REPORT TO: HEALTH AND SOCIAL CARE SERVICES COMMITTEE ON 24 NOVEMBER 2010

SUBJECT: POLICY: BEHAVIOUR WHICH CHALLENGES SERVICES - OLDER PEOPLE AND PHYSICAL AND SENSORY DISABILITY.

BY: DIRECTOR OF COMMUNITY SERVICES

1. REASON FOR REPORT

1.1 This report seeks Committee approval for the policy; Behaviour Which Challenges Services - Older People and Physical and Sensory Disability.

1.2 This report is submitted to Committee in terms of Section E (1) Council’s Administrative Scheme in relation to the function of the Council as Social Work Authority under the Social Work (Scotland) Act 1968.

2. RECOMMENDATION

2.1 It is recommended that Committee: -

(i) considers and approves the policy; Behaviour Which Challenges Services - Older People and Physical and Sensory Disability, (APPENDIX 1).

3. BACKGROUND

3.1 Adult Provider Services, including the Home Care service and day services, provide care to a large and diverse group of people, some of whom exhibit behaviour which presents a challenge to the safe and effective delivery of services.

3.2 The current arrangements to ensure staff and service user safety involve a process of risk assessment and risk management planning as well as staff training and support. This policy seeks to draw these arrangements together into a policy context and to clarify and strengthen the reporting and staff training arrangements.

3.3 This policy aims to recognise the particular difficulties encountered by staff who work alone and at times in isolated circumstances when providing care and support services for service users; and ensures the safety of all staff who may be at risk from behaviour which challenges services. This policy also supports the existing lone working procedure.

3.4 The policy seeks to achieve this by ensuring that a risk assessment is undertaken to identify the cause of behaviour which challenges services, to develop and implement risk controls and to monitor, evaluate and improve the risk control measures.
3.5 The policy also seeks to provide staff with sufficient knowledge, skills, training and support in order to enable them to work safely and to increase their competence and confidence when dealing with a challenging situation.

3.6 The policy recognises the importance of current data protection legislation where there is a requirement to share sensitive personal information relating to service users with behaviour which challenges services; and to ensure compliance with this legislation.

4. SUMMARY OF IMPLICATIONS

(a) Single Outcome Agreement/Service Improvement Plan
   (i) National Outcome 15 – our public services are high quality, continually improving, efficient and responsive to local people’s needs;
   (ii) Service Priority 3.5 – Improving Workforce, Standards and Infrastructure;
   (iii) Service Priority 4.1 – Improving key delivery processes and
   (iv) Service Priority 4.5 – Increase our capacity for self-evaluation

(b) Policy and Legal
   This report should be considered in accordance with the statutory duties contained under section 12A of the Social Work (Scotland) Act 1968.

(c) Resources (Financial, Risks, Staffing and Property)
   There are no financial implications directly arising from this report.

(d) Risk implications
   Currently older peoples and physical and sensory disability provider services do not have in place a policy for the management of behaviour which challenges services. This policy seeks to address this gap and thereby to minimise the risk to the Council and staff.

(e) Staffing implications
   There are no staffing implications directly arising from this report.

(f) Property
   There are no property implications directly arising from this report.

(g) Equalities
   There are no equalities implications directly arising from this report.

(h) Consultations
   The following have been consulted and are in agreement with this report:-

   Head of Community Care.
   Rhona Gunn – Principal Solicitor
   Robin Paterson – Senior Performance and Quality Officer
   Shirley Feaks – Policy & Procedures Officer
   Doug Reid – Senior Health and Safety Advisor
   Denise Whitworth – Head of Personnel Services
5. CONCLUSION

5.1 This policy draws together the existing good practice arrangements into a policy context which clarifies and strengthens the practice, recording and staff training arrangements.

Author of Report: Charles McKerron, Service Manager.
Background Papers: Policy; Behaviour Which Challenges Services - Older People and Physical and Sensory Disability.
Ref:
THE MORAY COMMUNITY HEALTH AND SOCIAL CARE PARTNERSHIP

Behaviour Which Challenges Services - Older People and Physical and Sensory Disability

POLICY
DO YOU HAVE A VISUAL IMPAIRMENT?

This document is available in large print format upon request.

DO YOU HAVE DIFFICULTY UNDERSTANDING THE ENGLISH LANGUAGE?

If you have a problem reading or understanding the English language this document is available in a language of your choice.

Please ask an English speaking friend or relative to phone or write to The Moray Council Equal Opportunities Officer:

The Equal Opportunities Officer
Corporate Policy Unit
The Moray Council
High Street
Elgin, Moray
IV30 1BX
Tel: 01343 563321
Email equalopportunities@moray.gov.uk
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Does this policy contain information relating to a Carefirst Procedure? Yes/No
1.0 **Aims and Objectives of the Policy**

This policy relates to all staff in Older People and Physical and Sensory Disability Services.

This policy must be read in conjunction with The Moray Council's:

- Adult Provider Services Procedure – Behaviour Which Challenges Services in Residential, Day Care, Community Working/Lone Working situation,
- Adult Provider Services – Behaviour Which Challenges Services – Staff Training Procedure.

**Aims**

1. To recognise the particular difficulties encountered by staff who work alone and at times in isolated circumstances when providing care and support services for service users; and to ensure that these staff are protected accordingly.

2. To ensure the safety of all staff who may be at risk from behaviour which challenges services of any kind; this to be achieved by providing staff with sufficient knowledge, skills, training and support in order to enable them to work safely and to increase their competence and confidence when dealing with crises.

3. To recognise the importance of current data protection legislation where there is a requirement to share sensitive personal information relating to service users with behaviour which challenges services; and to ensure compliance with this legislation.

4. Ensure a risk assessment is undertaken to identify the cause of behaviour which challenges services, to assess the risk and develop and implement risk controls and to monitor, evaluate and improve the risk control measures.
Objectives

1. To ensure that the behaviour which challenges services needs of individual service users are identified as part of their social care assessment; the assessment to be carried out in full consultation with the service user and main carer (normally a family member) if appropriate.

2. To ensure that, in those circumstances where a service user is assessed as having behaviour which challenges services, an inclusive risk assessment which incorporates the appropriate interventions is carried out; and then incorporated into her/his care plan.

3. Within a lone working/community working situation, promote appropriate risk control methods in order that service users with behaviour which challenges services will be supported safely.

4. To comply with current health and safety, data protection and other legislative requirements at all times.

2.0 Related Policies/Procedures/Legislation

The Moray Council’s responsibilities are set out in the following legislation:

- The Social Work (Scotland) Act 1968
- Health and Safety at Work Act 1974
- The NHS and Community Care Act 1990
- Community Care and Health (Scotland) Act 2002
- Chronically Sick and Disabled Persons Act 1970
- Disabled Persons (Service, Consultation and Representation) Act 1986
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Health and Social Services and Social Security Adjudication’s Act 1983
- Adults with Incapacity (Scotland) Act 2000
- The Regulation of Care (Scotland) Act 2001
- Social Work (Scotland) Act 1968
• Children (Scotland) Act 1995
• Adult Support and Protection Act (Scotland) 2002
• Data Protection Act 1998
• Freedom of Information (Scotland) Act 2002
• The Human Rights Act 1998 and Equality Legislation.

Policies/Procedures
• The Moray Council’s Lone Working Procedure
• The Moray Council’s Bullying Policy
• The Moray Council’s Harassment at Work Policy
• The Moray Council’s Incident Reporting Procedure
• The Moray Council’s Community Care Incident Reporting Procedure
• The Moray Council’s Adult Provider Services – Behaviour which Challenges Services – Staff Issues
• The Moray Council’s Adult Provider Services – Behaviour which Challenges Services – Staff Training
• The Moray Council’s Adult Provider Services – Behaviour which Challenges Services – Residential, Day Centre and Community Working/Lone Working Situation
• The Moray Council’s Supporting People with Learning Disability and Challenging Behaviour Policy.

Other Related Documents
• The Moray Council’s Single Shared Assessment Form
• The Moray Council’s Joint Service User and Carer Review Form
• Standards for Assessment and Care Planning for Adults
• National Community Care Outcomes Framework
• Mental Welfare Commission Guidance around reflective practice
• Issues of Capacity especially when involving Service Users in discussions

3.0 Purpose of this policy

The purpose of the policy is to:
1. Promote the view that behaviour which challenges services must never be considered acceptable within the Department of Community Services; while recognising that for some service users, behaviour which challenges services may result from, or be a symptom of, a particular illness and/or condition.

2. Promote the view that it is the behaviour which challenges services which is unacceptable, not the service user.

3. Provide a definition of behaviour which challenges services.

4. Promote an understanding of the reasons for the range of behaviour which challenges services which currently exist.

5. Promote de-escalation as the basis through which a safe resolution of behaviour which challenges services will be achieved.

6. This procedure must be read in conjunction with the Moray Council’s Behaviour which challenges services Policy for Adult Service Providers, the Moray Council’s behaviour which challenges services in residential, day care and community working/lone working situation procedure and the Moray Council’s Behaviour which challenges services Staff Issues and Training Procedure.

4.0 Responsibilities

The Moray Council has a responsibility to:

- Ensure a risk assessment is undertaken to identify the cause of behaviour which challenges services, to assess the risk and develop and implement risk controls and to monitor, evaluate and improve the risk control measures. The Moray Council risk assessment forms and risk management plan will be used for this.
- Reinforce safe work practices
- Provide information and appropriate staff training and induction concerning:
  - dementia and communicating with people with dementia
  - conflict resolution and on handling service user expectations
  - procedures for preventing and managing aggression
  - emergency response procedures in the event of a threatening situation
• The manager with responsibility for the service provided is responsible for the promotion of the procedure among her/his staff.

Managers and staff can expect:

1. To have access to the Moray Council and Department of Community Services Health and Safety Policy Document; and the Adult Service Providers – Behaviour which Challenges Services Policy Document.
2. That they will receive all appropriate health and safety training as may be necessary in order to carry out their respective tasks safely; and this will include appropriate training for managing and responding to incidents where behaviour challenges services.
3. That all necessary safety procedures will be in place and observed; and that the process will seek to ensure their health and safety at all times.
4. That any location of work will be protected by a general risk assessment.
5. That in those circumstances where the preventative measures contained within the general risk assessment fails to adequately control identified risks, individual risk assessments will be carried out.
6. That in those circumstances where they are involved in a potentially threatening or aggressive incident, they will not be put into a position of known risk without adequate preparation and support; equally, they will not put themselves into a position of known risk without adequate preparation and support.
7. That following a threatening or aggressive incident, they will be included in the debriefing process and receive other advice and support as may be necessary from their manager.  See appendix 1.
8. That all health and safety arrangements will be subject to monitoring and review as may be necessary in order to ensure their continued relevance.

Employees have a responsibility to:

• pass on information about service users when referring, where the safety of staff could be at risk without breeching confidentiality
• assess the service user’s health status and any potential risks to staff health, safety, and welfare on a regular basis
• hand over to colleagues relevant new information regarding service user status to fellow colleagues/supervisors and document in case notes
• always assess if it is safe to enter and provide your service
• Be aware of who else is in the living environment i.e. carer, family members - are they supportive?
• be aware of your own limitations in managing a situation
• Follow the agreed plan when confronted by behaviour which challenges services provided the service user is safe.

All staff members who may be at risk from behaviour that challenges services are responsible for familiarising themselves with the procedure.

**Service users and main carers can expect:**

1. To be assured that, where their care is provided in their own homes, or in premises not owned by the Department of Community Services, every effort will be made to ensure compliance with current health and safety and other legislation, this within the constraints imposed by non ownership of the premises by the Department.
2. That all necessary safety procedures will be in place and observed at all times.
3. That their care setting will be protected by a general risk assessment.
4. That in those circumstances where the general risk assessment fails to adequately meet their needs, an individual risk assessment will be carried out; and that they will be fully involved in the risk assessment process.
5. That in those circumstances where they are involved in an incident involving behaviour which challenges services, staff will make every effort, using the de-escalating methods, in order to defuse the situation.
6. That following an incident involving behaviour which challenges services, they will be included in discussions with staff and appropriate others with regard to the incident; and will continue to receive support as is necessary.
7. That all matters relating to their personal circumstances will be held in confidence as per the Department of Community Services’ Confidentiality Policy and current data protection legislation.
8. That they will have free access to the Department of Community Services’ Representations and Complaints Procedure; and assistance where necessary to make a complaint or representation.

5.0 Introduction to behaviour which challenges services

5.1 Behaviour which challenges services directed at staff while carrying out their duties is always a possibility, even in those areas of work traditionally considered not to be at risk. When such incidents do occur the effects on both staff and service users can be lasting and painful.

5.2 Moray Council Department of Community Services is committed to caring for staff and service users alike and recognises that, for a variety of complex reasons, staff and service users may at times be at risk due to challenging behaviour.

5.3 It is recognised that, due to the nature and complexities of the work of the Department of Community Services, there will always exist the potential for behaviour which challenges services to be directed against staff and carers. However, this must never be considered to be an acceptable part of any staff member’s role or responsibility; nor should any staff member consider it to be her/his duty to accept behaviour which challenges services directed towards them.

5.4 Behaviour which challenges services happens, to a greater or lesser extent, across a whole range of service areas. This policy is intended to provide guidance for managers and staff across range of potentially aggressive or violent situations in Day Care and Home Care Services.

5.5 It should be noted that incidents of behaviour which challenges services occurring between fellow employees of Moray Council are not considered as part of this policy. Such incidents are considered as part of The Moray Council’s Harassment at Work Policy.

6.0 Definition of behaviour which challenges services

Behaviour which challenges services can be and is experienced by staff working in community care settings on a daily basis. Staff who work in
community care often work alone and may potentially be at greater risk of violent, unpredictable and aggressive behaviour by their service user.

Behaviour which challenges services may be verbal, physical, emotional or psychological. Behaviour which challenges services may be exhibited through resistiveness, aggression and/or unacceptable behaviour.

There are many reasons why service users may display behaviour which challenges services. Service Users experiencing the following conditions may exhibit behaviour which challenges services:

- dementia
- mental illness
- cognitive dysfunction due to brain injury, language barrier
- physical and neurological disability
- unpredictable behaviour related to uncontrolled spasm of body and limbs
- unpredictable behaviour related to fatigue and day to day changes in status
- pain – physical and emotional
- drugs and alcohol
- functional changes related to medication
- loss of familiar routine
- fear and anxiety
- depression
- psychological issues
- loss of independence, feelings of low self esteem and self worth
- communication frustrations
- loneliness
- lack of privacy
- excessive noise.
- Persistent refusal to follow necessary treatment procedures for medical conditions such as diabetes, epilepsy or other conditions that, if not treated will further endanger the service user’s health.
- Environmental changes, for example move to residential care, etc.
Behaviour which challenges services is generally a response to something that is occurring at the time.

7.0 **Behaviour which challenges services serving a purpose**

7.1 Although behaviour which challenges services among individual service users may result from, or be a symptom of, a particular illness and/or condition, it should not be seen as an inevitable manifestation of a particular illness or condition. Rather, the behaviour should be seen as serving a necessary purpose for the individual service user by, for example, providing an opportunity to communicate.

7.2 Behaviour which challenges services are largely learned through a history of interactions between the individual service user and her/his environment. The behaviour may be an attempt by the service user to communicate her/his unmet needs or wants. In some cases a single behaviour may be maintained in order to achieve several outcomes; while in other cases a group of behaviours may be maintained in order to achieve a single outcome.

7.3 Whatever the reason for the behaviour which challenges services, it should always be recognised that it may indicate that the individual service user is experiencing some stress or difficulty which s/he is unable to communicate; a sensitive response from staff may therefore contribute significantly towards de-escalating the situation. It must be recognised that it is the behaviour which is considered to be unacceptable, not the service user.

7.4 When confronted with behaviour which challenges services from members of the public, the situation is less clear. For example, when presenting at the reception desk an individual may have a psychological or drug/alcohol related condition not known to the staff dealing with the enquiry. Equally, it may be that the individual has a particular view with regard to social services staff due to, for example, having failed to secure a service in the past. Clearly a different approach is needed but the emphasis should nevertheless be on de-escalation of the situation.

7.5 Whether the behaviour which challenges services comes from service users or from members of the public, the main objective should always be to bring
the immediate situation under control through de-escalation thereby minimising the risk of injury to all involved.

8.0 Equalities Statement

8.1 The MCHSCP will ensure that MCHSCP “activity” does not discriminate on any grounds and in particular not on the grounds of: sexual or marital status; on racial grounds; or on grounds of disability, age, illness, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinion. All communication with service-users will be in ‘plain language’. The MCHSCP will ensure the promotion of equal opportunities by publishing information and documentation in different formats/languages and for customers who have special needs such as people with sight, hearing or learning difficulties by using, for example, signers.

9.0 Data Protection

9.1 The Data Protection Act 1998 governs the way information is obtained, recorded, stored, used and destroyed. The MCHSCP complies with all the requirements of the Act and ensures that personal data is processed fairly and lawfully, that it is used for the purpose it was intended and that only relevant information is used. The MCHSCP will ensure that information held is accurate, and where necessary kept up to date and that appropriate measures are taken that would prevent the unauthorised or unlawful use of any “personal information”.

10.0 Freedom of Information

10.1 The purpose of the Freedom of Information (Scotland) Act 2002 is to “provide a right of access by the public to information held by public authorities”. In terms of section 1 of the Act, the general entitlement is that a “person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority”. Information which a person is entitled to is the information held by the public authority at the time that the request is made.
This is a complex area of the law that can overlap with the Data Protection Act and other legislation.

11.0 **Human Rights Act**

11.1 In October 2007 the three equalities commissions: Racial Equality, Disability Rights and Equal Opportunities were merged to form one Commission: The Equality & Human Rights Commission (Scotland).

The main aspects covered in the Human Rights Act 1998 are: Right to life; protection from torture; protection from slavery and forced labour; right to liberty and security; right to a fair trial; no punishment without law; right to respect for private and family life; freedom of thought, belief and religion; freedom of expression; freedom of assembly and association; right to marry; protection from discrimination; protection of property; right to education and right to free elections.

12.0 **Development and Training**

12.1 All relevant staff will receive training on the requirements of this policy and the relevant procedures.

13.0 **Appeals and Complaints**

13.1 Refer to Moray Council and NHS Complaints Procedure.

14.0 **Review and Feedback**

14.1 This procedure will be reviewed annually. Feedback can be sent to the Performance and Quality Officer, MCHSCP, and will be included in the next review.