under new legislation in 2003, your employer or work placement provider must also not discriminate against you, or harass you, because of your religion or belief, or because of your sexual orientation (e.g. because you are gay or lesbian, bisexual or heterosexual).

2.9.3 Equal Pay Act (1970)

www.equalityhumanrights.com

It is unlawful to discriminate between men and women in terms of pay and other benefits if they are both doing the same job. (see Equalities Act 2010).

2.9.4 Human Rights Act (1998)

www.equalityhumanrights.com

This Act gives legal effect in the UK to certain fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR). There are 16 basic rights taken from the ECHR, these rights not only affect matters of life and death like freedom from torture and killing but also affect your rights in everyday life: what you can say and do, your beliefs, your right to a fair trial and many other similar basic entitlements. These rights include:

- Right to life;
- Prohibition of torture;
- Prohibition of slavery and forced labour;
- Right to liberty and security;
- Right to a fair trial;
- No punishment without law;

- Right to respect for private and family life;
- Freedom of thought, conscience and religion;
- Freedom of expression;
- Freedom of assembly and association;
- Right to marry;
- Prohibition of discrimination;
- Protection of property;
- Right to education;
- Right to free elections; and
- Abolition of the death penalty.

2.9.5 Disability Discrimination Act (1995)

www.equalityhumanrights.com

This Act gives disabled people rights in the areas of:

- Employment;
- Access to goods, facilities and services; and
- Buying or renting land or property.

Employers have a responsibility to make reasonable adjustments to working practices and the workplace in order that the needs of disabled employees can be met, for example by altering doorway and toilet arrangements. A disabled employee is someone with a physical or mental impairment. An employer may be able to justify discrimination against a disabled person if there are good reasons why the person's disability would prevent them from doing the job and it is not possible to make reasonable adjustments.

Since September 2002 (under the Special Educational Needs and Disability Act 2001) schools, including nursery schools, must not discriminate against disabled children and disabled prospective pupils.

2.9.6 The Welsh Language Act (1993)

www.bwrdd-yr-iaith.org.uk

The Welsh Language Act 1993 confirms in law that Welsh and English are equal in Wales. It places an obligation on the public sector to treat the Welsh and English languages on the basis of equality in the provision of services to the public in Wales. The Welsh Language Board was formed in 1993 under the terms of the Act. Its main function is to promote and facilitate the use of the Welsh language.

2.9.7 Equality Act (2010)

www.equalityhumanrights.com

Over the last four decades, discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow.

The Equality Act 2010 provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The provisions in the Equality Act will come into force at different times to allow time for the people and organisations affected by the new laws to prepare for them. The Government is considering how the different provisions will be commenced so that the Act is implemented in an effective and proportionate way. About 90% of the Act came into being on the 1st October 2010 including:

- The basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions; premises; work; education; associations, and transport;

- Changing the definition of gender reassignment, by removing the requirement for medical supervision;
- Levelling up protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic, so providing new protection for people like carers;
- Clearer protection for breastfeeding mothers;
- Applying the European definition of indirect discrimination to all protected characteristics;
- Extending protection from indirect discrimination to disability;
- Introducing a new concept of “discrimination arising from disability”, to replace protection under previous legislation lost as a result of a legal judgment;
- Applying the detriment model to victimisation protection (aligning with the approach in employment law);
- Harmonising the thresholds for the duty to make reasonable adjustments for disabled people;
- Extending protection from 3rd party harassment to all protected characteristics;
- Making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability or health;
- Allowing claims for direct gender pay discrimination where there is no actual comparator;
- Making pay secrecy clauses unenforceable;
- Extending protection in private clubs to sex, religion or belief, pregnancy and maternity, and gender reassignment;

- Introducing new powers for employment tribunals to make recommendations which benefit the wider workforce; and
- Harmonising provisions allowing voluntary positive action.¹

2.9.8 Employment Equality (Religion or Belief) Regulations 2003

It is unlawful to discriminate against employees on the grounds of religion or belief (see Equalities Act 2010) .

2.9.9 Employment Equality (Sexual Orientation) Regulations 2003

It is unlawful to discriminate against employees on the grounds of sexual orientation (see Equalities Act 2010).

2.9.10 Protection from Harassment Act 1997

It is unlawful to harass someone. Individuals can claim damages and/or seek a court order to stop the harasser from continuing the harassment.

¹ www.equalities.gov.uk/equality_act_2010.aspx

Activity

Each law protects different aspects of your work and the workplace. Look at the table below, and using the information in the preceding pages; decide which of the laws covers which situation and write the name of that law in the column on the right. For example, Hours of Work are covered by the Working Time Directive.

Situation	Name of relevant law
Someone wants to know how many hours a day you can be asked to work.	Working Time Directive
Your workplace needs to deal with some hazardous substances. Which laws govern how they are dealt with?	
Someone has an accident at work which leaves them with a permanent disability. Which laws protect them?	
A male health care/social care worker feels he was the best candidate for a job that he did not get. Which law would support his challenging the decision?	
A service user asks for the personal address of another service user using your setting. What Act would you have to think about before responding to the request?	
A member of staff has a new baby. What Law would she need to understand to make sure she gets all of her rights?	
A workplace has no or very few Welsh speakers or workers, though there are mostly Welsh speaking families in the area.	
The temperature of a workplace needs to be regulated. What Act does this?	
There is a lot of lifting and handling required to assist people who use services to use the toilet or undertake activities. What Act would you need to be mindful of?	
A female member of staff finds their pay is less than that for a male colleague who does the same job as her. What Act could she use to challenge the situation?	
Several staff are absent at the same time and there are insufficient staff to ensure services users can be looked after safely.	

Learning Outcome 3: Procedures and Documentation – Putting the law into action

SCH 22: Introduction to personal development in health, social care or children's and young people's settings

As an employee or a trainee in the workplace you have rights and responsibilities at work in the eyes of society and of the law.

RIGHTS are what **are due to you** according to the law.

RESPONSIBILITIES in law are actions that **you must do**.

Your Rights and Responsibilities are laid out in the laws we have discussed in Learning Outcome 1 and 2. However, you do not need to know each law in detail! In your workplace, there will be procedures and policies based on these laws, and it is your responsibility to follow those procedures. You will also have documents, such as employment contracts or learning agreements, which tell you both what you have a right to expect from your employer and what your responsibilities in the workplace are.

3. Information about your job

3.1 Contract (or Statement) of Employment

When an employer offers you a job and you accept it, you make a contract with each other (even if at this stage the agreement is only verbal). By law, this contract must be written down (unless you are working for fewer than 8 hours a week). It is an important document and you should make sure you have seen and understood your own contract.

www.acas.org.uk

New employees must be given the following information in writing in one document within two calendar months of starting work:

- Names of employer and employee;
- Date when employment began;
- Scale and rate of wages;
- How often wages are paid;
- Hours of work and any conditions related to them;
- Holiday entitlements including any right to holiday pay;
- Length of notice of the termination of the contract by employee and employer;
- Job title or brief job description;
- Where employment is not permanent, the period for which it is to continue;
- Place of work;
- Grievance procedures; and
- Any collective agreements (i.e. agreements which have been made through the discussions of a trade union with an employer) which directly affect terms and conditions of the employee.

The following information must also be provided but the employee may be referred to an easily accessible document such as a Staff Handbook or Policy Manual:

- Sickness, injury and sick pay;
- Pensions and pension schemes;
- Terms relating to notice of termination of the contract; and
- Disciplinary rules and procedures.

3.2.1 Information for Apprentices or Candidates

As a candidate for a qualification, you should also be given information about how you will be assessed and what to do if you are unhappy with an assessment decision and want to appeal against it.

3.2.2 Access to Work - practical help at work

www.direct.gov.uk/en/DisabledPeople/Employmentsupport/WorkSchemesAndProgrammes/DG_4000347

Access to Work can help you if your health or disability affects the way you do your job. It gives you and your employer advice and support with extra costs which may arise because of your needs. Check if you qualify for Access to Work.

About Access to Work

Access to Work might pay towards a support worker or the equipment you need at work. It can also pay towards the cost of getting to work if you cannot use public transport.

If you need a communicator at job interviews, then Access to Work may be able to pay some or all of the communicator costs.

Who can get Access to Work

You may be able to get Access to Work if you're:

- In a paid job;
- Unemployed and about to start a job;
- Unemployed and about to start a Work Trial;
- Self-employed; or
- An apprentice.

and your disability or health condition stops you from being able to do parts of your job.

Your disability or health condition may not have a big effect on what you do each day, but may have a long-term effect on how well you can do your job.

3.2.3 Additional Learning Support

Additional learning support is available to learners with disabilities, specific learning difficulties such as dyslexia, basic skills or language needs. Learners can talk to their tutor about the help that they require or they can give details of the support they need on the College enrolment form or Individual Learning Plan. The tutor will talk to learners individually to find out what arrangements need to be made. The tutor will also discuss additional support requirements. The support offered may include:

- Adjusting the way the course is taught;
- Making special assessment arrangements;
- Providing additional handouts;
- Providing specialist equipment;
- Offering extra tutorial time or classroom support; and
- Providing contact details of organisations that can provide specialist help e.g. basic skills, language support.

Activity

Look at the information you have about your employment or training placement (e.g. your contract or agreement). What does it tell you about your right to:

Sick leave and sick pay

Annual leave

Hours of work

Notice of termination of the contract or agreement

Pension

3.3 Disciplinary and Grievance Procedures

Disciplinary and Grievance procedures are designed to ensure that problems at work can be solved fairly. Although most working people do their best to ensure a happy and harmonious work place, there are occasions when things don't go smoothly.

3.3.1 What is a Disciplinary Procedure?

If you fail to comply with your contract/code of conduct or to follow your job description, you could find yourself facing disciplinary proceedings. Perhaps you have been consistently late in arriving at work or the way that you dress has been inappropriate. The purpose of a disciplinary procedure is to investigate whether you actually did break a rule, whether it was your fault (for instance, you may not have been given information about the rule in the first place) and, if so, what action should be taken. A disciplinary procedure should be available in writing. It may describe informal action, then a formal disciplinary procedure. This should include information on:

- Why the disciplinary action is being taken;
- Who will be involved;
- What support or advice you can seek or expect;
- Your right to be accompanied by a fellow worker or trade union official;
- What opportunity you will have to speak for yourself;
- What will be written down;
- What the outcome could be;
- How long each stage will last; and
- How you can appeal.

Activity

Talk to people or examine documents in your workplace and find the answers to the following questions:

Q. What things would lead to disciplinary action in your workplace?

Q. What steps would be taken under the procedure?

3.3.2 State who you can contact and what you can expect to happen, if you have:

A grievance at work

- Check written procedure. Allows problems to be discussed and resolved. May have representative present. Informal discussion with supervisor if not resolved put in writing immediate supervisor – reply i.e. in 5 working days if not resolved – in writing to manager 5 working days, not resolved – managing director meeting – decision within 7 working days – this decision final. May refer grievance to ACCAS.

You wish to report an incident which happened at work

- Follow procedure for reporting incident. Ensure it is a written recording which is signed and dated.

You are involved in a disciplinary process

- Check the process – should be written;
- In the first place informal discussion to resolve the problem – know the nature of the complaint;
- Careful investigation should take place before action is taken;
- Right to appeal;
- Opportunity to state case, be represented or accompanied by fellow employee; and
- Not dismissed on first breach of discipline unless case of gross misconduct.

Process

- Informal discussion;
- Formal verbal warning – reason for warning;
- First stage of disciplinary procedure – kept on file for 6/12 months;
- Written warning – if no improvement or a further offence. Reason for warning, if no improvement aftermonths their final warning given. First written warning kept on file 12 months;

- Final warning – reoccurrence of offence or other misconduct will result in dismissal; and
- Final Written.

GROSS MISCONDUCT – Theft, fraud, deliberate falsification of company docs, fighting, assault on another, damage to company property, sexual/racial harassment, unfit due to alcohol or drugs, gross negligence/insubordination. While investigated may be suspended with pay.

3.3.3 What is a Grievance Procedure?

Anybody working in an organisation may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. If so, you should be able to follow a grievance procedure. The grievance procedure should be in writing, and should tell you:

- Who you should complain to first (you are often asked first of all to try to resolve the problem with the person concerned);
- Whether or not the complaint must be in writing;
- How soon after the incident you must make it;
- Which people will be involved in dealing with it;
- What the outcome could be; and
- How long each stage will last.

If you are taking out a grievance, it is important that you have as much evidence as possible to back up your complaint.

In certain very serious cases, particularly if you have lost your job as a result of a disciplinary procedure which you felt was unfair, or you have resigned because a serious situation was not dealt with properly through the Grievance Procedure, you may be able to take a case to an Industrial Tribunal. You would probably find it necessary to seek advice from a professional (such as a Trade Union representative or the Citizens Advice Bureau) if you needed to do this.

Activity

Talk to people or examine documents in your workplace and find the answers to the following questions:

Q. What things might lead to a trainee or member of staff wanting to complain about a grievance in your workplace?

Q. What would actually happen if a grievance was taken up?

3.4 Bullying and Harassment in the Workplace

www.bullyonline.org

Employers have a duty of care to protect their employees from being bullied or harassed in the workplace and your organisation should have policies which you should know and follow if this happens to you.

Anyone who genuinely feels that they are being singled-out for unfair treatment by a boss or colleague(s) is probably being bullied or harassed.

Harassment may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. Harassment can also have a specific meaning under certain laws (for instance if harassment is related to sex, race, disability, religion or belief, or sexual orientation, it may be unlawful discrimination).

Bullying may be offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, denigrate or injure the recipient. Bullying and harassment may be face-to-face, or by telephone, letter or e-mail. It may be passed off as a joke, or something that everyone should expect, but if it makes you unhappy you have a right to expect it to stop.

If you feel you are being harassed, bullied, or dealt with unfairly, you should first find out what your company procedures are and who to contact. You may wish to get the support of a friend or manager; it is always a good idea to collect and keep evidence if possible. In some cases, you may wish to speak to a trade union official. There are also Internet and telephone helplines, and the Citizens Advice Bureau, where you can get support and advice.

Useful contacts

- Acas (Advisory, Conciliation and Arbitration Service)
- Citizens Advice Bureau
- Jobcentre Plus
- businesslink.gov.uk

! REMEMBER Make sure that you are not the one who is doing the bullying. Always think about the effect that your behaviour may have on other people. If you have a problem, try and talk it through with the person concerned. If you do not feel that this is possible, talk to your supervisor or another neutral person.

3.5 Whistleblowing

If you believe there is malpractice or wrongdoing happening in a workplace then you can 'blow the whistle' on the behaviour and you could be protected from losing your job and/or being victimised by your employer.

3.5.1 Whistleblowing

The official name for whistleblowing is 'making a disclosure in the public interest', however it is much more commonly called 'blowing the whistle' or 'whistleblowing'. It means that if you believe there is wrongdoing in your workplace (eg your employer is committing a criminal offence) you can report this by following the correct processes, and your employment rights are protected.

If you decide to blow the whistle on an organisation you are protected and your employer cannot victimise you (eg by not offering you a promotion or other opportunities your employer would have otherwise offered).

Whistleblowers are protected for public interest, to encourage people to speak out if they find malpractice in an organisation or workplace.

Malpractice could be improper, illegal or negligent behaviour by anyone in the workplace.

3.5.2 Protection for Blowing the Whistle

You are protected as a whistleblower if you:

- Are a 'worker';
- Believe that malpractice in the workplace is happening, has happened in the past or will happen in the future;
- Are revealing information of the right type (a 'qualifying disclosure'); and
- Reveal it to the right person, and in the right way (making it a 'protected disclosure').

'Worker' has a special wide meaning in the case of whistleblowing. As well as employees it includes, agency workers and people who aren't employed but are in training with employers. Some self-employed people may be considered to be workers for the purpose of whistleblowing if they are supervised or work off-site.

3.6 Taking Time Off

It is your responsibility to yourself, your co-workers and the children in your care, to be at work for the hours you are paid to do, unless there is very good reason not to. However, sometimes you may be genuinely too ill to go to work. When this happens, you have a right to take time off, (though you will have to get proof of illness if you are off for more than a few days), and you have a responsibility to inform your employer as quickly as possible if you will not be in work.

In Learning Outcome 2 we have listed ways in which you can legitimately take time off. However, you must inform your employer if you need to do this and follow any procedure laid down for these activities. If you are a trainee on placement, you are also entitled to have time off to attend job interviews.

In addition you have a right to paid leave (holiday). Employers cannot manage their workplace if everyone takes this right whenever they want to, without notice, and perhaps all together. Most employers have procedures for applying for paid leave, and may have rules to ensure that there are always enough staff on duty – this is especially important in early years settings, because of the regulations about child-staff ratios.

Activity

Find out what you need to do in your workplace if you want legitimate time off work. Make a note below of what you need to do.

Find out what you need to do in your workplace, if you cannot come to work because you are ill. Make a note below:

Look at the list of possible reasons for having time off from work given below. Which of these reasons is not a legitimate reason to take time off?

(tick the items)

- Going to the dentist
- Visiting a friend in hospital
- Being a juror in court
- Attending Court
- Medical appointments if you are pregnant

Why do you think employers don't have to give you time off for the items that you have ticked?

3.7 Understanding a Pay Slip

If you are an employed apprentice, another important work document is your pay slip. (Even if you are not yet employed, you might find it helpful to read through this section, so that you will understand a payslip when you receive one). This will give you information about how much you are being paid and how much is being taken from your pay (deducted). Pay slips should contain the following information:

a. Payments

The payment boxes will show how much you have been paid for that week, or month (depending on how often you are paid), before any money has been taken off. This is known as the “gross” pay. It will also show how much you will actually get, once deductions have been made. This is known as the “net” or take-home pay.

The payslip may also show you how much you have earned so far this year (for these purposes a year usually starts in April as this is when the Income Tax Year starts).

b. Deductions

Why is money taken from your earnings?

By law, every employee has certain amounts of money taken (deducted) from their wages. This is to cover **National Insurance and Income Tax**. Your employer may also agree with you to make other deductions from your wages such as **pension contributions**.

If you are a trainee these deductions will not be made from your training allowance, but as soon as you become employed you will find that some or all of these deductions will apply to you too, so it's worth taking this opportunity to find out more about them.

National Insurance is a compulsory insurance scheme for people in work. The employee and the employer both contribute and in return, employees have a right to treatment under the National Health Service, to a basic retirement pension, and to benefits when they are sick, disabled, unemployed, or pregnant or looking after a new baby. Each person has a National Insurance number, which appears on their National Insurance Card, and on their payslip.

c. Income Tax

Income Tax is also compulsory. Part of each person's earnings is collected by the government, and then used to pay for the things that we need as a country, such as schools, roads, defence and hospitals. When you start working you will be given a **Tax Code** that will indicate to your employer how much tax you should pay. Each year you will receive a **P60 form**, which will show how much you have earned and how much tax you have paid, that year. When you leave a job, your employer must give you a form called a **P45 form** and you must give this to your new employer or keep it safe for future use if you do not go at once to another job.

d. Pensions

Pensions are the savings we make when we are working that will give us an income (a pension) to live on when we are past working age. **The Basic State Pension** is based on the amount of National Insurance a person has paid. **Occupational and Stakeholder Pensions** are additional schemes which the employer and employee pay in to in order to pay an additional pension on retirement.

Activity

Look at the sample payslip below and read the notes on the preceding pages. Explain why each of the following items in a payslip is important to you.

PAYSLIP	Name: Jilly Watling	Employer: Teletubbies Nursery
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Employee No.	Tax Code	Tax Period	Nat Ins Code	National Insurance No.
062	568LR	3	A	KT 66 88 99 D

Address: Jilly Watling 14 Broome Road Anytown AB8 5CD

Gross Pay	£1030
Taxable Pay	£785
Income Tax	£100
National Insurance Contribution	£50
Pension Contribution	£50
NET PAY	£830

Net Pay Year to date £3180

Item	Why is this important information?
Name	
Employer name	
Pay before deductions (gross pay)	
National Insurance Number	
The deductions made for National Insurance	
The Tax Code	
The deductions made for Income Tax	
The deductions for a pension	
The amount of pay you actually receive (after deductions)	

The following activities will give you the opportunity to explore how other aspects of legislation that are covered in Learning Outcome 1 and 2 are incorporated into the procedures and documentation in your workplace (*you may need to refer to Learning Outcome 1 and 2 for help with some of the activities*)

Activity

Data Protection in Your Workplace

1. List the types of information that are held on your personnel record and say why you think that they are needed.

2. Who should you inform if you are changing your personal details (e.g. if you move house)?

3. How should your records be stored and who has right to see them?

3.7 Equal and Fair Treatment in Your Workplace

1. Find out who is the responsible person for all aspects of Equal Opportunities in your workplace:

2. Are there any exemptions from the Sex or Race Discrimination Acts which would apply in your workplace?

3. What service might you use if you or one of your colleagues had a disability and needed some support to do their job?

Activity

3.8 Health and Safety in Your Workplace

For this activity you will be able to refer to information and activities that you undertook during your induction training, as well as referring to Learning Outcome 1 and work that you may be doing towards your Diploma in Health and Social Care.

1. Locate the Health and Safety chart in your workplace and write down who is the person responsible for Health and Safety.

2. How does the way in which you work comply with Health and Safety regulations?

Activity

3.9 Summary Activities for Learning Outcome 1, 2 and 3

We should all be able to expect that every workplace will comply with its statutory and quality requirements. Look at the table below, and using the Learning Outcome 1, 2 and 3, find out and write down which statutory body has responsibility for each issue.

Issue	Statutory Body
The cleanliness of a workplace kitchen	
Ensuring that staff do not get bullied at work, and providing support and advice if that should happen.	
Ensuring that there are adequate staffing levels in all child care settings.	
Ensuring there are adequate facilities for dealing with fire.	
Ensuring all staff are treated fairly	

Rights and responsibilities – remembering the difference

Use the word **RIGHT** or the word **RESPONSIBILITY** to fill in the gaps in the following sentences.

1. Employees have a to a rest break
2. Health and safety is everyone's
3. It is your to tell your employer if you go off sick.
4. Employed people have a to have a contract of employment.

Learning Outcome 4: Getting Information and Advice About your Rights and Responsibilities

SCH 23: Introduction to equality and inclusion in health, social care or children's and young people's settings

SCH 22: Introduction to personal development in health, social care or children's and young people's settings

We have looked at the most important laws which set out your rights and responsibilities as a worker in a health and social care setting. There are many organisations whose job it is to make sure laws and regulations are known and understood and to take action if they are not obeyed.

In general, if you have queries, concerns, or problems regarding any of the laws which affect your work, your first responsibility is to discuss them with your supervisor or employer. However, it is often useful to know where you can turn if you need further advice or information.

4.1 Internal Policies and Procedures

In your workplace there is information on how the organisation is run in an employee manual. Much of this is covered in the previous section.

You should also be able to get advice from:

- Your manager in the workplace;
- Supervisors within the workplace;
- The learning provider who is providing your Apprenticeship programme; and
- Union representatives if there are any within the workplace.

4.2 External Sources of Information

The National Minimum Standards for a variety of settings to have policies and documentation in place and these will be explained to you in your induction in to your workplace. These will include policies, staff manuals, guidelines, and records. Your Induction Officer or Workplace Manager will be your first point of contact if you have any queries. The National Minimum Standards are covered in Section 4 (see page 45).

The following is a list of organisations available to help and advise you or your manager at work:

4.2.1 Health and Safety Executive (HSE)

www.hse.gov.uk

Great Britain's Health and Safety Commission (HSC) and the Health and Safety Executive (HSE) are responsible for the regulation of almost all the risks to health and safety arising from work activity in Great Britain. Its mission is to protect people's health and safety by ensuring risks in the changing workplace are properly controlled. The HSE lays down regulations, and provides guidance, on all issues concerned with health and safety at work.

You will know who the enforcing authority for health and safety in your organisation is from the poster in your workplace and your first point of call for health and safety is your Health and Safety Representative.

4.2.2 Equalities and Human Rights Commission

www.equalityhumanrights.com

EHRC have a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the seven "protected" grounds - age, disability, gender, race, religion and belief, sexual orientation and gender reassignment. One of their key roles is to provide advice and guidance on rights, responsibilities and good practice, based on equality law and human rights. They aim to secure an effective legal and regulatory framework for equality and human rights by influencing legislative and policy developments and by using their statutory powers.

Contact Information in Wales

3rd floor, 3 Callaghan Square, Cardiff, CF10 5BT
Telephone: 029 2044 7710 (non helpline calls only)
Textphone: 029 2044 7713
Fax: 029 2044 7712
E-mail: wales@equalityhumanrights.com

4.2.3 Environmental Health

Each area of the country has a local authority department responsible for many environmental issues including:

- Food Safety & Hygiene; and
- Health & Safety.

They can therefore inspect premises where food is provided to the public, and workplaces to ensure that Health and Safety regulations are being followed, and they can investigate complaints and accidents involving food hygiene and health and safety.

4.2.4 Social Services Department

Each area of the country also has a local authority department responsible for Social Services, overseeing a wide range of social provision, such as residential, day and community care for adults. It also has a major role in the protection and care of children, and is a key member of the Local **Safeguarding** Children Boards (LSCB) in **Wales**.

You can identify the Departments in your Local Authority by looking in your telephone directory/ Yellow Pages, or they may have a website.

4.2.5 Care and Social Services Inspectorate, Wales (CSSIW)

<http://wales.gov.uk/cssiwsbsite/newcssiw/aboutus/?lang=en>

CSSIW carries out its functions on behalf of Welsh Ministers, and although we are part of a Department within the Welsh Assembly Government there are a number of safeguards in place to ensure our independence.

Four regions (North Wales; South East Wales; Mid and South Wales and South West Wales) are the focus for professional assessment and judgment about services and organisations. They inspect and review local authority social services and regulate and inspect social care and early years settings and agencies.

Their national office, currently based at two locations in Cathays Park, Cardiff and Nantgarw, leads on managing and analysing information to deliver all Wales reviews and provides professional advice to improve services.

This organisation has the legal responsibility for inspecting all organisations, which provide care for children under eight. CSSIW publishes the regulations (see Child Minding and Day Care Regulations), guidance on how to meet them and other information including inspection reports for all establishments inspected.

4.2.6 Health Boards in Wales

The National Health Service is Wales' largest employer. It offers a wide range of exciting and challenging opportunities for people who are passionate about making a difference.

With more than 200 different careers to choose from, there is a job for you no matter what your interests, skills or qualifications.

In addition to the professional grades, there are the support services such as administrative and clerical, estates, general/financial management, catering, domestic or health promotion.

If you've worked before, then it's almost certain that the skills and experience you have gained in your previous career will be transferable to a new job in the National Health Service.

There are seven health boards in Wales and you can get details of them from www.wales.nhs.uk/ourservices/directory/LocalHealthBoards.

4.3 Employee Representative Organisations and Trade Unions

www.tuc.org.uk

Unfortunately, things can and do go wrong at work - often when you least expect it. You never know when you're going to need the support of a firm but friendly union to fight your corner.

A trade union is an organisation which represents employees in discussions about terms and conditions of service, such as pay, working hours etc. There are different trade unions for different types of work. An employee has the right to join a trade union but no one has to belong. Trade unions and their representatives will be able to give advice, and if necessary support, to individual employees about their rights and responsibilities.

The uptake of trade unions is much more prevalent in health than in social care but you are entitled to join a union in either sector.

4.3.1 UNISON and Healthcare

www.unison.org.uk/healthcare

UNISON is the UK's largest healthcare trade union - over 400,000 people who work in the NHS and for private contractors providing NHS services are UNISON members. Our health members are nurses, student nurses, midwives, health visitors, healthcare assistants, paramedics, cleaners, porters, catering staff, medical secretaries, clerical and admin staff and scientific and technical staff.

4.3.2 Unite

www.unitetheunion.org/sectors/health_sector.aspx

Unite is Britain's biggest union with two million members in every type of workplace.

Unite is the union for the 21st century. Unite was formed by a merger between two of Britain's leading unions, the T&G and Amicus. It was created to meet the great challenges facing working people in the 21st century and is a democratic and campaigning union which fights back for employees in the workplace, is taking trade unionism out to the millions of unorganised workers, is a union that stands up for equality for all and advances its members interests politically. Unite is also active on a global scale building ever stronger links with trade unions around the world to confront the challenges of the globalised economy.

4.3.3 Unison GMB

www.gmb.org.uk

GMB is a campaigning trade union focused on protecting GMB members in their workplaces and growing the number of GMB members in order to strengthen the Union's power. This website reflects GMB's aims and values, and shows what GMB Workplace Organisers do every day for GMB members.

GMB is a general union - which means that anyone can join us. GMB has almost 610,000 members working in every part of the economy. One in every 32 people at work in the UK is a member of GMB. GMB is organised in 34 of the UK's biggest 50 companies.

4.3.4 Voice

www.pat.org.uk

Voice is the union for education professionals, and we speak up for everyone, from teachers, lecturers and nursery nurses, to head teachers and school support staff, including teaching assistants, technicians and administrators and students* (*free membership). Voice represents a united strength that will support, protect and listen to you throughout your career, and we believe that every professional in education, early years and childcare has a right to be heard. That's why we offer a service that can enrich your working life - making Voice membership so much more than an insurance policy.

4.4 The Citizens Advice Bureau

www.citizensadvice.org.uk

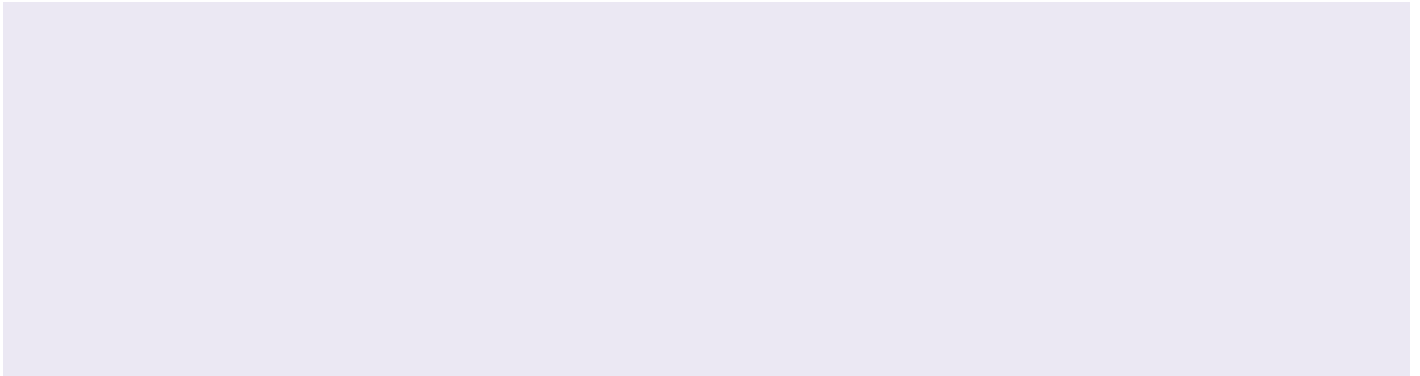
The Citizens Advice Bureau Service offers free, confidential, impartial and independent advice. Citizens Advice Bureaux help solve nearly six million new problems every year which are central to people's lives, including debt and consumer issues, benefits, housing, legal matters, employment, and immigration. Advisers can help fill out forms, write letters, negotiate with creditors and represent clients at court or tribunal.

Many bureaux provide specialist advice, often in partnership with other agencies such as solicitors and the probation service. To find out where your local Citizen's Advice Bureau is, check out the national website at the address above, or look in your local Yellow Pages.

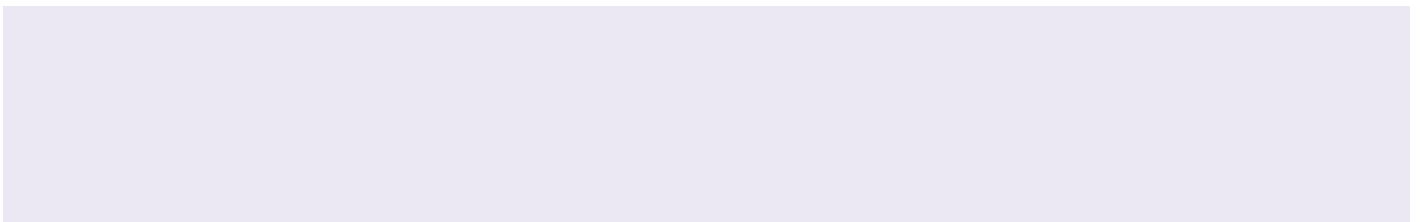
Activity

Sources of Information

1. List three items of information which you think should be included in a Staff Handbook.



2. Find out the contact details for your local Social Care Partnership and write them down here:



3. Find out the contact details for your local health board and local GPs.

4. Are there any trade unions in your work place and find out who could help you if you wanted to join?

Learning Outcome 5: Understanding your Job Role and Occupation

5. Your Job Role

Further Information: www.estyn.gov.uk

There are particular areas of legislation which affect those working with children. These laws and regulations provide a framework for the delivery of childcare in Wales.

HSC 024: Principles of safeguarding and protection in health and social care

HSC 025: The role of the health and social care worker

SCMP 3: Professional practice in children and young people's social care

CYP M3.2: Promote Child and Young Person Development

CYP M3.3: Understand how to safeguard the well being of children and young people

5.1 The Children Act (1989)/(2004)

This Act makes the welfare of children the most important consideration when any decisions are being taken about them. In general, it is assumed that parents will make the best decisions for their children, and that a child is best looked after by its family. Whenever possible, a child should be asked about its wishes, and every effort should be made to keep a child in touch with its wider family, even if a court feels it is not best for the child to live with its parents. The Children Act (2004) confirms the role of the Children's Commissioner in Wales who has the function of promoting the awareness of the views and interests of children in Wales.

Further Information: www.childcom.org.uk

5.2 The Care Standards Act (2000)

The Care Standards Act (2000) introduced a legal framework for the registration and inspection of services. In Wales, the Welsh Assembly Government sets National Minimum Standards and these standards are used by the Assembly's Care and Social Services Inspectorate Wales (CSSIW) when determining whether services are providing adequate care for children under eight and are otherwise complying with the relevant requirements.

5.3 National Minimum Standards

Further information: <http://wales.gov.uk/topics/health/socialcare/caresstandardsact/?skip=1&lang=en>

When running an adult care service there are **certain things you have to do by law**. They are explained in the relevant Acts and regulations. There is one Act which relates to adult services, this is The Care Standards Act (2000).

The Act provides the National Assembly for Wales with the authority to register and inspect establishments and agencies in Wales which provide social care. Additionally, the Act also provides the National Assembly with powers to make regulations governing the conduct of establishments and agencies across Wales.

These standards will be used by the Care and Social Services Inspectorate Wales when determining whether these care homes are providing adequate care, meeting the needs of the persons who live there and otherwise being carried on in accordance with regulatory requirements. The Welsh Assembly Government will keep the standards under review, and may publish amended standards as appropriate.

5.3.1 National minimum standards for care homes for older people

<http://wales.gov.uk/subsites/caresocialservicesinspect/publications/nmsolderpeoplecare/olderpeopleche.pdf?lang=en>

This document sets out National Minimum Standards for Care Homes for Older People issued by the Welsh Assembly Government under section 23 of the Care Standards Act 2000.

These standards will be used by the Care and Social Services Inspectorate Wales when determining whether these care homes are providing adequate care, meeting the needs of the persons who live there and otherwise being carried on in accordance with regulatory requirements. The Welsh Assembly Government will keep the standards under review, and may publish amended standards as appropriate.

5.3.2 National Minimum Standards for Care Homes for Younger Adults

<http://wales.gov.uk/cssiwsbsite/newcssiw/aboutus/providingsocialcare/adultcare/nmsadult/nmsyoungeradults/?lang=en>

This is a statement of National Minimum Standards for Care Homes for Younger Adults issued by the Welsh Assembly Government under section 23 of the Care Standards Act.

5.3.3 National Minimum Standards for Domiciliary Care Agencies in Wales

The purpose of these minimum standards is to ensure the quality of personal care and support which people receive whilst living in their own home in the community.

<http://wales.gov.uk/subsites/caresocialservicesinspect/publications/nmsdomcare/nmsdomcare.pdf?lang=en>

5.3.4 National Minimum Standards for Adult Placement Schemes

<http://wales.gov.uk/subsites/caresocialservicesinspect/publications/nmsadultplacement/adultplacementscheme.pdf?lang=en>

'Adult placement scheme' means a scheme under which arrangements are made or proposed to be made for not more than two adults to be accommodated and provided with personal care in the home of a person who is not their relative.

5.3.5 Nurses' Agencies

<http://wales.gov.uk/subsites/caresocialservicesinspect/publications/nmsnursingagencies/nmsnurses.pdf?lang=en>

When running nurses' agencies there are **certain things you have to do by law**. They are explained in the relevant Acts and regulations.

There is one Act which relates to nurses agencies, this is The Care Standards Act (2000). The Act provides the National Assembly for Wales with the authority to register and inspect establishments and agencies in Wales that provide social care. Additionally, the Act also provides the National Assembly with the powers to make regulations governing the conduct of establishments and agencies across Wales.

5.3.6 Children's Services

This page provides information for those who work in children's services.

When running a children's service there are **certain things you have to do by law**. They are explained in the relevant Acts and regulations.

There are three Act's which relate to children's services. These are the Care Standards Act 2000, the Children Act 1989 and the Adoption and Children Act 2002. The Care Standards Act 2000 provides the National Assembly for Wales with the authority to register and inspect establishments and agencies in Wales that provide social care. Additionally, the Act also provides the National Assembly with powers to make regulations governing the conduct of establishments and agencies across Wales.

There are 15 sets of National Minimum Standards that relate to children's services including residential child care, fostering and adoption agencies, child minders etc. You can find details of them here: <http://wales.gov.uk/cssiwsbsite/newcssiw/aboutus/providingsocialcare/childservices/nmschildserv/?lang=en>

5.4 Healthcare Standards and Governance

Branch of the Welsh Assembly Government's Department for Health and Social Services

www.nhswalesgovernance.com/display/Home.aspx?a=130&s=2&m=0&d=0&p=0

The health standards for Wales set out the Assembly Government's common framework of standards to support the NHS and partner organisations in providing effective, timely and quality services across all healthcare settings.

The standards have been revised and come into force from the 1st April 2010. The updated framework of standards, *'Doing Well, Doing Better – Standards for Health Services in Wales'* set out the requirements of what is expected of all health services in all settings.

5.5 Protection of Children Act (1999)

www.crb.gov.uk

This law created a list of people who have committed crimes, or behaved in ways which harm a child, or put a child at risk of being harmed. Your employer must therefore check to see that none of the people she or he employs is on the list, and must report any employee who harms a child or puts a child at risk. All people working with children have to undergo an Enhanced Criminal Records Disclosure from the Criminal Records Bureau (CRB) and checks are also made against lists held by the Department of Health and the Department for Education and Skills.

5.6 Protection of Vulnerable Adults

www.scie.org.uk/publications/guides/guide12/index.asp

Provision for the Protection of Vulnerable Adults scheme is made in Part 7 of the Care Standards Act 2000. At the heart of the POVA scheme is the POVA list. The POVA scheme will act like a workforce ban.

From 26 July 2004, individuals should be referred to, and included on, the POVA list if they have abused, neglected or otherwise harmed vulnerable adults in their care or placed vulnerable adults in their care at risk of harm. By making statutory checks against the list, providers of care must not offer such individuals employment in care positions. POVA checks are requested as part of Disclosures from the Criminal Records Bureau (CRB).

The POVA scheme will add significantly to current pre-employment checks - including confirming identity, requesting Disclosures and obtaining references - that providers of care should carry out before offering individuals employment in care positions.

The POVA scheme was implemented in England and Wales on 26 July 2004. In the first instance it commenced with regard to registered care homes and registered domiciliary care agencies, and later it extended to adult placement schemes, once such schemes came within the regulatory framework of the Care Standards Act 2000 and regulations extending the POVA scheme to them came into force.

5.7 Independent Safeguarding Authority and the Vetting and Barring Scheme

www.isa.homeoffice.gov.uk/pdf/VBS_guidance_ed1_2010.pdf

www.isa.gov.org.uk

On 15 June 2010, the UK Government announced plans to halt voluntary registration with the new Vetting and Barring Scheme while a review is undertaken to remodel the Scheme.

While this is underway existing safeguarding regulations remain in force and should be adhered to. The following changes came into effect from 12th October 2009 and remain in place:

- Since January 2009, the Independent Safeguarding Authority (ISA) has been making independent barring decisions. It will continue to maintain two constantly updated lists, one for those barred from working with children, the other for those barred from working with vulnerable adults;
- Existing requirements concerning Criminal Records Bureau (CRB) checks will remain in place, and those entitled to such checks can continue to apply for them; and
- Employers are still legally obliged to refer information to the ISA if they have moved or removed an individual because they have harmed or there is a risk of harm to a member of a vulnerable group.

5.8 Safeguarding

Safeguarding is a relatively new term which is broader than 'child protection' as it also includes prevention. Safeguarding has been defined as:

- All agencies working with children, young people and their families taking all reasonable measures to ensure that the risks of harm to children's welfare are minimised; and
- Where there are concerns about children and young people's welfare, all agencies taking appropriate actions to address those concerns, working to agreed local policies and procedures in full partnership with other local agencies. (**Safeguarding Children** (2005))

Task: Safeguarding Children

Please ask your employer to share the child protection or safeguarding policy and procedures with you and explain your role in looking out for, reporting and recording any information relating to this policy. You should remember that even if you are working in an adult environment, children live in families with adults and may visit services so everyone should have some form of policy that addresses this issue.

Safeguarding Adults

Safeguarding also applies to vulnerable adults. Find out if your organisation has a policy and procedure for adult protection or safeguarding.

Activity

Many of the things we have already talked about in this workbook will only be really useful to you if you are clear about your job role.

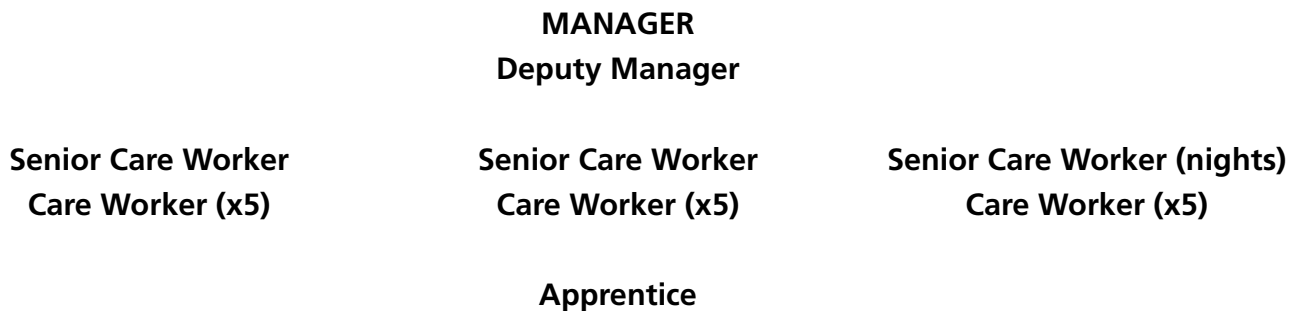
Think about what you do and, if you have one, read your job description.
Describe your role in the workplace in your own words.

My job title is:

My duties are:

5.9 Organisation Structures and Organisation Charts

It's important in any workplace that we know what our job role is and how it fits in with the work and the responsibilities that other people have. We can show who is more senior than others by drawing up an organisation chart (a bit like a "family tree") of an organisation, with the most senior person at the top. Organisation charts usually look something like this. The black lines link people to show who each person's manager is. This is an example of an organisation chart for a care home:



Activity

Draw up an "organisation chart" for your organisation.
Make sure to include yourself!

5.10 Different Types of Organisations (or Settings) Involved in the Health and Social Care sector

Activity

Your Own Setting

Think about your own setting. For your own setting, describe:

What section of health and social care you are working in (e.g. older people, mental health, learning disability community services:)

Can you identify the standard setting and inspection service that the service uses.

Operating times:

The range of needs the service users:

The type of premises that you use (do you have sole use, do you share, who owns them?)

Recent Changes in the Children's Care, Learning and Development Sector

Activity

During the last few years a number of important changes have taken place which have affected the delivery of care in the social care sector. Complete the chart below by briefly explaining how the following changes have affected or may affect your organisation and the way it cares for children. You may find it helpful to discuss this with your assessor, manager and the people you work with.

Introduction of National Minimum Standards and Inspection of settings by CSSIW following the Care Standards Act 2000	
Introduction of personal budgets and Direct Payments in Wales	
Joint Health and Social care services	

Learning Outcome 6: Careers in Children's Care Learning and Development

SCH 22: Introduction to personal development in health, social care or children's and young people's settings

6.1 Career Structures

<http://wales.gov.uk/topics/educationandskills/playlearngrowsub/playlearngrow/?lang=en.1>

Once you have completed your Apprenticeship and qualified, there are many opportunities for you to follow a career in childcare.

For example, if you have completed your Foundation Modern Apprenticeship, you may want to go on to work towards a Modern Apprenticeship which will qualify you for more senior, supervisory positions within an child care setting.

Beyond this level, there are Diplomas in both advanced practice and management of children's care setting and to work with children and young people at level 5, which you could take once you have gained experience as a supervisor or room leader.

You can also consider moving in to, and gaining qualifications for, related areas of work such as playwork, teaching or work as a teaching assistant, health and nursing, social work, etc.

The diagram at the end of this section shows you the progression routes, and the sort of jobs that are available at each level.

6.2 Finding out about Qualifications and Career Opportunities

6.2.1 The health and social care sector is large and highly complex. Over 3.4 million people are estimated to work in both health and social care sectors in the UK (70,000 in social care and 120,000 in health in Wales alone). The sector is regarded as economically significant in size and is therefore a major employer. It is characterised by a large number of small and medium sized business.

The two sectors in the domain – health and social care – each have their own distinct characteristics but share boundaries. The boundaries are not always clear-cut. For example, there are grey areas relating to services such as mental health, learning disabilities, and long-term care, with considerable interchange of non-qualified staff between various settings.

6.2.2 Health Sector

The health care sector is very large, employing some 2.2 million people. It includes the NHS and a significant number of independent and voluntary sector providers. The health sector's primary purpose is to bring about the highest level of physical and mental health for all citizens. It does this by:

- Promoting health and preventing ill health;
- Diagnosing and treating injury and disease; and
- Caring for those with a long term illness or disability who require the services of the NHS.

6.2.3 The NHS is made up of about 800 separate organisations. It includes: hospitals, community health services, and ambulance services; GP practices; NHS walk-in centres; dental services; pharmacies; and opticians. Many local services are managed and provided by Primary Care Trusts. These organisations are also responsible for planning and commissioning services for their local populations.

6.2.4 The health domain also includes other health care providers such as independent hospitals & clinics; private doctors and specialist practitioners, hospices; and the Armed Forces.

6.2.5 The Health Sector has a large and complex Career Framework.

www.skillsforhealth.org.uk/careerframework

Roles are constantly being developed and are mapped to this Framework. The Career Framework does not directly map to the levels in the National Qualifications Framework. **Settings may be privately owned, run by volunteers or by a Local Authority (education, health or social services).**

6.3.1 Social Care Sector

The total number of employees working in the social care sector is estimated at 1.3 million with approximately 38,000 employers.

These people work with all adult service groups; older people, sensory and physical impairment service users and extra care support. People who use services are supported in a variety of settings including own homes, supported accommodation, day care provision and residential accommodation.

6.3.2 Social Care is the term given to a wide range of care and support for people with assessed need e.g. Social Care Services are administered through Local Authorities (except Northern Ireland) working with voluntary and private social care organisations. Councils may provide services themselves or commission others to do so.

6.3.3 This framework covers the entire Health and Social Care sectors which includes:

- The National Health Service;
- Private providers;
- Local Authorities;
- Voluntary organisations;
- The Armed Forces; and
- Support Services.

The sectors welcome the contribution to training and development represented by the apprentices who make up a significant section of the workforce.

There are a number of organisations that can help you find out more about the qualifications and training available for you to make progress in a career in this sector. These include:

6.3.4 Skills for Care and Development

Skills for Care and Development is the Sector Skills Council (SSC) for people working in early years, children and young people's services, and those working in social work and social care for children and adults in the UK. Our SSC is a partnership of 6 organisations: **Care Council for Wales, Children's Workforce Development Council, General Social Care Council, Northern Ireland Social Care Council, Scottish Social Services Council, and Skills for Care.** The SSC has overall responsibility for the Apprenticeship frameworks in Children's Care, Learning and Development.

6.3.5 Skills for Health

www.skillsforhealth.org.uk

Skills for Health is the Sector Skills Council for health. We help the whole UK health sector develop a more skilled and flexible workforce. Their proven solutions help improve not just productivity but also the quality of health and healthcare.

6.3.6 The National Leadership and Innovation Agency for Healthcare (NLIAH)

www.wales.nhs.uk/sitesplus/829/page/36065

NLIAH is part of NHS Wales and works with Trusts and Health Boards to deliver better quality and safer patient services. NLIAH employs 100 staff, based in Llanharan, Cardiff and Wrexham.

The work of NLIAH operates across five main areas: Workforce Development, Leadership & Organisational Development, Partnership Development, Service Improvement and QulP (Quality Improvement Plan) Delivery Support. Each area runs a number of themed programmes as agreed through formal agreement with the Welsh Assembly Government.

6.4 Continuing Professional Development

Being well qualified will involve additional training to keep you up-to-date. There are a number of ways in which you could get this training. Developing skills, reading vocational magazines, updating first aid qualification, doing courses or QCF units to develop special knowledge and skills e.g. in working with babies, working with children and young people who are disabled or experience sensory loss, in-house training, widening and deepening your personal and professional knowledge.

The Specifications of the Health and Social Care Diplomas at levels 2 and 3 are available on the Care Council for Wales website (ccwales.org.uk). These contains lists of all of the units you could add to your Diploma qualification to deepen or extend your knowledge and skills.

You can also access all of the units that make up the Advanced Practitioner and Management Qualifications at level 5 to help you further your career within the sector.

6.4.1 Possible Long Term Progression Routes for Modern Apprentices in Health and Social Care

Guidance on other career options could include:

Progression to professional qualification in Social Care:

Social Worker: www.skillsforcare.org.uk/socialwork/introductionsw.aspx

Social Care Worker: http://careerpathways.skillsforcare.org.uk/what_is/what_types.html

- Personal Assistants;
- Care Workers;
- Key Workers; and
- Care Managers Trainers.

Progression to professional qualifications:

- Diploma HE Nursing/Midwifery;
- Professions Allied to Medicine; and
- Management e.g. Registered Manager, Practice Manager.

Progression to other specific job roles.

- Assistant Practitioner;
- Care Manager;
- Officers in Charge/Registered Manager; and
- Day Services Manager.

Higher Education

- Foundation Degree (note there are no actual jobs within the sector that require this qualification so look for one that has an occupational competence Diploma within it);
- Degree;
- Social Work Training;
- Primary Teaching;
- Nursing Training; and
- FE Teaching.

6.4.2 Awarding Organisations

There are a number of awarding organisations that make available a wide range of qualifications for people working in this sector. You can contact any of them for more information, or visit their websites. Some of the awarding bodies offering qualifications in early years are:

The Council For Awards in Children's Care & Education (CACHE)

01727 847636
www.cache.org.uk

EDEXCEL

020 7393 4444
www.edexcel.org.uk

City & Guilds (C&G)

020 294 2800
www.city-and-guilds.co.uk

OCR Cymru

029 2053 7810
www.ocr.org.uk/cymru

EDI

Acentis (Children and Young People only)

6.4.3 Distance Learning Providers

Distance learning enables you to study for a qualification by correspondence or through the internet. If you do a qualification in this way, always check that it is a recognised qualification.

Open University (also an Awarding Body)

01908 653231
www.open.ac.uk

National Extension College

01223 400 200
www.nec.ac.uk

Agored

029 2074 7866
www.agored.org.uk

UCAS (Universities Central Admissions Service)

www.ucas.ac.uk

Lists of universities offering degrees in early childhood studies, foundation degrees and other areas.

Careers

www.careerswales.com

Careers Wales offers advice on careers and training to all age groups.

JobCentre/JobCentre Plus

www.jobcentreplus.gov.uk

Can offer advice and guidance on employment issues for all age groups.

SCH 22: Introduction to personal development in health, social care or children's and young people's settings

Activity

Suggest 3 sources (outside your company) of information about Health and Social Care occupations, training and careers. How would you use these?

Sources of Information Health and Social Care Occupations	How I would use them
1	
2	
3	

Think about your own situation and your own needs for continuing professional development. What sort of training or development would you like to have the opportunity to attend or have made available to you during the coming year?

Learning Outcome 7: Organisations that represent the Health and Social Care Sectors

7. Introduction

Within any sector of employment there is a range of organisations that represent the people in that sector, be they employers, employees or service users. We have already covered the organisations that can represent you if something goes wrong in your employment including trade unions.

This section looks at organisations that represent various service users groups and activities within the Health and Social Care Sector. Some of them have a wide range of roles, so they will also have been mentioned briefly in other sections in this workbook.

This is not an exhaustive list.

Activity

1. Find out what organisations might support the services users who use your service in Wales.
2. Are the services available in Welsh?

7.1 Welsh Local Government Association

www.wlga.gov.uk/english/children-services-0-10yrs

Children Service's Need

Services for children within education and lifelong learning play an important role in ensuring that children have the best start in life and that they enjoy early opportunities to engage and participate. Effective services for children and their families ensure active engagement and achieve better outcomes and attainment for children in Wales.

Services for children are planned and delivered by the Children and Young People's Partnerships through the Children and Young People's Plan. Children's services include childcare, parenting support, Flying Start, play, Cymorth, the Foundation Phase and Family Information Services.

There have been numerous policy developments from the Welsh Assembly Government which have impacted on services for children at a local level. Recent enactment of the Children and Families (Wales) Measure has resulted in a new Child Poverty Strategy and Developmental Plan and a new duty on local authorities in respect to play.

Older People's Services

www.wlga.gov.uk/english/older-people-and-ageing

In Wales, local government has been identified as the key agent for change, being the main deliverer of the Welsh Assembly Government's Strategy for Older People in Wales, and plays the leading role in taking it forward.

Each local authority has appointed an **Older People Champion**, who is normally a Cabinet Member, who has a role to ensure the issues of older people are kept at the forefront of policy and service development. There is also an **Strategy for Older People Coordinator** in each authority whose role is to develop new approaches to the development of policy and service development in conjunction with other departments and agencies, including, Local Health Boards, NHS Trusts, the local voluntary organisations and with older people. In each area a local action plan is developed which feeds into the local Community Plan and the local Health, Social Care and Well-Being Plan.

7.2 Regional Social Care Partnerships

There are four Regional Partnerships for social care in South East, South West, Mid and North Wales. The Partnerships bring together local authorities, colleges, training providers, representatives from the Assembly Government and other key organisations such as Jobcentre Plus, Careers Wales and of course employers from all parts of the sector. The work of the Partnerships is to contribute at a regional level to ensure that a suitable workforce is available, and workforce planning in order to ensure quality services for the future.

By bringing the key bodies together to share information and anticipate regional needs, the Partnerships can speak with authority about the needs of the workforce, the challenges and the gaps in the sector, and offer solutions to these challenges. They can do this by offering regional solutions, and also by influencing national priorities through their close contact with the Care Council for Wales.

Regional Partnerships welcome new members and for further information please contact:

Clare Hughes in [North Wales](#)

Jane Guest in [Mid Wales](#)

Annie O'Reilly in [South West Wales](#)

Penny Copner in [South East Wales](#)

7.3 There are a Range of Organisations Who Represent the Particular Issues Associated with Service Users:

7.3.1 Disability Wales

Disability Wales is the national association of disabled people's organisations, striving to achieve the rights, equality and independence of disabled people in Wales.

They work to the **Social Model of Disability**, recognising that people are disabled more by poor design, inaccessible services and other people's attitudes than by their impairment. This guides their work in promoting and campaigning for **Independent Living**.

Our aims are to:

- Develop and support the work of organisations led by disabled people;
- Be an effective advocate for the views, priorities and interests of our Members;
- Influence policy and decision makers at all levels; and
- Develop and deliver services that benefit disabled people.

7.3.2 Older People's Commissioner for Wales

www.ageuk.org.uk/cymru

www.olderpeoplewales.com

The independent Older People's Commissioner for Wales was created with legal powers to make a positive difference to the lives of older people in Wales.

There are five objectives for the Commission, which reflect the functions set out in the Commissioner for Older People (Wales) Act 2006. These are to:

1. Promote awareness of the interests of older people in Wales and of the need to safeguard those interests;
2. Promote the provision of opportunities for, and the elimination of discrimination against, older people in Wales;
3. Encourage best practice in the treatment of older people in Wales;
4. Keep under review the adequacy and effectiveness of the law affecting the interests of older people in Wales; and
5. Deliver these four functions in ways which are proper and regular, prudent and economical, making efficient and effective use of resources and identifying and managing risks.

In order to fulfil these objectives they proactively listen to older people and organisations in the widest way possible, using digital inclusion, face to face meetings, consultations and surveys, attending events and correspondence.

7.3.3 Learning Disability Wales

www.learningdisabilitywales.org.uk

“Creating a Wales that values and includes every child and adult with a learning disability”

Our Values:

The work of this organisation is underpinned by a staunch commitment to a specific set of values.

Our values are:

- Community, empathy, equality, freedom, humanity, individuality, innovation, justice, self-challenging, strategic, teamwork, inclusion.

Our Principles:

- the right to an ordinary pattern of life within the community;
- the right to be treated as an individual;
- the right to additional help and support in developing their maximum potential; and
- the right to participate in all decision-making and service planning.

Our Aims:

We have five organisational aims to guide our work:

- Reduce injustice, discrimination and prejudice experience by children and adults with a learning disability;
- Increase and extend opportunities for the active and meaningful participation of children and adults with a learning disability in every aspect of their lives and community;
- Increase commitment to the rights and concerns of children and adults with a learning disability;
- Increase the diversity and quality of service responses to reflect the individuality of children and adults with a learning disability; and
- Maintain and enhance the accountability, efficiency, effectiveness, financial sustainability and governance of the organisation in order to uphold its values and deliver its mission and aims.

7.3.4 RNIB Cymru

www.rnib.org.uk/Pages/Home.aspx?gclid=CMOk0tXW1aYCFUEOfAod7Vj_Mw

RNIB Cymru works for the 100,000 people in Wales with serious sight loss.

Our services provide practical solutions to everyday challenges. They campaign for the inclusion of people with sight loss and we run pilot projects within our communities. We promote eye health by running public health awareness campaigns. We also work in partnership with organisations across Wales to provide local services.

Head office:

RNIB Cymru
Trident Court
East Moors Road
Cardiff
CF24 5TD
Telephone: 029 2045 0440
Fax: 029 2044 9550
E-mail: CymruEvents@rnib.org.uk

7.3.5 RNID

www.rnid.org.uk/about/in_your_area/wales

RNID Cymru represents the 480,000 deaf and hard of hearing people who live in Wales, as well as their families and others who work with them or for their benefit. Their staff and volunteers offer a wide range of services, including communication, information, care and employment services. They campaign in many areas and act to raise awareness of deafness in Wales.

Information Line (Freephone)

Telephone: 0808 808 0123
Textphone: 0808 808 9000
E-mail: informationline@rnid.org.uk

7.3.6 Mind Cymru

www.mind.org.uk

As the leading mental health charity for Wales, Mind is a force for change.

They campaign vigorously to create a society that promotes and protects good mental health for all - a society where people with experience of mental distress are treated fairly, positively and with respect.

They are both a local and national network. Through this network we work with around 250,000 people every year. They are able to help people who experience all types of mental distress, and who may require help from one or more of our services.

People who experience mental distress are always at the very heart of our work. They listen and make sure their voices are heard by those who influence change and demand higher standards in mental health care and challenge discrimination wherever it occurs.

Mind Cymru
3rd Floor, Quebec House, Castlebridge,
5-19 Cowbridge Road East,
Cardiff CF11 9AB
Tel: 029 2039 5123
Fax: 029 2034 6585

7.3.7 NSPCC (National Society for the Prevention of Cruelty to Children)

www.nspcc.org.uk

The NSPCC (National Society for the Prevention of Cruelty to Children) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. It has been directly involved in protecting children and campaigning on their behalf since 1884.

7.3.8 Carers Wales

Carers Wales is part of Carers UK who work for a better deal for all carers in Wales. They are a policy, campaigning and information organisation. Carers want to have a voice and to win the recognition and support that they deserve. This is why they set up and continue to support Carers UK.

In Wales, they maintain contact with carers through their membership and networks of branches and affiliates. We use the experience of carers to:

- Influence government policy through the National Assembly for Wales;
- Work to improve the services that affect the lives of carers at local level;
- Inform carers of their rights and what help is available; and
- Campaign with others on UK wide issues such as benefits for carers. See the Wales Carers Alliance Carers Manifesto.

Carers Wales is based in Cardiff at:

River House
Ynysbridge Court
Gwaelod y Garth
Cardiff CF15 9SS
Tel: 029 2081 1370
Fax: 029 2081 1575
E-mail: info@carerswales.org

7.3.9 Crossroads Care Wales

www.crossroads.org.uk/index.php?mid=2&sid=11&pgid=23

Crossroads Care Wales is part of the Crossroads Care Association. Carers say that without the support they receive from Crossroads Care, including short-term respite care in their own home, they wouldn't be able to carry on with their caring role.

They have a presence in every local authority area across Wales through their nine regionally run and locally based Crossroads Care providers.

Crossroads Care Wales Team have been actively involved in the development of the new Carers' Measure in Wales and the Commissioning Framework for Local Authorities.

7.3.10 Local Health Councils

www.wales.nhs.uk/sitesplus/899

The Community Health Council (CHC) works to enhance and improve the quality of your local health service and are your statutory and independent voice in health services provided throughout Wales. The CHC can also provide you with free confidential help if you have a problem or complaint with NHS services.

Community Health Councils across Wales:

- Provide help and advice if you have problems with or complaints about NHS services;
- Ensure that your views and needs influence the policies and plans put in place by health providers in your area;
- Monitor the quality of NHS services from your point of view; and
- Give you information about access to the NHS.

Complaints Advocate: 0845 644 7814
029 2023 5558

7.3.11 Royal College of Nursing: Patient and Public Involvement

www.rcn.org.uk/development/practice/diabetes/patient_involvement

The involvement of patients, carers and the public in health decision-making is at the heart of the modernisation of the UK's National Health Service. Active and effective involvement of people with diabetes and their carers is intrinsic to the national frameworks and strategies for diabetes across the UK. The emphasis is on enabling as wide a participation as possible. In Wales, Local Diabetes Services Advisory Groups (LDSAGs) provide the key mechanism for user involvement in planning and monitoring services.

7.3.12 Macmillan Cancer Support

www.macmillan.org.uk/Aboutus/AboutUsHome.aspx

Macmillan Cancer Support improves the lives of people affected by cancer. We provide practical, medical and financial support and push for better cancer care. Cancer affects us all. Their primary goal is to reach and improve the lives of everyone living with cancer. They offer excellent additional nursing services and welfare rights advice for patients with cancer.

7.4 Sector and Government Organisations

Care and Social Services Inspectorate Wales (CSSIW)

<http://wales.gov.uk/cssiwsite/newcssiw/?lang=en>

Is responsible for the regulation and registration of child minders and day care providers.

Local Early Years Development and Childcare Partnerships (EYDCPs)

www.childcarelink.gov.uk

EYDCPs are responsible for local planning and co-ordination of Early Years Education and Childcare and are an important resource in helping you to progress towards working with children. They also provide professional development training. For details of your local EYDCP, contact your Local Authority, training provider or visit the DfES website.

National Assembly for Wales

www.wales.gov.uk

The National Assembly for Wales consists of 60 Members elected throughout Wales. The Assembly has delegated many of its powers to the First Minister, who leads the Welsh Assembly Government and a team of Ministers.

The Children's Commissioner for Wales

www.childcom.org.uk

The Children's Commissioner and his staff are based in offices in Swansea and Colwyn Bay, but work all over Wales. They provide legal expertise, analyse and influence policy, and evaluate practice and promote better services for children. They also have direct contact with children and young people involving them in the work and making sure that their views and opinions are communicated to others.

Older Persons Commission for Wales

www.olderpeoplewales.com

We want to see a Wales in which respect for the rights and dignity of older people is a practical reality in all areas of life, where age discrimination is a thing of the past and where a positive view of ageing and of older people prevails.

Activity

Your Own Setting

Look back through the information given on the preceding pages in this target. For each of the questions, write down the names of the organisations and discuss with your assessor how these organisations might affect your workplace and the work that you do. Think about whether there might be any conflict of interests between the aims of these organisations.

Identify 2 organisations that represent children.

1.

2.

Identify 2 organisations that represent the public interests.

1.

2.

Identify 2 organisations that represent the interests of people who work in Health and Social Care settings.

1.

2.

Learning Outcome 8: The Sector's Principles and Codes of Practice

8.1 Underlying Principles of the Early Years Sector

Introduction to the Common Core of Skills Knowledge and Understanding for the Children and Young People's Workforce in Wales.

The Welsh Assembly Government has adopted the UN Convention on the Rights of the Child, as the basis of all its work for children and young people in Wales. These have been translated into seven Core Aims which will work to ensure that all children and young people:

- Have a flying start in life;
- Have a comprehensive range of education and learning opportunities;
- Enjoy the best possible health and are free from abuse, victimisation and exploitation;
- Have access to play, leisure, sporting and cultural activities;
- Are listened to, treated with respect, and have their race and cultural identity recognised;
- Have a safe home and a community which supports physical and emotional wellbeing; and
- Are not disadvantaged by poverty.

8.2 Principles underlying Children's Care

At the very heart of ensuring the fruition of the Welsh Assembly Government's commitment is the workforce that provides the services to improve the lives of children and young people in Wales.

Recognising this, the Welsh Assembly Government asked the Children and Young People's Workforce Development Network to create a set of standards which would ensure that everyone working with children, young people and families should have a common set of skills, understanding and knowledge.

It is intended that the Common Core serves as a baseline tool for all those working with children and young people and it sets out the required knowledge skills and understanding to practise at a basic level in six areas of expertise:

- Effective Communication And Engagement;
- Child And Young Person Development;
- Safeguarding And Promoting The Welfare Of The Child;
- Supporting Transitions;
- Multi-Agency And Partnership Working; and
- Sharing Information.

This will help establish a greater shared language and understanding across different parts of the workforce thus improving practice. Although the language and cultural issues in Wales are not referred to specifically in each area it should be noted that the Common Core recognises that an awareness of Welsh language and culture is essential in order to work with children and young people in Wales.

The Welsh Assembly Government and partners who have endorsed the document would wish that it be used:

- In the design of induction and in-service and inter-agency training, building on existing practice;
- As a tool for training needs analyses that focus on supporting individual development; and
- As a tool for workforce planning.

8.3 Code of Practice for Social Care Workers

The Code of practice for Workers sets down the standards of conduct expected of social care workers. It will ensure that workers know what is expected of them and that the public know what standards of conduct they can expect from care workers. In the case of people who are registered breaking the codes may lead to investigation and action by the Care Council.

All social care workers are expected to meet the code and any serious failure to do so will be dealt with by employers. The Care Council will operate in a manner that recognises the rights and responsibilities of employers and avoids duplication of processes or procedures. It will normally only deal with cases when employers have concluded complaints and disciplinary procedures and removal from the Register, or the setting of additional conditions on registration, need to be considered.

The Code for Workers are now available in **other languages**.

Social Care Workers must:

1. Protect the rights and promote the interests of service users and carers;
2. Strive to establish and maintain the trust of service users and carers;
3. Promote the independence of service users and carers while protecting them as far as possible from danger and harm;
4. Respect the rights of services users whilst seeking to ensure that their behaviour does not harm themselves or other people;
5. Uphold public trust and confidence in social care services; and
6. Be accountable for the quality of their work and take responsibility for improving their knowledge and skills.

8.4 Code of Practice for Employers of Social Care Workers

There is also a Code of Practice for Employers, which applies to all employers across the social care sector regardless of whether they are public, private or statutory organisations. The Code for employers sets out how employers should meet their responsibilities for managing and supporting their staff and ensuring that they do their jobs well. The enforcement of the Code for employers will be a matter for the Care and Social Services Inspectorate for Wales.

8.5 Code of Practice for Health Care Support Workers

www.healthworkerstandards.scot.nhs.uk/Documents/codeofConductHealthCareSupport.pdf

1. Do your best for patients and their relatives - ADVOCACY.

This means that you might have to speak up for them from time to time.

2. Respect the patient - SENSITIVITY.

He or she is a real person with real feelings and emotions. Think about how you might feel if you were in their position.

3. Treat all patients in the same way - OBJECTIVITY.

You must not have 'favourites' or patients you don't like - you must give everyone the same high-quality care.

4. Make sure that patients are always treated with dignity - CONSIDERATION.

Try always to ensure that patients are never placed in an embarrassing situation.

5. Tell patients what you intend to do, and listen carefully to what they say - CONSENT.

Always tell them what you plan to do with them and make sure they agree to it.

6. Protect the patient's privacy - CONFIDENTIALITY.

Make sure you don't give away information about patients to anyone other than colleagues who need the information to help in the patient's care.

7. Work well with your colleagues as part of a team - CO-OPERATION.

Value the part you play in the team and those that others play.

8. Make sure you don't put patients and colleagues at risk of harm - PROTECTION.

Make sure patients and colleagues are protected from hazards and risks.

9. Try to increase your own knowledge and skills by talking to patients and colleagues and seeking out learning opportunities - DEVELOPMENT.

The more interested you are in your work and the more you know in relation to your job, the better you will be able to offer a service to patients.

10. Be honest with yourself and others about what you can do - AWARENESS.

Know yourself and your capabilities, and seek help from colleagues if you have worries or concerns.

11. Always do what is right to protect the patient - INTEGRITY.

Always do your best to make sure nothing you or anyone else does will harm the patient's mental and physical health or delay his or her recovery.

12 Observe any changes that could affect a patient's needs or progress - VIGILANCE.

Always try to notice when a patient isn't doing what might be expected of him or her and report your observations to an appropriate person.

13. Ensure that you can always 'answer' for your actions or omissions - ACCOUNTABILITY.

Make sure you are comfortable with the actions and omissions for which you are responsible in your daily work and that you are able to justify them to patients, your supervisor, your employer and others.

8.6 The National Minimum Standards for residential services (adults)

Learning Outcome 1 referred to the regulations which are applied to all registered day care providers and which are enforced by CSSIW. These can be summarised as follows:

The Standards are grouped into the following eight sections which highlight aspects of individuals' lives identified during the stakeholder consultation as most important to service users:

- Choice of service;
- Planning for individual needs and preferences;
- Quality of life;
- Quality of care and treatment;
- Staffing;
- Conduct and management of the service;
- Concerns, complaints and protection; and
- Physical environment.

N.B. The details of each standard are specific to the type of setting and some of the standards are not appropriate in all settings.

8.7 Complying with Standards

Organisations need to show how they communicate to the people that they serve, how they intend to work to the standards that apply to their sector. For example, this information might be included in a prospectus for parents, displayed on notices and posters in the building, contained in leaflets given out to prospective clients and the public in general, and included in the written policies and procedures of the setting.

Activity

1. How is the way your organisation meets the National Minimum Standards for your service explained and demonstrated to:

a. Service Users:

b. Carers:

c. Staff:

2. What statutory body is responsible for ensuring that Health or Health and Social Care organisations comply with (obey) the requirements in the Standards?

3. How can you contribute towards maintaining standards in your organisation and contribute to any improvements required?

Learning Outcome 9: Issues of Public Concern and how they affect Health and Social Care Organisations

The Health and Social Care Sector sectors are becoming increasingly important. The population is living longer with a variety of disabilities and with better health and social care living longer in their own homes rather than in residential care. Over the last few years there have been some very controversial issues that have been widely discussed in the sector.

Activity

Choose an issue that is controversial in the Health and Social Care Sectors (you can discuss this with your tutor or assessor). It could be a matter within your community or setting, a local or national issue. Present your thoughts under the following headings:

Briefly describe the issue:

Key points in favour:

Key points against:

Then discuss the issue with your assessor and think about the following:

- Has this issue had any effect on the way that you work in your workplace?
- Has your organisation, or their representative body, taken any steps to influence public opinion on this issue?

Health and Social Care

Employment Rights and Responsibilities

– Evidence Record Form

(To be completed by the Learning Provider)

Candidate Name		
FMA	MA	MA who has previously completed the ERR programme as an FMA
Employer/Learning Provider		
Tel	Fax	E-mail
Framework Start Date		Framework End Date
ERR Start Date		ERR End Date