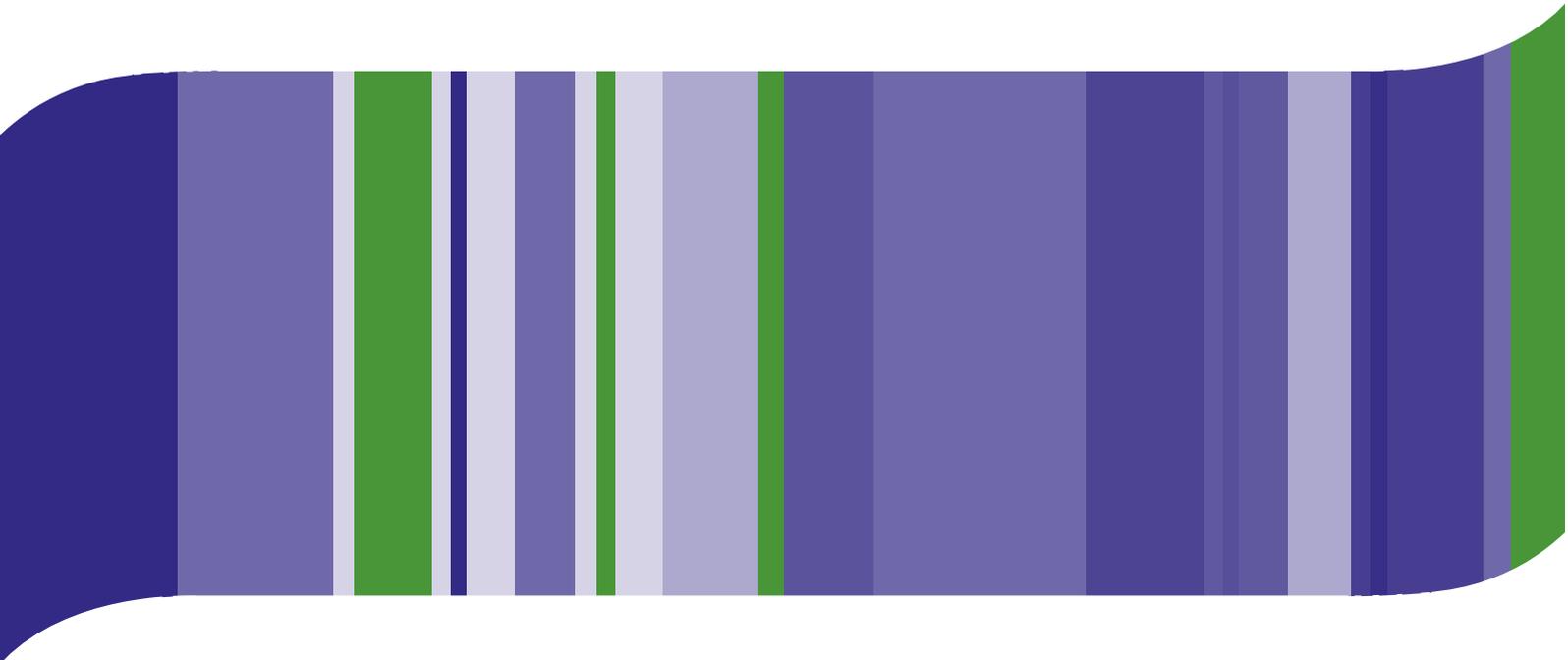
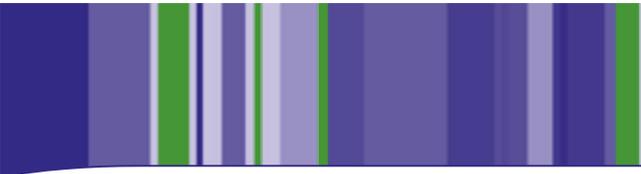


# Employee Rights and Responsibilities Workbook for Pharmacy Services Apprentices





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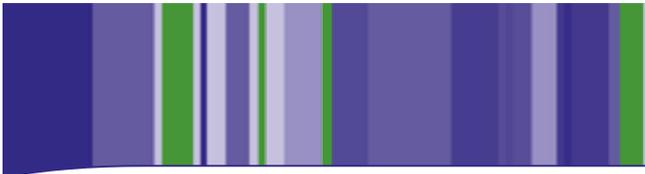
**Skills for Health** is the employer-led authority on workforce skills in the health sector. We work with employers throughout the UK to develop a skilled, flexible and productive workforce to improve the quality of health and healthcare. Skills for Health does this in two ways: firstly, by offering employers and the workforce tested solutions and tools that deliver tangible benefits and secondly by being the authoritative voice on skills issues in the sector.

[www.skillsforhealth.org.uk](http://www.skillsforhealth.org.uk)

This Employee Rights and Responsibilities workbook has been adapted for use in the Pharmacy Services Sector from the Health and Social Care Employee Rights and Responsibilities Workbook developed by the Care Council for Wales. Skills for Health and the Pharmacy Services sector would like to thank the Care Council for Wales for their permission to adapt the workbook for use in Pharmacy Services.

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# Introducing the Employee Rights and Responsibilities Workbook for Pharmacy Services

**Welcome to the Apprentice's Employment Rights and Responsibilities (ERR) Workbook for Pharmacy Services. This workbook forms part of your Apprenticeship; it covers important aspects of your work, and helps you understand your most important rights and responsibilities as a person employed in Pharmacy Services.**

## The purpose of ERR

There are many laws that protect us at work and ensure that we are treated fairly by an employer.

At the same time, everyone who works has to ensure that they behave appropriately in work, looking out for their own and other people's safety, and are reliable and trustworthy. This also extends to behaviours and actions outside the workplace that relate to anything which may bring in question your fitness to practise (both now as a trainee, and in the future as a registered practitioner). You should not do anything, both inside and outside of work, which would damage the reputation of the Pharmacy profession as a whole.

Because this is so important, all Apprentices, whatever job they are doing, have an element of Employee Rights and Responsibilities (ERR) study during their Apprenticeship.

The regulations that cover Apprenticeships in England and Wales set down the learning the Apprentices must achieve in relation to ERR. These are:

To achieve the ERR national outcomes the apprentice must demonstrate that he/she:

1. knows and understands the range of employer and employee statutory rights and responsibilities under Employment Law. This should cover the apprentice's rights and responsibilities under the Employment Rights Act 1996, Equality Act 2010 and Health & Safety legislation, together with the responsibilities and duties of employers;
2. knows and understands the procedures and documentation in their organisation which recognise and protect their relationship with their employer. Health & Safety and Equality & Diversity training must be an integral part of the apprentice's learning programme;
3. knows and understands the range of sources of information and advice available to them on their employment rights and responsibilities. Details of Access to Work and Additional Learning Support must be included in the programme;
4. understands the role played by their occupation/ profession within their organisation and industry;

5. has an informed view of the types of career pathways that are open to them;
6. knows the types of regulatory and representative bodies and understands their relevance to their skill, trade or occupation, and their main roles and responsibilities;
7. knows where and how to get information and advice on their industry, occupation, training and career;
8. can describe and work within their organisation's standards of conduct and codes of practice;
9. recognises and can form a view on issues of public concern that affect their organisation and industry.

You will also find information and advice on further information, on reading for you to do using the internet.

When you have completed all the learning outcomes your assessor will sign the Evidence Record Form at the end of your workbook. This is proof that you have completed the programme to the required standards. The completed form will then be used as evidence of completion of ERR. It will be used along with your other qualification certificates and declaration form when your Apprenticeship certificate is claimed at the end of your Apprenticeship.

## How you can complete the ERR Programme

The ERR programme in this workbook is organised under nine learning outcomes and is part of your off-the-job hours. You need to cover each of these outcomes in order to complete the Programme. Your assessor may ask you to complete the learning outcomes in one of the following ways:

- a. By using the materials and guidance in this workbook;
- b. By using materials that they provide;
- c. Covering the outcomes in other ways through work that you do towards completing the qualifications in your Apprenticeship.

There are a number of activities for you to complete to show that you have understood the programme and these are marked clearly.

# Learning Outcome 1

## Laws that protect you at work

### Introduction

There are a number of laws and regulations which have been written to protect you at work; they also protect your colleagues, the people you work with, including vulnerable adults and children and their parents or carers. As is usually the case, with rights go responsibilities; so these laws also tell you what you are expected to do and how you should behave at work.

The most important of these laws are described below under four main headings:

- 1. Workplace Regulations:** laws that keep everyone safe; keep information confidential; reduce hazards and manage risks.
- 2. Employment Conditions:** outlines the duties, rights and responsibilities of employers and employees.
- 3. Equal and Fair Treatment:** ensuring that people have equal access to opportunities and that the diversity of the workforce is valued.
- 4. Working with Children and Vulnerable People:** additional requirements that result from work undertaken with vulnerable people including children and their families.

### 1.1 Workplace regulations

#### 1.1.1 Health and safety

The Health and Safety Executive (<http://www.hse.gov.uk/index.htm>) is a government body that covers a varied range of activities related to workplace safety and regulation; from shaping and reviewing regulations, producing research and statistics and enforcing the law.

Getting hurt at work or becoming ill through work shouldn't happen but the reality is that around 156,000 injuries are reported each year and an estimated 2.3 million people have ill health caused or made worse by their work. The following legislation has been developed to protect you and other people at work.

As an employee you must:

- Be aware of key legislation relating to health and safety in
  - your work setting(s) and understand the responsibilities of yourself
  - your employer;
- Understand your organisation's policies and procedures in relation to health and safety in your work setting(s);
- Know how to apply your organisation's policies and procedures in relation to health and safety in your work setting(s);
- Know what you are not allowed to do at this stage of your training in relation to health and safety in your work setting(s).

## 1.1.2 Employee rights regarding health and safety

Employers have legal obligations to ensure a safe and healthy workplace. As an employee, you have rights, and you have responsibilities for your own wellbeing and that of your colleagues. Your rights as an employee, to work in a safe and healthy environment, are given to you by law and generally can't be changed or removed by your employer.

- a. The most important rights are:
- b. As far as possible, to have any risks to your health and safety properly controlled;
- c. To be provided free of charge with any personal protective and safety equipment;
- d. To be provided with adequate training;  
If you have reasonable concerns about your safety, to stop work and leave your work area, without being disciplined;
- e. To tell your employer/supervisor about any health and safety concerns you have;
- f. To get in touch with the Health and Safety Executive or your local authority if your employer won't listen to your concerns, without being disciplined;
- g. To have rest breaks during the working day, to have time off from work during the working week, and to have annual paid holiday.

## 1.1.3 Employee responsibility regarding health and safety

Your responsibilities are:

- a. To take reasonable care of your own health and safety;
- b. To avoid wearing jewellery or loose clothing if operating machinery, moving and handling or if your employer requires it. Please note that in some areas of pharmacy the wearing of any kind of jewellery or make-up is strictly prohibited;
- c. If you have long hair or wear a headscarf, make sure it's tucked out of the way;

- d. To take action to reduce infections according to your company's infection control policies;
- e. To report any infections you suffer that may adversely affect other people;
- f. To inform your employer of any personal allergies;
- g. To take reasonable care not to put other people i.e. fellow employees and members of the public – at risk by what you do or don't do in the course of your work;
- h. To co-operate with your employer, making sure you get proper training and you understand and follow the company's health and safety policies;
- i. Not to interfere with or misuse anything that has been provided for your health, safety or welfare;
- j. To report any injuries, strains or illnesses you suffer as a result of doing your job;
- k. To tell your employer if something happens that might affect your ability to work. Because your employer has a legal responsibility for your health and safety, they may need to suspend you while they found a solution to the problem, but you will normally be paid if this happens;
- l. If you drive or operate machinery, to tell your employer if you take medication that makes you drowsy – they should temporarily move you to another job if they have one for you to do.

## 1.2 The law: relevant legislation

### 1.2.1 Health and Safety at Work Act (1974)

This is a key piece of health and safety law. Under this Act it is your employer's duty to make sure that you are protected from any risks and dangers which could occur in your workplace. As an employee you must avoid taking any unnecessary risks, must use any protective equipment or clothing that you are provided with and follow any training or instructions you are given. All employers and self-employed people have to do a careful examination of what in their work could harm people, so that they can weigh up whether they have taken enough precautions or should do more to prevent harm.

This is called a **risk assessment**. Incidents at work involving death, serious injury and some diseases have to be reported to the Health and Safety Executive. All establishments with five or more employees must have a Health and Safety Policy which is accessible to employees and must record risk assessments and arrangements.

If you are under 18, you have further protection through:

### 1.2.2 The Health and Safety (Young Persons) Regulations (March) 1997

These Regulations are based on the view that young workers are particularly at risk in the workplace for a variety of reasons, such as:

- a. A general lack of experience;
- b. Their lack of awareness about occupational risks to their health and safety;
- c. Their possible immaturity.

Because of these additional risks for young people your employer must carry out an assessment of the risks to a young person working in their workplace, before any young person starts working for them.

If an employer decides there are particular risks, they must reduce the risks to their lowest practical level and make sure the young person is carefully supervised while doing their job.

If you are on a work experience placement you have the right to be provided with **at least** the same health, safety and welfare protection and care as any adult who works with you.

### 1.2.3 Risk Assessment

A risk assessment is an important step in protecting workers and businesses, as well as complying with the law. It helps employers focus on the risks that really matter in the workplace – the ones with the potential to cause real harm. In many instances, straightforward measures can readily control risks, for example ensuring spillages are cleaned up promptly so people do not slip, or cupboard drawers are kept closed to ensure people do not trip. For most, that means simple, cheap and effective measures to ensure your most valuable asset – the workforce and anyone using the service – is protected.

### 1.2.4 Control of Substances Hazardous to Health Regulations 2002 (COSHH)

Using chemicals or other hazardous substances at work can put people's health at risk, so the law requires employers to control exposure to hazardous substances to prevent ill health. They have to protect both employees and others who may be exposed by complying with the COSHH Regulations 2002.

#### **Hazardous substances include:**

- a. Substances used directly in work activities e.g. adhesives, paints, surface cleaning agents, disinfectants, alcohol hand rubs and wipes, decontamination solutions for blood, radiation spillages, antibiotics, cytotoxic medicines and hormone products.
- b. Substances generated during work activities e.g. fumes from soldering and welding;
- c. Naturally occurring substances e.g. grain, dust;
- d. Biological agents such as bacteria and other micro-organisms.

## 1.2.5 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)

RIDDOR requires you to report some work-related accidents, diseases and dangerous occurrences. It applies to all work activities. Examples of when your employer should report instances are:

- a. Death;
- b. Major injury – such as
  - i. Fracture (other than fingers, toes or thumbs);
  - ii. Amputation;
  - iii. Dislocation of shoulder, hip knee or spine;
  - iv. Loss of sight – permanent or temporary;
  - v. Chemical or hot metal burn to the eye or any penetrating injury to the eye;
  - v. Injury resulting from an electric shock or electrical burn leading to unconsciousness or requiring resuscitation or admittance to hospital for more than 24 hours;
  - vii. Any other injury; leading to hypothermia, heat-induced illness or unconsciousness; or requiring resuscitation; or requiring admittance to hospital for more than 24 hours.
  - viii. Over-three-day injury – an employee or self-employed person working in or on your work premises suffers
- c. Disease – such as
  - i. Certain poisonings;
  - ii. Some skin diseases such as occupational dermatitis, contact dermatitis, latex allergy, skin cancer and chrome ulcer;
  - iii. Lung diseases including occupational asthma, farmers lung;
  - iv. Infections such as hepatitis, tuberculosis, anthrax and tetanus;
  - v. Dangerous occurrences – such as
    - a. Collapse, overturning or failure of load bearing parts of lifts and lifting equipment;

- b. Explosion, collapse or bursting of any closed vessel or associated pipe work;
- c. Electrical short circuit or overload causing fire or explosion;
- d. Untoward incidents involving dangerous substances.

## 1.2.6 Manual Handling Operations Regulations 1992 (MHOR)

### Moving and handling

- a. Be aware of key legislation that governs all moving and handling tasks.
- b. Know how to assess risks in relation to moving and handling people and/or objects.
- c. Know safe moving and handling techniques in relation to people, objects and/or products.
- d. Know what you are not allowed to do in relation to moving and handling at this stage of your training.

This applies to a wide range of manual handling activities, including lifting, lowering, pushing, pulling or carrying. The regulations require employers to:

- a. **Avoid** – the need for hazardous manual handling, so far as is reasonably practicable;
- b. **Assess** – the risk of injury from any hazardous manual handling that can't be avoided;
- c. **Reduce** – the risk of injury from hazardous manual handling, so far as is reasonably practicable.

### Employee duties are to:

- a. Follow appropriate procedures (systems of work) laid down for their safety;
- b. Make proper use of equipment provided for their safety;

- c. Co-operate with their employer on health and safety matters;
- d. Inform the employer if they identify hazardous handling activities;
- e. Take care to ensure that their activities do not put others at risk.

### 1.2.7 Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

These regulations aim to reduce risks to people's health and safety from lifting equipment provided for use at work. In addition to the requirements of LOLER, lifting equipment is also subject to the requirements of the Provision and Use of Work Equipment Regulations 1998 (PUWER).

#### **Basically, these regulations require lifting equipment provided for use at work is:**

- a. Strong and stable enough for the particular use and marked to indicate safe working loads;
- b. Positioned and installed to minimise any risks;
- c. Used safely, i.e. the work is planned, organised and performed by competent people;
- d. Subject to on-going thorough examination and, where appropriate, inspection by competent people;
- e. Lifting equipment includes any equipment used at work for lifting or lowering loads, including attachments used for anchoring, fixing or supporting it. The Regulations cover a wide range of equipment including, cranes, fork-lift trucks, lifts, hoists, mobile elevating work platforms, and vehicle inspection platform hoists.
- f. If employees provide their own lifting equipment, then this too is covered by Regulations.

### 1.2.8 The Health and Safety (First-Aid) Regulations 1981

These regulations require employers to provide adequate and appropriate equipment, facilities and personnel to enable first aid to be given to employees if they are injured or become ill at work. They apply to all workplaces including those with five or fewer employees and to the self-employed.

## Activity 1

### Health and Safety in your workplace

For this activity you will be able to refer to information and activities that you undertook during your induction, as well as referring to Learning Outcome 1 and work that you may be doing towards your Apprenticeship in Pharmacy Services.

1. Locate the Health and Safety chart in your workplace and write down who is the person responsible for Health and Safety.

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2. How does the way in which you work comply with Health and Safety regulations?

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3. Look around your work area/department. Is there anything you feel that may be potentially dangerous? Discuss it with your supervisor and record your discussion here.

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4. Find out who you should report accidents and incidents to. How/where should you record them?

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## Activity 1 continued

5. Find out who the First Aider is in your workplace.

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6. Find out where First Aid materials are located in your workplace.

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## 1.3 Laws that protect you and the people who use the services you work in

### 1.3.1 Confidentiality

#### What is confidentiality?

Confidentiality means not passing on information about a person, organisation, or situation to anyone who does not have a right or need to know it. There are many situations in which you should think about confidentiality. Personal information about anyone – service user, child, parents, other staff members – should in general never be discussed with anyone else unless you have that person's permission, or there is a very good reason why someone else needs to know e.g. you suspect abuse or danger. Even then, sensitive information should not be passed on unless it is essential. For instance, it may be necessary to pass on the information that someone is sick, but not to say what their illness is. Information about contact details should never be passed on without permission, as to do so could place someone in danger.

#### The dangers of gossip.

Confidentiality can be broken deliberately, or by accident – for instance by leaving written information around where it can be seen. Probably the most common way of breaking confidentiality, however, is gossip – idle conversation about other people. **This includes talking about service users, carer or staff to, or in front of, other service user, carer, member of the public or staff; or in front of the service user or carer and talking about any of the service user or carer in front of anyone else.**

It is important to remember that children are people too; they have a right not to be discussed without good reason and children may also notice and repeat information; understand and pass on much more than you think if you talk in front of them!

Computer technology makes it possible for organisations to hold large amounts of information about people. The Data Protection Act, which came into force in 2000, protects the personal information that organisations hold about people, whether that is in paper records or on computers.

The Act says that information like this:

- a. Must be correct;
- b. Must not be used for any reason except the reason it is collected for (unless permission has been given);
- c. Must not, usually be passed on without permission;
- d. Must not be kept for longer than necessary.

In Pharmacy settings this Act therefore affects the information that your employer can hold about people who use your service; about the medicines they are taking; how the information is used as well as data (i.e. personnel records) about you and other staff.

Under the Act, everyone has the right to see what information is held about them by any organisation, to correct it if necessary, and to know how it is being used. A request to see information must be made in writing and there may be a charge.

### 1.3.2 Personnel Records

At work this means that you have a right to see what information is held about you in your personnel record and your employer must ensure that these records are accurate, stored securely and only accessible to those who have a legitimate need to do so. They cannot be released to a third party without your consent. Your employer will probably have had to register as a Data Controller, and must have policies for making sure they are not breaking the law when storing information. It is very important that you follow your organisation's procedures when dealing with information.

### 1.3.3 Data Protection Act 1999 (guidance published in 2002)

This Act covers all information held about individuals by an employer. The Act covers both computerised and manual records. The information must be held in a secure place and should not be available to unauthorised people. There are eight common-sense rules known as the data protection principles, these require personal information to be:

- a. Fairly and lawfully processed;
- b. Processed for limited purposes;
- c. Adequate, relevant and not too excessive;
- d. Accurate;
- e. Not kept longer than necessary;
- f. Processed in accordance with your rights;
- g. Kept secure;
- h. Not transferred abroad without adequate protection.

This Act provides stronger protection for sensitive information about your ethnic origins, political opinions, religious beliefs, trade union membership, health, sexual life and any criminal history.

The Act, with some exceptions, gives you the right to find out what information is held about you by organisations. This is known as 'right of subject accesses'. On written request, you are entitled to be supplied with a copy of all the information and organisations holds about you.

See also: The Information Commissioners Office  
[http://www.ico.org.uk/about\\_us/our\\_organisation/introduction](http://www.ico.org.uk/about_us/our_organisation/introduction)

### 1.3.4 Freedom of Information Act 2000

[http://www.ico.org.uk/for\\_organisations/freedom\\_of\\_information](http://www.ico.org.uk/for_organisations/freedom_of_information)

The Freedom of Information Act gives everyone the right to access information held by the public sector. This right includes Parliament, government departments, local assemblies, local authorities, health trusts, doctors' surgeries, publicly funded museums and other organisations. The main features of the Act are:

- a. A right of wide general access to information, subject to clearly defined exemptions and conditions;
- b. A requirement to consider discretionary disclosure in the public interest even when an exemption applies;
- c. A duty to publish information;
- d. Powers of enforcement through an independent Information Commissioner and an Information Tribunal.

## Activity 2

### Data Protection in Your Workplace

For this activity, you will be able to refer to information and activities that you undertook during your induction, as well as referring to Learning Outcome 1 and work that you may be doing towards your Apprenticeship in Pharmacy Services.

1. List the types of information that are held on your personnel record and say why you think that they are needed.

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2. Who should you inform if you are changing your personal details (e.g. if you move house or change your name)?

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3. How should your records be stored and who has right to see them?

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4. List the types of records that are kept on clients/ patients in your workplace?

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5. Explain how confidentiality might be breached?

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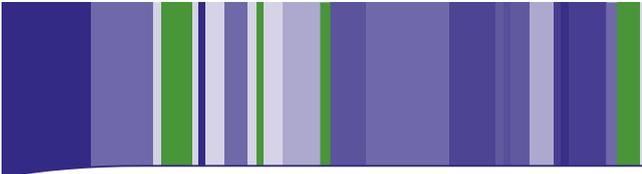
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# Learning Outcome 2

## Know about the Terms and Conditions of your Employment

You can learn more about this on the website for the Advisory and Conciliation Service: <http://www.acas.org.uk>

### 2.1 The Employment Rights Act 1996 (as amended by the Employment Relations Act 1999 and the Employment Act 2002)

This is a large and complicated law that covers many of the rights and responsibilities of employers and employees, including:

#### 2.1.1 Particulars (Contracts) of Employment

A Contract (or Statement) of Employment comes into force as soon as a firm offer of employment has been made and accepted, even if agreement is only verbal e.g. at an interview. All employees are entitled to a written statement of the key terms and conditions of their employment within two months of starting work, providing the contract is to last for more than one month. Employment contracts may be open-ended (permanent), for temporary periods of employment or for fixed terms. They may be for full or part-time work. Any changes to employment contracts must be made following procedures which are designed to protect the employee from unfair treatment and ensure consultation on the nature of any changes proposed. Termination of a contract is governed by procedures that are designed to protect the employee from unfair treatment.

#### 2.1.2 Right to an itemised pay statement and not to suffer unauthorised deductions

Employees have a right to a pay statement. The pay statement will give you information about how much you are being paid and how much is being taken from your pay (deducted).

#### 2.1.3 Right to Time Off Work

Employees have a right to time off for public duties (e.g. if you are a Local Councillor, Justice of the Peace or for jury service), for duties as a trades union representative, for ante-natal care, to look for work or arrange training if you have been made redundant.

#### 2.1.4 Right to Time Off Work for Sickness

There is a statutory right to a prescribed level of sick pay which all employers must abide by. Some employers go beyond this and pay additional entitlements if employees are unwell. There are rules as to who can claim Statutory Sick Pay that relate to how old the employee is, how much they earn and whether they have or are claiming any other form of statutory benefit e.g. maternity pay or sickness-related benefits.

### 2.1.5 Parental Rights

This makes changes to maternity, paternity and adoption rights in the Employment Rights Act 1996.

Maternity rights fall into four main categories:

- a. Time off for antenatal care;
- b. Maternity leave;
- c. Maternity benefit (Statutory Maternity Pay or Maternity Allowance);
- d. Protection against unfair treatment or dismissal.  
There are also rights for parents (including fathers) paternity leave and rights to flexible working hours for parents.

### 2.1.6 Termination of Employment

Both the employer and employee are normally entitled to a minimum period of notice of termination of employment. After one month's employment, an employee must give at least one week's notice; this minimum is unaffected by longer service.

An employer must give an employee:

- a. At least one week's notice after one month's employment;
- b. Two weeks after two years;
- c. Three weeks after three years and so on up to 12 weeks after 12 years or more.

However, the employer or the employee will be entitled to a longer period of notice than the statutory minimum if this is provided for in the contract of employment.

### 2.1.7 Unfair Dismissal

The law on unfair dismissal gives employees a legal right to be treated in the way, which is fair and reasonable. Employees who feel that they have been dismissed or otherwise treated unfairly have the right to take their case to an independent Employment Tribunal providing certain rules are met about how long they have been employed.

### 2.1.8 Redundancy Rights

Redundancy is where an employee is dismissed because:

- a. The employer closes down the business, or
- b. The employer closes down the employee's workplace, or
- c. There is a diminishing need for employees to do work of a particular kind.

If an employee is dismissed because of redundancy, he/she has the right to a payment from the employer provided that the individual has 2 or more years of continuous service. Service below the age of 18 does not count.

## 2.2 National Minimum Wage Act (1998)

Workers are entitled to be paid at least the level of the statutory National Minimum Wage (NMW) for every hour they work for an employer. The most up to date rates including rates for apprentices are available at <https://www.gov.uk/national-minimum-wage-rates>

More information is available on these web pages <https://www.gov.uk/government/policies> and <https://www.gov.uk/equality-act-2010-guidance>

## 2.3 National Minimum Wage Regulations (1999)

These contain detailed rules as to who qualifies for the national minimum wage.

Further definitions and information is available at <https://www.gov.uk/national-minimum-wage>

## 2.4 Working Time Directive and Working Time Regulations (1998)

The Working Time Regulations give you a minimum right to:

- a. Work no more than 48 hours a week on average (though you can choose to work longer)
- b. Minimum daily rest periods (11 hours in every 24) and weekly rest periods (24 hours in every 7 days)
- c. Rest breaks at work (20 minutes if you work more than 6 hours)
- d. Paid annual leave (4 weeks a year, once you have worked for an employer for more than 13 weeks)

The rights of young workers (those over the minimum school leaving age but under-18 or those under-18 and on an Apprenticeship) differ in the following ways:

- a. A limit of eight hours working time a day and 40 hours a week;
- b. Not to work between 10pm and 6am or between 11pm and 7am (except in certain circumstances);
- c. 12 hours' rest between each working day;
- d. Two days' weekly rest and a 30-minute in-work rest break when working longer than four and a half hours.

## 2.5 Equal Pay Act (1970/1983)

The Equal Pay Act 1970 gives you the right to the same pay, benefits and conditions of employment as someone of the opposite sex where you are both doing the same or similar work.

## 2.6 The Right to time off for Study or Training

<https://www.gov.uk/training-study-work-your-rights>  
<https://www.gov.uk/child-employment/minimum-ages-children-can-work>  
<https://www.gov.uk/know-when-you-can-leave-school>

Depending on your age you may be entitled to paid time off work to study or train for approved qualifications e.g. to achieve a level 2 qualification for the first time. You may also be required to continue studying while you are working if you are under 18.

This does not mean that you necessarily have to go to another place, such as a college, for this training. Study or training can be undertaken in your workplace, on the job or elsewhere on the site; or it could take place in a college, with an approved training provider, or through open or distance learning.

How much time you can have will also depend on the circumstances in your organisation, and the effect for your employer of you having "time off" on the running of the business. It should be what is reasonable taking into account the requirements of the course or training as well as the situation and needs of the workplace.

## 2.7 Employment Relations Act 1999

This enables employees to be accompanied by a trade union official or colleague at a disciplinary or grievance hearing.

For more information look at: <https://www.gov.uk/join-trade-union> and <https://www.gov.uk/browse/working/redundancies-dismissals>

## 2.8 Part-time Workers Regulations 2000

These give part-time workers the right not to be treated less favourably than comparable full-time workers unless the difference in treatment is objectively justifiable.

More information is available at <https://www.gov.uk/flexible-working>

## 2.9 Equal and Fair Treatment Regulations

ACAS <http://www.acas.org.uk/index.aspx?articleid=1363>

Equality and Human Rights Commission  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

The Acts and Regulations in this section are important for you in two ways. Firstly, as a trainee or employee in a workplace, the following legislation lists your legal rights and responsibilities. Secondly, as someone working with young children, it is very important that you are aware of the importance of treating all people including children equally, fairly and with respect. If you do not do this you may find that you are contravening the Equalities Act 2010 or the United Nations Convention on the Rights of the Child. It is also important, of course, that you treat all the people that you work with equally, fairly and with respect and that you do not discriminate. (By discrimination, we mean that you should not treat someone unfairly because of limited or inaccurate information you have about them).

### 2.9.1 The Sex Discrimination Act (1975)

Under this Act an employer must not treat men and women who they employ differently if they cannot show a good reason for doing so and if either the men or women suffer because of being treated differently. The law also applies to treating married people and single people differently. Some exemptions from the Sex Discrimination Act exist to cover very specific situations.

### 2.9.2 The Race Relations Act (1976), Amendments (2000) and Regulations (2003)

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Taken together, these laws and regulations make it unlawful for anyone to discriminate against anyone else because of their race, colour, nationality (including citizenship), or ethnic or national origin. They apply to a wide range of situations, including:

- a. Jobs;
- b. Training;
- c. Housing;
- d. Education;
- e. The provision of goods, facilities and services.

So for example, your employer must not treat you in any way differently on grounds of race or ethnic or national origin. However, there are some situations when this is permissible for instance, where being of a particular race or ethnic or national origin is a genuine occupational requirement. The circumstances in which this would apply are identified in the Act.

Under new legislation in 2003, your employer or work placement provider must also not discriminate against you, or harass you, because of your religion or belief,

or because of your sexual orientation (e.g. because you are gay or lesbian, bisexual or heterosexual).

### 2.9.3 Equal Pay Act (1970)

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

It is unlawful to discriminate between men and women in terms of pay and other benefits if they are both doing the same job. (See Equalities Act 2010).

### 2.9.4 Human Rights Act (1998)

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

This Act gives legal effect in the UK to certain fundamental rights and freedoms contained in the European Convention on Human Rights (ECHR). There are 16 basic rights taken from the ECHR, these rights not only affect matters of life and death like freedom from torture and killing but also affect your rights in everyday life: what you can say and do, your beliefs, your right to a fair trial and many other similar basic entitlements. These rights include:

- a. Right to life;
- b. Prohibition of torture;
- c. Prohibition of slavery and forced labour;
- d. Right to liberty and security;
- e. Right to a fair trial;
- f. No punishment without law;
- g. Right to respect for private and family life;
- h. Freedom of thought, conscience and religion;
- i. Freedom of expression;
- j. Freedom of assembly and association;

k. Right to marry;

l. Prohibition of discrimination;

m. Protection of property;

n. Right to education;

o. Right to free elections;

p. Abolition of the death penalty.

### 2.9.5 Disability Discrimination Act (1995)

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

This Act gives disabled people rights in the areas of:

- a. Employment;
- b. Access to goods, facilities and services; and
- c. Buying or renting land or property.

Employers have a responsibility to make reasonable adjustments to working practices and the workplace in order that the needs of disabled employees can be met, for example by altering doorway and toilet arrangements. A disabled employee is someone with a physical or mental impairment. An employer may be able to justify discrimination against a disabled person if there are good reasons why the person's disability would prevent them from doing the job and it is not possible to make reasonable adjustments.

Since September 2002 (under the Special Educational Needs and Disability Act 2001) schools, including nursery schools, must not discriminate against disabled children and disabled prospective pupils.

## 2.9.6 The Welsh Language Act (1993)

<http://www.legislation.gov.uk/ukpga/1993/38/contents>

<http://www.legislation.gov.uk/mwa/2011/1/contents/enacted>

<http://www.comisiynyddygydraeg.org/english/Pages/Home.aspx>

The Welsh Language Act 1993 confirms in law that the Welsh and English languages are equal in Wales. It places an obligation on the public sector in Wales to treat the Welsh and English languages on the basis of equality in the provision of services to the public.

The Welsh Language Commissioner provides advice and promotes good practice under the 2011 Welsh Language (Wales) Measure 2011.

## 2.9.7 Equality Act (2010)

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Over the last four decades, discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow.

The Equality Act 2010 provides a cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The provisions in the Equality Act came into force at different times to allow time for the people and

organisations affected by the new laws to prepare for them. About 90% of the Act came into being on the 1st October 2010 including:

- a. The basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions; premises; work; education; associations, and transport;
- b. Changing the definition of gender reassignment, by removing the requirement for medical supervision;
- c. Levelling up protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic, so providing new protection for people like carers;
- d. Clearer protection for breastfeeding mothers;
- e. Applying the European definition of indirect discrimination to all protected characteristics;
- f. Extending protection from indirect discrimination to disability;
- g. Introducing a new concept of “discrimination arising from disability”, to replace protection under previous legislation lost as a result of a legal judgment;
- h. Applying the detriment model to victimisation protection (aligning with the approach in employment law);
- i. Harmonising the thresholds for the duty to make reasonable adjustments for disabled people;
- j. Extending protection from 3rd party harassment to all protected characteristics;

- k. Making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability or health;
- l. Allowing claims for direct gender pay discrimination where there is no actual comparator;
- m. Making pay secrecy clauses unenforceable;
- n. Extending protection in private clubs to sex, religion or belief, pregnancy and maternity, and gender reassignment;
- o. Introducing new powers for employment tribunals to make recommendations which benefit the wider workforce;
- p. Harmonising provisions allowing voluntary positive action<sup>1</sup>.

### 2.9.8 Employment Equality (Religion or Belief) Regulations 2003

It is unlawful to discriminate against employees on the grounds of religion or belief (see Equalities Act 2010).

### 2.9.9 Employment Equality (Sexual Orientation) Regulations 2003

It is unlawful to discriminate against employees on the grounds of sexual orientation (see Equalities Act 2010).

### 2.9.10 Protection from Harassment Act 1997

It is unlawful to harass someone. Individuals can claim damages and/or seek a court order to stop the harasser from continuing the harassment.

## Activity 3

Each law protects different aspects of your work and the workplace. Look at the table below, and using the information in the preceding pages; decide which of the laws covers which situation and write the name of that law in the column on the right. For example, Hours of Work are covered by the Working Time Directive.

1. Someone wants to know how many hours a day you can be asked to work	Working Time Directive
2. Your workplace needs to deal with some hazardous substances. Which laws govern how they are dealt with?	
3. Someone has an accident at work which leaves them with a permanent disability. Which laws protect them?	

1. [www.equalities.gov.uk/equality\\_act\\_2010.aspx](http://www.equalities.gov.uk/equality_act_2010.aspx)

Situation	Name of relevant law
4. A male Pharmacy Assistant worker feels he was the best candidate for a job that he did not get. Which law would support his challenging the decision?	
5. A service user asks for the personal address of another service user using your setting. What Act would you have to think about before responding to the request?	
6. A member of staff has a new baby. What Law would she need to understand to make sure she gets all of her rights?	
7. The temperature of a workplace needs to be regulated. What Act does this?	
8. A female member of staff finds their pay is less than that for a male colleague who does the same job as her. What Act could she use to challenge the situation?	
9. Several staff are absent at the same time and there are insufficient staff to ensure a safe service	
10. A relative of a patient/client wants to know what the patient's/client's medicines are used for. What Act would you need to be mindful of before responding?	
11. A workplace has no or very few Welsh speakers or workers, though there are mostly Welsh speaking families in the area. (ONLY FOR APPRENTICES IN WALES).	



# Learning Outcome 3

## Procedures and Documentation – Putting the law into practice

**As an employee or a trainee in the workplace you have rights and responsibilities at work in the eyes of society and of the law.**

- **RIGHTS** are what **are due to you** according to the law.
- **RESPONSIBILITIES** in law are actions that **you must do**.

Your Rights and Responsibilities are laid out in the laws we have discussed in Learning Outcome 1 and 2. However, you do not need to know each law in detail! In your workplace, there will be procedures and policies based on these laws, and it is your responsibility to follow those procedures. You will also have documents, such as employment contracts or learning agreements, which tell you both what you have a right to expect from your employer and what your responsibilities in the workplace are.

### Information about your job

#### 3.1 Contract (or Statement) of Employment

When an employer offers you a job and you accept it, you make a contract with each other (even if at this stage the agreement is only verbal). By law, this contract must be written down (unless you are working for fewer than 8 hours a week). It is an important document and you should make sure you have seen and understood your own contract.

[www.acas.org.uk](http://www.acas.org.uk)

**New employees must be given the following information in writing in one document within two calendar months of starting work:**

- a. Names of employer and employee;
- b. Date when employment began;
- c. Scale and rate of wages;
- d. How often wages are paid;
- e. Hours of work and any conditions related to them;
- f. Holiday entitlements including any right to holiday pay;
- g. Length of notice of the termination of the contract by employee and employer;
- h. Job title or brief job description;
- i. Where employment is not permanent, the period for which it is to continue;
- j. Place of work;

- k. Grievance procedures;
- l. Any collective agreements (i.e. agreements which have been made through the discussions of a trade union with an employer) which directly affect terms and conditions of the employee.

The following information must also be provided but the employee may be referred to an easily accessible document such as a Staff Handbook or Policy Manual:

- a. Sickness, injury and sick pay;
- b. Pensions and pension schemes;
- c. Terms relating to notice of termination of the contract;
- d. Disciplinary rules and procedures.

## 3.2 Additional Information and Support

### 3.2.1 Information for Apprentices or Candidates

As a candidate for a qualification, you should also be given information about how you will be assessed and what to do if you are unhappy with an assessment decision and want to appeal against it.

### 3.2.2 Access to Work – practical help at work

Access to Work can help you if your health or disability affects the way you do your job. It gives you and your employer advice and support with extra costs which may arise because of your needs.

Check if you qualify for Access to Work  
<https://www.gov.uk/access-to-work>.

### About Access to Work

Access to Work might pay towards a support worker or the equipment you need at work. It can also pay towards the cost of getting to work if you cannot use public transport.

If you need a communicator at job interviews, then Access to Work may be able to pay some or all of the communicator costs.

### Getting Access to Work

You may be able to get Access to Work if you're:

- a. in a paid job;
- b. unemployed and about to start a job;
- c. unemployed and about to start a Work Trial;
- d. self-employed; or
- e. an apprentice;

**and** your disability or health condition stops you from being able to do parts of your job.

Your disability or health condition may not have a big effect on what you do each day, but may have a long-term effect on how well you can do your job.

### 3.2.3 Additional Learning Support

Additional learning support is available to learners with disabilities, specific learning difficulties such as dyslexia, basic skills or language needs. Learners can talk to their tutor about the help that they require or they can give details of the support they need on the College enrolment form or Individual Learning Plan. The tutor will talk to learners individually to find out what arrangements need to be made. The tutor will also discuss additional support requirements.

The support offered may include:

- a. Adjusting the way the course is taught;
- b. Making special assessment arrangements;
- c. Providing additional hand-outs;

d. Providing specialist equipment;

e. Offering extra tutorial time or classroom support; and

f. Providing contact details of organisations that can provide specialist help e.g. basic skills, language support.

## Activity 5

### Additional Support

1. What service might you use if you or one of your colleagues had a disability and needed some support to do their job?

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2. What kinds of help might they be able to get?

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## Activity 6

Look at the information you have about your employment (e.g. your contract or agreement).

### What does it tell you about your right to:

1. Sick leave and sick pay

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2. Annual leave

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3. Hours of work

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4. Notice of termination of the contract or agreement

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5. Pension

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## 3.3 Disciplinary and Grievance Procedures

Disciplinary and Grievance procedures are designed to ensure that problems at work can be solved fairly. Although most working people do their best to ensure a happy and harmonious work place, there are occasions when things don't go smoothly.

### 3.3.1 What is a Disciplinary Procedure? If

you fail to comply with your contract/code of conduct or to follow your job description, you could find yourself facing disciplinary proceedings. Perhaps you have been consistently late in arriving at work or the way that you dress has been inappropriate. The purpose of a disciplinary procedure is to investigate whether you actually did break a rule, whether it was your fault (for instance, you may not have been given information about the rule in the first place) and, if so, what action should be taken. A disciplinary procedure should be available in writing. It may describe informal action, then a formal disciplinary procedure. This should include information on:

- a. Why the disciplinary action is being taken;
- b. Who will be involved;
- c. What support or advice you can seek or expect;
- d. Your right to be accompanied by a fellow worker or trade union official;
- e. What opportunity you will have to speak for yourself;
- f. What will be written down;
- g. What the outcome could be;
- h. How long each stage will last;
- i. How you can appeal.

### 3.3.2 What is Gross Misconduct?

If an employee's conduct is so bad that it destroys the employer/employee relationship and merits instant dismissal it is known as Gross Misconduct. Examples are: theft, fraud, deliberate falsification of company documents, fighting, assault on another, damage to company property, sexual/racial harassment, being unfit for work due to alcohol or drugs or gross negligence/insubordination. Whilst someone's conduct is being investigated they may be suspended from work and/or dismissed.

## Activity 7

### Disciplinary Action

**Talk to people or examine documents in your workplace and find the answers to the following questions:**

1. What things would lead to a disciplinary action in your workplace?

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2. What steps would be taken under the disciplinary procedure?

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### 3.3.3 What is a Grievance Procedure?

Anybody working in an organisation may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management.

If so, you should be able to follow a grievance procedure. The grievance procedure should be in writing, and should tell you:

- a. Who you should complain to first (you are often asked first of all to try to resolve the problem with the person concerned);
- b. Whether or not the complaint must be in writing;
- c. How soon after the incident you must make it; d.

Which people will be involved in dealing with it; e.

What the outcome could be;

- f. How long each stage will last.

If you are taking out a grievance, it is important that you have as much evidence as possible to back up your complaint.

In certain very serious cases, particularly if you have lost your job as a result of a disciplinary procedure which you felt was unfair, or you have resigned because a serious situation was not dealt with properly through the Grievance Procedure, you may be able to take a case to an Industrial Tribunal. You would probably find it necessary to seek advice from a professional (such as a Trade Union representative or the Citizens Advice Bureau) if you needed to do this.

## Activity 8

### Grievances

**Talk to people at your workplace or look at documents in your workplace to find the answers to the following questions:**

1. What things might lead a trainee or member of staff to make a grievance at work?

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2. Who should you contact if you have a grievance at your work?

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3. What steps does someone need to take to report a grievance at your workplace?

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4. What would happen in your workplace if a grievance was taken up and processed?

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## 3.4 Bullying and Harassment in the Workplace

[www.bullyonline.org](http://www.bullyonline.org)

Employers have a duty of care to protect their employees from being bullied or harassed in the workplace and your organisation should have policies which you should know and follow if this happens to you.

Anyone who genuinely feels that they are being singled-out for unfair treatment by a boss or colleague(s) may well be being bullied or harassed.

**Harassment** may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. Harassment can also have a specific meaning under certain laws (for instance if harassment is related to sex, race, disability, religion or belief, or sexual orientation, it may be unlawful discrimination).

**Bullying may be** offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, denigrate or injure the recipient. Bullying and harassment may be face-to-face, or by telephone, letter or e-mail. It may be passed off as a joke, or something that everyone should expect, but if it makes you unhappy you have a right to expect it to stop.

If you feel you are being harassed, bullied, or dealt with unfairly, you should first find out what your company procedures are and who to contact.

You may wish to get the support of a friend or manager; it is always a good idea to collect and keep evidence if possible. In some cases, you may wish to speak to a trade union official. There are also Internet and telephone helplines, and the Citizens Advice Bureau, where you can get support and advice.

### Useful contacts

- ACAS (Advisory, Conciliation and Arbitration Service)
- Citizens Advice Bureau
- Jobcentre Plus
- [businesslink.gov.uk](http://businesslink.gov.uk)
- Your trade union

### ! REMEMBER!

Make sure that you are not the one who is doing the bullying. Always think about the effect that your behaviour may have on other people. If you have a problem, try and talk it through with the person concerned. If you do not feel that this is possible, talk to your supervisor or another neutral person.

## 3.5 Whistleblowing

If you believe there is malpractice or wrongdoing happening in a workplace then you can 'blow the whistle' on the behaviour and you could be protected from losing your job and/or being victimised by your employer.

The official name for whistleblowing is 'making a disclosure in the public interest,' however it is much more commonly called 'blowing the whistle' or 'whistleblowing'. It means that if you believe there is wrongdoing in your workplace (e.g. your employer is committing a criminal offence) you can report this by following the correct processes, and your employment rights are protected.

If you decide to blow the whistle on an organisation you are protected and your employer cannot victimise you (e.g. by not offering you a promotion or other opportunities your employer would have otherwise offered).

Whistleblowers are protected for public interest, to encourage people to speak out if they find malpractice in an organisation or workplace.

Malpractice could be improper, illegal or negligent behaviour by anyone in the workplace.

### 3.5.1 Protection for Blowing the Whistle

You are protected as a whistleblower if you:

- a. Are a 'worker;'
- b. Believe that malpractice in the workplace is happening, has happened in the past or will happen in the future;
- c. Are revealing information of the right type (a 'qualifying disclosure');
- d. Reveal it to the right person, and in the right way (making it a 'protected disclosure').

'Worker' has a special wide meaning in the case of whistleblowing. As well as employees it includes, agency workers and people who aren't employed but are in training with employers. Some self-employed people may be considered to be workers for the purpose of whistleblowing if they are supervised or work off-site.

## 3.6 Taking Time Off

It is your responsibility to yourself, your co-workers and the people you serve, to be at work for the hours you are paid to do, unless there is very good reason. However, sometimes you may be genuinely too ill to go to work. When this happens, you have a right to take time off, (though you will have to get proof of illness if you are off for more than a few days), and you have a responsibility to inform your employer as quickly as possible if you will not be in work. You can also do this in cases of urgent domestic distress e.g. if someone you care for is sick. Most employers have a policy which explains this further.

In Learning Outcome 2 we have listed ways in which you can legitimately take time off. However, you must inform your employer if you need to do this and follow any procedure laid down for these activities. If you are a trainee on placement, you are also entitled to have time off to attend job interviews.

In addition, you have a right to paid leave (holiday). Employers cannot manage their workplace if everyone takes this right whenever they want to, without notice, and perhaps all together. Most employers have procedures for applying for paid leave, and may have rules to ensure that there are always enough staff on duty.

## Activity 9

### Time off

1. Find out what you need to do in your workplace if you want time off work. Make a note below of what you need to do and who you need to inform.

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2. Find out what you need to do in your workplace, if you cannot come to work because you are ill. Make a note below of what you need to do and who you need to inform:

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3. Look at the list of possible reasons for having time off from work given below. Which of these reasons is NOT a legitimate reason to take time off? (tick the items)

- Going to the dentist
- Visiting a friend in hospital
- Being a juror in court
- Attending Court
- Medical appointments if you are pregnant

Why do you think employers don't have to give you time off for the items that you have ticked?

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## 3.7 Understanding a Pay Slip

If you are an employed apprentice, another important work document is your pay slip. (Even if you are not yet employed, you might find it helpful to read through this section, so that you will understand a payslip when you receive one).

This will give you information about how much you are being paid and how much is being taken from your pay (deducted).

Pay slips should contain the following information:

### 3.7.1 Payments

The payment boxes will show how much you have been paid for that week, or month (depending on how often you are paid), before any money has been taken off. This is known as the “gross” pay. It will also show how much you will actually get, once deductions have been made. This is known as the “net” or take-home pay.

The payslip may also show you how much you have earned so far this year (for these purposes a year usually starts in April as this is when the Income Tax Year starts).

### 3.7.2 Deductions

By law, every employee has certain amounts of money taken (deducted) from their wages. These are called ‘deductions’. This is to cover National Insurance and Income Tax. Your employer may also agree with you to make other deductions from your wages such as pension contributions.

If you are a trainee these deductions will not be made from your training allowance, but as soon as you become employed you will find that some or all of these deductions will apply to you too, so it’s worth taking this opportunity to find out more about them.

### 3.7.3 National Insurance

National Insurance is a compulsory insurance scheme for people in work. The employee and the employer both contribute and in return, employees have a right to treatment under the National Health Service, to a basic retirement pension, and to benefits when they are sick, disabled, unemployed, or pregnant or looking after a new baby. Each person has a National Insurance number, which appears on their National Insurance Card, and on their payslip.

### 3.7.4 Income Tax

Income Tax is also compulsory. Part of each person’s earnings is collected by the government, and then used to pay for the things that we need as a country, such as schools, roads, defence and hospitals. When you start working you will be given a Tax Code that will indicate to your employer how much tax you should pay. Each year you will receive a P60 form, which will show how much you have earned and how much tax you have paid, that year. When you leave a job, your employer must give you a form called a P45 form and you must give this to your new employer or keep it safe for future use if you do not go at once to another job.

### 3.7.5 Pensions

Pensions are the savings we make when we are working that will give us an income (a pension) to live on when we are past working age. The Basic State Pension is based on the amount of National Insurance a person has paid. Occupational and Stakeholder Pensions are additional schemes which the employer and employee pay in to in order to receive an additional pension on retirement.

## Activity 10

### Payslips

1. Look at the sample payslip below and read the notes on the earlier pages.

PAYSLIP		Name: Jenny Smith		Employer: The Pharmacy	
Employee No.	Tax Code	Tax Period	Nat Ins Code	National Insurance No.	
724	568LR	2	A	D	
Address: 1 Old Street Market Town SL4 4AU					
Gross Pay				£1030	
Taxable Pay				£785	
Income Tax				£100	
National Insurance Contribution				£50	
Pension Contribution				£50	
<b>NET PAY</b>				<b>£830</b>	

Net Pay Year to date  
£3180

2. Explain why each of the following items in a payslip is important to you.:

Item	Why is this important information?
1. Name	
2. Employer name	
3. Pay before deductions (gross pay)	
4. National Insurance Number	
5. The deductions made for National Insurance	
6. The Tax Code	
7. The deductions made for Income Tax	
8. The deductions for a pension	
9. The amount of pay you actually receive (after deductions)	

## Activity 11

### Summary Activities for Learning Outcome 1, 2 and 3

We should all be able to expect that every workplace will comply with its statutory and quality requirements. Look at the table below, and using the Learning Outcomes 1, 2 and 3, find out and write down which statutory body has responsibility for each issue

Issue	Statutory Body
1. The cleanliness of a workplace kitchen	
2. Ensuring that staff do not get bullied at work, and providing support and advice if that should happen.	
3. Ensuring there are adequate facilities for dealing with fire.	
4. Ensuring all staff are treated fairly	

### Rights and responsibilities – remembering the difference

Use the word RIGHT or the word RESPONSIBILITY to fill in the gaps in the following sentences.

1. Employees have a \_\_\_\_\_ to a rest break
2. Health and safety is everyone's \_\_\_\_\_
3. It is your \_\_\_\_\_ to tell your employer if you go off sick.
4. Employed people have a \_\_\_\_\_ to have a contract of employment.

# Learning Outcome 4

## Getting Information and Advice

### About your Rights and Responsibilities

We have looked at the most important laws which set out your rights and responsibilities as a worker in a health and social care setting. There are many organisations whose job it is to make sure laws and regulations are known and understood and to take action if they are not obeyed.

**In general, if you have queries, concerns, or problems regarding any of the laws which affect your work, your first responsibility is to discuss them with your supervisor or employer. However, it is often useful to know where you can turn if you need further advice or information.**

### 4.1 Internal Policies and Procedures

In your workplace there is information on how the organisation is run in an employee manual. Much of this is covered in the previous section.

**You should also be able to get advice from:**

- a. Your manager in the workplace;
- b. Supervisors within the workplace;
- c. The learning provider who is providing your Apprenticeship programme; and
- d. Union representatives if there are any within the workplace.

### 4.2 External Sources of Information

#### 4.2.1 Health and Safety Executive (HSE)

[www.hse.gov.uk](http://www.hse.gov.uk)

Great Britain's Health and Safety Commission (HSC) and the Health and Safety Executive (HSE) are responsible for the regulation of almost all the risks to health and safety arising from work activity in Great Britain. Its mission is to protect people's health and safety by ensuring risks in the changing workplace are properly controlled. The HSE lays down regulations, and provides guidance, on all issues concerned with health and safety at work.

You will know who the enforcing authority for health and safety in your organisation is from the poster in your workplace and your first point of call for health and safety is your Health and Safety Representative.

## 4.2.2 Equalities and Human Rights Commission

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

EHRC have a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the seven “protected” grounds – age, disability, gender, race, religion and belief, sexual orientation and gender reassignment. One of their key roles is to provide advice and guidance on rights, responsibilities and good practice, based on equality law and human rights. They aim to secure an effective legal and regulatory framework for equality and human rights by influencing legislative and policy developments and by using their statutory powers.

## 4.2.3 Environmental Health

Each area of the country has a local authority department responsible for many environmental issues including:

- a. Food Safety & Hygiene;
- b. Health & Safety.

They can therefore inspect premises where food is provided to the public, and workplaces to ensure that Health and Safety regulations are being followed, and they can investigate complaints and accidents involving food hygiene and health and safety.

## 4.3 Employee Representative Organisations and Trade Unions

[www.tuc.org.uk](http://www.tuc.org.uk)

Unfortunately, things can and do go wrong at work - often when you least expect it. You never know when you're going to need the support of a firm but friendly union to fight your corner.

A trade union is an organisation which represents employees in discussions about terms and conditions of service, such as pay, working hours etc. There are different trade unions for different types of work. An employee has the right to join a trade union but no one has to belong. Trade unions and their representatives will be able to give advice, and if necessary support, to individual employees about their rights and responsibilities.

The uptake of trade unions is much more prevalent in health than in social care but you are entitled to join a union in either sector.

### 4.3.1 UNISON and Healthcare

<http://www.unison.org.uk/at-work/health-care/>

UNISON is the UK's largest healthcare trade union – over 400,000 people who work in the NHS and for private contractors providing NHS services are UNISON members. Our health members are nurses, student nurses, midwives, health visitors, healthcare assistants, paramedics, cleaners, porters, catering staff, medical secretaries, clerical and admin staff and scientific and technical staff.

### 4.3.2 Unite

<http://www.unitetheunion.org/how-we-help/list-of-sectors/healthsector/>

Unite is Britain's biggest union with two million members in every type of workplace.

Unite is the union for the 21st century. Unite was formed by a merger between two of Britain's' leading unions, the T&G and Amicus. It was created to meet the great challenges facing working people in the 21st century and is a democratic and campaigning union which fights back for employees in the workplace, is taking trade unionism out to the millions of

unorganised workers, is a union that stands up for equality for all and advances its members interests politically. Unite is also active on a global scale building ever stronger links with trade unions around the world to confront the challenges of the globalised economy.

### 4.3.3 Unison GMB

[www.gmb.org.uk](http://www.gmb.org.uk)

GMB is a campaigning trade union focused on protecting GMB members in their workplaces and growing the number of GMB members in order to strengthen the Union's power. This website reflects GMB's aims and values, and shows what GMB Workplace Organisers do every day for GMB members.

GMB is a general union – which means that anyone can join us. GMB has almost 610,000 members working in every part of the economy. One in every 32 people at work in the UK is a member of GMB. GMB is organised in 34 of the UK's biggest 50 companies.

## 4.4 The Citizens Advice Bureau

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

The Citizens Advice Bureau Service offers free, confidential, impartial and independent advice. Citizens Advice Bureaux help solve nearly six million new problems every year which are central to people's lives, including debt and consumer issues, benefits, housing, legal matters, employment, and immigration. Advisers can help fill out forms, write letters, negotiate with creditors and represent clients at court or tribunal.

Many bureaux provide specialist advice, often in partnership with other agencies such as solicitors and the probation service. To find out where the local Citizen's Advice Bureau is, check out the national website at the address above, or look in your local Yellow Pages.

## Activity 12

### Sources of Information

1. List three items of information which you think should be included in a Staff Handbook.

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2. Find out the contact details for your local Health and Social Care Organisations and write them down here:

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3. Find out the contact details for your local Clinical Commissioning Groups and local GPs.

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4. Are there any trade unions in your work place? Find out who could help you if you wanted to join.

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## 5.1 The Disclosure and Barring Service (DBS) Independent Safeguarding Authority and the Vetting and Barring Scheme

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. In a Pharmacy Service you will be helping vulnerable people as well as dealing with valuable medicines. Your employer therefore needs to know that you are trustworthy and suitable to work in this kind of setting.

The DBS It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

The DBS is responsible for:

- a. processing requests for criminal records checks;
- b. deciding whether it is appropriate for a person to be placed on or removed from a barred list;
- c. placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland.

Your employer may ask you for permission to check your DBS status.

## 5.2 Safeguarding

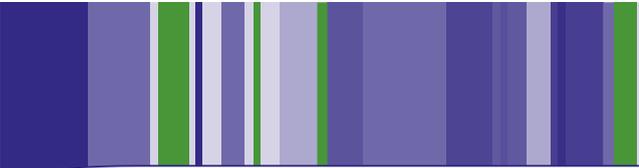
Safeguarding is a relatively new term which is broader than 'child protection' as it also includes prevention.

Safeguarding has been defined as:

All agencies working with children, young people and their families taking all reasonable measures to ensure that the risks of harm to children's welfare are minimised; and

Where there are concerns about children and young people's welfare, all agencies taking appropriate actions to address those concerns, working to agreed local policies and procedures in full partnership with other local agencies. (**Safeguarding Children** (2005))





## 5.3 Organisation Structures and Organisation Charts

It's important in any workplace that we know what our job role is and how it fits in with the work and the responsibilities that other people have. We can show who is more senior than others by drawing up an organisation chart (a bit like a "family tree") of an organisation, with the most senior person at the top. The black lines link people to show who each person's manager is.

### Activity 14

**Draw up an "organisation chart" for your organisation. Make sure to include yourself.**



## 5.4 Different Types of Organisations (or Settings) Involved in the Pharmacy Services sector

### Activity 16

#### Your Own Setting

**Think about your own setting and describe:**

1. What part of Pharmacy Services are you are working in (e.g. NHS, Community Pharmacy, Independent sector, large company or small/ medium size enterprise, Prison Service or Armed Services)?

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2. Can you identify the standard setting and inspection bodies that may operate across different Pharmacy Services settings?

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3. List the range of people that use Pharmacy Services.

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# Learning Outcome 6

## Careers in Pharmacy Services

### 6.1 Career Structure

Once you have completed your Apprenticeship and qualified, there are a number of opportunities for you to follow a career in Pharmacy services. You may want to work as a Pharmacy Assistant or Dispensing Assistant, Pharmacy Technician within community pharmacies, hospital or other health care settings.

You can take additional training/qualifications in your Assistant role or decide to progress further. For example, if you have completed your Intermediate/Foundation Apprenticeship, you may want to go on to work towards an Advanced Apprenticeship which will provide you with the knowledge and skills programmes to apply for registration with the General Pharmaceutical Council (GPhC)<sup>2</sup> as a Pharmacy Technician. Beyond this level, there will be Continuing Professional Development Opportunities that will allow you to develop and extend your practice as a Pharmacy Technician.

The diagram at the end of this section shows you the progression routes, and the sort of jobs that are available at each level (these may vary across different organisations).

### 6.2 Finding out about Qualifications and Career Opportunities

Pharmacy Services are part of the wider health sector which is large and highly complex. Over 2.2 million people are estimated to work in the health sector in the UK. The sector is regarded as economically significant in size and is therefore a major employer. It is characterised by a large number of small and medium sized businesses.

#### 6.2.1 Health Sector

The health care sector is very large, employing some 2.2 million people. It includes the NHS and a significant number of independent and voluntary sector providers. The health sector's primary purpose is to bring about the highest level of physical and mental health for all citizens. It does this by:

- a. Promoting health and preventing ill health;
- b. Diagnosing and treating injury and disease;
- c. Caring for those with a long-term illness or disability who require the services of the NHS.

The NHS is made up of about 800 separate organisations. It includes: hospitals, community health services, and ambulance services; GP practices; NHS walk-in centres; dental services; pharmacies; and opticians.

The health domain also includes other health care providers such as independent hospitals & clinics; private doctors and specialist practitioners, hospices; and the Armed Forces.

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2. Individual applications are assessed to ensure they meet ALL the eligibility criteria for registration. You can only work as a Pharmacy Technician if you are registered with GPhC. See further information – <https://www.pharmacyregulation.org/registration/registering-pharmacy-technician>

## 6.2.2 Career Framework

<http://www.skillsforhealth.org.uk/services/item/142-customised-career-framework>

The Health Sector has a large and complex Career Framework.

Roles are constantly being developed and are mapped to this Framework. The Career Framework does not directly map to the levels in the Credit and Qualifications Framework.

This framework covers Pharmacy Services across the whole Health sector which includes:

- a. The National Health Service;
- b. Private providers;
- c. Pharmaceutical Industry
- d. The Armed Forces;
- e. The Prison Service

The sectors welcome the contribution to training and development represented by the apprentices.

There are a number of organisations that can help you find out more about the qualifications and training available for you to make progress in a career in this sector.

These include:

## 6.3 Skills for Health

[www.skillsforhealth.org.uk](http://www.skillsforhealth.org.uk)

Skills for Health is the Sector Skills Council for health. They help the whole UK health sector develop a more skilled and flexible workforce. Their proven solutions help improve not just productivity but also the quality of health and healthcare.

Skills for Health develop and maintain the National Occupational Standards for the health sector. The occupational competence qualifications within the Apprenticeship frameworks are based on National Occupational Standards. The Apprenticeship frameworks developed for the health sector in England and Wales are issued by Skills for Health.

## 6.4 Continuing Professional Development

Being well qualified will involve additional training to keep you up-to-date. There are a number of ways in which you could get this training. Developing skills, reading vocational magazines, updating first aid qualification, doing courses or QCF units to develop special knowledge and skills or widening and deepening your personal and professional knowledge.

The Association of Pharmacy Technicians UK, the professional leadership body for Pharmacy Technicians, can help you with continuing professional development, whilst you are training and when you are a qualified registered Pharmacy Technician.

### 6.4.1 Possible Progression Routes for Apprentices in Pharmacy Services

Guidance on career options should be sought locally, as there are different opportunities, dependant on funding and/or on local health needs.

Examples of progression may include: to other specific job roles, such as providing advice and services in primary care; industrial production; Ministry of Defence roles; working in Prison pharmacies; journalism and many other routes.

Progression to professional qualification/management.

### 6.4.2 Work based Education

The NHS Pharmacy Education and Training Committee oversee national accreditation frameworks – see [www.nhspedc.nhs.uk](http://www.nhspedc.nhs.uk)

See your local/regional /organisational training centre, to discuss what is available in your area or the Centre for Post-graduate Pharmacy Education (CPPE) [info@cppe.ac.uk](mailto:info@cppe.ac.uk) or the National Pharmacy Association (NPA)

### 6.4.3 Higher Education

- a. Unit accreditations/full awards – speak to your local centre
- b. Some local colleges may provide higher level courses e.g. BTEC Professional Diplomas in pharmaceutical topics at Level 4
- c. HNC/Ds or Foundation Degrees – see your local universities
- d. Degrees – see your local universities

#### More information can be found at

- a. Professional Leadership Body – (Association of Pharmacy Technicians UK (APTUK)  
<http://www.aptuk.org/>
- b. NHS Careers – <http://www.nhscareers.nhs.uk/explore-by-career/pharmacy/pharmacy-technician/>
- c. UCAS (Universities Central Admissions Service)  
[www.ucas.ac.uk](http://www.ucas.ac.uk)

### 6.4.4 Careers websites

#### JobCentre/JobCentre Plus

<https://www.gov.uk/jobsearch>

They can offer advice and guidance on employment issues for all age groups.

## Activity 17

### Training and Careers

1. Suggest 3 sources (outside your employer) of information about Pharmacy occupations, training and careers. How would you use these?

Sources of Information	How would I use them?
1.	
2.	
3.	

2. Think about your own situation and your own needs for continuing professional development. What sort of training or development would you like to have the opportunity to attend or have made available to you during the coming year?

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## 7.1 Sector Organisations and Trade Unions

### 7.1.1 Regulatory Body

#### General Pharmaceutical Council

25 Canada Square  
London E14 5LQ  
<http://www.pharmacyregulation.org>  
0203 713 8000

### 7.1.2 Professional Associations

a. **Association of Pharmacy Technicians UK** The professional leadership body for Pharmacy Technicians. The Association seeks to both ensure and continually improve upon professional, educational and practice and standards for registered Pharmacy Technicians.

Association of Pharmacy Technicians UK  
One Victoria Square, Birmingham, B1 1BD  
Email: [website@aptuk.org](mailto:website@aptuk.org)  
[www.aptuk.org](http://www.aptuk.org)  
0121 632 2025

b. **Royal Pharmaceutical Society**

This is the professional body for pharmacists and pharmaceutical scientists. Their primary objective is to lead, advise and develop the profession

Royal Pharmaceutical Society  
66 East Smithfield  
London E1W 1AW  
Email: [support@rpharms.com](mailto:support@rpharms.com)  
[www.rpharms.com](http://www.rpharms.com)  
0845 257 2570

c. **National Pharmacy Association (NPA)**

The National Pharmacy Association is a trade association representing the professional and commercial interests of pharmacy owners in the UK.

National Pharmacy Association  
Mallison House  
38-42 St. Peter's Street  
St. Albans Hertfordshire  
AL1 3NP Email:  
[npa@npa.co.uk](mailto:npa@npa.co.uk)  
[www.npa.co.uk](http://www.npa.co.uk)  
01727 832161

### 7.1.3 Trade Unions

Unions represent the interests of their members. Some trade unions have a telephone "help line" to enable a quick response to be given, most have a website to answer a range of questions that cover the workplace. Unions offer a range of services that include:

- a. Information and representation on employment rights issues
- b. Information and representation on health and safety and environmental issues
- c. Compensation for members who are injured at work, are unfairly dismissed or suffer from discrimination on matters of gender or race.
- d. Free pension and legal advice
- e. A range of financial and other facilities including car and home insurance, sickness benefits, mortgages, holiday reductions and credit cards.
- f. Information on training and lifelong learning

#### Trade Union Contacts

a. **Union of Shop, Distributive and Allied Workers (USDAW)**

188 Wilmslow Road, Manchester, M14 6LJ  
Email: [enquiries@usdaw.org.uk](mailto:enquiries@usdaw.org.uk)  
[www.usdaw.org.uk](http://www.usdaw.org.uk)  
0161 2244 2804 / 249 2400

**b. UNISON**

Unison Centre, 130 Euston Road  
London NW1 2AY  
[www.unison.org.uk](http://www.unison.org.uk)  
0845 355 0845

**7.1.4 For advice on careers, qualifications and awards, contact these organisations:**

**a. Learn direct**

[www.learndirect.co.uk](http://www.learndirect.co.uk)  
0800 100 900

**b. Connexions**

[www.connexions.gov.uk](http://www.connexions.gov.uk)  
0114 259 4564

**c. City and Guilds**

[www.cityandguilds.com](http://www.cityandguilds.com)  
020 7294 2468

**d. Pearson Edexcel (for BTEC awards)**

<https://www.pearson.com/uk/>  
0844 5760045

**7.1.5 Professional Training Support**

Skills for Health, in conjunction with employers professional bodies and training providers, is one of the main organisation that supports the Pharmacy Services sector, and its activities include:

- a. Researching and identifying skill requirements and training needs;
- b. Promoting Government initiatives;
- c. Supporting qualification development;
- d. Developing national training models, including Apprenticeships, across the UK;
- e. Promoting Pharmacy Support careers to young people;
- f. Encouraging and supporting lifelong learning;
- g. Developing National Occupational Standards and products to support skills training and development.

## Activity 19

### The Pharmacy setting

Look back through the information given on the preceding pages in this objective. For each of the questions, write down the name of the organisation and discuss with your assessor how these organisations might affect your workplace and the work that you do.

1. Identify the body that regulates pharmacy staff.

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2. Identify an organisation that represents pharmacy employers.

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3. Identify an organisation that represents the interests of people who work in Pharmacy Services.

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4. Might there be any conflict of interests between the aims of these organisations? Discuss these with your assessor and record your discussion below.

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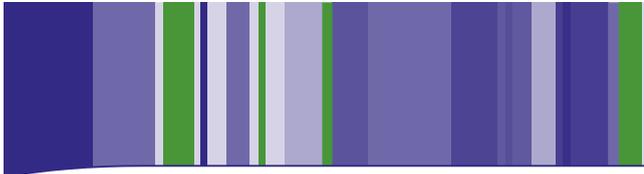
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# Learning Outcome 8

## The Sector's Standards for Pharmacy Professionals

### 8.1 Pharmacy legislation and policies

There is specific legislation and other national policies that govern the role of Pharmacy Assistants and Pharmacy Technicians.

#### 8.1.1 Standards for Pharmacy Professionals

<https://www.pharmacyregulation.org/spp>

The General Pharmaceutical Council is the regulator for pharmacists, pharmacy technicians and registered pharmacy premises in Great Britain.

Pharmacy professionals must:

1. provide person-centred care
2. work in partnership with others
3. communicate effectively
4. maintain, develop and use their professional knowledge and skills
5. use professional judgement
6. behave in a professional manner
7. respect and maintain the person's confidentiality and privacy
8. speak up when they have concerns or when things go wrong
9. demonstrate leadership

#### 8.1.2 Pharmacy Assistants

The role of Pharmacy Assistant is not regulated by the General Pharmaceutical Council. However, the behaviour of Pharmacy Assistants should meet the same guidelines as their colleagues. Pharmacy Assistants should be aware of the Standards for Pharmacy Professionals. Your learning contract should outline the standards and behaviour expected of you.

### 8.2 The Human Medicines Regulations 2012

The Human Medicines Regulations 2012 (SI 2012/1916) came into force on 14 August 2012.

The Regulations set out a comprehensive regime for the authorisation of medicinal products for human use; for the manufacture, import, distribution, sale and supply of those products; for their labelling and advertising; and for pharmacovigilance<sup>3</sup>.

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3. **Pharmacovigilance**, also known as Drug Safety, relates to the collection, detection, assessment, monitoring, and prevention of adverse effects with pharmaceutical products.

You will learn more about these laws as you undertake your studies. For further information, see <http://www.legislation.gov.uk/uksi/2012/1916/contents/made>

## Activity 20

### The Sector standards for Pharmacy Professionals

1. Look at your learning contract. How are you expected to behave in your role?

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2. Look at the General Pharmaceutical Council's Standards for Pharmacy Professionals. Discuss with your assessor what they mean for your role. What are the key elements of the document and why are they important?

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3. Medicines are not like ordinary items, what special things might you have to do or think about when dealing with Medicines?

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# Learning Outcome 9

## Issues of Public Concern and how they affect Pharmacy Services

The Health sector and the NHS is constantly in the news. Over the last few years there have been some very controversial issues that have been widely raised as issues of public concern.

### Activity 22

#### Issues of public concern

Choose an issue that is controversial<sup>4</sup> in the wider Health sector and how it affects Pharmacy Services (you can discuss this with your tutor or assessor). It could be a matter within your community or setting, a local or national issue. Present your thoughts under the following headings:

1. Briefly describe the issue:

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2. Key points in favour:

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4. **Controversy** is when people hold conflicting opinions or points of view about a subject.



# Employment Rights and Responsibilities

## Evidence Record Form Pharmacy Services

**(To be completed by the Learning Provider)**

Candidate Name: \_\_\_\_\_

Employer/Learning Provider: \_\_\_\_\_

Tel: \_\_\_\_\_ E-mail: \_\_\_\_\_

Framework Start Date: \_\_\_\_\_ Framework End Date: \_\_\_\_\_

ERR Start Date: \_\_\_\_\_ ERR End Date: \_\_\_\_\_

Form completed by: \_\_\_\_\_ Date: \_\_\_\_\_

This form evidences that the candidate named above has achieved the ERR national outcomes and can demonstrate that he/she:

1. knows and understands the range of employer and employee statutory rights and responsibilities under Employment Law. This should cover the apprentice's rights and responsibilities under the Employment Rights Act 1996, Equality Act 2010 and Health & Safety legislation, together with the responsibilities and duties of employers;
2. knows and understands the procedures and documentation in their organisation which recognise and protect their relationship with their employer. Health & Safety and Equality & Diversity training must be an integral part of the apprentice's learning programme;
3. knows and understands the range of sources of information and advice available to them on their employment rights and responsibilities. Details of Access to Work and Additional Learning Support must be included in the programme;
4. understands the role played by their occupation/profession within their organisation and industry;
5. has an informed view of the types of career pathways that are open to them;
6. knows the types of regulatory and representative bodies and understands their relevance to their skill, trade or occupation, and their main roles and responsibilities;
7. knows where and how to get information and advice on their industry, occupation, training and career;
8. can describe and work within their organisation's principles of conduct and codes of practice;
9. recognises and can form a view on issues of public concern that affect their organisation and industry.

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Skills for  
Health

**Skills for Health (Head Office)**

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1 Temple Way  
Bristol  
BS2 0BY

**Tel:** 0117 922 1155  
**Fax:** 0117 925 1800

**Email:** [contactus@skillsforhealth.org.uk](mailto:contactus@skillsforhealth.org.uk)  
**Website:** [www.skillsforhealth.org.uk](http://www.skillsforhealth.org.uk)