

GEN109 Promote peoples' rights and encourage them to recognise their responsibilities

OVERVIEW

This standard is about recognising and enabling people's right to make informed decisions, enabling them to be involved in decision making to the full extent of their capability, supporting them in taking responsibility for their decisions and actions and protecting their right to confidentiality of information. Individuals' rights to make their own decisions will depend on their age and capacity. A key principle of the law is that every adult has the right to make their own decisions and is assumed to have the capacity to do so unless it is proved otherwise. Some people may need help or support to be able to understand the decision they are being asked to make, to know how to make a choice or to be able to communicate, but the need for help and support does not remove their right to make their own decisions. This standard applies to anyone who works in the health sector and who has responsibility and accountability for promoting people's rights and responsibilities. This is particularly relevant to those who work with individuals who need support to make decisions. Users of this standard will need to ensure that practice reflects up to date information and policies. Version No 1

KNOWLEDGE AND UNDERSTANDING

You will need to know and understand:

- 1.the legal framework in which access to, and transmission of, information is set and how this may differ for different individuals and in different settings
- 2.organisational policies of your employing organisation or the organisation for which you work under contract relating to rights and responsibilities
- 3.the rights and responsibilities of people to be involved in making decisions which affect them under current legislation and agreed legislation which is in the process of being implemented
- 4.why the decisions which people make about their lives are complex and the nature of this complexity
- 5.why individuals may not be able or willing to make their own decisions
- 6.how to recognise when people are not able to exercise their rights to make informed choices and methods of enabling people to exercise their rights effectively - themselves, with your help, or through the use of another, such as an interpreter or advocate
- 7.how to work with people to develop a fair, non-discriminatory and safe assessment of the extent to which they can make a decision

- 8.your own role and authority in relation to making decisions on behalf of people unable to decide for themselves, the sorts of decisions that should be referred to others, and your role in making such referrals
- 9.why people who need support to make decisions are vulnerable to abuse and exploitation, and local strategies and protocols for preventing, detecting and dealing with incidents of abuse
- 10.the types of support available to support people in making and acting on their own decisions
- 11.how conflicts of interest can arise within decision-making
- 12.the types of opportunities which encourage self-worth and self-esteem
- 13.how to encourage people to be assertive
- 14.why it is important to work in ways which encourage empowerment
- 15.how to facilitate the empowerment of people
- 16.how the socio-economic and personal context of people's lives affects their values and priorities and the decisions they are able to make
- 17.why it is important to review and evaluate decisions and actions and how to support people in doing this
- 18.the relationship of confidentiality to individual rights
- 19.how the transmission of information, and the setting in which it takes place, may affect confidentiality
- 20.how proof of identity may be obtained from various sources, what acceptable proof of identity is and the different forms which this may take
- 21.why individual choice regarding the confidentiality of information should be respected as far as is possible and the circumstances which over-ride individual choice
- 22.the information which may indicate that people are at risk and the organisation's policy on handling the confidentiality of such information
- 23.the methods for maintaining confidentiality in public environments and how confidentiality may be inadvertently breached
- 24.the reasons why some people may claim they have the right or the need to know information and how information can be misused by individuals and organisations
- 25.where you can go for support regarding concerns about the misuse of information if you believe that there is a conflict of interest

PERFORMANCE CRITERIA

You must be able to do the following:

- 1.provide sufficient information needed for people to make informed choices
- 2.provide information which is up-to-date and which takes account of:
 - 1.the complexity of the choices which people need to make
 2. existing legislation and organisational policy
 3. standards of good practice
- 3.provide information in a way that is consistent with people's abilities, preferred form of communication, manner of expression and personal beliefs and preferences
- 4.provide appropriate help to people who need support to make choices for themselves
- 5.provide clear information on:
 - 1.the options which may be available to people
 2. the decisions which need to be made

3. other sources of help or advice
- 6.confirm that people understand the information provided and provide further information or clarification if required
- 7.help people to identify and explore the implications of different choices
- 8.maintain accurate, complete and up-to-date records of the information provided and any choices made
- 9.determine and review with the people concerned, the level of support they need to make and act on their own decisions
- 10.provide opportunities that encourage people to assert themselves and promote their sense of self-worth and self-esteem
- 11.actively involve people in decision making processes
- 12.identify and use facilitation styles which will assist the empowerment of people
- 13.ensure your actions recognise people's rights to make their own decisions in the context of their lives, and acknowledges their responsibilities
- 14.ensure your actions in interpreting the meaning of rights and responsibilities are consistent with existing legislative frameworks and organisational policy
- 15.support people in taking responsibility for actions arising from the decisions they make
- 16.encourage and support people to review and evaluate their decisions and actions
- 17.ensure the information you store in, and retrieve from, recording systems is consistent with the requirements of legislation and organisational policy
- 18.ensure your records are accurate and legible and contain only the information necessary for the record's purpose
- 19.disclose information only to those who have the right and need to know, and only after you obtain proof of their identity
- 20.take appropriate precautions when communicating confidential or sensitive information to those who have the right and need to know it
- 21.when someone tells you something which you are required to share with others, tell them in a clear and appropriate manner that the information may need to be shared with others
- 22.handle confidential records securely and store them in the correct place
- 23.seek support when it appears that information is being misused

ADDITIONAL INFORMATION

This National Occupational Standard was developed by Skills for Health. This standard replaced MH44. This standard links with the following dimension within the NHS Knowledge and Skills Framework (October 2004): Dimension: Core 6 Equality and Diversity