

KENT SHARED LIVES

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(36) Working with People who Challenge Services

It is the policy of Kent Shared Lives to ensure that the rights of the people who use services are upheld regardless of their behaviour and that Shared Lives hosts have the skills, knowledge and support to work constructively and safely with people who behave in a way that challenge services. Shared Lives hosts should not be asked to support someone whose needs they cannot meet.

People who use the services provided by Shared Lives may sometimes present behaviour that is difficult to understand or to manage. This policy defines the term “behaviour which challenges the service” and sets out a policy, procedures and guidelines to support Shared Lives hosts and staff at such time.

“Behaviour which challenges the service” can be defined as “Behaviour of such intensity, frequency or duration that the physical safety of the person or others is placed in serious jeopardy, or behaviour which is likely to seriously limit or deny access to the use of ordinary community facilities” (Emerson et al 1987).

Policy statement

1. Shared Lives will offer individualised and flexible services to people so that situations that trigger behaviour that challenges are minimised
2. Shared Lives will ensure that Shared Lives hosts are not asked to support someone whose needs they cannot meet. Shared Lives will ensure that the Shared Lives host has the knowledge, skills and support to work safely and constructively with the person placed with them.
3. Shared Lives hosts and Shared Lives workers will ensure that people’s rights are upheld regardless of their behaviour
4. Shared Lives hosts and Shared Lives workers will work constructively with people to try to understand the trigger to behaving in a way that challenges and to help each person to manage their behaviour and to communicate in a more appropriate way

Procedure

1. Where Shared Lives has accepted a referral of a person who may behave in a way that challenges services, it will ensure that a comprehensive risk assessment is undertaken in line with the Shared Lives risk assessment and risk management policy and procedure.
2. Shared Lives will ensure that clear individual guidelines are drawn up for responding to a person who behaves in a way that challenges services. These guidelines should be agreed with the person wherever possible and be drawn up in a multi-disciplinary environment involving

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others as appropriate e.g. speech and language therapist, relatives, social work, key worker.

The guidelines should specify:

- What behaviours are seen as challenging
 - Strategies to avoid where possible situations that may trigger those behaviours
 - Possible warning signs and suggested responses in order to defuse trigger situations and avoid those behaviours
 - Detailed guidance to the Shared Lives host about the way in which they should work with the person and respond to particular behaviours and/or triggers.
 - Any training or information the host will receive in order for them to work positively with the person and carry out any agreed interventions safely and effectively.
 - Reporting and recording requirements for any incident (including Care Quality Commission reporting requirements)
3. Guidelines should be kept under regular review and should be revised as appropriate.
 4. Comprehensive records should be kept of all incidents giving specific information about:
 - What took place, where and when
 - Events leading up to the incident
 - Who was involved or was a witness
 - What specific responses there were, by whom
 - Any injuries to people or damage to property
 - Who the incident was reported to
 - Recommendations as a result of the incident
 - Further action to be taken
 - Name of person reporting and date
 5. The Shared Lives manager will regularly review all incident records and monitor the effectiveness of procedures and host practice in consultation with all relevant parties.

Physical interventions and legal guidelines

Physical interventions will only be used as a last resort to protect the person or others from significant harm or to prevent serious damage to property. They will only be used in accordance with the [Government publication on managing physical restraint](#).

Restraint of a person may constitute abuse if:

- a. It infringes a person's civil liberties and their rights under the Human Rights Act 1998
- b. It is not related to the person's care and support plan

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- c. Attempts are made to hide it or to avoid rational criticism
- d. Undue force is used

In law the general position is that a person may be restrained, or another people may protect themselves only with such a degree of force as is necessary and reasonable in the circumstances.

A measure of force may be used prevent a crime or a breach of the peace or may be used as an act of self-defence. Any force used must only be “reasonable” and must be “commensurate with the force offered”.

The Criminal Law Act (1967) enables “any person to use such force as is reasonable in the circumstances to prevent a crime being committed”. In the case of self-defence this would be interpreted as reasonable force in the circumstances to prevent an assault. Thus, if a person feels that they are in danger of being assaulted it is lawful to use reasonable force provided it is the minimum required to remove the danger.

But the law requires that all practice methods to ease the situation including where possible the option of retreat will be employed before force is used. When using force to prevent assault the person must be able to show:

- a. That real danger was perceived by him or her
- b. That means other than force was tried or were impractical
- c. That the force used was the minimum to remove the danger or to stop the crime and was used for the minimum period of time necessary

Under Section 3 of the Health and Safety at Work (1974) Act, Shared Lives has a duty of care to Shared Lives hosts and to the people placed with them. Shared Lives hosts also have a duty under that act to take reasonable care for their own health and safety and for those other persons who may be affected by their actions.

The police have the power of arrest in the case of any occurring breach of the peace or to prevent a recurrence of such a breach. They have powers to enter private premises when a breach of the peace is in progress for the purpose of quelling a disturbance and/or arresting persons involved in it. Once that objective has been achieved the police have no powers to remain on the private premises without invitation. Shared Lives workers managing placements where violence is a problem to the extent that the police are likely to be called upon to assist from time to time should establish a relationship with the police, which will lead to a better understanding of each other’s problems and responsibilities.

The Department of Health issued guidance on the use of restrictive physical interventions in April 2014. Shared Lives and Shared Lives hosts must follow that guidance when working with people whose behaviour challenges services.