

# **BTEC Level 4 Diploma in Healthcare Science: Ophthalmic and Vision Science**



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## **Learning & Assessment Guide**

### **Unit 3:                                   Legal and Ethical Context of Practice**

<b>Level:</b>	<b>4</b>
<b>Unit type:</b>	<b>Mandatory</b>
<b>Credit value:</b>	<b>3</b>
<b>Guided learning hours:</b>	<b>24</b>

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## Unit 3 Legal and Ethical Context of Practice

### Introduction

The healthcare science workforce is committed to promoting the welfare and well-being of the patient over and above any personal considerations. In this unit you will develop an understanding of the legal and ethical boundaries of your practice and when and how to seek advice.

### Forms of evidence required

For each unit or part unit the learning outcomes and assessment criteria are presented first, followed by statements as to what the learner must do, and suggestions for completing the work. The suggestions are not prescriptive, and learners can provide additional or alternative evidence, so long as it meets the assessment criteria.

The course work requires the following forms of evidence:

- Written accounts and reports of projects.
- Presentations in PowerPoint or Keynote. These should be around 10 - 15 minutes long and recorded if possible. Depending on work circumstances and opportunities, they can be presented at meetings, or to the mentor, supervisor or manager. If presented to others, the date, circumstance and those present (initials and job titles only) should be described, along with the learner's reflection on the presentation.
- Reflective accounts. These can include reflections on your study or work experience that you have recorded in your reflective diary.
- Witness statements. A proforma for witness statements can be found in Appendix A.

### Submission of evidence

All course work is submitted in the e-portfolio. Candidates should not submit work for final assessment until it is complete and to the appropriate standard for the task. Assessors will provide written feedback to candidates regarding their course work.

Candidates will normally have two opportunities to submit each item of course work. Candidates who fail any task should not resubmit work within one week of receiving their result. Assessors must provide precise written feedback and where necessary, further learning opportunities to maximise the candidate's potential to succeed on their second attempt.

### Grading and marking

A **Marking Template** can be found in Appendix B. Course work for the mandatory units is graded as good, satisfactory or unsatisfactory. The good and satisfactory grades are *indicative only* to give you some feedback on the overall quality of your work. Your work is marked as Pass/Action required, thus the highest mark is a **pass**.

#### What the results mean:

**Pass:** is achieved when all the assessment criteria are met and the work is graded as good or satisfactory.

**Action required:** You can resubmit your work after addressing the issues raised in the feedback. If following resubmission, your work remains unsatisfactory, your assessor will seek advice from the internal verifier.

## How to use this guide

The work that you need to do is outlined in the **Assessment Guidance** tables highlighted in blue, e.g.

Assessment Criteria	Assessment criteria guidance
7.1 – 7.4	<b>Resources:</b> Technical Scientific Services eBook Chapter 2 Section 2.2 For ACs 7.1 and 7.2 write a report of between 250 and 500 words explaining the approach to risk management in own organisation and department and discuss your own role and responsibilities for risk assessment For ACs 7.3 and 7.4 you should perform at least one risk assessment, develop an action plan to reduce the risk, and monitor the effectiveness of the plan. You should seek advice as required and write a report of this activity, which should be confirmed with a <b>witness statement</b> .

The Assessment Guidance is also included in the Assessment Plans in the yellow pages of the Ecordia eportfolio, and can also be found in the dark blue boxes in the eBooks. You may want to print out the assessment guide, or have the assessment guide on your iPad while you work on your computer, or just use the eportfolio. Do whichever works best for you.

The eBooks have been written to give you the information you need to complete the course work, so read through the relevant sections as you work through the assessment criteria.

The word counts are for *guidance only*. So long as you have covered the work that is required, you will not be penalised if you have used more or less words.

If you have any queries about what to do, please contact your assessor for guidance.

## Learning outcomes and assessment criteria

<b>Unit 3 Legal and Ethical Context of Practice</b>	
<b>Learning outcomes</b>	<b>Assessment criteria</b>
1. Understand the ethical, legal and governance requirements arising from working at the level of a Healthcare Science Associate	1.1 Explain how Good Scientific Practice sets the principles and values for the healthcare science workforce 1.2 Discuss the ethical, legal and governance requirements arising from working at the level of Healthcare Science Associate 1.3 Explain own role and career within healthcare science
2. Be able to work in accordance with the information governance legal framework	2.1 Explain the principles, guidance and law with respect to information governance 2.2 Discuss the safe and effective use of health and social care information 2.3 Explain when, and how, to share information and advice between peers in accordance with current legislation and policy 2.4 Demonstrate the ability to take responsibility for the care you provide and its impact on patients 2.5 Maintain accurate records in accordance with applicable legislation, protocols and guidelines
3. Understand equality and diversity legislation	3.1 Explain current equality and diversity legislation and policies and local ways of working 3.2 Explain the impact of culture, equality and diversity on practice and what this means for own role 3.3 Describe the social model of disability and how it underpins positive attitudes towards disability and involving people in their own care 3.4 Analyse how stereotyping can increase stigma and negative attitudes towards people with disabilities and those experiencing mental health problems
4. Understand how to practice in a non-discriminatory manner in accordance with the Equality Act	4.1 Explain the consequences of not meeting the requirements of the Equality Act 4.2 Explain the need to take account of individual physical, psychological, religious and cultural needs when delivering healthcare 4.3 Explain how you address a patient, carer or service user's needs in own practice 4.4 Explain the need to respect and uphold the rights, dignity, values and autonomy of patients 4.5 Explain the need to address issues of inequality of service provision for all communities

## Assessment criteria guidance

Assessment Criteria	Mandatory Modules Book sources and assignment guidance
1.1 – 1.3	<p><b>Resources:</b> Professional Practice eBook Chapter 4</p> <p>There is overlap between some of the learning outcomes and assessment criteria for Units 2 and 3 and you can resubmit or link evidence for these two units as appropriate. For Unit 2 the focus was on professionalism and patient-centred care whilst for this unit the emphasis is on the ethical and legal requirements of practice.</p> <p>For ACs 1.1 – 1.3 you should prepare an <b>assignment</b> of approximately 500 to 1,000 words.</p> <ul style="list-style-type: none"> <li>• For AC 1.1 you should explain what is meant by the ethical principles of healthcare science practice and how these are expressed in Good Scientific Practice (GSP)</li> <li>• For AC 1.2 we suggest that you read through GSP and identify the sections relevant to your practice as a healthcare science associate, and those that are relevant to higher levels of practice. You could then discuss the ethical, legal and governance requirements for working as a healthcare science associate. Consider the sections of your code of conduct that are relevant to your work. In your account you could discuss ethical dilemmas that you or your colleagues have faced and how they were (or were not) resolved. These may include issues such as             <ul style="list-style-type: none"> <li>○ Patients insisting that you tell them the result of a test when this is not your role</li> <li>○ Excessive work pressures or poor equipment that compromise the care you give to patients</li> <li>○ Postponement of outpatient visits leading to avoidable loss of sight</li> </ul> </li> <li>• For AC 1.3 you should discuss the specific areas listed below that relate to the legal and ethical aspects of your practice as a healthcare science associate. These are:             <ul style="list-style-type: none"> <li>○ peoples right to privacy and confidentiality including after they have died</li> <li>○ informed consent and how to gain informed consent (also covered in Unit 2 AC 3.8)</li> <li>○ the limits of informed consent</li> <li>○ equality and diversity (also covered in LOs 3 and 4)</li> <li>○ safeguarding</li> <li>○ the use of chaperones.</li> </ul> </li> </ul> <p>Read your organisation’s key policies and procedures relevant to these areas of practice. Below are some suggestions to include in your assignment:</p> <p><b>Confidentiality</b></p> <p>Describe how you maintain privacy and confidentiality in our working practice:</p> <ul style="list-style-type: none"> <li>• Did you sign a confidentiality agreement as part of your induction? Have you received any training about confidentiality?</li> <li>• Locate and read your organisation’s policy on confidentiality. Are there other policies relating to confidentiality, e.g. email policy, internet use policy, network security policy, records management policy, a guide to passwords, patient information leaflet, freedom of information policy?</li> <li>• Who is the Caldicott guardian for your organisation? Could you arrange a meeting to find out more about the Caldicott guardian’s role?</li> </ul>

	<ul style="list-style-type: none"> <li>• If you become aware of any breaches or potential breaches of privacy and confidentiality in your workplace what would you do? Does the physical infrastructure in your clinic protect the patient's privacy? Whom should you approach to discuss the issues?</li> <li>• What policies and procedures does your organisation have for maintaining confidentiality of imaging data?</li> <li>• Does your organisation have policies restricting the use of personal electronic devices on their premises?</li> <li>• Describe what data you can and cannot record in your eportfolio, how you ensure there is no patient identifiable data.</li> </ul> <p><b>Consent</b></p> <p>You can repeat or link to the evidence you presented for Unit 2 AC 3.8. You might also want to consider:</p> <ul style="list-style-type: none"> <li>• Circumstances and procedures followed where treatment can be provided without informed consent.</li> <li>• Observe a senior colleague taking written consent from a patient prior to a surgical procedure. How was the patient given information about the planned procedure – just by the colleague who obtained the consent, did other members of staff also explain the procedure, was the patient given written information? How well did you think the patient understood the procedure and was his/her understanding confirmed e.g. by asking the patient what they understood or allowing time for the patient to ask questions? How long before the procedure was consent taken? How was consent documented, and in how much detail – on the consent form and in the patient notes?</li> <li>• How does consent for a patient participating in a research project differ from the standard consent for investigation and treatment?</li> </ul> <p><b>Chaperones</b></p> <p>Locate and read your organisation's chaperone policy.</p> <ul style="list-style-type: none"> <li>• Do you undertake tests alone with a patient in a darkened room and/or a room with the door closed? Is there a departmental policy to protect staff and patients in these circumstances? What is your practice in such situations?</li> <li>• In your workplace are there occasions e.g. laser treatment when it is necessary for a staff member and patient to be alone in a room with a closed or locked door? What measures could be taken if the patient insisted on a chaperone? How else could the situation be managed if the patient felt uncomfortable?</li> </ul> <p><b>Equality</b></p> <p>This is covered in LOs 3 and 4</p> <p><b>Safeguarding</b></p> <ul style="list-style-type: none"> <li>• Have any safeguarding issues arisen in your workplace? If you became aware that a child or vulnerable adult was at risk of harm, neglect or abuse, what action would you take?</li> </ul>
<p><b>2.1 – 2.5</b></p>	<p><b>Resources:</b> Professional Practice eBook Chapter 4 Section 4.5</p> <p>When preparing your evidence for this learning outcome it may help to consider problems that have arisen when information has not been available, such as missing / unavailable clinical records, or poor or illegible record keeping. You could then think about why these problems arise. Is it time pressure, poor training, or is it a problem of system design? Many Trusts are introducing Electronic Medical Records (EMR) systems but are these a help or hindrance to the delivery of good patient care?</p>

	<p>You should also locate and read your organisation's information governance policy and other relevant policies regarding the storing and communication of information.</p> <p>For ACs 2.1 to 2.4 you should prepare a <b>presentation</b> in PowerPoint or Keynote.</p> <ul style="list-style-type: none"> <li>• For ACs 2.1 to 2.3 you should describe the principles, guidance and law with respect to information governance, the safe and effective use of healthcare information, and when and how to share information. You should describe your organisation's policies and guidance and how they are applied in your workplace, and any training you have been given on information management.</li> <li>• For ACs 2.4 you should describe your responsibilities for documenting and communicating the results of the assessments and investigations you undertake as a healthcare science associate, and how failure to do this would impact on patient care.</li> </ul> <p>For AC 2.5 you should provide evidence that you maintain accurate records in accordance with applicable legislation, protocols and guidelines in the form of a <b>witness statement</b>. Evidence can also be linked from workplace assessments (<b>DOPS</b>).</p>
<p><b>3.1 – 3.4</b></p>	<p><b>Resources:</b> Professional Practice eBook Chapter 4 Section 4.6</p> <p>For ACs 3.1 to 3.4 prepare an <b>assignment</b> of between 500 and 1,000 words.</p> <ul style="list-style-type: none"> <li>• For AC 3.1 explain current equality and diversity legislation and policies and local ways of working. You should describe the Equality Duty and how this is implemented by healthcare organisations and delivered in healthcare practice. You should refer to your organisation's equality and diversity policy and any other relevant policies e.g. communication, bullying and harassment.</li> <li>• For AC 3.2 explain the impact of culture, equality and diversity on practice and what this means for own role. You might consider this in the context of diversity in your team and in the patient population you serve; how you might address discrimination of colleagues, patients etc., describe how your multidisciplinary team functions and how the structure and values of your team enhance or inhibit the delivery of the public health equality duty.</li> <li>• For AC 3.3 describe the social model of disability and how it underpins positive attitudes towards disability and involves people in their own care. You could consider how the social model of disability could be implemented in your own healthcare organisation, for example does the design, layout, and means of communicating with patients make the eye clinic accessible to sighted and sight impaired patients. You could seek the views of vision impaired patients regarding this and other issues.</li> <li>• For AC 3.4 analyse how stereotyping can increase stigma and negative attitudes towards people with disabilities and those experiencing mental health problems. There are some links at the end of section 4.6 that may be helpful.</li> </ul>
<p><b>4.1 – 4.4</b></p>	<p><b>Resources:</b> Professional Practice eBook Chapter 4 Section 4.6</p> <p>For ACs 4.1 to 4.5 prepare an <b>assignment</b> of between 250 and 500 words.</p> <ul style="list-style-type: none"> <li>• For AC 4.1 you should explain the consequences of not meeting the requirements of the Equality Act. You could consider these consequences for the organisation, employees, and patients, their families and carers.</li> <li>• For AC 4.2 you should explain the need to take account of an individual's physical, psychological, religious and cultural needs when delivering</li> </ul>



	<p>healthcare. You can consider this both in terms of the Equality Duty, but also as part of providing patient-centred care.</p> <ul style="list-style-type: none"><li>• For AC 4.3 you should explain how you address a patient, carer or service user's needs in own practice. You could describe how you might identify whether the patient has protected characteristics, or any other special needs, and the circumstances in which you might need to make adjustments to the way you would deliver their care.</li><li>• For AC 4.4 you should explain the need to respect and uphold the rights, dignity, values and autonomy of patients. This could be discussed from different perspectives such as your professional role, the patient's rights to person-centred care, the Equality Duty or the NHS Constitution.</li><li>• For AC 4.5 you should explain the need to address issues of inequality of service provision for all communities. As for AC 4.4, this could be considered from different perspectives.</li></ul> <p>You can present a <b>reflective account</b> of our personal or working experience of issues of discrimination relevant to the Equalities Act.</p>
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## APPENDIX A

### Witness statement

A witness statement is used to provide a written record of learner performance against targeted assessment criteria. Someone other than the assessor of the qualification/unit may complete it. This may be an assessor of a different qualification or unit, a work placement supervisor, a technician, learning resources manager or anyone else who has witnessed the performance of the learner against given assessment criteria. It can be someone who does not have direct knowledge of the qualification, unit or evidence requirements as a whole, but who is able to make a professional judgement about the performance of the learner in the given situation.

The quality of witness statement is greatly improved, and enables the assessor to judge the standard and validity of performance against the assessment criteria, if:

- the witness is provided with clear guidance on the desirable characteristics required for successful performance
- the evidence requirements are present on the witness testimony (this may need further clarification for a non-assessor)
- the learner or witness also provides a statement of the context within which the evidence is set.

#### **Please note:**

A witness statement is a source of evidence and **does not** confer an assessment decision. The assessor must:

- consider all the information in the witness statement
- note the relevant professional skills of the witness to make a judgement of performance
- review supporting evidence when making an assessment decision
- review the statement with the learner to enable a greater degree of confidence in the evidence
- be convinced that the evidence presented by the witness statement is valid, sufficient and authentic.

When a number of witnesses are providing testimonies:

- it may be helpful to collect specimen signatures
- all witness testimonies should be signed and dated by the witness
- information of their job role/relationship with the learner should also be recorded.

These details add to the validity and authenticity of the testimony and the statements made in it.

## APPENDIX A continued

### WITNESS STATEMENT

<b>Learner name:</b>			
<b>Qualification:</b>			
<b>Unit number &amp; title:</b>			
<b>Description of activity undertaken</b> (please be as specific as possible)			
<b>Assessment criteria</b> (for which the activity provides evidence)			
<b>How the activity covers the requirements of the assessment criteria, including how and where the activity took place</b> (this does not confirm achievement of assessment criteria or confer an assessment decision)			
<b>Witness name:</b>		<b>Job role:</b>	
<b>Witness signature:</b>		<b>Date:</b>	
<b>Learner name:</b>			
<b>Learner signature:</b>		<b>Date:</b>	
<b>Assessor name:</b>			
<b>Assessor signature:</b>		<b>Date:</b>	

## APPENDIX B

### Marking Template for assignments and presentations graded as competent / not yet competent

	Good	Satisfactory	Unsatisfactory	Comments
Structure and presentation				
Uses own words except when quoting – <i>authenticity</i>				
Meets assessment criteria – <i>validity and sufficiency</i>				
Relates knowledge and understanding to own practice				
Demonstrates self-awareness and reflection				
Evidence from current practice (2-3 years) - <i>currency</i>	Yes / No			
Overall Comments				
Outcome	PASS	MAJOR CORRECTIONS requiring resubmission	FAIL unsatisfactory after two resubmissions	