

Equality and Human Rights Policy for Patient Care

May | 2016

Responsible Committee: Clinical Governance

Date Effective: May 2016

Supersedes: Feb 2014

Next Review Due: May 2019

Version: 2.1

Comments (details of change):

1.0 Legal, ethical and good practice guidance for Equality and Human Rights

South East London Doctors Co-operative (SELDOC) is committed to providing quality out-of-hours and unscheduled primary care services to registered and unregistered patients. It adheres to the fundamental principle of *The NHS Constitution for England 2015*¹ - that patients have a right not to be unlawfully discriminated against in the provision of NHS services on grounds of gender, race, disability, age, sexual orientation, religion, belief, gender reassignment, pregnancy and maternity or marital or civil partnership status. The Constitution also pledges patients' rights to be treated with dignity and respect, in accordance with their human rights.

SELDOC staff has a duty not to discriminate against patients or staff and to adhere to equal opportunities and equality and human rights legislation. In addition *The Equality Act 2010*² introduced a general equality duty to the public sector to staff and patients which came into effect on the 5th April 2011.

The General Medical Council also identifies in its document *Good Medical Practice*³ that doctors must act in their patients best interests and must not allow personal views to unfairly discriminate against them.

For those patients requiring mental health care, this must be given equal priority to physical health. This 'parity of esteem' is the principle enshrined in law by the Health and Social Care Act 2012. The government requires NHS England (the body which commissions primary care along with other key services) to work for parity of esteem to mental and physical health through the NHS Mandate⁴

2.0. Key principles to consider in respect of patient care

The documents cited above are clear on the following principles:

SELDOC duty doctors and staff must not allow patients age, colour, culture, disability, ethnic or national origin, gender, lifestyle, marital or parental status, race, religion or beliefs, gender, sexual orientation, or social or economic status to unfairly affect their treatment

SELDOC duty doctors and staff must apply the principles of fairness, respect, equality, dignity and autonomy to all patient encounters

3.0 Applying the Equality Duty and the Human Rights Act to patient care

SELDOC expects all duty doctors and staff to provide individualised care and to:

3.1 Respect patients' rights to take informed risks, balancing their preference and choice against your knowledge of safety and effectiveness

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/480482/NHS_Constitution_WEB.pdf

²<http://www.legislation.gov.uk/ukpga/2010/15/contents>

³http://www.gmc-uk.org/guidance/good_medical_practice.asp

⁴<http://www.centreformentalhealth.org.uk/parity-of-esteem>

- 3.2 Promote and respect patients' dignity, privacy, independence and human rights in all patient encounters
- 3.3 Use a patient centred consultation style to take account of individual needs (including physical, mental, social, emotional, personal relationships and daytime activity), wishes and preferences.
- 3.4 Actively listen to patients' or their carers' views and involve them in decisions about their care.
- 3.5 Adapt the consultation style to respond to different needs, for example:
 - use easy read information to help understanding
 - use an interpreter or patient advocate when language or capacity to understand is a barrier
 - enabling patients to care for themselves or manage their own treatment wherever they can
 - ensure a doctor of the same sex is available when possible and for intimate examinations offer a chaperone
- 3.6 Respect and record the decision made by patients even if the duty doctor does not agree.
- 3.7 Support patients to raise specific needs relating to their equality, diversity and human rights.
- 3.8 Provide information to patients about their rights as detailed in the *NHS Constitution*.

4.0 Associated Documentation

- Safeguarding Policy for Children and Young People, SELDOC, July 2014
- Safeguarding Vulnerable Adults Policy, SELDOC, July 2014
- Consent Policy, SELDOC, May 2016
- Confidentiality Policy, SELDOC, May 2016
- Duty Doctor SLA, SELDOC, March 2015
- Staff handbook