

Behaviour of Concern Policy

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Owner:	Colin Phillips	Job Title:	Assistant Director – Care & Support
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Version Control

Date	Owner	Version	Reason for Change
July 2020	Nikki Fildes	3.0	Cyclical review New policy template

Summary of Changes

Section	Change
Introduction	Update definition
Policies/Procedures	Update
Legislation/Policy	Update
Policy statement	Move procedural information to related procedure
Policy statement	Amend language for consistency with C&S suite of policies



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Care

Behaviour of Concern Policy

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1.0 ARKs Values

Our organisational values are the basis for everything that we do; from providing housing, care and support to supported people and service users, to ensuring that all our employees have clear standards of performance set. ARK believes that everyone should have the opportunity to lead a happy, healthy and safe life. We value:

- The worth of each person
- Trusting relationships
- Understanding difference
- Challenging oppression
- Personal and organisational accountability
- Caring for our physical environment
- Enjoyment

2.0 Purpose

This policy and its associated procedure explain how ARK Care & Support services will support people who exhibit behaviours of concern.

3.0 Policy Statement

ARK is committed to supporting people who exhibit behaviours of concern to participate fully in society on an equal basis.

It is the responsibility of all Care & Support staff to uphold supported people's rights to autonomy and liberty while protecting them from harm or abuse.

There may be circumstances where the behaviour of a supported person has an impact on their ability to exercise their rights and places them at risk of harm or abuse.

Any method used to support, divert from, or extinguish behaviour of concern will be the least restrictive required, subject to regular review and undertaken with the agreement of the multi-disciplinary team.

4.0 Scope

This policy and associated procedure applies to all Care & Support teams. It includes agency staff, volunteers and students undertaking direct practice with supported people on behalf of ARK.

5.0 Legal/Regulatory Framework

This policy and associated procedures are written with regard to the following:

- Human Rights Act 1998
- Equality Act 2010
- Mental Health (Care & Treatment)(Scotland) Act 2003
- Adults with Incapacity (Scotland) Act 2000
- Adult Support and Protection (Scotland) Act 2007
- Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016
- Management of Health & Safety at Work Regulations, 1999
- Rights, Risks and Limits to Freedom (Mental Welfare Commission, 2013)
- Health and Social Care Standards (Scottish Government, 2017)
- Codes of Practice for Social Services Workers and Employers (SSSC, 2016)

6.0 Responsibilities

6.1 Board of Management

ARK's Board of Management is responsible for consideration and approval of this policy, and for ensuring that its decisions are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

6.2 Executive Team

ARK's Executive Team is responsible for ensuring that this policy is reviewed in accordance with ARK's schedule for review of policies, or sooner if required. The Executive Team is responsible for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

6.3 Senior Leadership Team

ARK's Senior Leadership Team is responsible for review of the policy, and for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

6.4 Managers

ARK Care & Support Managers, Registered Operations Managers and Area Managers will be responsible for the effective implementation of this policy within their area of responsibility.

They must also ensure that all Care & Support staff are made aware of this policy and participate in relevant training.

6.5 All Staff

All ARK Care & Support staff are required to familiarise themselves with this policy and comply with its provisions as well as undertake any training required as part of this policy or associated procedures.

6.6 Third Parties

All agency staff, volunteers and students undertaking Care & Support duties are required to familiarise themselves with this policy and comply with its provisions.

ARK will ensure that the Public Sector Equality Duty is complied with when third parties, such as contractors, are carrying out functions on behalf of ARK.

7.0 Behaviour of concern

Chan, et al. (2012)* suggest that behaviours of concern are “behaviours that indicate a risk to the safety or wellbeing of the people who exhibit them or to others. Unless professionals intervene to prevent such behaviours, therefore, they are likely to affect the communal, social or occupational quality of life of the people involved, and may lead to their rights being restricted”

ARK uses the term ‘behaviour of concern’ rather than ‘challenging behaviour’ as it better reflects the need for Care & Support services to respond compassionately to individuals exhibiting behaviours of concern and that the individual’s human rights are the primary consideration of any intervention.

Behaviours of concern are, therefore, actions or ways of being that create a significant barrier to the individual and affects their quality of life through:

- their ability to participate in activities of daily living
- their ability to participate in their community

- an impact on their health and wellbeing
- a risk to their health or safety
- a risk to the health or safety of others

Interventions to support people with behaviour of concern will be based on a Positive Behaviour Support (PBS) approach. PBS is a “person-centred framework for supporting people with a learning disability and/or autism... who have, or are at risk of developing [behaviours of concern]” (BILD, 2017).

An intervention may be considered restrictive practice if it limits the individual’s rights to autonomy and liberty, see: **CS06 Reducing Restrictive Practice**

All Care & Support staff will be clear about what constitutes behaviour of concern and their responsibility to provide person-centred, positive support that enables the individual to develop their skills and abilities.

8.0 Related Policies & Procedures

- HS01 Health & Safety
- HS03 Risk Assessment
- HS04 Incident Reporting
- HS11 Managing Aggression at Work
- HR15 Whistleblowing
- G36 Keeping People Safe
- G55 Equality & Diversity
- G57a Adult Support & Protection
- CS04 Risk & Vulnerability
- CS06 Reducing Restrictive Practice
- CS08 Medication

9.0 Equality Impact Assessment (EIA)

Please see relevant Equality Impact Assessment.

10.0 Data Protection Impact Assessment (DPIA)

Please see Care & Support Data Protection Impact Assessment.

11.0 Stakeholder Consultation

- ARK Board of Management
- ARK Senior Leadership Team
- ARK Area Managers
- ARK Care & Support Managers
- Short-life working group (Care & Support and HR)
- ARK Working Group

12.0 Monitoring and Review

12.1 Monitoring

ARK's Executive and Senior Leadership Teams will monitor implementation of this policy on an ongoing basis and ensure that relevant decisions within ARK are taken in line with the obligations and expectations set out in this policy.

12.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with ARK's policy review framework.

*Chan, J., Arnold, S., Webber, L., Riches, V. and Parmenter, T. (2012) 'Is it time to drop the term 'challenging behaviour?'' *Learning Disability Practice* 15:5, pp. 36-38.