

**Advocacy Services for People with a
Learning Disability in Kent**

SPECIFICATION

This document defines the Advocacy Service purchased by Kent County Council from 1st April 2012

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Contents Page

Clause	Contents	Page
1	Glossary	3
2	Introduction	6
3	The Purpose of the Service	6
4	Hard to Reach Groups	7
5	Service Outcomes	7
6	Service Processes	8
7	Performance Monitoring	9
8	Equalities & Diversity	10
9	Health and Safety	11
10	Recruitment & Selection	11
11	Induction	12
12	Accidents and Injuries	13
13	Risk Assessment	14
14	Staff Qualifications	14
15	Staff Meetings and Supervision	15
16	Freedom from Abuse	16
17	Probity	16
18	Security	17
19	Quality Assurance	18
20	Complaints and Compliments	18
21	Guides, References, Links and other useful Documents	18

1. Glossary/Definitions

Definitions

When they are used in this Contract/Agreement, the terms and expressions set out below in the first column have the meanings set out in the second column:

Advocacy	An independent service which takes action to help people say what they want, secure their rights, represent their interests and obtain services they need. Advocates and advocacy schemes work in partnership with the people they support, promote social inclusion, equality and social justice.
Advocate	The member of staff who supports the Service User to have their needs and wishes met and carried out in such a way as if they had spoken for themselves. A person of integrity and good character to represent the Service User independently.
Advocacy Support Plan	The Support Plan drawn up for each Service User, with the Service Users consent and prepared between the Service User and the advocate
Care Manager	A registered professional who undertakes assessments of needs of a Service User as well as reviews, where appropriate;
Commissioner	Member of our staff who has responsibility for determining what Services will be purchased in order to meet assessed eligible needs
Continuing Breach	A breach in contractual duty or duties on your part as a result of repeated failures to remedy non-performance or to sustain performance over a reasonable period of time;
Contract	The terms and appendices of this document
Contract Award Letter	The letter from us to you that communicates our acceptance of your offer to provide the Service and any associated practical details;
Contracts Manager	The person who we have authorised to administer our contracts for social care. His or her address will be given in the Contract Award Letter;
Contract Price	The gross fee for one year of service, as detailed in the contract award letter.
Convictions	Means, other than in relation to minor road traffic offences, any previous or pending prosecutions, convictions, cautions and binding over orders (including any spent convictions as contemplated by section 1 (1) of the Rehabilitation of Offenders Act 1974
Council	Means the Kent County Council
CRB	Means the Criminal Records Bureau established pursuant to Part V of the Police Act 1997
DOLS (Deprivation of Liberty Safeguards)	Introduced into the Mental Capacity Act 2005 through the Mental Health Act 2007. The Safeguards cover people in hospitals and care homes registered under the CQC Regulations 2009, who suffer from a disorder or disability of the mind, and lack capacity to give consent to the arrangements made for their care or treatment which, after independent assessment, is considered to be a necessary and proportionate response

in their best interest to protect them from harm. The Safeguards give those representatives, rights of appeal and for the deprivation to be reviewed and monitored.

Force Majeure	Means any cause materially affecting the performance of the Service under the Contract arising from any act, omission, happening or non happening beyond the parties reasonable control including, without limitation, acts of God, war, riot, fire, flood, or any disaster affecting either of the parties.
Independent Mental Capacity Advocate (IMCA)	An Independent Mental Capacity Advocate is a person of integrity and good character with appropriate experience and training who is approved by the Local Authorities to act independently of any persons instructing them. An independent service provider, approved by a Local Authority.
Individual	When written with a capital I, Individual may refer to a people who use this service in this Contract
Independent Safeguarding Authority	The aim of the ISA is to prevent unsuitable people from working or volunteering with children and vulnerable adult. The ISA does this by maintaining lists of individuals barred from engaging in regulated activity with children and vulnerable adults by making well informed and considered decisions about whether an individual should be included in one or both barred lists and to reach decisions whether to remove an individual from a barred list.
New Referrals	Individuals who will access the service
Must	Means that the activity referred to is Mandatory and /or Statutory required by Law
Notice	Means a formal communication between Us and You
Organisation	The Advocacy service organisation
Party	Means either You or We in relation to this contract 'Parties' is used to mean You and We
People with a learning disability	A person aged 18 years or more who has been found on assessment by advocates to be in need of advocacy.
People who use the service	See People with a learning disability
Personal Data	Means data as defined by the Data Protection Act 1998 which relates to a living individual who can be identified from such data and other information which is in the possession of, or is likely to come into the possession of You and opinion about an individual and any indication of the intentions in respect to an individual.
Policy	Is a set of general statements, which help staff and individuals to make sound judgements.
Procedure	Is the method by which a Policy is put into practice.

Referral	Specific to Service relating to Service Process Section
Regulator	The body which is established by statute and to whose regulations powers you are subject
Serious Breach	A breach of your duty of care to a Service User by which he or she suffers harm and/or any malicious act by you towards us;
Service	The service that you will provide for Service Users in accordance with the terms of this Contract;
Service User	See people with a learning disability
Should	Means that the activity is not mandatory or required by Law but Kent County Council prefers that it takes place. Any exception to this will be stated on the individual's Service User's Care/Support Plan, which has precedence over other general guidance.
Specification	This document; appendix to the Terms & Conditions
Staff	The employees, workers and contractors and volunteers who carry out the Service for You;
Start Date	The date that the Contract Award Letter notifies as the day the contract will begin.
Statutory	As required by Statute
Term	Means the duration of the Contract in accordance with the Terms and Conditions
Terms and Conditions	The document which sets out the Terms and Conditions for providing the service
Variation	The terms and conditions of this agreement may be varied at any time with our mutual agreement;
We	The Kent County Council and any person to whom we may assign this Agreement. Unless the context otherwise requires, 'Us' and 'Our' will also be taken to refer to 'We';
Volunteer	A person who performs a service voluntarily to do charitable or helpful work without pay.
You	The legal owner of the Organisation as detailed in Appendix (<i>insert appendix number when completed</i>) or any person either authorised to act on Your behalf or succeeding to your ownership of the Organisation.

2. Introduction

2.1 This specification is for the provision of issue based Advocacy for people with learning disabilities in Kent.

The Learning Disability Partnership Board will have been involved in writing this specification.

3. The Purpose of the Service

3.1 The purpose of the service is to provide advocacy for people with learning disabilities in Kent, some who may or may not be known to Families and Social Care within Kent County Council.

This Advocacy service Must only be provided under this contract to people who are residents of Kent. People with a learning disability who live in Kent whose placement is funded by another local authority must have their Advocacy funded by their placing Local Authority and it Must not affect this contract.

Advocacy Must be as independent as possible so that people can be supported as an individual or a group with their issues. There needs to be an equal opportunity for all to receive advocacy in Kent.

3.2 The following list includes examples of issues that advocacy may be able to help with:

- Young people (18+) in transition to adult services (this may occur earlier but needs to have funding via children's services)
- Parental issues
- People with a learning disability who live with elderly carers
- People with a learning disability who have issues or concerns about the service they receive
- Attendance at best interest meetings
- Any issues presented by moving home or a tenancy
- Access to community facilities and activities
- Addressing issues or concerns about the service they receive
- Communication difficulties
- Work or education
- Support in building relationships
- Community Care Assessments and hours of support needed
- Housing related issues including where to live
- Abuse (emotional, physical, financial, sexual etc)
- Accessing healthcare
- Involvement in a circle of support
- Accessing self directed support and direct payments
- Individuals issues
- Advocacy and liaison with support providers
- Help in gaining access to other services.
- Help in establishing social contacts and activities.
- Signposting/liaison with relevant agencies.
- Support with hate crime
- Support if legal advice is required

4. Hard to Reach Groups

4.1 In line with Valuing People Now it is important to support all people with learning disabilities within the following groups identified as generally the most excluded:

- people with complex needs,
- those who challenge services,
- those from Black and Minority ethnic groups,
- offenders in custody and the community and
- those on the autistic spectrum.

You will produce a plan to show how the service will engage with and support the above, hard to reach, groups of people who have learning disabilities.

5. Service Outcomes

5.1 The following values and principles will underpin all activities undertaken in the performance of the Service:

- The Advocacy service Must promote and encourage choice and be based on promoting independence through support.
- People with a learning disability should be supported in achieving their full potential.
- People with a learning disability Must be treated with courtesy, dignity and respect and will be at the centre of all decision-making that impacts on their lives.
- The Advocacy service shall meet and promote the needs according to the person with a learning disabilities gender, sexual orientation, age, religion, race, ability, culture and lifestyle.
- Promote opportunities for people with learning disabilities to be involved with the Advocacy Provider and seek their view in establishing good practice, reviewing policy and procedure and maintaining and continuously improving delivery of the service in accordance with the principles of meaningful Service User involvement
- The Advocacy service will liaise with other Providers of services to People with a learning disability in order to develop effective and efficient practices and partnerships which will optimise the effectiveness of all services in Kent.
- Advocacy service providers will work in partnership with other agencies in order to promote meaningful outcomes for People with a learning disability.
- Relationships will be built with locality teams to ensure open communication and a local service effect.
- The service must promote choice by ensuring that the person with a learning disability is at the centre of all decisions affecting the way they are supported and about the service provided.
- Ensure that advocacy is delivered within the principles of Person Centred Planning and Support

5.2 You will support the person with a learning disability to:

- Identify the area where advocacy is required and address the issue appropriately as soon as possible
- express their views
- choose how they are supported
- manage change or to deal with difficult issues
- to speak up at meetings
- stand up for their rights

- live as independently as possible in their communities
- access and maintain paid employment

- 5.3** If you cannot support the person with a learning disability with their desired outcomes You will signpost to other services that are able to provide appropriate support.
- 5.4** You will work in partnership with other agencies to ensure that the widest range of support is available to any people with a learning disability.
- 5.5** The provision of the Advocacy Service will contribute to the following expected outcomes based on the concept of well-being, these being:
- Improved health and emotional well-being.
 - Improved levels of independence
 - Improved quality of life.
 - Making a positive contribution
 - Exercising choice and control
 - Freedom from discrimination
 - Economic well-being
 - Personal dignity

6. Service Processes

- 6.1** You will advertise the advocacy service to ensure people with learning disabilities who live in Kent are aware the service is available.
- 6.2** You will provide a referral service which is open to all residents of Kent who have a learning disability: The referral process will:
- Be easy to access
 - Create a referral form to be produced and published which will be used to inform the advocacy support plan
 - Ensure that any person with a learning disability and differing communication requirements can refer themselves for advocacy
 - Ensure that other people can refer a person with a learning disability for advocacy
 - Keep a record of all referrals received, the issues raised and the action taken – deciding on acceptance of referrals, there must be a clear issue or circumstance to be resolved, this may mean signposting to other agencies
 - Allocate referrals in a cost efficient way to reduce travel time, expenses and any associated documents
 - Have a fair system in place in order to prioritise who can be supported.
 - Ensure that when a referral is received the person with a learning disability will be informed of the receipt of the referral and the process that will now follow. This should be in a format that is appropriate to the persons communication needs.
 - Ensure that where referral are received for people with a learning disability who are living in Kent but have placements funded by another Local Authority are signposted back to their Local Authority to support the funding for an advocacy service
- 6.3** You will work with people with a learning disability who access the service to design an Advocacy Support Plan which will identify:-
- Personal details
 - Issue identified
 - Identified outcome
 - Action/Support needed to achieve outcome
 - Clear timescales including exit strategy

The person with a learning disability will have a copy of their support plan in a format that is

appropriate for their needs. The agreement to the advocacy support plan by the person with a learning disability will be recorded by signature or any other appropriate means.

- 6.4 You will have a clear exit strategy in place which people who use the service are made aware of from the outset and will be demonstrated in the Advocacy Support Plan.
- 6.5 You will review every case on an ongoing basis to decide what further work is needed. Should casework with a person with a learning disability need to extend beyond 6 months You will discuss and resolve with Care Management. Any changes will be reflected in the Advocacy Support Plan.
- 6.6 You will maintain confidentiality at all times.
- 6.7 You will keep records of all reviews which will be kept safe.
- 6.8 If a person with a learning disability chooses not to have or wishes to end their advocacy service a record needs to be kept of this and why it is not required. If the person with a learning disability has a Care Manager they will be informed of this decision.
- 6.9 If an incident occurs during casework then an incident form will be completed and kept on file. If the person with a learning disability has a Care Manager they will be informed of this incident.
- 6.10 You will have a robust complaints procedure in place
- 6.11 The Service must provide person centred services that are engaged in the principles of Self-Directed Support, the Personalisation agenda and Kent County Council's "Bold Steps for Kent"

7. Performance Monitoring

- 7.1 The service will be subject to formal evaluation in the form of an annual review.

Service reviews will measure effectiveness of the service against outputs, outcomes and will also include but not be restricted to:-
 - Continuous improvement
 - Service User involvement
 - Key objectives and outcomes
- 7.2 Every quarter You will send a report to the Kent County Council which will include:
 - Numbers of referrals received by locality
 - Issues raised and action taken in each locality
 - The nature of the advocacy they have provided
 - Time taken to match an advocate to a referral
 - Time taken to give first response to enquiries
 - Time spent on all activity included in this contract
 - A report of feedback received
 - Staff training
 - Evidence of communication needs being met
 - People who have an unmet need and require more support
 - Outcome measurement
 - Safeguarding alerts raised
- 7.3 People with a learning disability will be involved in the monitoring of the advocacy service. Advocacy service users will be visited by trained monitors in order to gain their personal experience of using the advocacy service.

You will ensure that permission is gained from persons who have experienced this service to

Speak to a trained monitor and pass on that information.

8. Equalities & Diversity

- 8.1** You Must understand and comply with Your Statutory obligations under equalities legislation, including:
- having a Policy suitable for Your business and ensuring that staff and volunteers are made aware of the necessary procedures and requirements,
 - Arranging equalities training for all staff and volunteers, and producing a brief report each year describing the progress You have made in meeting the requirements of, the Equality Act 2010, which incorporates and enhances all previous equalities legislation and guidance. There are simple 'Quick Guides' available from the Government Equalities Office Website.
http://www.equalities.gov.uk/equality_act_2010/equality_act_2010_what_do_i_n.aspx
We would recommend that these guides are made available to your staff and volunteers.
- 8.2** You take positive action to combat discrimination in relation to the service users you work with. The Quick Guides above contain guidance.
- 8.3** You Must understand and meet Your Statutory obligations under equality legislation.
- You Must make sure that:
- victimisation, discrimination and harassment are disciplinary offences,
 - an appointed person in the organisation has responsibility for the effective operation of the Policy,
 - there is a plan for implementing the equal opportunities Policy, detailing what actions are to be taken,
 - monitoring and reviewing of the Policy takes place, and
- Advocates and Volunteers are supported if they are discriminated against by a Service User or another member of staff.
- 8.4** Training is given in equalities to any member of staff responsible for recruitment and selection.
- 8.5** You monitor the ethnic origins of all applicants for employment and those appointed.
- 8.6** You make sure that Your staff/volunteer group reflects the ethnic background of the Service User's, if this is not possible You Must make sure that Your staff/volunteer group is knowledgeable of the ethnic background of any Service User's they may be working with.

9. Health and Safety Section

- 9.1** You Must follow and implement all relevant Health and Safety Legislation
- 9.2** You Must produce and ensure compliance with safety policies and procedures to protect staff and people who use the service including advice on:
- lone working
 - working in rural or difficult locations
- 9.3** Advocates Must be competent to undertake safety assessments

10. Recruitment & Selection

- 10.1** You will comply with requirements for staff and volunteers to have criminal record checks and You Must comply with requirements as described in Kent County Council's *"Recruitment and Selection of Staff"* (Please be aware that **this guide does not refer to ISA**) good care guide.
- 10.2** You will have a rigorous recruitment and selection Procedure that meets the requirements of current and future legislation, equal opportunities, anti-discriminatory practice, rehabilitation of offenders, human rights, employment law and ensure the protection of the Service User.
- 10.3** All staff and Volunteers who work with Service Users and have access to confidential information Must have Enhanced CRB checks and the Independent Safeguarding Authority (ISA) Vetting and Barring Scheme check (July 2010)
- 10.4** Face to face selection interviews will be undertaken, on premises which are secure and private, for all staff who are short-listed and may be engaged.
- 10.5** Before making an offer of employment, two written references are obtained, one of which should be from the immediate past employer, and these Must be followed up by a telephone call to the referee prior to confirmation of employment. Any gaps in the employment record are explored.
- 10.6** People with learning disabilities are actively involved in the recruitment and selection process
- 10.7** New staff are confirmed in post only following completion of satisfactory checks. These checks include:
- verification of identity,
 - POVA list (where the post applied for is a "regulated position"),
 - work permit (if appropriate),
 - driving licence (if appropriate),
 - certificates of training and qualifications claimed,
 - declaration of physical and mental fitness,
 - confirmation Service check by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (if holding a nursing, midwifery or health visitor qualification),
 - sex offenders register, and
 - General Social Care Council register (if appropriate).
- 10.8** New staff are provided with a written contract specifying the terms and conditions under which they are engaged, including the need to comply with the Organisation's Staff Handbook for staff.
- 10.9** You will ensure that Advocates and volunteers are familiar with, and follow, the Kent and Medway Multi Agency Safeguarding Vulnerable Adults, Adult Protection Policy, Protocols and Guidance and Your own Policy and Procedure on Adult Protection.
- 10.10** You will comply with the Disclosure Code of Practice that sets out rights and responsibilities in relation to Disclosures under the Rehabilitation of Offenders Act, 2001.

11. Induction

- 11.1** In order to ensure that staff are appropriately trained relevant to their role, to meet the Service User's needs, We require that:-
- Staff, individually and collectively, have the skills and experience to deliver the service, which the Organisation states in its information material that it provides.
 - The skills and experience of the workers are matched to the needs of the people who use the service and that staff are able to communicate effectively using their preferred method of communication.

- There is a structured induction process, which is completed by new members of staff, which encompasses the Training Organisation for Personal Social Services induction standards and should be modelled on the Skills for Care 'Common Induction Standards'.

11.2 Induction Must be undertaken in a number of different ways:

- a formal course or programme of learning.
- completion of a workbook, checklists and other forms of open learning.
- shadowing or working alongside an experienced colleague.

11.3 The induction process includes a minimum 3 days orientation programme at the start of employment/position. The induction process Must be completed within six months. The following topics will be covered in the induction programme:

- the nature of Service provided and the basic skills required,
- core values, including providing a 'needs-led' service,
- code of personal conduct,
- terms and conditions of employment including disciplinary and grievance procedures,
- the requirements of legislation,
- policies and working practices of the Organisation,
- health and safety training including an introduction to manual handling, infection control and fire procedures
- prevention of any form of abuse or exploitation of the person receiving the service, and whistle-blowing,
- anti-discriminatory practice including cultural awareness,
- standards to which the member of staff Must work (including the implications of these standards),
- confidentiality,
- gifts and bequests,
- principal activities which Must not be undertaken,
- contextual knowledge about the Organisation for which they are working, and
- quality assurance and monitoring
- Partnership working
- Community Awareness

11.4 The code of personal conduct Must cover:

- confidentiality of information,
- limits of responsibility,
- provision of non-discriminatory practice,
- receiving sexual or racial harassment,
- health and safety,
- moving and handling,
- prevention of any form of abuse,
- dealing with accidents and emergencies,
- handling money and financial matters on behalf of the Service User,
- acceptance of gifts and legacies,
- dress code,
- personal safety and out of hours working,
- not smoking, drinking alcohol or taking illegal substances whilst on duty,
- ways in which staff and managers may raise concerns about the management and provision of the service, including disclosure of bad practice,
- maintaining accurate records, and
- other relevant policies and procedures.

11.5 Staff and Volunteers are provided with the required training on health and safety.

11.6 Managerial or supervisory staff Must receive training for any additional duties or responsibilities.

11.7 Service Users are actively involved in the delivery of the Induction Process

12. Accidents and Injuries

In order to ensure that your Staff are informed and deal confidently with accidents, injuries and emergencies, we require that:-

- 12.1 You have a comprehensive health and safety policy, and written procedures for health and safety management defining:
- individual and organisational responsibilities for health and safety matters,
 - arrangements to implement safe systems of work to safeguard the welfare of the People who use the service, staff and others involved in the provision of the Services, taking into account the findings of risk assessments,
 - procedures to be followed when safe systems of work, identified as necessary to safeguard the People who use the service, staff and others involved in the provision of the Services, cannot be implemented,
 - responsibility and procedures for reporting and investigating accidents and dangerous occurrences including those specified under RIDDOR for both the People who use the service and staff,
 - reporting procedures to follow when either the People who use the service or a member of staff has a known transmittable disease or infection,
 - the provision and wearing of protective clothing,
 - procedures for managing threats or violence to staff, and
 - content of training on health and safety to be given to the Support Worker.
- 12.2 One or more competent persons are nominated to assist the Organisation in complying with its health and safety duties and responsibilities, including:
- identifying hazards and assessing risks.
 - preparing health and safety policy statements
 - introducing risk control measures
 - providing adequate training and refresher training
- 12.3 All records relating to health and safety are accurate and kept up to date.
- 12.4 Any accidents or injuries to People that use the service that require hospital or GP attendance are reported to the Service User's Case Manager and noted in the Service User's Contact Sheet.
- 12.5 All staff know your procedures for dealing with medical emergencies.
- 12.6 All staff have training in first aid.
- 12.7 You must make sure that staff are trained to work safely with all Service Users and follow "*Universal Precautions*" at all times.

13 Risk Assessment

- 13.1 You must ensure that relevant risk assessments are in place including the potential risks to the People who use the service and staff associated with delivering an advocacy service. The assessment is carried out before the Advocate commences work and updated as necessary.

- 13.2** You produce and ensure compliance with safety policies and procedures to protect staff, including advice on:
- working late at night,
 - working in rural or difficult locations,
 - lone working
 - use of mobile telephones.

14. Staff Qualifications

In order to ensure that the Service is provided by qualified and competent staff, We require that:-

- 14.1** You have allocated financial resources, and have plans and operational procedures to achieve and monitor the requirements for workforce training and qualification.
- 14.2** There is a staff development and training programme within the Organisation, which is reviewed and updated annually. The programme must meet all legal requirements and be able to fulfil the aims of the organisation and also meet the changing needs of the Service Users.
- 14.3** People with learning disabilities should be encouraged to play an active role in delivering training for staff.
- 14.4** Specialist advice, training and information are provided for the staff who work with:
- people from ethnic minority communities and/or religious groups,
 - people with special communication needs,
 - people with sensory loss,
 - people with dual sensory impairment,
 - older people with complex health and support needs,
 - people who have learning disabilities
 - people with a physical impairment
 - people with mental health problems including people subject to Guardianship and Supervision Orders under the Mental Health Act, and
 - people with challenging behaviours
 - people with dementia

Training must be delivered by someone who is professionally competent to do so.

- 14.5** Each new member of staff undertakes a training needs analysis on completion of induction or probationary period. This Must be incorporated into the staff training and development plan.
- 14.6** The need for refresher and updating training is identified at least annually during staff appraisal and incorporated into the staff development and training programme.
- 14.7** All staff are competent and trained to undertake the activities for which they are employed and responsible.
- 14.8** Advocates Must obtain a nationally recognised advocacy qualification.
- 14.9** Records of training and development undertaken, and the outcome, are kept on a central development file and on staff member's personnel files.
- 14.10** Records of training and development undertaken and copies of the certificates are kept within the individual staff files.
- 14.11** Managers and supervisors should receive training in supervision skills and undertaking

performance appraisal.

14.12 Where volunteers are included, training needs to be relevant to their role.

15. Staff Meetings and Supervision

15.1 In order to ensure that staff and volunteers contribute positively and constructively to the standard of service offered by Your Organisation, We require that:-

15.2 The manager will support the development of Advocates and via the supervision and appraisal process will maintain a record of their skills, strengths and weaknesses and of training they receive.

15.3 You have clear and easily accessible mechanisms of support, which staff and volunteers are aware of.

15.4 All staff meet formally on a one to one basis with their line manager to discuss their work at least three monthly and written records kept on the content and outcomes of each meeting.

15.5 You debrief staff and volunteers after emergencies or unusual situations.

15.6 All staff have an annual appraisal of their overall standard of performance and identification of training and development needs. A copy of the appraisal is placed on the personnel file of each Advocate. The appraisal will normally be undertaken by the line manager or their manager, except in exceptional circumstances.

15.7 Managers and supervisors receive training in supervision skills and undertaking performance appraisal.

15.8 An immediate investigation is undertaken into any allegations or incidents of misconduct, and appropriate disciplinary action taken as necessary (ISA July 2010) (POCA,POVA prior to July 2010)

15.9 A record is kept of all disciplinary incidents and details entered in the personal file of the staff concerned.

16. Freedom from Abuse

In order to ensure that the Service User is protected from abuse, neglect and self-harm, and that appropriate action is taken where it is suspected, We require that:-

16.1 You ensure that staff and volunteers are familiar with, and follow, the Kent and Medway Multi Agency Safeguarding Vulnerable Adults, Adult Protection Policy, Protocols and Guidance and Your own Policy and Procedure on Safeguarding Vulnerable Adults, Adult Protection.

16.2 You have robust procedures in place for responding to suspicion or evidence of abuse or neglect (including whistle blowing) to ensure the safety and protection of the Service User. The procedures reflect local multi-agency policies and procedures, including the involvement of the Police and the passing on concerns to the appropriate regulatory body in accordance with the Public Interest Disclosure Act 1998 and the Department of Health guidance "No Secrets".

16.3 All allegations and incidents of abuse are followed up promptly and the details, action taken and outcomes are recorded in a special record/file kept for the purpose, and on the personal file of the Service User.

16.4 You have an Internal audit tool which also meets any regulatory requirements

- 16.5 Staff and Volunteers who are believed to have committed any offence defined by regulations and No Secrets guidance are immediately referred to the Independent Safeguarding Authority (ISA) following ISA referral guidance, on referral form.
- 16.6 Training on prevention of abuse is given to all staff and volunteers within six months of employment and is updated every two years.

17. **Probity**

- 17.1 You Must ensure that staff and Volunteers do not profit from people who use the service.
- 17.2 You Must have a written Policy relating to Probity, which forms part of Staff Members' terms and conditions of employment.
- 17.3 The policies and procedures Must make clear that staff do **NOT**:
- accept gifts or cash (beyond a very minimal value),
 - take responsibility for looking after any valuables on behalf of the people who use the service
 - allow any unauthorised person (including children) or pets to accompany them on the visit without the permission of the people who use the service, their relatives or representative and the Care Manager, and
 - Undertake personal activities during time allocated to provide support to the people who use the service
 - Make personal use of the people who use the service property (e.g. Telephone)
 - Involve the people who use the service in gambling syndicates (e.g. National lottery, football pools)
 - Borrow money from or lend money to the people who use the service
 - Sell or dispose of goods belonging to the people who use the service and their family
 - Sell goods or services to the people who use the service
 - Buy goods or services from the people who use the service
 - Incur a liability on behalf of the people who use the service
 - Take responsibility for looking after any valuables on behalf of the people who use the service
- 17.4 You have policies and procedures in place for staff regarding the people who use the service's will and bequests. The policies and procedures Must prevent the involvement of any staff or members of their family in the making of, or benefiting from, the people who use the service's will, soliciting any other form of bequest or legacy, acting as a witness or executor, and being involved in any way with any other legal arrangement.
- 17.5 You have policies and procedures in place for staff concerning the investigation of allegations of financial irregularities and the involvement of Police, Social Services and professional bodies.

18. **Security**

In order to ensure that information regarding the people who use the service is secure, and is not compromised by any action undertaken by staff from Your Organisation, We require that:-

- 18.1 You make staff aware of the risk of unintended breaches of confidentiality and make sure staff are able to identify situations in which it may occur. The principles of confidentiality are observed in discussion with colleagues and the line manager, particularly when undertaking training or group supervision sessions.

- 18.2** You make sure that staff do not carry with them more confidential information than they need for a day's work programme. When carrying information in car ensure that it is held in a lockable case and placed in the boot when out of the vehicle.
- 18.3** Staff respect information given to them by people who use the service or their representative in confidence and handle this information, in accordance with the Data Protection Act 1998 and Your written policies and procedures, and in the best interests of the people who use the service.
- 18.4** Suitable provision is made for the safe and confidential storage of the people who use the service records and information, including the provision of lockable filing cabinets and the shielding of computer screens from general view when displaying personal data.
- 18.5** You make sure that staff who leave or change duties return all written information about their work.
- 18.6** Identity cards are provided for all staff working with people with learning disabilities. The cards should display:
- a photograph of the member of staff,
 - the name of the person and employing Organisation in large print,
 - the contact number of the Organisation, and
 - date of issue and expiry date, which Should not exceed 36 months from the date of issue.
- The cards should be:
- laminated or otherwise tamper proof,
 - renewed and replaced within at least 36 months from the date of issue, and
 - returned to You when employment ceases.

19. Quality Assurance

- 19.1** You will have a quality assurance system in place which incorporates people who use the service and stakeholder views to ensure internal control of quality and consistency of practice.
- 19.2** You shall be committed to a process of continuous Service improvement.

20. Complaints and Compliments

- 20.1** You Must have an easily understood, well-publicised and accessible Procedure to enable people who use the service to make a complaint or compliment and for complaints to be investigated.
- 20.2** The Procedure Must include:
- Stages and Timescales for the process;
 - Acknowledgement of all complaints and an explanation of what action is to be taken;
 - Regular update of what is happening regarding the complaint;
 - A written record of all complaints and compliments including details of any investigation and action taken.

21. Guides, References, Links and other Useful Documents

Statutes

Statutes and Statutory instruments can be downloaded free of charge at www.legislation.hmso.gov.uk

- ❑ Control of Substances Hazardous to Health Regulations 2002
- ❑ Health & Safety at Work Act 1974
- ❑ Lifting Operations and Lifting Equipment Regulations 1998
- ❑ Management of Health & Safety at Work Regulations 1999
- ❑ Manual Handling Operations Regulations 1992
- ❑ Personal Protective Equipment Regulations 1992 (amended 2002)
- ❑ Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR)
- ❑ Provision and use of Workplace Equipment Regulations 1998
- ❑ Workplace Health, Safety and Welfare Regulations 1992
- ❑ Food Hygiene (England) Regs 2006
- ❑ Fire Reform Order 2005
- ❑ Observance of Approved Code of Practice (ACOP) and Guidance of Legionella Bacteria in Water Systems]
- ❑ H&S (Display Screen Equipment) Regulations 1992 as amended 2002
- ❑ <http://www.hse.gov.uk/>

Social Care:

- ❑ Safeguarding Vulnerable Groups Act 2006
- ❑ Deprivation of Liberty Safeguards 2009
- ❑ Mental Capacity Act 2005
- ❑ Mental Health Act 1983 Amended 2007
- ❑ Mental Health (Patients in the Community) Act 1995
- ❑ The Safeguarding Vulnerable Groups Act 2006
- ❑ Vetting and Barring Scheme 2009 (ISA)
- ❑ Health & Social Care Act 2008 (Regulated Activities) CQC Regulations 2009
- ❑ Carers and Disabled Children's Act 2000
- ❑ National Assistance Act 1948
- ❑ NHS & Community Care Act 1990
- ❑ Local Government Act, 1972, 1999
- ❑ Chronically Sick & Disabled Persons Act 1970
- ❑ Competition Act 1998
- ❑ Health Act 1999
- ❑ <http://www.dh.gov.uk/en/index.htm>

Staff/Employment:

- ❑ Employment Act 2008
- ❑ Employment Relations Act 1999 and 2004
- ❑ National Minimum Wage Act 1998 and Regulations 1999
- ❑ Working Time Regulations 1998 and 1999
- ❑ Working Time (Amendment) Regulations 2001, 2003, 2006, 2007 and 2009
- ❑ Public Interest Disclosure Act 1998
- ❑ Employment Rights Act 1996
- ❑ Rehabilitation of Offenders Act 1974
- ❑ Work and Families Act 2006
- ❑ TUPE Regulations 1981 and 2006 (Reference to Pensions Act 2004 - sections 257 and 258)
- ❑ Immigration, Asylum and Nationality Act 2006
- ❑ The Flexible Working (Eligibility, Complaints and Remedies) (Amendments) Regulations 2009
- ❑ Immigration, Asylum and Nationality Act 2006
- ❑ Human Rights Act 1998
- ❑ <http://www.crb.homeoffice.gov.uk/>
- ❑ <http://www.isa.gov.org.uk/>

Guidance on Equalities

- ❑ **Equalities Act 2010, which incorporates and enhances all previous equalities legislation and guidance.**
- ❑ Equal Pay Act 1970 (Amendment) Regulations 2003

- ❑ Sex Discrimination Act 1975
- ❑ Race Relations Act 1976
- ❑ Race Relations Act 1976 (Amendment) Regulations Act 2000
- ❑ Race Relations Amendment Act 2003
- ❑ Disability Discrimination Act 1995
- ❑ Disability Discrimination Amendment Act 2005
- ❑ Sex Discrimination (Gender Reassignment) Regulations 1999
- ❑ Employment Equality (Religion or Belief) Regulations 2003
- ❑ Employment Equality (Sexual Orientation) Regulations 2003
- ❑ Civil Partnerships Act 2004
- ❑ Employment Equality (Sex Discrimination) Regulations 2005
- ❑ Employment Equality (Age) Regulations (2006)
- ❑ Equality Act 2006
- ❑ Equality Act 2010
- ❑ http://www.equalities.gov.uk/equality_act_2010/equality_act_2010_what_do_i_n.aspx
- ❑ [Racial and Religious Hatred Act 2006](#)
- ❑ <http://www.equalityhumanrights.com/advice-and-guidance/information-for-advisers/key-legislation/>

Information and Data Protection:

- ❑ Data Protection Act 1998
- ❑ Freedom of Information Act 2000
- ❑ Environmental Information Regulations (EIR) 2004

Other Documents:

- ❑ Multi-Agency Adult Protection Policy, Procedures and Protocols for Kent and Medway
- ❑ <https://shareweb.kent.gov.uk/Documents/adult-Social-Services/adult-protection/revised-kent-medway-multi-agency-adult-protection-policy-protocols-and-guidance.pdf>
- ❑ http://www.kent.gov.uk/adult_social_services/social_services_professionals/advice_and_information/adult_protection/policies_and_acts/amendments.aspx
- ❑ Department of Health Policy & Guidance and Supplementary Practice Guidance for Adult Placement Schemes 2002

This Specification is the property of Kent County Council. Comments or questions should be forwarded to:

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