Guidance for Safer Working Practice

For

Employees and Volunteers

Working with Service Users
Dear Colleagues

Adult Support Services have many responsibilities, at the heart of which is the safeguarding of service users. Our ambition of choice, independence and control for all adults in Cambridgeshire, regardless of the difficulties they face, has developed from our passion to support people to work towards their personal aspirations whilst ensuring that their right to be treated with dignity and not to suffer harassment or discrimination, including all forms of abuse, is protected.

The people that we arrange support for, or support directly, usually have their support delivered by well-motivated, skilled and dedicated staff. The recruitment and development of staff is one of the most important jobs for service managers. In the vast majority of cases it is done very well. However, we must not be complacent and must continuously improve our procedures and practices. We need to make it increasingly more difficult for people who should not work with service users to gain access to roles that could compromise our safeguarding objectives.

These guidelines have been formulated to help managers take a systematic approach to safer employment practice. Their adoption will put another layer of protection into the social care system across statutory services, the 3rd sector and private providers. I welcome this guidance which provides greater clarity for all staff and will enhance our work to safeguard the people across Cambridgeshire with whom we work.

Claire Bruin
Director – Adult Support Services
Section 1: Overview

1. Background

All employees and volunteers who come into contact with service users in their work have a duty of care to safeguard and promote their welfare.

The Care Standards Act 2000 places a duty on organisations and individuals to safeguard and promote the wellbeing of service users.

The vast majority of employees who work with service users act professionally and aim to provide a safe and supportive environment that secures the well-being and very best outcomes for the service user in their care. However, it is recognised that in this area of work tensions and misunderstandings can occur. It is here that the behaviour of employees can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced. They may arise from differing perceptions of the same event, but when they occur, they are inevitably distressing and difficult for all concerned. Equally, it must be recognised that some allegations will be genuine and there may be employees who will deliberately seek out, create or exploit opportunities to abuse service users. It is therefore essential that all possible steps are taken to safeguard this group and to ensure that the individuals who are working with them are safe to do so.

Some concerns have been raised about the potential vulnerability of employees in this area of work. It has been suggested that there is a need for clearer advice about what constitutes illegal and inappropriate behaviour and what might be considered to be misconduct. This document has been produced in response to these concerns and provides practical guidance for anyone who works with, or on behalf of service users regardless of their role, responsibilities or status. It seeks to ensure that the duty to promote and safeguard the wellbeing of service users is in part, achieved by raising awareness of illegal, unsafe and inappropriate behaviours.

Whilst every attempt has been made to cover a wide range of situations, it is recognised that this guidance cannot cover all eventualities. There may be times when professional judgements are made in situations not covered by this document, or which directly contravene the guidance given by their employer. It is expected that in these circumstances employees will always advise their senior colleagues of the justification for any such action already taken or proposed.

The guidance contained in this document has due regard to current legislation and statutory guidance.

This guidance should be read in conjunction with the Adult Safeguarding Practice Guidance and Procedures.
2. What to do if you are worried that a service user may be being abused

Anyone working with service users, including paid employees, volunteers and contract employees, should be familiar with local practice guidance and procedures for safeguarding adults. All employees have a duty to report any concern to a designated person in their organisation and/or report any concerns to Cambridgeshire Direct. Anyone who has concerns or is in doubt should refer to Cambridgeshire County Council’s ‘Adult Safeguarding Practice Guidance and Procedures. http://www.cambridgeshire.gov.uk/social/adultprot/

Section 2: Using the Guidance

1. Status of Document

All employees who work within Cambridgeshire with service users directly or indirectly, including paid employees, volunteers and contract employees, are responsible for complying fully with the safe working practices in this document. Any Cambridgeshire County Council employee who fails to comply will be subject to being formally disciplined.

It is highly recommended that all other organisations adopt a similar approach.

All managers who recruit and manage employees and volunteers to work with service users will incorporate the use of this document into their processes for the recruitment and induction of new employees and also into performance management and appraisal processes for existing employees. Upon the completion of the induction period, each new employee and their manager will sign and date the document to evidence that the content was fully understood by the new employee and that s/he has agreed to comply fully with it. This should be stored in the employee’s personal file.

2. Purpose of Guidance

It is important that all employees and volunteers working with service users understand that the nature of their work and the responsibilities related to it, place them in a position of trust. This practice guidance provides clear advice on appropriate and safe behaviours for all employees and volunteers working with service users in paid or unpaid capacities, in all settings and in all contexts. The guidance aims to:

- keep service users safe by clarifying which behaviours constitute safe practice and which behaviours should be avoided;
- assist employees and volunteers working with service users to work safely and responsibly and to monitor their own standards and practice;
- support managers and employers in setting clear expectations of behaviour and/or codes of practice relevant to the services being provided;
- support employers in giving a clear message that unlawful or unsafe behaviour is unacceptable and that, where appropriate, disciplinary or legal action will be taken;
- support safer recruitment practice;
- minimise the risk of misplaced or malicious allegations made against employees and volunteers who work with service users;
- reduce the incidence of positions of trust being abused or misused.

Managers, employees and volunteers should be familiar with, and know how to access, their Local Adult Safeguarding Practice Guidance and Procedures for managing allegations against employees.
3. **Underpinning Principles**

**Basic Principles Which Underpin this Code**

To ensure that service users are safeguarded from abuse and to promote the highest standards of quality in the care that people receive, whoever is providing that care? (Care Standards Act 2000) employees and volunteers should;

- Understand their responsibilities to safeguard and promote the welfare of service users.
- Understand that they are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation or intentions.
- Work, and be seen to work, in an open and transparent way with service users.
- Discuss and/or take advice promptly from a safeguarding lead, their line manager or another senior employee, or the person supporting volunteers or when abuse has been identified, about any incident that may give rise to concern. Records should be made of such incidents, decisions made and further actions agreed, in accordance with Cambridgeshire County Council’s Adult Safeguarding Practice Guidance and Procedures or the Council’s HR procedures relevant to the circumstances.
- Apply the same professional standards regardless of race, gender, sexuality or age.
- Be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them.
- Be clear about their responsibilities to report concerns about the conduct of any employee or employee of any partner organisation or volunteers, as well as to whom they should report such concerns.

It is the responsibility of all employees and volunteers who work with service users to safeguard and promote the welfare of this group. This responsibility extends to a duty of care for those employees commissioned or contracted to work with service users and any volunteers recruited by those organisations.

4. **Definitions**

A vulnerable adult is 'any person of 18 years or over who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of her or himself, or unable to protect her or himself against significant harm or exploitation' (Department of Health, 'No Secrets' section 2).

The term employee refers to any person who is employed, commissioned or contracted by Cambridgeshire County Council or any other relevant Cambridgeshire organisation, to work with or on behalf of service users in a paid or unpaid capacity.

The term volunteer refers to any person recruited by the Council or any of the commissioned or contracted organisations.

**Manager:** The term ‘manager’ refers to those employees who have responsibility for managing services including the supervision of employees and/or volunteers at any level.

**Employer:** The term ‘employer’ refers to the organisation that employs, or contracts to use the services of, individuals in pursuit of the goals of that organisation. In the context of this document, the term ‘employer’ is also taken to include ‘employing’ the unpaid services of volunteers.

**Abuse:** is a violation of an individual’s human or civil rights by any other person or persons’ (No Secrets, 2000).
Duty of Care: The duty which rests upon an individual or organisation to ensure that all reasonable steps are taken to ensure the safety of the service user involved in any activity or interaction for which the employee or the organisation is responsible. Any person in charge of, or working with, service users in any capacity is considered, both legally and morally to owe them a duty of care.

5. How to Use this Document

Each section provides general guidance about a particular aspect of work undertaken with service users. In the right hand column there is specific guidance about which behaviours should be avoided and which are recommended. The document has been written for a generic audience and most, if not all of the content, is applicable to all employees who work with service users.

It is recommended that this guidance is used to develop and promote safer working practice by ensuring that all employees and volunteers are made aware of its contents and have access to it.

Incorporating the use of this document in recruitment and selection processes will help to prevent and deter unsuitable people from working with service users. Providing employees and volunteers with clear guidance on appointment and revisiting this through induction, supervision, performance management, training programmes etc, will also help to ensure a safer workforce. It is recommended that the Council and Partner Organisations document Induction, Supervisions, Appraisals and Training so that it can be evidenced that safe employment and safeguarding processes have been made known to all employees and volunteers.

Individuals should follow this guidance in their day-to-day practice. It should also be referred to when taking on new work, different duties or additional responsibilities.
Section 3: Guidance for Safer Working Practices

1. Context

All employees and volunteers who work with service users have a crucial role to play in affecting the quality of their lives. They have an opportunity to interact with the service user in ways that promote dignity, independence and choice. This guidance has been produced to help employees working in all settings to establish safe and responsive environments that safeguard service users and reduce the risk of employees being unjustly accused of improper or unprofessional conduct.

This means that these guidelines:

- apply to all employees, both paid and unpaid, working in all settings whatever their position, role, or responsibilities.
- may provide guidance where an individual’s suitability to work with service users has been called into question.

2. ‘Unsuitability’

The guidance contained in this document identifies what behaviours are expected of employees and volunteers who work with service users. Individuals whose practice deviates from this guidance and/or their professional or employment-related code of conduct may bring into question their suitability to work with service users.

This means that employees should:

- have a clear understanding about the nature and content of this document.
- discuss any uncertainties or confusion with their line manager.
- understand what behaviours may call into question their suitability to continue to work with service users.

3. Duty of Care

All employees and volunteers who work with, and on behalf of, the service user are accountable for the way in which they exercise authority; manage risk; use resources; and safeguard service users.

Whether working in a paid or voluntary capacity, these employees have a duty to keep the service user safe and to protect them from all aspects of abuse including physical, sexual, psychological, financial or material, neglect and acts of omission, discriminatory abuse, domestic abuse and violence, professional abuse and institutional abuse. The service user has a right to be treated with respect and dignity. It follows that all employees and volunteers are expected to take reasonable steps to ensure the safety and well-being of the person. Failure to do so will be regarded as abusive practice.

All employees and volunteers have a duty of care to the service user. This should be exercised through the development of a respectful and caring service provided by the employee to the service user. It is also exercised through the behaviour of the employee, which at all times should demonstrate integrity, maturity and good judgement.

High standards of behaviour are expected from employees

This means that employers should:

- ensure that appropriate adult safeguarding policies and procedures are adopted, implemented and monitored.
- ensure that codes of conduct/practices are continually
who work with service users. When individuals accept such work, they need to understand and acknowledge the responsibilities and trust inherent in the role.

Employers and volunteers also have a duty of care towards their employees, both paid and unpaid, under the Health and Safety at Work Act 1974. This requires them to provide a safe working environment for employees and provide guidance about safe working practices. Employers also have a duty of care for the well-being of employees and to ensure that employees are treated fairly and reasonably in all circumstances. The Human Rights Act 1998 sets out important principles regarding protection of individuals from abuse. Employees and volunteers who are subject to an allegation should therefore be supported and the principles of natural justice applied.

The Health and Safety Act 1974 also imposes a duty on employees to take care of themselves and anyone else who may be affected by their actions or failings. An employer’s duty of care and the worker’s duty of care towards the service user should not conflict. This ‘duty’ can be demonstrated through the use and implementation of these guidelines.

4. Confidentiality

Employees may have access to confidential information about service users in order to undertake their responsibilities. In some circumstances they may have access to, or be given, highly sensitive or private information.

These details must be kept confidential at all times and only shared when the service user gives permission to do so. However, in exceptional circumstances, e.g. if it is considered that someone is at serious risk of abuse then information may have to be disclosed without consent. Such information must not be used to intimidate, humiliate, or embarrass the service user.

If an employee is in any doubt about whether to share information or keep it confidential he or she should seek guidance from a senior person within their service or from the Adult Safeguarding Team via Cambridgeshire Direct. Any actions should be in line with locally agreed information sharing protocols.

The storing and processing of personal information about service users is governed by the Data Protection Act 1998. Employers should provide clear advice to employees about their responsibilities under this legislation.

Whilst employees and volunteers need to be aware that they should listen to and support service users, they must also understand the limits of confidentiality.

Additionally, concerns and allegations about the abuse of a monitored and reviewed.

- ensure that, where services or activities are provided by another agency, the agency concerned has appropriate safeguarding policies and procedures.
- foster a culture of openness and support.
- ensure that systems are in place for concerns to be raised. See the Council’s Whistle Blowing Policy
- ensure that employees are not placed in situations which render them particularly vulnerable.
- ensure all employees have access to and understand this guidance and related policies and procedures.
- ensure that all job descriptions and person specifications clearly identify the competences necessary to fulfil the duty of care.

This means that employees and volunteers:

- should be clear about when information can be shared and in what circumstances it is appropriate to do so.
- are expected to treat information they receive about service users in a discreet and confidential manner.
- should seek advice from a senior employee if they are in any doubt about sharing information they hold or which has been requested of them.
- need to know who any concerns or allegations should be reported to.
- should know part of the Data Protection Regulatory Framework should prevent the responsible dissemination of relevant personal information in relation to the investigation of suspected alleged or actual abuse of a service user.
service user should be treated as confidential and passed to a senior manager without delay.

5. Making a Professional Judgement

This guidance cannot provide a complete checklist of what is, or is not, appropriate behaviour for employees in all circumstances. There may be occasions and circumstances in which employees have to make decisions or take action in the best interest of the service user which could contravene this guidance. Where no guidance exists, individuals are expected to make judgements in order to secure the best interests and welfare of the service users in their care.

Such judgements, in these circumstances, should always be recorded and shared with a senior manager. In undertaking these actions individuals will be seen to be acting reasonably.

Employees and volunteers should always consider whether their actions are warranted, proportionate and safe.

This means that where no specific guidance exists employees and volunteers should:

- discuss the circumstances that informed their action, or their proposed action, with a senior manager.
- report any actions which could be misinterpreted to their senior manager.
- always discuss any misunderstanding, accidents or threats with a senior manager.
- always record discussions and reasons why actions were taken.
- record any areas of disagreement about course of action taken and if necessary referred to a higher authority.

6. Power and Positions of Trust

As a result of their knowledge, position and/or the authority invested in their role, all employees working with service users are in positions of trust in relation to the clients in their care. Broadly speaking, a relationship of trust can be described as one in which one party is in a position of power or influence over the other by virtue of their work or the nature of their activity. It is vital for all those in positions of trust to understand the power this can give them over those they care for and the responsibility they must exercise as a consequence of this relationship.

In the relationship between an employee or volunteers and a service user there is potential for exploitation and harm of the service user. Employees and volunteers have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Employees and volunteers should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. They should report and record any incident with this potential.

This means that employees should not:

- use their position to gain access to information for their own or others’ advantage.
- use their position to intimidate, bully, humiliate, threaten, coerce or undermine a service user in their care.
- use their status and standing to form or promote relationships which could lead to the abuse of the service user.
7. Propriety and Behaviour

All employees working with service users have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of the service users in their care. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.

There may be times, for example, when an employee’s or volunteer’s behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in the workplace or indicate an unsuitability to work with service users. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

Employees and volunteers in contact with service users should therefore understand and be aware, that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.

The behaviour of the employee’s partner or other family members may raise similar concerns and require careful consideration by an employer as to whether there may be a potential risk to the service user in the workplace.

This means that employees and volunteers should not:

- behave in a manner which would lead any reasonable person to question their suitability to work with service users or act as a role model.
- make, or encourage others to make, unprofessional personal comments which scapegoat, demean or humiliate, or which might be interpreted as such.

This means that employees and volunteers should:

- be aware that behaviour in their personal lives may impact upon their work with service users.
- follow any codes of conduct deemed appropriate by their organisation.
- understand that the behaviour and actions of their partner (or other family members) may raise questions about their suitability to work with service users.

See the Council’s Code of Conduct

8. Dress and Appearance

A person's dress and appearance are matters of personal choice and self-expression. However employees and volunteers should dress in ways which are appropriate to their role and this may need to be different to how they dress when not at work.

Employees and volunteers who work with service users should ensure they are dressed appropriately for the tasks and the work they undertake.

Those who dress in a manner which would be deemed inappropriate could render themselves vulnerable to criticism or allegations.

This means that staff and volunteers should wear clothing which:

- is appropriate to their role.
- is not likely to be viewed as offensive, revealing, or sexually provocative.
- does not distract, cause embarrassment or give rise to misunderstanding.
- is absent of any political or otherwise contentious slogans.
- is not considered to be discriminatory and is culturally sensitive.
9. Personal Living Space

No service user should be in or invited into, the home of an individual who works with them, unless the reason for this has been firmly established and agreed with the service user and with senior managers or the home has been designated by the organisation or regulatory body as a work place e.g. adult placement scheme.

This means that employees and volunteers should:

- be vigilant in maintaining their privacy and mindful of the need to avoid placing themselves in vulnerable situations.
- be mindful of the need to maintain professional boundaries.

10. Receiving and Giving Gifts

It is acknowledged that there are specific occasions when employees or a volunteer may wish to give a service user a personal gift. This is only acceptable practice where, in line with the agreed policy, the employee has first discussed the giving of the gift and the reason for it, with the manager and the action is recorded. Any gifts should be given openly and not be based on favouritism. Employees and volunteers need to be aware however, that the giving of gifts can be misinterpreted by others as a gesture either to bribe or groom a service user.

Care should also be taken to ensure that employees and volunteers do not accept any gift that might be construed as a bribe by others, or lead the giver to expect preferential treatment.

There are occasions when service user’s or their families may wish to pass small tokens of appreciation to an employee or volunteers e.g. on special occasions or as a ‘thank you’ and this is acceptable. However, it is unacceptable to receive gifts on a regular basis or of any significant value.

This means that employees and volunteers should:

- be aware of their organisation’s policy on the giving and receiving of gifts.
- ensure that gifts received or given are declared.
- where giving gifts, ensure that these are of insignificant value.
- be aware that the sending of personal communications such as birthday or faith cards should always be recorded and/or discussed with line managers.

See The Council’s Code of Conduct, Working with Honesty and Integrity

11. Infatuations

Occasionally, a service user may develop an infatuation with an employee or volunteer who works with them. These employees should deal with these situations sensitively and appropriately to maintain the dignity and safety of all concerned. They should remain aware, however, that such infatuations carry a high risk of words or actions being misinterpreted and should therefore make every effort to ensure that their own behaviour is above reproach.

An employee or volunteer, who becomes aware that a service user is developing an infatuation, should discuss this at the earliest opportunity with their manager so appropriate action can be taken to avoid any hurt, distress or embarrassment.

This means that employees and volunteers should:

- report and record any incidents or indications (verbal, written or physical) that suggest a service user may have developed an infatuation within the workplace.
- always acknowledge and maintain professional boundaries.
12. Communication with Service Users (including the Use of Technology)

Communication between service users and those who care for them, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, text messaging, e-mails, digital cameras, videos, web-cams, websites and blogs.

Employees and volunteers should take care when sharing any personal information with a service user, other than that which might be appropriate as part of their professional role.

Employees and volunteers should also be circumspect in their communications with service users so as to avoid any possible misinterpretation of their motives or any behaviour that could be construed as grooming. They should not give their personal contact details to the service user including e-mail, home or mobile telephone numbers, unless the need to do so is agreed with management. E-mail or text communications between an employee and a service user outside agreed protocols may lead to disciplinary and/or criminal investigations. This also includes communications through internet based web sites.

Internal e-mail systems should only be used in accordance with the organisation’s policy.

13. Social Contact

Employees and volunteers who work with service users should not seek to have social contact with them or their families, unless the reason for this contact has been firmly established with the client him or herself and agreed with managers. If a service user or a member of their family seeks to establish social contact, or if this occurs coincidentally, the employee or volunteer should exercise her/his professional judgement in making a response but should always discuss the situation with their manager. Employees and volunteers should be aware that social contact in certain situations can be misconstrued as grooming.

Where social contact is an integral part of work duties, care should be taken to maintain appropriate personal and professional boundaries. This also applies to social contacts made through interests outside of work or through the employee’s/volunteer’s own family or personal networks.

It is recognised that some employees/volunteers may support a service user or a member of their family when there are particular difficulties or crises. Care needs to be exercised in those situations where the client or the relative comes to depend upon the employee for support outside their

This means that employees and volunteers should:

- not give their personal contact details to service users, including their mobile telephone number.
- only use equipment e.g. mobile phones, provided by their employer to communicate with service users making sure that the service user has given permission for this form of communication to be used.
- only make contact with service users for professional reasons and in accordance with any organisational policy.
- recognise that text messaging is rarely an appropriate response to a service user in a crisis situation or at risk of harm. It should only be used as a last resort when other forms of communication are not possible.
- not use internet or web-based communication channels to send personal messages to service users.

This means that employees and volunteers should:

- have no secret social contact with a service user or their families.
- consider the appropriateness of the social contact according to their role and nature of their work.
- always approve any planned social contact with a service user or their families with senior colleagues.
- advise their manager of any social contact they have with a service user or with their families which may give rise to concern.
- report and record any situation, which may place a service user at risk or which may compromise the organisation or employee’s own professional standing.
- understand that some communications may be called into question and need to be justified.
professional role. This situation should be discussed with their manager and where necessary referrals made to the appropriate support agency.

14. Sexual Contact

All employees and volunteers should clearly understand the need to maintain appropriate boundaries in their contacts with service users. Intimate or sexual relationships between service users and the employees and volunteers who work with them will be regarded as a grave breach of trust and may well lead to criminal charges being laid. Allowing or encouraging a relationship to develop in a way, which might lead to a sexual relationship, is also unacceptable.

Any sexual activity between an employee/volunteer and the service users with whom they work will always be a matter for disciplinary action.

The sexual activity referred to does not just involve physical contact including penetrative and non-penetrative acts. It may also include non-contact activities, such as causing service users to engage in or watch sexual activity or the production of indecent images. Cambridgeshire County Council’s Adult Safeguarding Practice Guidance and Procedures defines sexual abuse as: 'including rape and sexual assault or sexual acts to which the service user has not consented. Inappropriate touching or fondling, indecent exposure, penetration (or attempted penetration) of vagina, anus or mouth by penis, fingers or other objects.'

There are occasions when an employee/volunteer embarks on a course of behaviour known as 'grooming' where the sole purpose is to gain the trust of the service user, and manipulates that relationship so sexual abuse can take place. Employees and volunteers should be aware that consistently conferring inappropriate special attention and favour upon a particular service user might be construed as being part of a 'grooming' process and as such will give rise to concerns about their behaviour.

This means that employees and volunteers should not:

- have sexual relationships with service users in their care.
- have any form of communication with a service user which could be interpreted as sexually suggestive or provocative i.e. verbal comments, letters, notes, electronic mail, phone calls, texts, physical contact.
- make sexual remarks to, or about, a service user.
- discuss their own sexual relationships with the service user in their care.

This means that employees and volunteers should:

- ensure that their relationships with service users in their care clearly take place within the boundaries of a respectful professional relationship.
- take care that their language or conduct does not give rise to comment or speculation.
- attitudes, demeanour and language all require care and thought.

15. Physical Contact

It is crucial that in all circumstances, employees and volunteers should only touch service users in ways that are appropriate to their professional or agreed role and responsibilities.

Not all service users feel comfortable about physical contact, and staff should not make the assumption that it is acceptable practice to use touch as a means of communication. Permission should be sought from the service user before physical contact is made.

When physical contact is made with a service user this should be in response to their needs at the time, of limited duration and appropriate to the defined care need or

This means that employees and volunteers should:

- be aware that even well intentioned physical contact may be misconstrued by the service user, an observer or by anyone to whom this action is described.
- never touch a service user in a way which may be considered indecent.
- always be prepared to report and explain actions and accept that all physical contact be open to
disability, gender, ethnicity and background. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one service user in one set of circumstances may be inappropriate in another, or with a different service user. Nevertheless, employees should use their professional judgement at all times, observe and take note of the service user’s reaction or feelings and, so far as is possible, use a level of contact and/or form of communication which is acceptable to the service user for the minimum time necessary.

Physical contact which occurs regularly with an individual service user is likely to raise questions unless there is explicit agreement on the need for, and nature of, that contact. This would then be part of a formally agreed plan or within the parameters of established, agreed and legal professional protocols on physical contact e.g. medical procedures. Any such arrangements should be understood and agreed by all concerned, justified in terms of the service user’s needs, consistently applied and open to scrutiny.

Physical contact should never be secretive, or for the gratification of the employee/volunteer or represent a misuse of authority. If an employee believes that their action could be misinterpreted, or if an action is observed by another as being inappropriate or possibly abusive, the incident and circumstances should be reported to the manager, outlined in the procedures for handling allegations and an appropriate record made.

Where a service user seeks or initiates inappropriate physical contact with an employee, the situation should be handled sensitively and care taken to ensure that contact is not exploited in any way. Careful consideration must be given to the needs of the service user and advice and support given to the employee/volunteer concerned.

In all circumstances where a service user initiates inappropriate physical contact, it is the responsibility of the employee/volunteer to sensitively deter the service user and help them understand the importance of personal boundaries. Such circumstances must always be reported and discussed with a manager.

- always encourage service users, where possible, to undertake self-care tasks independently.
- work within Health and Safety Regulations.
- be aware of cultural or religious views about touching and always be sensitive to issues of gender.
- understand that physical contact in some circumstances can be easily misinterpreted.

This means that organisations should:

- ensure they have a system in place for recording incidents and the means by which information about incidents and outcomes can be easily accessed by senior management.
- make employees aware of relevant professional or organisational guidance in respect of physical contact with service users as well as meeting medical needs of service users where appropriate.
- be explicit about what physical contact is appropriate for employees working in their setting.
- have systems to support employees/volunteers in such circumstances.
16. Management of Behaviour that challenges the Service

All service users have a right to be treated with respect and dignity even in those circumstances where they display difficult or challenging behaviour.

Employees and volunteers should not use any form of degrading treatment to punish a service user. The use of sarcasm, demeaning or insensitive comments is not acceptable in any situation. Any employee/volunteer intervention must be part of a risk management strategy.

The use of any abusive practice as punishment is not acceptable in any circumstances.

Where a service user displays difficult or challenging behaviour, employees/volunteers must adhere to the risk assessment outlined by their place of work, and use strategies appropriate to the circumstance and situation. The use of physical intervention can only be justified in exceptional circumstances and must be used as a last resort when other behaviour management strategies have failed.

This means that employees and volunteers should:

- not use force as a form of punishment.
- try to defuse situations before they escalate.
- inform relatives where appropriate of any behaviour management techniques used.
- adhere to the organisation’s risk assessment policy.
- be mindful of factors which may impact upon the service user’s behaviour and where necessary take appropriate action.

This means that organisations should:

- have in place appropriate risk assessment policies.
- where appropriate, develop individual care plans in respect of the service user.
- have systems to support employees/volunteers in such circumstances.

17. Use of Physical Intervention

There are some circumstances in which employees working with service users displaying extreme behaviours can legitimately intervene by using either non-restrictive or restrictive physical interventions. This is a complex area and employees and organisations must have regard to government guidance and legislation in the development and implementation of their own policies and practice.

The use of physical intervention should, wherever possible, be avoided. It should only be used to manage a service user’s behaviour if it is necessary to prevent personal injury to the service user, other service users or employees or to prevent serious damage to property with a consequent risk to people. When physical intervention is used it should be undertaken in such a way that maintains the safety and dignity of all concerned.

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they may cause. The minimum necessary force should be used and the techniques deployed in line with recommended policy and practice.

This means that employees should:

- adhere to the organisation’s physical intervention policy.
- always seek to defuse situations.
- always use minimum force for the shortest period necessary.
- record and report as soon as possible after the event any incident where physical intervention has been used.

This means that organisations should:

- have a policy on the use of physical intervention in place that complies with government guidance and legislation and describes the context in which it is appropriate to use physical intervention.
- ensure that an effective recording
Under no circumstances should physical force or intervention be used as a form of punishment. The duty of care which applies to all employees and organisations working with service users requires that reasonable measures are taken to prevent service users being harmed. The use of unwarranted physical force is likely to constitute a criminal offence.

In settings where restrictive physical interventions may need to be employed regularly, i.e. where employees are working with service users with extreme behaviours associated with for example, learning disabilities, autistic spectrum disorders or dementia, the employer should have a policy on the use of such intervention, as part of a wider behaviour management policy. Individual care plans, drawn up in consultation with service user’s relatives and where appropriate the service user. These care plans should set out the strategies and techniques to be used and those which should be avoided. Risk assessments should be carried out where it is foreseeable that restrictive physical intervention may be required.

In all cases where physical intervention is employed the incident and subsequent actions should be documented and reported. This should include written and signed accounts of all those involved, including the service user as appropriate.

18. Intimate Care

Some job responsibilities necessitate intimate physical contact with service users on a regular basis, for example assisting with toileting, providing intimate personal care and/or medical care. The nature, circumstances and context of such contact should comply with professional codes of practice or guidance and/or be part of a formally agreed care plan, which is regularly reviewed. The additional vulnerabilities that may arise from a physical or learning disability or any other condition, such as dementia, should be taken into account and be recorded as part of an agreed care plan. The emotional responses of any service user to intimate care should be carefully and sensitively observed, and where necessary, any concerns passed to senior managers.

All service users have a right to safety, privacy and dignity when contact of a physical or intimate nature is required and, depending on their abilities and physical capacity, should be encouraged to act as independently as possible.

The views of the service user should be actively sought, wherever possible, when drawing up and reviewing formal arrangements. As with all individual arrangements for intimate care needs, agreements between the service user and the organisation must be negotiated and recorded.

This means that employees should:

- adhere to the organisation’s intimate care guidelines or code of practice.
- make other employees aware of the task being undertaken.
- explain to the service user what is happening.
- consult with senior managers where any variation from agreed procedure/care plan is necessary.
- record the justification for any variations to the agreed procedure/care plan and share this information with senior managers.
- ensure that any changes to the agreed care plan are discussed, agreed and recorded.
19. Personal Care

Service users are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. There are occasions where there will be a need for an appropriate level of supervision in order to safeguard service users and/or satisfy health and safety considerations. This supervision should be appropriate to the needs of the service user concerned and sensitive to the potential for embarrassment.

Employees need to be vigilant about their own behaviour, ensure they follow agreed guidelines and be mindful of the needs of the service user with whom they work.

This means that employees should:

- avoid any physical contact when service users are in a state of undress unless explicitly required as part of the care plan.
- avoid any visually intrusive behaviour.

This means that employees should not:

- shower or bathe with service users
- assist with any personal care task which a service user can undertake by themselves

20. First Aid and Administration of Medication

It is expected that employees working with service users should be aware of basic first aid techniques. All employees who have a responsibility for administering first aid and/or medication should be suitably trained and qualified before doing so.

When administering first aid, wherever possible, employees should ensure that another employee is aware of the action being taken. The service user should be made aware of the need for the intervention; it should never come as a surprise.

In circumstances where service users need medication regularly a health care plan should have been established to ensure their safety and protection and that of the employees who are working with them. Depending upon the capability and mental capacity of the service user, they should, where appropriate, be encouraged to self-administer medication or treatment including, for example, any ointment or use of inhalers.

This means that organisations should:

- ensure employees understand the extent and limitations of their role in applying basic care and hygiene tasks and understand where an injury or illness requires more experienced intervention.
- ensure any employee who needs to administer first aid is trained to do so.
- ensure training is regularly monitored and updated.
- always ensure that arrangements are in place to obtain the consent of the service user, where possible, for the administration of first aid or medication.

This means that employees should:

- adhere to the organisation’s medication and first aid policies.
- comply with the necessary reporting requirements.
- make other employees aware of the task being undertaken.
- explain to the service user what is happening.
- always act and be seen to act in the service user’s best interests.
- report and record any administration of first aid or medication.
- have regard to any health plan
21. One to One Situations

All organisations working with or on behalf of service users should consider one to one situations when drawing up their policies.

It is not realistic to state that one to one situations should never take place. It is however, appropriate to state that where there is a need for an employee to be alone with a service user certain procedures and explicit safeguards must be in place. This also applies to those employees who do not work as part of an agency or organisation but owe a duty of care to the service user because of the nature of their work.

Employees and volunteers should be offered training and guidance in the use of any areas of the workplace, which may place themselves or the service user in vulnerable situations. This would include those situations where employees work directly with service users in unsupervised settings and/or isolated areas within community settings or in domiciliary care for example.

One to one situations have the potential to make service users more vulnerable to harm by those who seek to exploit their position of trust. Employees and volunteers working in one to one settings with service users may also be more vulnerable to unjust or unfounded allegations being made against them. Both possibilities should be recognised so that when one to one situations are unavoidable, reasonable and sensible precautions are taken. Every attempt should be made to ensure the safety and security of the service users and the employees/volunteers who work with them.

There are occasions where managers will need to undertake a risk assessment in relation to the specific nature and implications of one to one work. These assessments should take into account the individual needs of the service user and the individual employee/volunteer and any arrangements should be reviewed on a regular basis.

Meetings with service users outside agreed working arrangements should not take place without the agreement of managers.

This means that employees and volunteers should:

- ensure that when lone working is an integral part of their role, appropriate risk assessments have been conducted and agreed.
- carefully consider the needs and circumstances of the service user when in one to one situations.

which is in place.

- always ensure that an appropriate health/risk assessment is undertaken prior to undertaking certain activities.
22. Home Visits

There are workers for whom home visits are an integral part of their work. In these circumstances it is essential that appropriate policies and related risk assessments are in place to safeguard the service users and the employees who work with them.

A risk assessment should include an evaluation of any known factors regarding the service user, any relatives as applicable and others living in the household. Risk factors such as hostility, safeguarding concerns, complaints or grievances can make employees more vulnerable to an allegation. Specific consideration should be given to visits outside of ‘office hours’ or in remote or secluded locations. Following an assessment, appropriate risk management measures should be in place before visits are agreed. Where little or no information is available, visits should not be made alone.

An employee/volunteer should not normally visit a service user in their home outside agreed work arrangements or invite a service user to their own home or that of a relative, colleague or friend. If circumstances arise where this might be appropriate the employee/volunteer should seek permission from their manager and record the discussion and decision.

This means that employees and volunteers should:

- agree the purpose for any home visit with senior management, unless this is an acknowledged and integral part of their role e.g. domiciliary care workers, social workers, etc.
- adhere to agreed risk management strategies
- always make detailed records including times of arrival and departure and work undertaken
- ensure any behaviour or situation which gives rise to concern is discussed with their manager and, where appropriate, action is taken.

This means that employers should:

- ensure that they have home visit and lone-working policies of which all employees and volunteers are made aware. These should include arrangements for risk assessment and management.
- ensure that all visits are justified and recorded.
- ensure that employees are not exposed to unacceptable risk.
- ensure that employees have access to a mobile telephone and an emergency contact person.

23. Transporting Service Users

There will be occasions when employees or volunteers are expected or asked to transport service users as part of their duties.

Employees and volunteers, who are expected to use their own vehicles for transporting service users should ensure that the vehicle is roadworthy, appropriately insured and that the maximum capacity is not exceeded.

It is a legal requirement that all passengers should wear seat belts and it is the responsibility of the employee to ensure that this requirement is met. Where employees and volunteers transport service users in a vehicle which requires a specialist licence/insurance e.g. PCV or LGV employees and volunteers should ensure that they have an appropriate licence and insurance to drive such a vehicle.

This means that all organisations:

- should have appropriate policies for transporting service users.
- should have systems to check volunteers.

This means that employees and volunteers should:

- ensure they are fit to drive and free from any drugs, alcohol or medicine which is likely to impair judgement and/or ability to drive.
- record details of the journey in accordance with agreed
24. Trips and Outings

Employees and volunteers should take particular care when supervising service users on trips and outings, where the setting is less formal than the usual workplace. Employees and volunteers remain in a position of trust and need to ensure that their behaviour remains professional at all times and stays within clearly defined professional boundaries.

In all circumstances, those organising trips and outings must pay careful attention to the correct staffing ratios for employees and service users especially on overnight stays.

Health and Safety arrangements require employees/volunteers to keep colleagues/employers aware of their whereabouts, especially when involved in activities outside the usual workplace.

25. Photography and Videos

Working with service users may involve the taking or recording of images. Any such work should take place with due regard to the law and the need to safeguard the privacy, dignity, safety and well being of the service user.

Careful consideration should be given as to how activities involving the taking of images are organised and undertaken. Care should be taken to ensure that all parties understand the implications of the image being taken especially if it is to be used for any publicity purposes or published in the media, or on the Internet.

There also needs to be an agreement as to whether the images will be destroyed or retained for further use, where these will be stored and who will have access to them.

This means that employees and volunteers should:

- be clear about the purpose of the activity and about what will happen to the images when the activity is concluded.
- be able to justify images of service users in their possession.
- avoid making images in one to one situations.
- ensure the service user, where appropriate, understands why the images are being taken and has agreed to the activity and that they are appropriately dressed/covered.
It is not appropriate for employees to take photographs of service users for their own personal use.

Where indecent images or other materials give cause for concern or are observed on a service user’s equipment, employees should discuss with their manager.

Depending on the nature of the material consideration should be given to raising a safeguarding concern or police involvement.

When in doubt advice can be sought from the adult safeguarding team.

- only use equipment provided or authorised by the organisation.
- report any concerns about any inappropriate or intrusive photographs found.
- always ensure they have the service user’s permission to take and/or display photographs unless doing so is part of the employee’s duty of care, e.g. taking a photograph of a pressure concern as evidence.

This means that employees and volunteers should not:

- display or distribute images of service users unless they have their consent to do so.
- use images which may cause distress.
- use mobile telephones to take images of service users.
- take images ‘in secret’, or take images in situations that may be construed as being secretive.

26. Access to Inappropriate Images and Internet Usage

There are no circumstances that will justify employees or volunteers possessing indecent images of service users. Accessing, making and storing indecent images of service users on the internet is abusive and a disciplinary offence. This could lead to a criminal investigation and the individual being barred from working with service users, if proven.

Employees and volunteers should not use equipment belonging to their organisation to access adult pornography; neither should personal equipment containing these images or links to them be brought into the workplace. This will raise serious concerns about the suitability of the employee to continue to work with service users.

Employees and volunteers should never offer explicit help to service users who may wish to access pornographic images or web links.

This means that organisations should

- have clear e-safety policies in place about access to and use of the internet by employees and service users.

This means that employees and volunteers should:

- follow their organisation’s guidance on the use of IT equipment.
- be clear about their professional boundaries in relation to service users and their own use of the internet.

See Working with the Council’s property and equipment

See the Council’s Internet Policy
27. Whistle Blowing

Whistle blowing is the mechanism by which employees can voice their concerns, made in good faith, without fear of repercussion. Each employer should have a clear and accessible whistle blowing policy that meets the terms of the Public Interest Disclosure Act 1998. Employees who use the whistle blowing procedure should be made aware that their employment rights are protected.

Employees and volunteers should acknowledge their individual responsibilities to bring matters of concern to the attention of senior management and/or relevant external agencies. This is particularly important where the welfare of the service user may be at risk.

This means that organisations should:
- ensure they have appropriate whistle blowing policies in place.
- ensure that they have clear procedures for dealing with allegations against employees and volunteers which are in line with policies and procedures.

This means that employees and volunteers should:
- report any behaviour by colleagues that raises concern regardless of source.

See the Council’s Whistle Blowing Policy

28. Sharing Concerns and Recording Incidents

Individuals should be aware of their organisation’s adult safeguarding procedures, including procedures for dealing with allegations against employees/volunteers. All allegations must be taken seriously and properly investigated in accordance with local procedures and statutory guidance. Employees or volunteers who are the subject of allegations are advised to contact their professional association as relevant.

In the event of any allegation being made, to someone other than a manager, information should be clearly and promptly recorded and reported to a senior manager without delay.

Employees or volunteers should always feel able to discuss with their line manager any difficulties or problems that may affect their relationship with any service user in their care so that appropriate support can be provided or action can be taken.

It is essential that accurate and comprehensive records are maintained wherever concerns are raised about the conduct or actions of employees and volunteers working with or on behalf of service users.

This means that employees and volunteers:
- should be familiar with their organisation’s system for recording concerns.
- should take responsibility for recording any incident, and passing on that information where they have concerns about any matter pertaining to the welfare of an individual in the workplace.

This means that organisations:
- should have an effective, transparent and accessible system for recording and managing concerns raised by any individual in the work place.
Guidance for Safer Working Practice for Employees and Volunteers Working with Service Users

This is guidance for Safer Working Practices for Employees and Volunteers working with Service Users. This guidance helps Managers to take a systematic approach to safer employment practice. The guidance will provide greater clarity for all staff and will enhance our work to safeguard the people across Cambridgeshire with whom we work.

CCC Adult Safeguarding Practice Guidance and Procedures, CCC HR Policies, CCC Code of Conduct, CCC Whistle Blowing Policy