

Ethical Framework

Thursday 14th January 2021

The webinar will start soon. Please familiarize yourself with the Zoom controls if you haven't used before.

'Helping you to make the right decisions'

House Keeping

- Your Video is off and Microphones are muted
- Please use the Q&A box to put a question to the speakers
- Questions will be answered live at the end of this session
- Any unanswered questions will be added to a FAQ which will be circulated with the slides after the presentation
- This session will be recorded for you to watch later or share with colleagues

Today is about helping you make the best decisions

As we move further into this new lockdown, decisions relating to **availability of staff** should COVID-19 related sickness levels rise to an otherwise unmanageable level, need to be considered.

Moving further into this crisis, decisions will need to be taken that will impact the way Hertfordshire County Council: Adult Care Services (HCC ACS) respond to their responsibilities for care and support.

- HCC ACS need to ensure there's clear **professional oversight** and where relevant, **professional sign-off** for such decisions.
- They also need to know that as part of this process that **due consideration** has been given to the **unintended consequences of decisions** that are made in extreme circumstances.

Agenda

This morning's webinar will include:

- Where such difficult decisions need to be made, this should always be within the remit of a clear **ethical framework**
- Service **delivery** and **prioritization**
- **Connected Lives** during the COVID-19 Crisis - Stage 3
- Scenario planning
- What **part providers play** in the process

The Ethical Framework



A Webinar Hosted by SCIE

Fran Leddra – Chief Social worker Adults

Mark Harvey – Chief Social Worker Adults



You Say Morals I Say Ethics what Are The Differences ?



- At its simplest, ethics is a system of moral principles. ... Ethics is concerned with what is good for individuals. The term is derived from the Greek word ethos which can mean custom, habit, character or disposition.
- Ethics is often described as a moral philosophy
- Ethics is a system of principles that helps us tell right from wrong, good from bad. Ethics can give real and practical guidance to our lives.
- Moral decisions may not be ethical ones. Reflection and knowledge of own beliefs and discriminations that may impact ethical decision making is key.

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What is the Ethical Framework?

Publications/covid-19-ethical-framework-for-adult-social-care/responding-to-covid-19-the-ethical-framework-for-adult-social-care ▾ ■ U Search...



Department
of Health &
Social Care

Guidance

Responding to COVID-19: the ethical framework for adult social care

Published 19 March 2020

- A DHSC Guidance Document
- Forms part of the Coronavirus Act
- Must be observed.
- Can become statutory on advice to SoS state by CSW
- Applies to all elements of adult social care
- Applies to NHS where they make decisions that may be social care relevant
- Will be a core point of reference in post COVID enquiries
- Authorised by the Government Independent Moral and Ethical Advisory Group (MEAG)
- First COVID Govt guidance to be issued



Department of Health & Social Care

The Role of Social Work and Occupational Therapy

“Social work is about life, treasuring humanity, building connections, sharing and promoting fairness. It is about creativity, care and love – being there to help people overcome obstacles and oppressions which hold them back. For people using our services, a social worker should be someone to trust and believe in – someone who helps you believe in yourself. Sometimes we must hold our boundaries, protect rights, advocate and challenge. We are always in the midst of the messy stuff, finding ways forwards.”

Ruth Allen, Chief Executive of BASW,

“Occupational therapy practitioners help people live life to its fullest-no matter what. They provide practical solutions for success in everyday living and help people alter how they arrange their daily activities to maximize function, vitality, and productivity.”

Florence Clark, PhD, OTR/L, FAOTA



The Ethical Framework

1. Respect

Recognise that every person and their human rights, personal choices, safety and dignity matters.



To ensure people are treated with respect, those making decisions should:
provide people with the opportunity to express their views on matters that affect their care, support and treatment

respect people's personal choices as much as possible, while considering and communicating implications for the present and future

keep people as informed as possible of what is happening or what is expected to happen in any given circumstance

where a person may lack capacity (as defined in the [Mental Capacity Act](#)), ensure that a person's best interests and support needs are considered by those who are responsible or have relevant legal authority to decide on their behalf

strive to support people to get what they are entitled to, subject to available resources, ensuring that there is a fair judgement and clear justification for any decisions made on prioritisation



2. Reasonableness

Ensuring that decisions are rational, fair, practical, and grounded in appropriate processes, available evidence and a clear justification.

When considering how reasonable a decision is, those making decisions should:

- ensure the decision made is practical with a reasonable chance of working
- base decisions on the evidence and information that is available at the time, being conscious of known risks and benefits that might be experienced
- consider alternative options and ways of thinking, being conscious of diverse views from cultures and communities
- use a clear, fair decision-making process which is appropriate for the time and context a decision must be made in, and allows for contributions to be considered seriously
- This principle should be considered alongside relevant equalities-related legal and policy frameworks. Although resources may become stretched, it should be upheld that people with comparable needs should have the same opportunity to have those needs met.



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Supporting healthcare professionals in 50+ medicine

- News
- Specialty
- Viewpoint
- COVID-19
- Health Technology
- Write for GM
- MyCPD
- White Papers
- Digital Iss

Covid-19: Older people pressured into signing DNA-CPR forms

Alison Bloomer

News, 06 April 2020



Older people advocates and charities have released a joint statement calling out the 'shameful and unacceptable' practice of pressuring older and vulnerable people into signing Do Not Attempt (DNA) CPR forms.

The statement* said that they were seeing shocking examples where blanket decisions seem to be being made about the care and treatment options that will be available to older and vulnerable people

Why I'm taking Matt Hancock to court over 'do not resuscitate' orders

Nine years ago, I'd never heard of DNACPR. It has turned out to be a life-changing issue for me and my family, and in the age of coronavirus it's something that affects us all

Kate Masters | Saturday 13 June 2020 06:45



As I write this, there is yet another story in the news of a care home that received a letter from a GP surgery saying a note would be put in the residents' medical notes stating that, should they have a cardiac arrest, no ambulance would come to help. They would not be resuscitated, and they would not be taken to hospital.

An apparent blanket "do not attempt CPR" (DNACPR) decision, with no discussion or individual assessment of people's clinical circumstances.

There have been many similar stories reported since the start of the coronavirus pandemic. Every one of them makes my heart heavy, because this is a situation my family has tried very hard to ensure does not happen.

Most popular

- Trump proposal could allow firing squads for federal executions
- President says he will campaign for Republicans in Georgia
- Expert claims to have answer to mysterious desert monolith
- Elon Musk says Mars-bound spacecraft Starship will fly next week

Popular videos

Fears blanket Do Not Resuscitate orders issued during Covid outbreak

The Care Quality Commission is investigating whether staff were told not to save older people during the first wave



3. Minimising harm

This principle is defined as striving to reduce the amount of physical, psychological, social and economic harm that the outbreak might cause to individuals and communities. In turn, this involves ensuring that individual organisations and society as a whole cope with and recover from it to their best ability.

It's important that those responsible strive to:

acknowledge and communicate that everyone has a role to play in minimising spread, for example by practising thorough hand-washing or social distancing

minimise the risk of complications in the event that someone is unwell

provide regular and accurate updates within communities and organisations

share learning from local, national and global experiences about the best way to treat and respond to the outbreak as understanding of COVID-19 develops

enable care workers and volunteers to make informed decisions which support vulnerable people



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4. Inclusiveness

This principle is defined as ensuring that people are given a fair opportunity to understand situations, be included in decisions that affect them, and offer their views and challenge. In turn, decisions and actions should aim to minimise inequalities as much as possible



To ensure inclusiveness to the extent possible, those making decisions should:

involve people in aspects of planning that affect them, their care and treatment, and their communities

involve families and carers in aspects of planning that affect them and the individual who they care for

ensure that no particular person or group is excluded from becoming involved

consider any disproportionate impacts of a decision on particular people or groups

provide appropriate communications to all involved, using the range of communication methods and formats needed to reach different people and communities

be transparent and have a clear justification when it is decided to treat a person or group in a different manner than others, that which shows why it is fair to do so



FEATURED EVENTS

Recovery
and New
Frontiers in
Local
Government:
Mini-
Conference
Day 1 -
Trowers &
Hamblins




Eight councils have used
Care Act 'easements' so far,
says Department of Health &
Social Care

April 30, 2020

A TELLING EXPERIENCE:

Understanding the impact of Covid-19 on
people who access care and support –
a rapid evidence review with recommendations



The independent regulator of health
and social care in England

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The Care Act and the 'easements' to it

The Care Act



The Care Act 2014 is the law that sets out how adult social care in England should be provided. It requires local authorities to make sure that people who live in their areas:

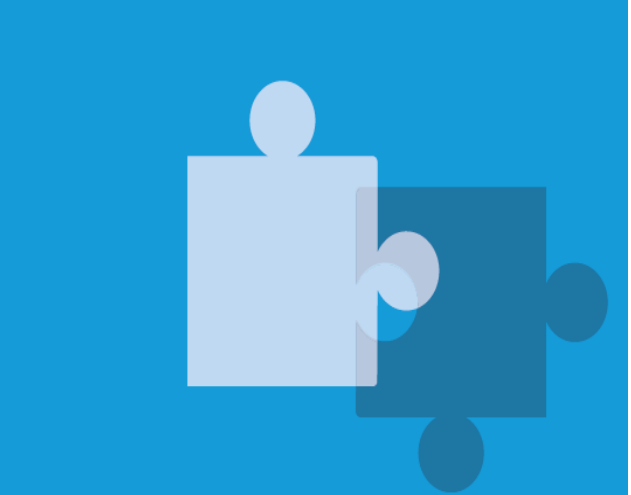
- receive services that prevent their care needs from becoming more serious or delay the impact of their needs
- can get the information and advice they need to make good decisions about care and support
- have a range of high quality, appropriate services to choose from
- have more control over how their care and support is organised.

Find out more...

We've changed the way we work during the coronavirus outbreak to support care services.

- **For the public:** information about the coronavirus pandemic
- **For providers of care services:** how we're changing the way we work and how it affects you





5. Accountability

This principle is defined as holding people, and ourselves, to account for how and which decisions are made. In turn, this requires being transparent about why decisions are made and who is responsible for making and communicating them.

acting on and delivering the outcomes required by their responsibilities and duties to individuals, their families and carers, and staff

adhering to official guidance, statutory duties, and professional regulations at the time

being transparent about how and which decisions need to be made and on what basis

being prepared to justify which decisions are made and why, ensuring that appropriate records are being kept

supporting others to take responsibility for their decisions and actions



6. Flexibility

This principle is defined as being responsive, able, and willing to adapt when faced with changed or new circumstances. It is vital that this principle is applied to the health and care workforce and wider sector, to facilitate agile and collaborative working.

To ensure flexibility, those making decisions should be prepared to:

respond and adapt to changes as and when they occur, for example in the event of new information arising or changed levels of demand

ensure that plans and policy have room for flexibility and innovation where necessary

provide people with as much opportunity as possible to challenge decisions that affect them in the time that is available

ensure that the health and care workforce is supported to work collaboratively across disciplines and organisations, as agile and resilient as possible

review organisational practices, standard approaches and contractual arrangements that may obstruct these ambitions



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Community Led Support 'Talking Shops'

- Before Covid these drop in sessions were very well attended
- The team involved were concerned about people not having those normal contacts, fears people would struggle , feel isolated or lonely
- Also concern that people wouldn't have a good point of contact re housing issues, or benefit queries

Solution : On line drop in coffee mornings

Inclusivity , flexibility, Respect and Minimising Harm



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7. Proportionality

This principle is defined as providing support that is proportional to needs and abilities of people, communities and staff, and the benefits and risks that are identified through decision-making processes.



When considering proportionality, those responsible should:

assist people with care and support needs to the extent possible

act on statutory or special responsibilities, while noting any duties that might be amended as the outbreak develops

provide support for those who have extra or new responsibilities to care for others

provide support for those who are asked to take increased risks or face increased burdens, while attempting to minimise these as far as possible

provide appropriate support and communications to staff who may experience unexpected or new pressures

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8. Community

This principle is defined as a commitment to get through the outbreak together by supporting one another and strengthening our communities to the best of our ability.



Everyone involved will have a role to play in the response to the outbreak and will be affected in one way or another, and therefore should:

work with and support one another to plan for, respond to, and cope with the outbreak

support our networks and communities to strengthen their response and meet needs that arise, for example by helping and caring for neighbours, friends and family

be conscious of own behaviour and decisions, and how this may impact on others

share learning from own experiences that may help others



Human Rights Act

- Article 2 – Right to life
- Not an absolute right
- The state must refrain from intentional and unlawful taking of life
- The state must take appropriate steps to safeguard the lives of people – a positive obligation
- Not a general duty to provide care to prevent death

Human Rights Act

Article 3 - Prohibition of torture

- No one shall be subject to inhuman or degrading treatment or punishment
- State has positive duty to take steps or provide services to prevent suffering or hardship
- Limbuela 2006 1AC 396

Human Rights Act

Article 8 – respect for private and family life

- Everyone has the right to respect for his private and family life, home and correspondence
- Enduring treatment that has an effect on physical or moral integrity
- R (McDonald) v RB Kensington – Providing incontinence pads instead of a carer to help her use the toilet at night was a breach of article 8 – Claim failed at Supreme Court



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REMINDER

COVID-19

Care Support Provider Hub

W: hcpa.info/covid-19

E: assistance@hcpa.co.uk

T: 01707 708108