
Example Questions and Answers for Unit 1

Unit 1: Promoting Quality Care

1.2.2 Rights and Responsibilities of Service Users and Providers

Q Evaluate the effectiveness of the Disability Discrimination Act (1995) in promoting disabled people's rights.

A The Disability Discrimination Act promotes disabled service user's rights by making discrimination illegal in the provision of goods and services, buying and renting of property, education, transport, employment and public buildings. It does not make discrimination on the grounds of disability illegal because this is difficult to prove. The act raises awareness of the needs of people with disabilities and helps to make sure they feel included rather than excluded. The act gives more rights to people with disabilities and helps to give them equality with able bodied people. Many people do not know about the act and are unaware of the provisions it makes. The act does not change the attitudes of people in society and so disabled people still have to suffer discrimination in this way. The act can be difficult to interpret what it means and so service providers do not always do everything they should to meet the requirements, for example, making reasonable adjustments to meet the needs of disabled people could be interpreted differently. The Disability Discrimination Act may not be effective because it is also very expensive to make the alterations needed for disabled people.

[10 marks]

Q Discuss how the Race Relations Act promotes the rights of care workers and service users. Evaluate the effectiveness of this legislation.

A The Race Relations Act makes it unlawful to discriminate on the basis of race in employment, education and training. The Act promotes equality and protects people from less favourable treatment on racial grounds. 'Racial grounds' includes colour, race, nationality or ethnic origin. The Act also makes it illegal to discriminate by segregating people or victimising them. It raises awareness of the needs of people from different racial backgrounds. There are increased opportunities for people of all races because it is illegal to discriminate in advertisements for jobs, job applications or contracts of employment. It is difficult for people to prove discrimination on racial ground because it is often hard to prove. The Act is not well known and therefore people may break the laws without realising that they are doing so. The Act does not change the attitudes of society and therefore people may still be discriminated against. People may not make a claim of discrimination under the Act because they are afraid that they might be victimised and suffer worse than they did before. The time and cost involved in making a claim of racial discrimination could put people off doing so.

[10 marks]

Q Name a legislation that promotes the rights of children. Explain how the Act promotes children's rights.

A The Children Act 1989 protects the rights of children. The act does this by giving children a paramountcy principle which means the child's needs and wishes are the most important. Children are protected from risks and their welfare is promoted. The legal position of children has been strengthened by the Children Act. The Act states that children who are old enough have the right to be involved in any decisions which can affect them. They have the right to say what they want to happen. The act protects children's rights by enforcing the parent's responsibility to make decisions that will be beneficial to the child. Staff in care settings which deal with children have clear guidelines which they have to follow when providing care and support for children. Under the Act parents, teachers and social workers have a legal responsibility to protect children. Children have the right to an advocate under the act when they need someone to represent them in a situation when they are unable to represent themselves, for example if they have been abused.

[10 marks]

Q Explain how the rights of service users are protected by the Mental Health Act.

A The Mental Health Act provides the basis for people to be detained against their will in psychiatric hospitals or units. It gives guidance on their rights while being held, procedures which should be followed when they are discharged from hospital and the aftercare they should be provided with in the community. A person who is at serious risk to themselves or to others can be detained under the Mental Health Act to provide them with a safe, secure environment where they can be assessed and then given treatment for their condition. People with a mental disorder who are unable or even unwilling to seek care and treatment can be legally provided with the care and treatment that will prevent their condition from getting worse or make it less likely that they will harm themselves or be a risk to other people. The act outlines the circumstances under which a person can be held under compulsory powers so that their human rights are not overruled. People with mental health conditions which cause them to pose a significant risk of harm to others can be given care and treatment which is in their best interests. The act protects service users from discrimination and unfairly being detained because there is a need for two doctors and a social worker or other suitably trained mental health professional to make the decision to provide assessment and initial treatment under compulsory powers. A service user can only be held for a maximum of 28 days initially. After this the Mental Health Tribunal will make the decision to hold a service user for longer following consultations with independent experts. The Tribunal will be able to make a care and treatment order which will give authority for the care and treatment specified in a care plan recommended by the clinical team. The first two orders will be for up to 6 months each and after that orders can be for up to 12 months. The Commission for Mental Health has been set up to look after the interests of service users who are subjected to care and treatment under powers in the Act. The Commission will monitor the use of formal powers and give guidance on the use of those powers. This will mean that they will check the quality of the statutory training given to practitioners who have key responsibilities under the mental Health Act. Under the Act all people held under the Mental Health Act must

have a care plan which is designed to give therapeutic benefits to the service user, or to manage their behaviour which is associated with a mental disorder that might lead to serious harm of other people. The Act therefore not only benefits the person with the mental disorder but other people who could be affected including informal carers and relatives.

[15 marks]