



# LIFTING OF HOME CARE CLIENTS

This information sheet provides details of a High Court judgement in a recent case involving lifting of people in Care Homes. It gives guidance on the issue of lifting in care homes and what employers must do to ensure the health and safety of their staff.

Earlier this year the High Court gave judgement in a case involving lifting of people in Care Homes. This weighed up the responsibility of employers to protect staff from injury through Manual Handling, and their duties to clients under the Disability Discrimination Act and Human Rights Act.

There has been some confusion over what the judgement actually means and as a result some UNISON members have been asked by management to lift an adult client on their own. This is an incorrect interpretation of the High Court Ruling. No member of staff should ever be asked to take the full weight of another adult and to do so is to put that worker at serious risk of back injury.

The Court action arose because a Local Authority used guidance issued by the Royal College of Nursing that "Manual lifting of patients is eliminated in all but exceptional or life – threatening situations". This was interpreted as meaning that Manual Handling should never be done, even by a group of staff. The court instead suggested that the Local Authority should have followed the guidance of the Health and Safety Executive "Handling Home Care: Achieving safe efficient and positive outcomes for care workers and clients."

UNISON has always taken the view that manual

handling should be avoided where possible. However in some cases it is necessary, because of the individual needs or the client, for manual assistance to be given. However, no one person should ever take the full weight of another adult person and manual lifting should only be done where a suitable number of staff are available, a risk assessment has been done, staff have been given proper training and no other reasonable alternative is available. In deciding what form of lifting should be carried out, the views of the client should also be taken into account.

This approach mirrors the view of the Health and Safety Executive in the guidance that was supported by the High Court decision. This guidance gives practical advice on how to ensure that workers are not put at risk, and at the same time the rights of the client are protected. It gives helpful case studies to illustrate how this can be done safely.

UNISON has supported the use of the Health and Safety Executive guidance within the Home Care Service and Branches with Home Care Workers should ensure that their employers obtain a copy of the booklet.

However, it can not be emphasised enough, that neither the Health and Safety Executive guidance, nor the High Court Ruling, give any support to the view

that any Home Care worker should manually lift an adult client on their own. To do so leads to a major risk of back injury which is already the direct cause of one in two accidents within nursing and residential homes.

A copy of the HSE guidance "Handling Home Care" (HSG225) is available from HSE Books telephone 01787 881165.

