F36D 04 (LMC B1) Lead and manage provision of care services that respects, protects and promotes the rights and responsibilities of people

Elements of competence

LMC B1.1	**Lead and manage provision that complies with legislation, registration, regulation and inspection requirements**
LMC B1.2	**Lead and manage provision that promotes the rights and responsibilities**
LMC B1.3	**Lead and manage provision that protects people**

About this Unit

This unit is for leaders and managers of care services. It is about leading and managing provision that respects, protects and promotes the rights and responsibilities of people.

Scope

The scope is here to give you guidance on possible areas to be covered in this unit. You need to provide evidence for the areas that are relevant to the care service that you lead and manage and a sound rationale for not providing evidence for the remaining items.

People include: adults using care services; their families; carers; groups and communities Children and young people using care services, their parents/carers, families, carers, groups and communities.

Preferred communication methods and language including: people's preferred spoken language; the use of signs; symbols; pictures; writing; objects of reference; communication passports; other non verbal forms of communication; human and technological aids to communication; pre-verbal utterances in infants and young children.

Relevant others could include: other professionals who should contribute to the activity, people from within the provision who should contribute to the activity, people from outside the provision who should contribute to the activity.

Workers could include: those supporting the people within your provision who are paid, unpaid, contractual or non-contractual.

Your **knowledge and understanding** for this Unit relates to: legal and organisational requirements for care services; employer and employee codes of practice and conduct within care services; the depth and breadth of understanding that will enable you to lead and manage care services effectively, support workers to perform competently, ensure the well being of all within your provision, critically evaluate, assess and intervene appropriately to resolve issues and conflicts; and the need to understand and work in collaboration with people, workers and relevant others within and outside your provision to ensure its viability into the short, medium and longer term future.

Values underpinning the whole of the Unit

The values underpinning this unit have been derived from the key purpose statement, relevant service standards and codes of practice for health and social care in the four UK countries. To achieve this unit you must demonstrate that you have applied the principles required for the management of care services outlined in this unit

Key Words and Concepts

This section provides explanations and definitions of the key words and concepts used in this unit. In occupational standards it is quite common to find words or phrases used which you will be familiar with, but which, in the detail of the standards, may be used in a very particular way. **Therefore, we would encourage you to read this section carefully before you begin working with the standards <u>and to refer back to this section</u> as required**.

Abuse	Abuse is causing physical, emotional, sexual and/or financial harm to an individual and/or failing/neglecting to protect them from harm. This could be at a personal or institutional level
Evidence based practice	Practice that is based on evidence drawn from people, workers, research, organisational and policy expertise
Governance	The way in which the provision is governed and directed as required by legislation, regulation, standards and guidance
Harm	The short, medium and long term affects of a person being physically, emotionally, sexually and/or financially hurt or abused
Independent representation and advocacy	Where the views, wishes and concerns of the adult/child/young person are communicated by another person, either through someone independently representing their wishes, or someone acting as their advocate
Lead	To guide and inspire the work of the provision, through gaining the respect and trust of people and workers
Leadership	The ability to provide a model of best practice that is creative, innovative, motivating and flexible and supports people to follow by example and through respect
Management	The ability to lead and organise the effective running of the provision and to meet the overall service needs and those required by legislation, regulation, registration and inspection. Effective managers are able to solve problems, balance the needs of all within the provision, to manage competing demands and to cope under stress
Organisational requirements	Aspects of policy, procedure and practice that are required by the service and the provision
Partnership	Working effectively together with people, professionals, agencies and organisations to enhance the well being of people and support positive and improved outcomes
People	For adults, people includes adults using care services, their advocates, their families, carers, significant others, groups and communities For children and young people, people includes the children and young people using care services, their advocates, their parents/carers, their families, teachers, college lecturers, significant others, groups and communities
Positive outcomes	Beneficial outcomes for adults as specified in regulation and guidance for each of the countries of the UK and agreed as appropriate with and for each person within the provision. They include: • improved health, emotional well being and quality of life • staying safe and being free from discrimination and harassment • enjoying, achieving and making a positive contribution • exercising choice and control • achieving economic well being, dignity and respect Beneficial outcomes for children and young people as specified in the regulation of each of the countries of the UK and as agreed with children

	and young people. They include: • being healthy • staying safe • enjoying and achieving • making a positive contribution • achieving economic well being
Protection	Where everyone is safeguarded from all forms of harm, abuse, discrimination and harassment
Provision	The specific unit or part of the service for which you have leadership and management responsibilities
Relevant others	Key people within and outside the provision with whom it is beneficial to work and who can influence the provision and the outcomes for the provision and people within it
Resources	The assets of the provision: financial, human, physical and environmental
Rights	The rights of: • adults are those embodied in the United Nations Universal Declaration of Human Rights • children and young people are those embodied in the United Nations Convention on the Rights of the Child These include rights under the social care codes of practice that everyone should be: respected (in terms of their beliefs, culture and values); treated and valued equally, not be discriminated against; treated as an individual; treated in a dignified way; socially included; included in activities; protected from danger and harm; cared for in a way they choose; have privacy and access to information about themselves and be able to communicate using their preferred methods of communication and language
Role model	When you illustrate best practice through your own behaviour, attitudes, actions and practice. It allows workers, people and others to emulate your model
Service	The overall organisation, agency or service within which your specific provision resides and for which you are the manager
Signs and symptoms	Physical, behavioural and emotional indicators which may signify possible danger, harm, abuse and/or neglect
Take informed action against discrimination	Actions taken about discrimination on the basis of your knowledge of good practice, legal requirements and professional codes and in relation to information received and investigated
Workers	Those supporting people within the provision who are paid or unpaid, contractual or non-contractual

Evidence Requirements for the Unit
It is essential that you adhere to the Evidence Requirements for this Unit – please see details overleaf.

SPECIFIC EVIDENCE REQUIREMENTS FOR THIS UNIT

Simulation:

- Simulation is **NOT** permitted for any part of this unit.

The following forms of evidence ARE mandatory:

We recommend that this qualification will be assessed in an holistic manner and the majority of the evidence must be generated by the candidate from their normal work based activities.

Direct observation: Direct observation by a qualified assessor, as defined in the assessment strategy, is required as the primary source of evidence for all of the qualification.

Reflective Account: You could identify the legislative framework which governs the service provision, for example, provide an account of the process of inspection by your regulatory body. You should include reference to the products which support your work in this area and identify and describe how you adhere to the relevant care standards for your service area and your role in the promotion of these.

Prior to commencing the qualification you should agree a plan with your assessor regarding the types of evidence to be used.

In addition to the observation requirement competence and the application of knowledge must be demonstrated using a variety of types of evidence, for example:

- **Work Products:** These can be any products of your work and the contributions that you have made, indicating the use and application within your practice.
- **Professional Discussion:** This should take the form of a planned and structured review of your practice, based on evidence, with the outcomes captured by means of recording or written record. These are particularly useful to provide evidence that you can evaluate your knowledge and practice across the qualification.
- **Candidate Reflective Accounts:** Describe your actions in particular situations and reflect on the reasons for practicing in that way. This is particularly useful to provide evidence that you can evaluate your knowledge and practice across the qualification.
- **Case Studies:** These must be based on real work practice and experiences, and must not be a theoretical exercise.
- **Projects/ Assignments/APL:** You may have already completed a relevant project or assignment. You could also use evidence of previous training courses or programmes you have completed showing professional development.
- **Questions:** To supplement the evidence demonstrated through observations, products and reflective accounts, oral or written questions may be used; a record must be kept of the questions and responses.
- **Witness testimony:** These should be from other people who can provide evidence of your performance.
- **Expert Witness:** This should take the form of an observation and must be from a person who is familiar with the standards and is qualified to the level identified in the assessment strategy. It can be used to supplement evidence provided by the main assessor or as the observation for an option unit where the presence of the main assessor would impinge on the service delivered to an individual. It is the role of the expert witness to complete the recording and to suggest the performance criteria to be met, however it is the

responsibility of the main assessor to make the final decision on the appropriateness of this evidence.
GENERAL GUIDANCE
• Evidence must be provided for ALL of the performance criteria, ALL of the knowledge, you must also consider the parts of the SCOPE that are relevant to your job role. • The evidence must, at all times, reflect the policies and procedures of your workplace and be linked to current legislation, values and the principles of best practice within the Health and Social Care Sector. This will include the National Service Standards for your areas of work and the individuals you care for. • All evidence must relate to your own work practice.

This is a mandatory unit and as such Direct Observation MUST be carried out by an assessor. Expert Witnesses could supply additional evidence.

Knowledge specification for this unit

Competent practice is a combination of the application of skills and knowledge informed by values and ethics. This specification details the knowledge and understanding required to carry out competent practice in the performance described in this unit.

When using this specification it is important to read the knowledge requirements in relation to expectations and requirements of your job role and the content of this unit.

You need to provide evidence for ALL knowledge points listed below. There are a variety of ways this can be achieved so it is essential that you read the 'knowledge evidence' section of the Assessment Guidance.

You need to show that you know, understand and can apply in your management practice:	**Enter Evidence Numbers**
Values	
1. Legal and organisational requirements on equality, diversity, discrimination, rights, confidentiality and sharing of information in relation to leading and managing a provision that respects, protects and promotes the rights and responsibilities of people.	
2. Knowledge and practice that underpin the holistic person-centred approach which enable you to lead and manage in ways that: (a) place the people's preferences at the centre of everything you do whilst considering their best interests (b) ensure people have access to information about themselves in a format that they can understand (c) provide opportunities for **independent representation and advocacy** (d) use a person's preferred communication methods and language (e) provide active support for people (f) recognise the uniqueness of people and their circumstances (g) empower people to take responsibility (within any restrictions placed upon them) and communicate their decisions about their own lives, as far as they are able	
3. How to critically evaluate and **take informed action against discrimination** when leading and managing a provision that respects, protects and promotes the rights and responsibilities of people.	
4. How to support people, workers and relevant others to recognise and take informed action against discrimination.	
5. Theories and approaches to advocacy, empowerment and people's rights.	
Legislation and Policy	
6. Regulation, inspection requirements, codes of practice and conduct, standards and guidance for employers and employees, relevant to: (a) your provision (b) your own roles, responsibilities and accountability (c) the roles, responsibilities and accountability of others in relation to leading and managing a provision that respects, protects and promotes the rights and responsibilities of people	
7. Current local, national, UK, European and international legislation, standards, guidance and organisational requirements for leading and managing a provision that respects, protects and promotes the rights	

You need to show that you know, understand and can apply in your management practice:	Enter Evidence Numbers
and responsibilities of people, including: (a) the need to achieve positive outcomes for people (b) the need to safeguard and protect people from all forms of danger, harm and abuse (c) employment practices for the provision and service (d) your provision's **governance** arrangement (e) data protection, recording and reporting (f) making and dealing with comments and complaints to improve services (g) whistle blowing (h) **partnership** and other types of working (i) promoting your provision's services and facilities	
8. Organisational requirements for recording and reporting, including: (a) how reports and records should be accessed, manually and through Information and Communication Technologies (ICT) (b) how to ensure that records and reports do not contribute to labelling and stigmatisation (c) the security requirements for different records and reports (d) the requirements for producing, finalising and sharing different types of records and reports appropriately and within required timescales (e) types of data, information and presentation methods appropriate to specific records and reports and the specific needs of people (f) the importance of identifying whether the source is based on evidence, fact or knowledge-based opinion (g) how and when to use evidence, fact and knowledge-based opinion to support professional judgement in records and reports	
9. How to implement, evaluate and influence the future development of management policies, systems, processes and procedures for the respect, protection and promotion of the rights and responsibilities of people within your provision.	
Leadership and Management Theories and practice	
10. How to critically evaluate and implement best practice using up-to date knowledge of: (a) literature related to leading and managing a provision that respects, protects and promotes the rights and responsibilities of people (b) leadership and management methods, principles and approaches relevant to leading and managing a provision that respects, protects and promotes the rights and responsibilities of people (c) government reports, inquiries and research relevant to leading and managing a provision that respects, protects and promotes the rights and responsibilities of people (d) evidence and knowledge-based theories and models of good practice in leading and managing a provision that respects, protects and promotes the rights and responsibilities of people	
11. Performance management and quality requirements, procedures, criteria, methods and indicators relevant to developing your provision.	

You need to show that you know, understand and can apply in your management practice:	Enter Evidence Numbers
12. Methods of managing and developing practice in care services, about: (a) how you consult with people, workers and relevant others (b) how you promote the participation and involvement of people (c) how you support, supervise and develop workers (d) the impact of organisational behaviour on the provision group and individual processes (e) how power relationships can be used and abused	
13. How to plan and manage **resources** to enable you to lead a provision that respects, protects and promotes the rights and responsibilities of people and the implications for: (a) the delivery of services (b) the achievement of targets (c) the achievement of positive outcomes	
14. Different types of change and their implications to leading and managing a provision that respects, protects and promotes the rights and responsibilities of people.	
15. How psychological, socio-economic, cultural and environmental factors of those within the provision impact on how workers demonstrate respect and protect people's rights.	
16. How and where technology should be used when leading and managing a provision that respects, protects and promotes the rights and responsibilities.	
17. How to manage a provision in which: (a) workers know the law, regulations, standards and guidance on the rights and responsibilities of people (b) people are aware of their rights and responsibilities and are as actively involved in exercising them as possible (c) the rights and responsibilities of people are protected and account is taken of any limitations on those rights (d) there is access to key government initiatives that are appropriate for people	
18. How to access and the appropriate use of specialist resources relevant to people and workers in your provision.	
19. How to access knowledge and **evidenced-based practice** to support the management of practice that promotes positive outcomes for people.	
20. Knowledge and evidence-based practice on: (a) protection of children, young people and vulnerable adults (b) effective communication and engagement with people, in the development of an open and safe environment (c) approaches to risk assessment and risk management (d) approaches to working with people who have been neglected, abused and bullied (e) working with people who have been abused, neglected, persecuted, are at risk of significant harm or are at risk of becoming involved in offending behaviour (f) working with discrimination, deprivation, bullying, self-harm, violence, mental health issues, and substance misuse (g) managing ethical dilemmas and conflicts for people, workers	

You need to show that you know, understand and can apply in your management practice:	Enter Evidence Numbers
and relevant others, within your provision and when working within and/or managing multi-disciplinary practice	
21. How your provision's culture, your workers' morale and levels of violence and aggression impact on the quality of care and workers' performance.	
22. Management responsibilities for: (a) the safety and protection of workers and others within your provision (b) training and development of workers in the protection of people within the provision (c) dealing with issues relating to protection and risk (d) dealing with behaviour that might lead to the risk of harm (including self-harm) and abuse of people, workers and others ensuring that people are involved in and supported to make choices about their lives and experiences	
23. The implications for management of working with people who have: (a) insecure attachments, trauma, distress, (b) experienced loss and change (c) been abused, neglected, bullied, persecuted and experienced violence (d) experienced systematic and organised abuse	
24. The implications for management of promoting: (a) factors that contribute to the protection of people (b) cultures and environments that promote and safeguard and protect people's well being	
25. Theories, methods and approaches on: (a) effective communication and engagement with people and all other relevant agencies (b) effective approaches to the assessment of need and the planning, implementation and review of care plans (c) approaches to building on strengths as well as identifying difficulties	
26. How to promote people's capacity to cope with change, problems and obstacles they may face in their lives.	

LMC B1.1 Lead and manage provision that complies with legislation, registration, regulation and inspection requirements

Performance criteria	DO	RA	EW	Q	WP	WT	PD	CS	P/A/A
1. You carry out regular assessments of your **provision** to identify strengths and areas for improvement to ensure that: (a) it is achieving **positive outcomes** for **people** (b) it is meeting legislation, regulation and inspection requirements (c) you and your workers are complying with codes of practice									
2. You provide written policies and procedures to enable your workers to comply with legislation, registration, regulation, inspection and organisational requirements.									
3. You manage the performance of **workers** and the provision to ensure high quality **service** and care that promotes public trust and confidence by: (a) making sure workers are suitable to work in your provision and are aware of their roles and responsibilities (b) providing effective induction (c) facilitating access to training and development opportunities to enable workers to develop their skills, knowledge and improve their performance (d) promoting the Care Councils' Codes of Practice to people, workers and **relevant others** (e) ensuring that you and your workers honour work commitments and when this is not possible, explain why									
4. You make available, monitor and support workers to understand and comply with policies and procedures: (a) that meet legal requirements, registration, regulation, inspection requirements and codes of practice (b) on confidentiality; equal opportunities; risk assessment; health and safety; record keeping and the acceptance of money or personal gifts from people (c) for promoting positive outcomes and									

Performance criteria	DO	RA	EW	Q	WP	WT	PD	CS	P/A/A
protection of people (d) about safe and appropriate relationships with people (e) on receiving and dealing with comments and complaints (f) about identifying, being open about and learning from mistakes, ineffective practice and complaints									
5. You provide assistance, guidance and support for workers whose work may be adversely affected by physical and psychological issues.									
6. You manage and supervise workers to support the success of the provision and achieve positive outcomes for people.									
7. You co-operate with inspections, any investigations and hearings and act on their recommendations and requirements.									

DO = Direct Observation RA = Reflective Account Q = Questions PD = Professional Discussion
EW = Expert Witness WP = Work Product WT = Witness Testimony CS = Case Study
P/A/A = Projects/Assignment/APL

LMC B1.2 Lead and manage provision that promotes the rights and responsibilities

Performance criteria	DO	RA	EW	Q	WP	WT	PD	CS	P/A/A
1. You implement and review the effectiveness of systems, procedures and practice to promote the **rights** and responsibilities of people in the context of legislation, regulation, inspection and organisational requirements.									
2. You ensure policies and procedures actively promote listening, participation and consultation, to promote the rights and responsibilities of people.									
3. You collect and act on management information to address stigma, discrimination and exclusion.									
4. You work with people, workers and relevant others to address conflicts and dilemmas when promoting people's rights and responsibilities.									
5. You act as a positive **role model** to demonstrate: (a) how to actively promote the rights and									

Performance criteria	DO	RA	EW	Q	WP	WT	PD	CS	P/A/A
responsibilities of people (b) how to acknowledge and work with the dilemmas people and workers face when balancing their own rights, preferences and responsibilities with those of others (c) that you are reliable, dependable and can be trusted									
6. You work with people, workers and relevant others and ensure that they feel able and receive appropriate support to make comments and complaints.									
7. You secure independent advice, support and advocacy to enable people to make decisions about their lives and futures.									
8. You respond to comments and complaints in ways that are open, fair and consistent with legal, regulatory, inspection and organisational requirements.									
9. You **lead** and manage your provision in ways that promote the rights of people, workers and relevant others.									
10. You seek advice, information and guidance to support your promotion of rights and responsibilities of all within your provision.									

DO = Direct Observation RA = Reflective Account Q = Questions PD = Professional Discussion
EW = Expert Witness WP = Work Product WT = Witness Testimony CS = Case Study
P/A/A = Projects/Assignment/APL

LMC B1.3 Lead and manage provision that protects people

Performance criteria	DO	RA	EW	Q	WP	WT	PD	CS	P/A/A
1. You implement and review the effectiveness of systems, procedures and practice for the protection of people and the prevention of emotional, financial, physical, mental and sexual **abuse**, neglect, harassment and bullying in the context of legislation, regulation, inspection and organisational requirements.									
2. You evaluate and implement systems, procedures and practices to ensure that you, your workers and relevant others: (a) provide the necessary protection for people whilst balancing their rights and needs with the rights of others (b) respond promptly to suspicions and allegations of abuse in accordance with children's and/or vulnerable adults' protection procedures (c) support people's positive behaviour (d) are able to understand and explain the reasons for any restrictions being placed on people (e) are able to support people to identify and understand aspects of their lives, actions and behaviour that may lead to abuse									
3. You lead and manage an environment that enables people to feel safe, secure and free from **harm**, abuse and bullying.									
4. You ensure that your own practice, **leadership** and **management**: (a) safeguards and provides the necessary protection for people (b) recognises that people may be vulnerable to visual, written and electronic forms of communication and media (c) takes appropriate action to address dangerous, abusive, discriminatory and exploitative behaviour									
5. You take appropriate and immediate action where people, workers and relevant others observe **signs and symptoms** of danger, harm and abuse and where this has been disclosed.									
6. You give priority to the protection of the									

Performance criteria	DO	RA	EW	Q	WP	WT	PD	CS	P/A/A
person, whilst ensuring that your actions and statements and those of workers and relevant others, do not adversely affect the use of evidence in future investigations and court proceedings.									
7. You review reports and records on protection and abuse and pass on relevant, accurate statements, reports and information about suspected abuse within confidentiality agreements and according to legal, regulatory, inter-agency, partnership and organisational, requirements.									
8. You seek advice, information, guidance and specialist expertise and support on protection and abuse where this is unavailable within the provision.									
9. You support workers to cope with their thoughts and feelings about suspected and actual incidents of harm and abuse.									
10. You ensure that records, reports and statements on protection and abuse are timed, dated and completed: (a) within confidentiality agreements (b) according to legal and organisational requirements (c) in ways that do not adversely affect the use of evidence in future investigations and court proceedings									

DO = Direct Observation RA = Reflective Account Q = Questions PD = Professional Discussion
EW = Expert Witness WP = Work Product WT = Witness Testimony CS = Case Study
P/A/A = Projects/Assignment/APL

To be completed by the Candidate
I SUBMIT THIS AS A COMPLETE UNIT

Candidate's name: ……

Candidate's signature: ……..

Date: ……..

To be completed by the Assessor
It is a shared responsibility of both the candidate and assessor to claim evidence, however, it is the responsibility of the assessor to ensure the accuracy/validity of each evidence claim and make the final decision.

I CERTIFY THAT SUFFICIENT EVIDENCE HAS BEEN PRODUCED TO MEET ALL THE ELEMENTS, PCS AND KNOWLEDGE OF THIS UNIT.

Assessor's name: …….

Assessor's signature: ……....

Date: ……..

Assessor/Internal Verifier Feedback

To be completed by the Internal Verifier if applicable
This section only needs to be completed if the Unit is sampled by the Internal Verifier

Internal Verifier's name: ……

Internal Verifier's signature: ……..

Date: ……..……..