



A2.2 – Educative resources for teachers

MANAGEMENT IN CAREGIVING

Module: 4

Sub-Module: 4.4



Introduction

Module	4. MANAGEMENT IN CAREGIVING
Sub-module	4.4. Law, Regulations & Professional ethics
Lesson nr.	#1
Duration (minutes)	
Date	

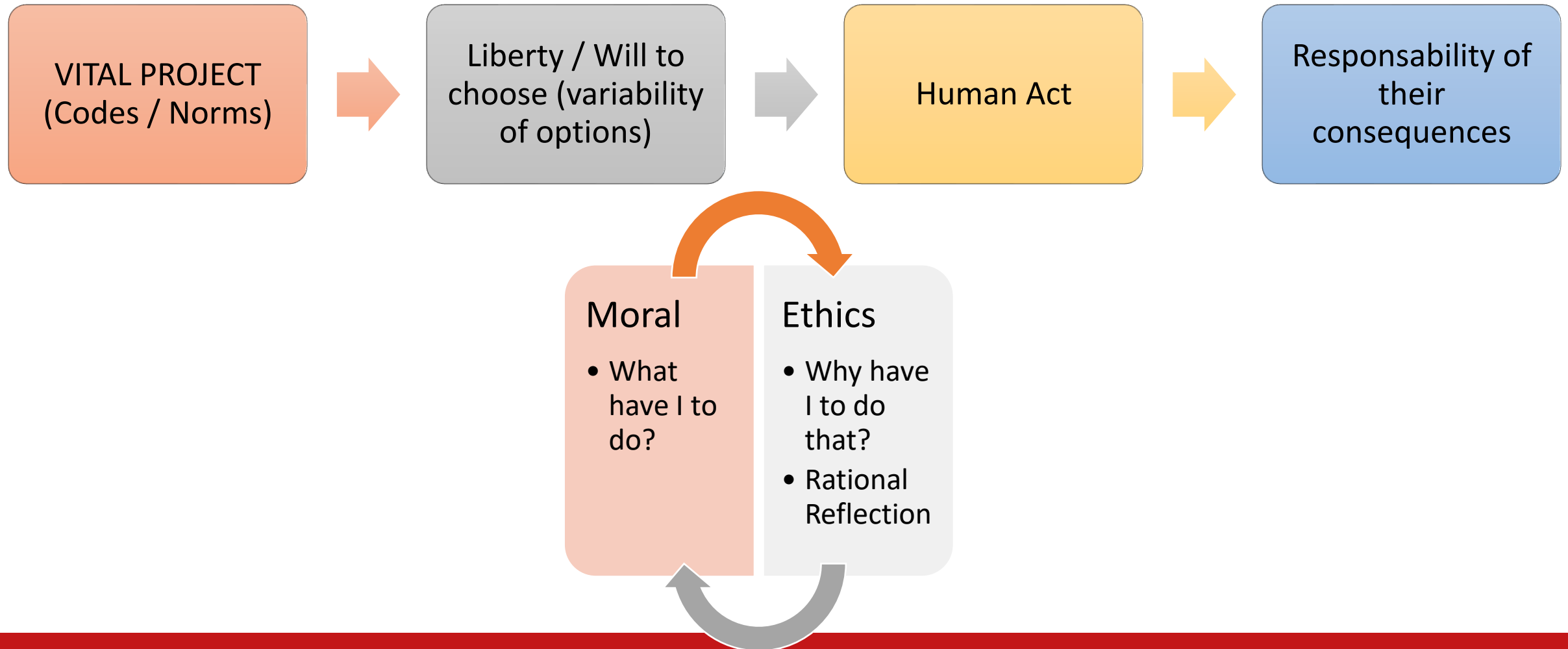
Lesson Outcomes and results

1. To know and to understand the ethical, personal and professional issues during the care work.
2. To know and to assume the main norms, laws and legal responsibilities of giving care.
3. To identify and recognize the right to dignity, privacy, intimacy and confidentiality of people which will receive the care.
4. To know and to respect the autonomy in decision-making for the user, and the right to receive all needed information about the process of care.
5. To know and to assume the caregivers' limitation and their role towards other health and social care professionals.

Contents

1. General issues about ethical and moral.
2. Civics, human rights and respect.
3. International, national and regional norms related to person autonomy and rights.
4. Professional secrecy, privacy and confidentiality of information.
5. Legal responsibility in the exercise of caregiver functions.

Moral and Ethics Values



What is Ethics?

“Dimension of philosophy that reflects on morality”

- Studies the moral behavior of people in society (analyzes attitudes towards life, their character and their customs, evaluating their final behavior)
- It bases the moral (elaborates a theoretical speech).
- Argues (looks for rational criteria that guide moral actions)

Ethics includes the morality

Ethics

Functions

- Study man from a moral perspective (*Individual and Collective Behavior*).
- It analyzes the norms that regulate the conduct of men, based on the different moral conceptions.
- Investigate the origin of moral codes, according to the history of each social group.
- It evaluates existing moral codes and facilitates the formulation of new ones.
- It provides the fundamental bases of the new regulations.

Difficulties

- The human being is intrinsically moral (ability to choose and justify their actions).
- Each individual or group has its own value system (training, culture, experience, etc.).
- The acts (and their evaluation) are conditioned by subjectivity
- Anything goes? Everything is relative.

What is the moral?

“Set of norms referring to the conduct of people as a social group”

- Regulate social behavior
- Establish a catalog of duties for a social group (same culture, beliefs, values)
- Allow to classify acts as good or bad

The moral is the **object of study** of the Ethic's Science

Morality determines the emergence of **norms** that regulate human behavior

Moral Principles

Rational proposition about how things should be

- Orientation for action
- Provide a rationale and justification.
- The norms are usually an expression of basic moral convictions, of values considered inalienable.

Bioethics

“Scientific discipline that studies the ethical aspects of Medicine and Biology in general, as well as the relationships of man with other living beings”

Labour of
fundamentals

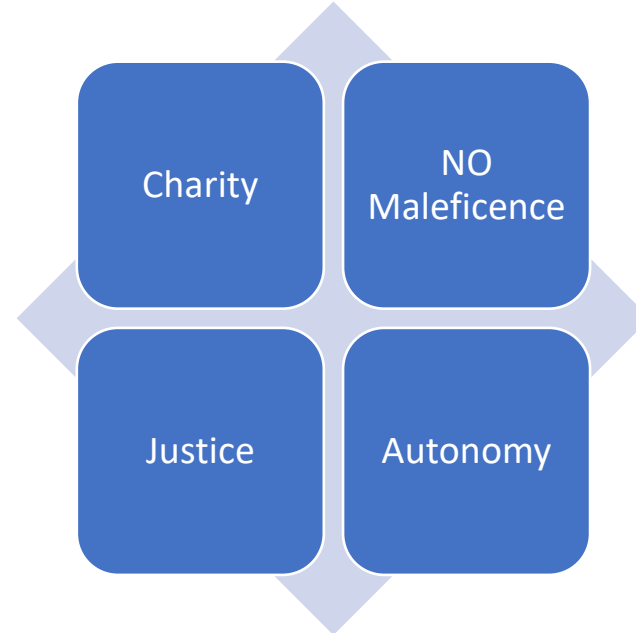
Analysis
Framework and
Reflection
Guideline

Labour of
Application

Procedure for
the decision
making

Principles of Bioethics

“Basic standards that should guide professional practice in the medical sciences”



T.L. Beauchamp y J.F. Childress (1979)

Principles of Bioethics

Charity

Contribute positively to well-being

It assumes that Survival is assured.

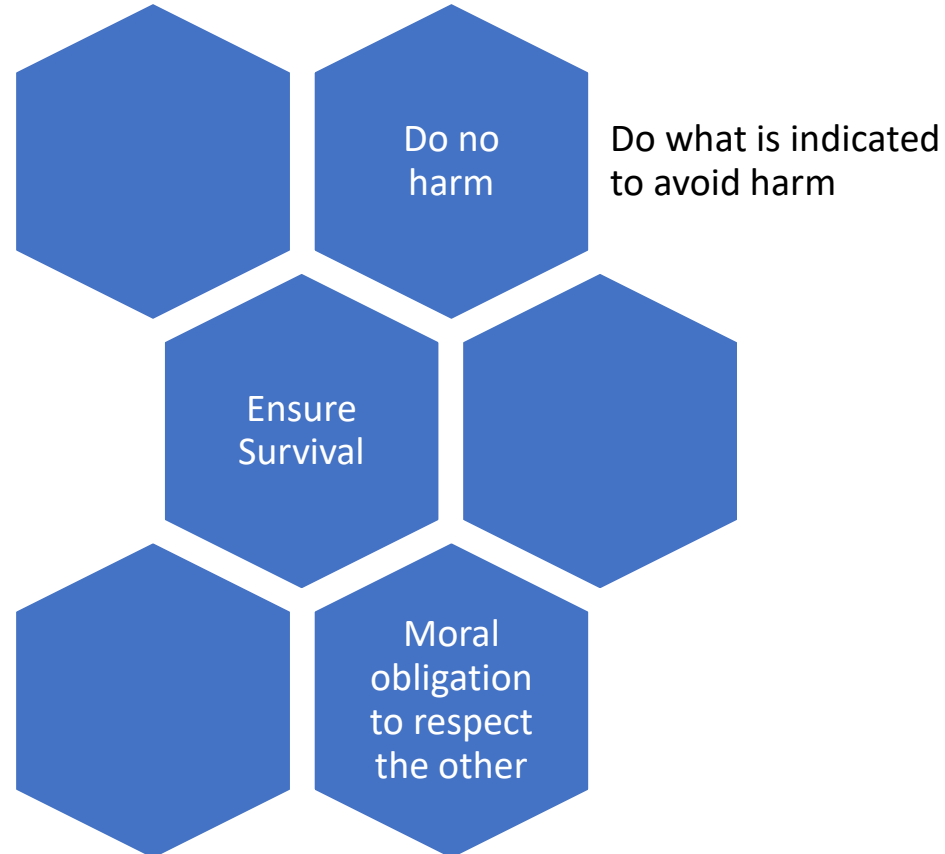
It goes beyond mere respect.

Seeks the highest good for the person

T.L. Beauchamp y J.F. Childress (1979)

Principles of Bioethics

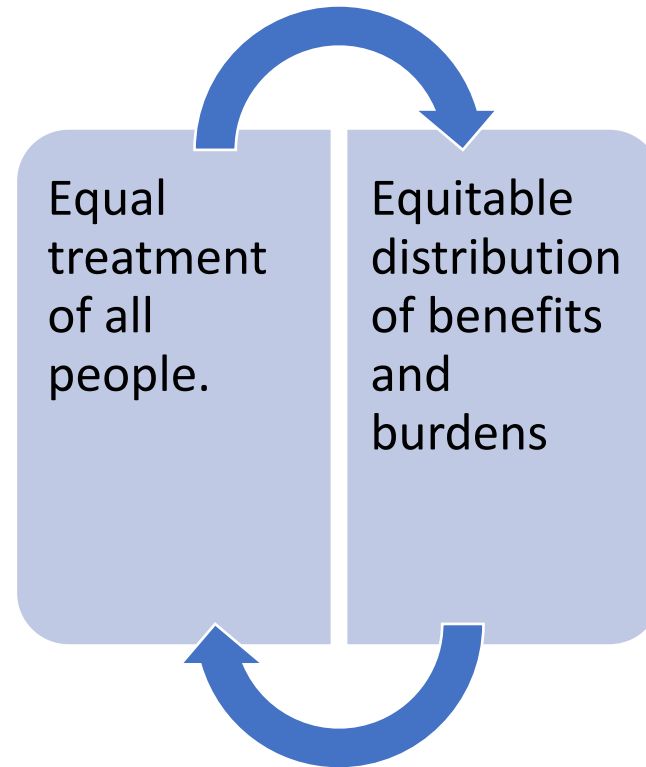
No Maleficence



T.L. Beauchamp y J.F. Childress (1979)

Principles of Bioethics

Justice



T.L. Beauchamp y J.F. Childress (1979)

Principles of Bioethics

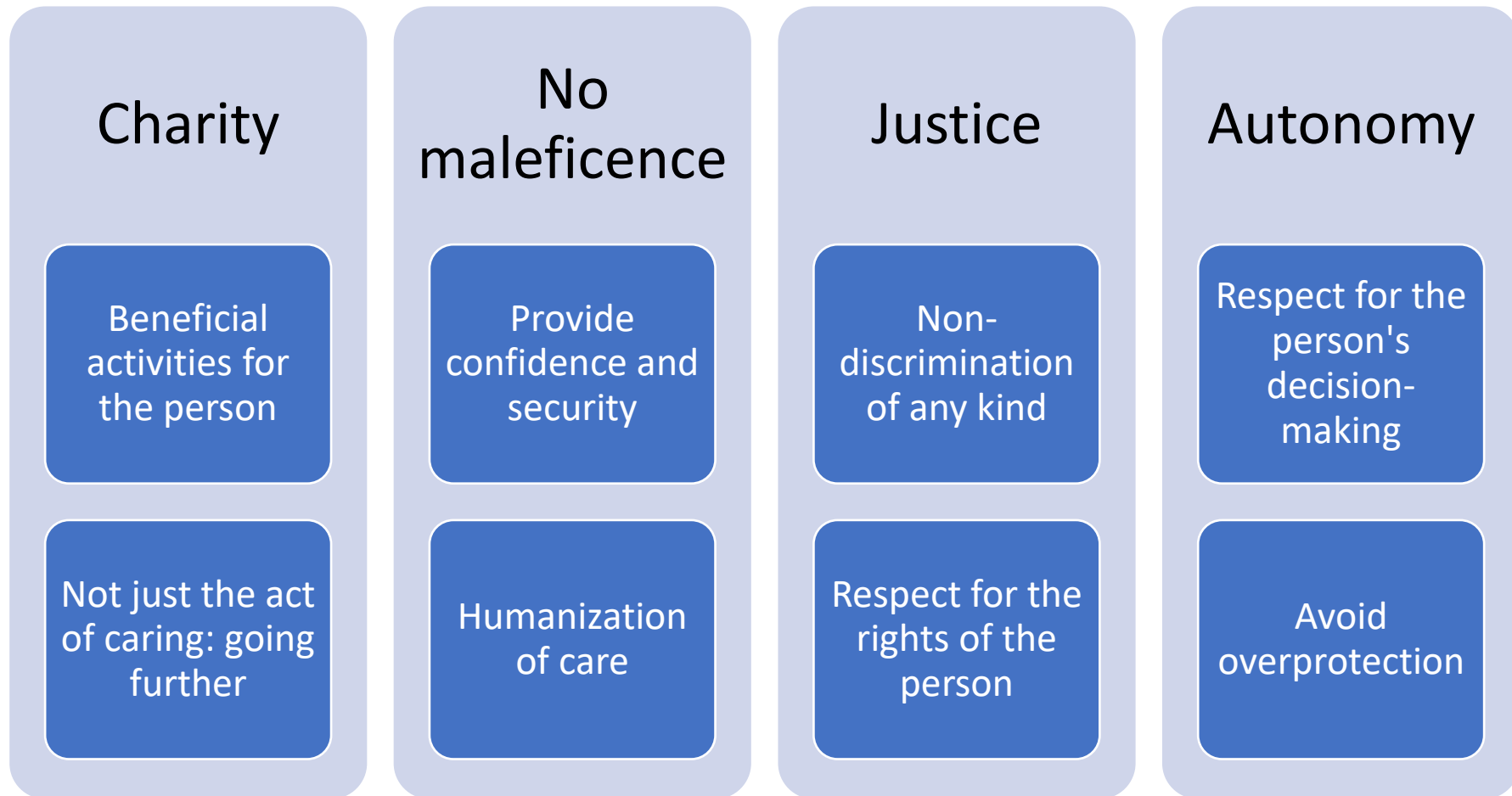
Autonomy

It supposes the acceptance of the other as a free and responsible person, capable of making decisions.

- It gives you dignity.
- Makes it worthy of being respected

T.L. Beauchamp y J.F. Childress (1979)

Application of Principles of Bioethics



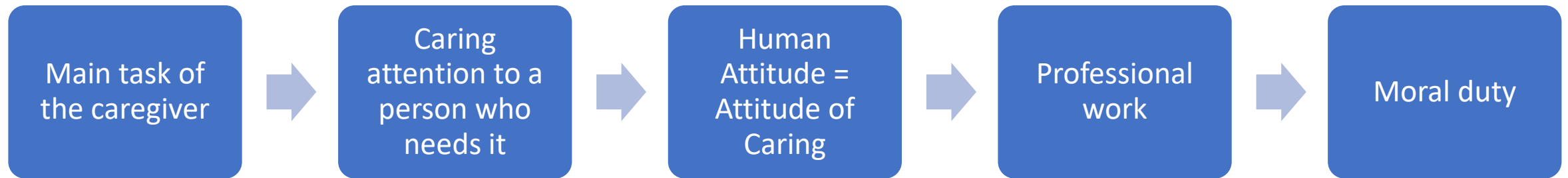
Deontological Code= Profession

System of **Norms and Sanctions** that is established in a mandatory way for professionals, based on the behaviors considered appropriate in Professional Ethics.

Ethics Code = Organization

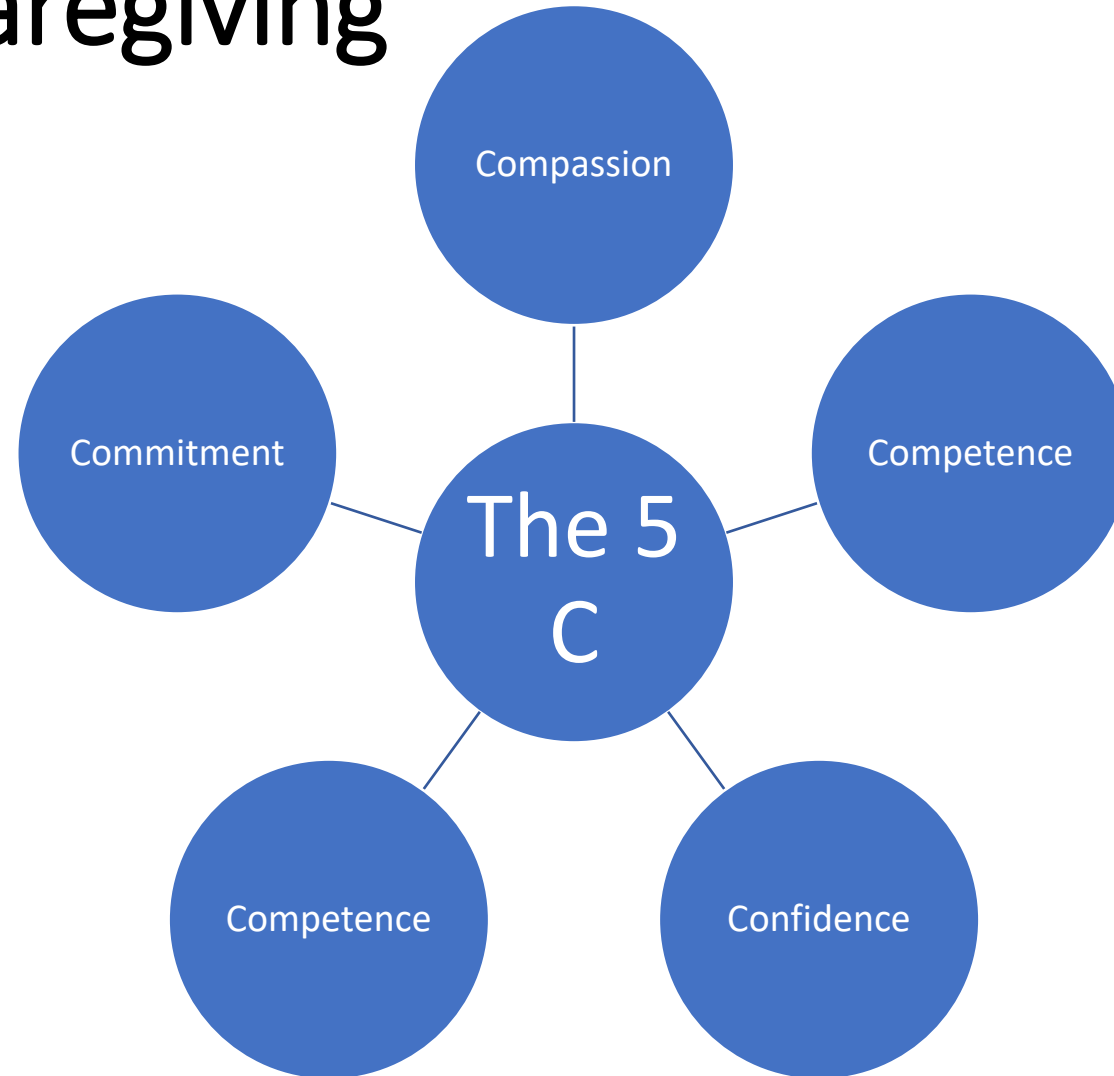
Set of basic rules that the components of an organization recognize as the **minimum required**, to guarantee adequate treatment and service and for the development of its purposes

Ethics of Caregiving



Respect for the Autonomy of the person cared for (Values & Expectations)

Ethics of Caregiving



Ethics of caregiving: The 5 C

Compassion

- It implies recognition of the other as a person and solidarity

Knowledge

- Theoretical and technical ability to develop professional activity

Confidence

- Necessary quality in the relationship between the caregiver and the person

Competence

- Feeling of moral responsibility for the actions taken

Commitment

- Affective response in which the chosen obligation and personal desire converge

Ethical obligations in care

Technical Competence

- Complete and continuous training
- Perform professional healthcare
- Teamwork
- Rational use of resources
- Importance of registration

Tasks of caregiving

- Attention to the person
- Communication skills
- Look after the interests of the person
- Offer support and trust
- Promote autonomy
- Self care

Ethical obligations in care

Clinical Relationship



- Regarding people (dignity, values, autonomy)
- Respect for intimacy and privacy
- Respect for confidentiality
- Fair and equitable treatment
- Inform and help understanding
- Request consents

Moral training



- Ethics training
- Development of sensitivity to ethical issues
- Deliberation and decision-making in the face of value conflicts
- Comply with professional minimums
- Commitment to quality and excellence

International, national and regional legislation

Rights and Personal Autonomy

Main international documents

- Convention on the Rights of Persons with Disabilities
 - <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>
- Standard Rules on the Equalization of Opportunities for Persons with Disabilities
 - <https://www.un.org/development/desa/disabilities/standard-rules-on-the-equalization-of-opportunities-for-persons-with-disabilities.html>
- Human rights of older persons:
 - <https://www.ohchr.org/EN/Issues/OlderPersons/Pages/OlderPersonsIndex.aspx>

Relevant International Documents

- Code of Ethics and Standards of Practice for Aging Life Care Professionals
 - https://www.aginglifecare.org/ALCA_Web_Docs/memberonly/Standards%20of%20Practice.pdf
- A Human Rights Perspective on Aged Care
 - <https://agedcare.royalcommission.gov.au/system/files/2020-06/AWF.500.00267.0002.pdf>
- Global Alliance for the Rights of Older People
 - <https://rightsofolderpeople.org/>
- European disability strategy 2010-2020:
 - <https://ec.europa.eu/social/main.jsp?catId=1137&langId=en>

National norms and legislation

Regulación normativa de la persona cuidadora

- Real Decreto-Ley 6/2019, de 1 de marzo de 2019, de medidas urgentes para garantía de la igualdad de trato y de oportunidades entre mujeres y hombres en el empleo y la ocupación
 - <https://www.boe.es/buscar/act.php?id=BOE-A-2019-3244>
- Real Decreto 615/2007, de 11 de mayo, por el que se regula la Seguridad Social de los cuidadores de las personas en situación de dependencia.
 - https://www.boe.es/diario_boe/txt.php?id=BOE-A-2007-9690
- Convenio especial de cuidadores no profesionales de personas en situación de dependencia R.D. 615/2007
 - <https://www.seg-social.es/wps/portal/wss/internet/Trabajadores/Afiliacion/10547/10555/51635>

National norms and legislation

Derechos de las personas que reciben el cuidado

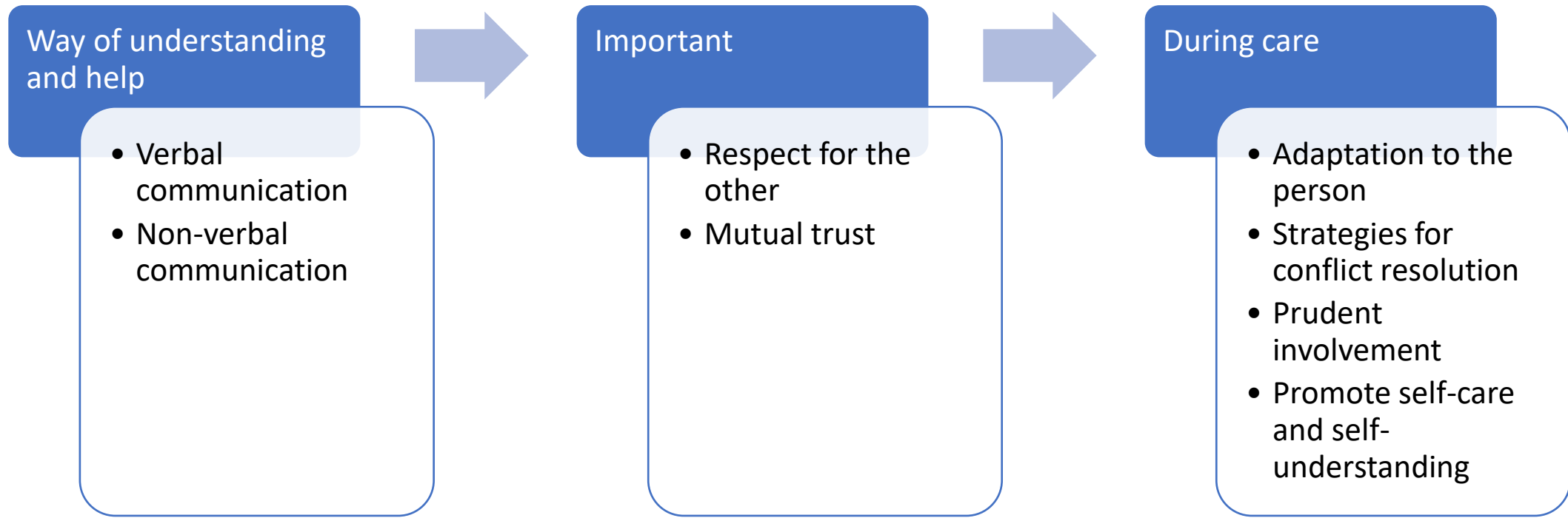
- Ley 5/2015, de 26 de junio, de derechos y garantías de la dignidad de las personas enfermas terminales
 - <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-10200-consolidado.pdf>
- Ley 41/2002, de 14 de noviembre, básica reguladora de la autonomía del paciente y de derechos y obligaciones en materia de información y documentación clínica.
 - <https://www.boe.es/buscar/act.php?id=BOE-A-2002-22188>
- Ley 6/1999, de 7 de julio, de Atención y Protección a las Personas Mayores.
 - <https://www.boe.es/buscar/pdf/1999/BOE-A-1999-19448-consolidado.pdf>

Professional secrecy, privacy and confidentiality of information

Relationship with the person

Professional Relationship

The importance of the communication



Professional Relationship

The importance of communication

Quality and fluid communication

- Closed, quiet, private space
- Right time, no rush
- Symmetric relationship
- Adapted to the cared person and family
- Communication skills

Professional Relationship

Privacy

Spiritual area of the person
(internal and reserved)

Personal values and beliefs
(health, sexuality, own body)

Just share with
a few ...

The experience of one's
own body is unique for
each person

Care tasks require
frequent physical
contact

RESPECT

Professional Relationship

pRIVACY

Keys to respecting privacy

- Respect the person's "space"
- Be sensitive to the situation of vulnerability
- Know / respect values and customs
- Gentle care work
- Inform of the tasks to be carried out
- Request consent to any task on the person's body

Professional Relationship

Confidentiality

Privacy

Confidential

Confidentiality

Protects the use or knowledge of any intimate information about the person

Only those authorized by the person will have access to that information

Professional Relationship

Confidentiality

Right to
confidentiality
(person)

Duty of secrecy
(caretaker)

Maximum protection of sensitive data

Damages that could lead to its disclosure

Exceptions ...

Health team
involved in the care

Family (if authorized
by the person)

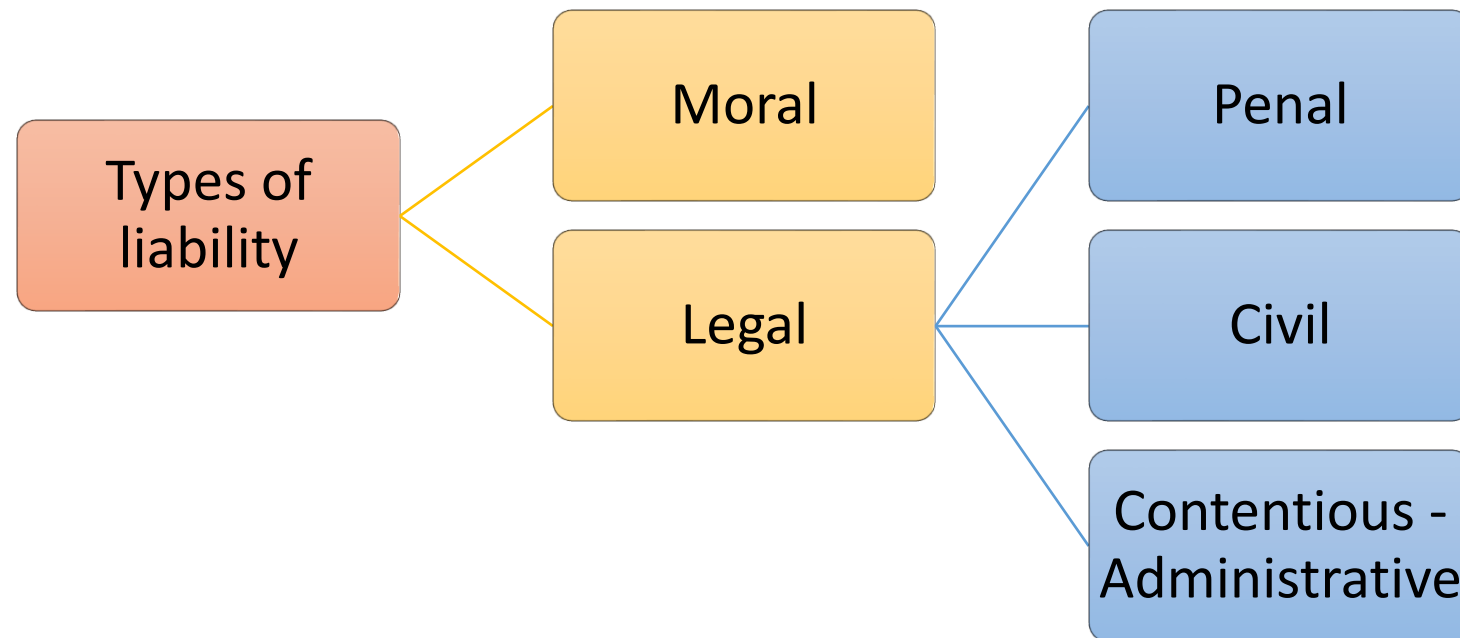
Legal
representatives (in
case of disability)

Responsibility of the healthcare professional

Practice of the tasks of the caregiver

Professional responsibility

Obligation of health professionals to repair and respond to the consequences of acts, omissions, voluntary or involuntary errors, with certain limits, in the exercise of their profession



Professional responsibility

Moral Responsibility

- Obligation of the professional to respond to the assumed CODE OF ETHICS and MORALS, of the consequences that may arise from their professional performance

Legal Responsibility

- Obligation of the professional to respond to the LAW, of the consequences that may arise from their professional performance.

Penal Responsibility

- Obligation of the professional to respond to the LAW derived from their professional performance
- It implies a sanction and the corresponding penalty
- Guilt must be shown

Professional responsibility

Civil Responsibility

- Obligation to respond to the LAW of consequences derived from their actions
- It involves a sanction and financial compensation (damages)
- It can be: Contractual / Extracontractual / Subsidiary of Third Parties

Contentious Administrative Responsibility

- The health administration can absorb the claims for negligence committed by the personnel in its service
- The condemned administration has the obligation to transfer compensation to staff if the damage is due to fraud, fault or gross negligence of the professional

Professional responsibility

Obligations
of the
professional

Knowledge and media update

Information

Continuity of care

Therapeutic information



Thank you!

Teachers' name

Teachers' e-mail

Date of the session

