

**F374 04 Unit (LMC E10) Ensure policies, procedures and practice for the conduct of workers within care services are adhered to**

**Elements of competence**

- LMC E10.1**      **Ensure conduct within the provision complies with legislation, regulation, inspection and organisational requirements**
- LMC E10.2**      **Implement disciplinary and grievance procedures**
- LMC E10.3**      **Arrange, conduct and report on disciplinary hearings**

**About this Unit**

This unit is for leaders and managers of care services. It is about implementing and monitoring disciplinary and other hearings related to the conduct of workers within your provision,

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

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**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 and to refer back to this section as required.**

<b>Abuse</b>	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.
<b>Evidence</b>	Using different forms of knowledge (including research, experiences of children and young people, knowledge from best practice and knowledge gained from inspections) to support your judgements, decisions and any statements you make when communicating with others.
<b>Governance</b>	The way in which the provision is governed and directed as required by legislation, regulation, standards and guidance.
<b>Independent representation and advocacy</b>	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.
<b>Leadership</b>	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.
<b>Management</b>	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.
<b>Organisational requirements</b>	Aspects of policy, procedure and practice that are required by the service and the provision.
<b>Partnership</b>	Working effectively together with people, professionals, agencies and organisations to enhance the well being of people and support positive and improved outcomes.
<b>People</b>	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.
<b>Positive outcomes</b>	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: <ul style="list-style-type: none"> <li>• improved health, emotional well being and quality of life</li> <li>• staying safe and being free from discrimination and harassment</li> <li>• enjoying, achieving and making a positive contribution</li> <li>• exercising choice and control</li> <li>• achieving economic well being, dignity and respect</li> </ul>

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	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: <ul style="list-style-type: none"> <li>• being healthy</li> <li>• staying safe</li> <li>• enjoying and achieving</li> <li>• making a positive contribution</li> <li>• achieving economic well being</li> </ul>
<b>Provision</b>	The specific unit or part of the service for which you have leadership and management responsibilities.
<b>Relevant others</b>	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.
<b>Resources</b>	The assets of the provision: financial, human, physical and environmental.
<b>Rights</b>	The rights of: <ul style="list-style-type: none"> <li>• adults are those embodied in the United Nations Universal Declaration of Human Rights</li> <li>• children and young people are those embodied in the United Nations Convention on the Rights of the Child</li> </ul> <p>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.</p>
<b>Service</b>	The overall organisation, agency or service within which your specific provision resides and for which you are the manager.
<b>Take informed action against discrimination</b>	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.
<b>Workers</b>	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.**

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**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 prepare accounts of the review of your organisational policy and procedure relating to disciplinary and grievance procedures explaining the process you undertook, who you consulted and how you ensured that the revisions took account of legislative, registration and inspection requirements. Alternatively if you have taken disciplinary action against a staff member you could explain the reasons for your actions, the process you followed and the outcomes. You should describe how you followed the procedures that are in place and the steps you took to ensure that all documentation was completed in line with legislative, registration and inspection requirements.

**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 testimony:** 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

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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.

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**KNOWLEDGE SPECIFICATION FOR THIS UNIT**

Competent leadership and management 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.**

<b>You need to show that you know, understand and can apply in practice:</b>	<b>Enter Evidence Numbers</b>
<b>Values</b>	
1. Legal and organisational requirements on equality, diversity, discrimination, <b>rights</b> , confidentiality and sharing of information in relation to discipline and grievance procedures and the conduct of workers.	
2. Knowledge and practice that underpin the holistic person centred approach which enable you to implement policies, procedures and practices for the conduct of workers, 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 <b>independent representation and advocacy</b> (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 (h) ensure that the conduct of workers supports the holistic person-centred approach and the rights of people, workers and relevant others	
3. How to critically evaluate and <b>take informed action against discrimination</b> when dealing with the discipline and grievance procedures and the conduct of workers.	
4. How to support people, workers and relevant others to recognise and take informed action against discrimination.	
<b>Legislation and Policy</b>	
5. 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 grievance and disciplinary procedures when	

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<b>You need to show that you know, understand and can apply in practice:</b>	<b>Enter Evidence Numbers</b>
managing care services	
<p>6. Current local, national, UK, European and international legislation, standards, guidance and organisational requirements for the <b>leadership</b> and <b>management</b> conduct within your provision, including:</p> <ul style="list-style-type: none"> <li>(a) the need to achieve <b>positive outcomes</b> for people</li> <li>(b) the need to safeguard and protect people from all forms of danger, harm and <b>abuse</b></li> <li>(c) employment practices for the provision and <b>service</b></li> <li>(d) your provision's <b>governance</b> arrangements</li> <li>(e) data protection, recording and reporting</li> <li>(f) making and dealing with comments and complaints to improve services</li> <li>(g) whistle-blowing</li> <li>(h) the processes for grievance and disciplinary matters</li> <li>(i) running and taking part in grievance and disciplinary hearings</li> <li>(j) <b>partnership</b> and other types of working</li> <li>(k) promoting your provision's services and facilities</li> </ul>	
<p>7. Organisational requirements for recording and reporting on the conduct of workers and any grievance and disciplinary procedures, including:</p> <ul style="list-style-type: none"> <li>(a) how reports and records should be accessed, manually and through Information and Communication Technologies (ICT)</li> <li>(b) how to ensure that records and reports do not contribute to labelling and stigmatisation</li> <li>(c) the security requirements for different records and reports</li> <li>(d) the requirements for producing, finalising and sharing different types of records and reports appropriately and within required timescales</li> <li>(e) types of data, information and presentation methods appropriate to specific records and reports and the specific needs of people</li> <li>(f) the importance of identifying whether the source is based on evidence, fact or knowledge-based opinion</li> <li>(g) how and when to use evidence, fact and knowledge-based opinion to support professional judgement in records and reports</li> </ul>	
<p>8. How to implement, evaluate and influence the future development of management policies, systems, processes and procedures on the conduct of workers.</p>	
<b>Leadership and management theory and practice</b>	
<p>9. How to critically evaluate and implement best practice using up-to-date knowledge of:</p> <ul style="list-style-type: none"> <li>(a) literature related to leadership and management of the conduct of workers within your provision</li> <li>(b) leadership and management methods, principles and approaches relevant to managing the conduct and discipline of workers</li> <li>(c) government reports, inquiries and research relevant to the conduct of workers</li> </ul>	

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<b>You need to show that you know, understand and can apply in practice:</b>	<b>Enter Evidence Numbers</b>
<ul style="list-style-type: none"> <li>(d) evidence and knowledge-based theories and models of good practice in leading and managing the conduct of workers and disciplinary and grievance procedures</li> <li>(e) lessons learned for leadership and management from successful interventions and serious failure of service and practice in relation to the conduct and discipline of workers</li> <li>(f) the experiences of people within your provision and their value to disciplinary and grievance procedures where the conduct of workers is being investigated</li> </ul>	
<p>10. Performance management and quality requirements, procedures, criteria, methods and indicators relevant to the conduct of workers and grievance and disciplinary issues and hearings.</p>	
<p>11. Methods of managing and developing effective conduct and practice, about:</p> <ul style="list-style-type: none"> <li>(a) how you consult with people, workers and relevant others</li> <li>(b) how you promote the participation and involvement of people</li> <li>(c) how you support, supervise and develop workers</li> <li>(d) the impact on the provision of organisational behaviour</li> <li>(e) group and individual processes</li> <li>(f) how power relationships can be used and abused</li> </ul>	
<p>12. How to plan and manage <b>resources</b> and the implications for:</p> <ul style="list-style-type: none"> <li>(a) the delivery of services</li> <li>(b) the achievement of targets</li> <li>(c) the achievement of positive outcomes</li> <li>(d) supporting the conduct of workers and dealing with disciplinary matters</li> </ul>	
<p>13. Different types of change and their implications for the conduct of workers.</p>	
<p>14. How psychological, socio-economic, cultural and environmental factors of those within the provision impact on your leadership and management of the conduct of workers.</p>	
<p>15. How and where technology should be used within your provision for dealing with the conduct of workers and running disciplinary hearings.</p>	
<p>16. Models and theories of human resource management related to dealing with complaints and disciplinary matters.</p>	
<p>17. Sources of advice and support for dealing with the conduct of workers and disciplinary matters.</p>	
<p>18. How to prepare for, convene, run and report on the outcomes from disciplinary hearings, ensuring that they meet legal requirements and comply with organisational policies and procedures.</p>	
<p>19. How to support workers through disciplinary and other hearings related to conduct.</p>	

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**LMC E10.1 Ensure conduct within the provision complies with legislation, regulation,  
inspection and organisational requirements**

Performance criteria	DO	RA	EW	Q	WP	WT	PD	CS	P/A/A
1. You implement and review the effectiveness of policies, procedures and practices in relation to the conduct of <b>workers</b> to ensure they comply with legislation, regulation, inspection and <b>organisational requirements</b> .									
2. You ensure systems, procedures and practices are in place to provide advice and up-to-date information in an easily accessible form on the conduct required from workers.									
3. You ensure that the provision's policies, systems, procedures and practices for the conduct of workers are expressed in an understandable format and language and displayed where workers can easily access them.									
4. You work with <b>people</b> , workers and <b>relevant others</b> to update systems, procedures and practices on workers' conduct to ensure that they meet the needs of the people, the <b>provision</b> and comply with legislation, regulation, inspection and organisational requirements.									
5. You ensure that disciplinary policies and procedures within the provision: (a) comply with legal, regulatory, inspection and organisational requirements (b) are regularly reviewed and updated, in accordance with good practice and recommended improvements									
6. You ensure that as part of induction, workers are briefed on all policies and procedures including disciplinary and grievance procedures.									
7. You challenge and support people, workers and relevant others to identify and challenge conduct that is not appropriate.									
8. You work with, and support workers whose conduct needs to change, to identify where and how their conduct could be improved.									
9. You identify sources of advice and support for workers to improve their conduct.									

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**LMC E10.2 Implement disciplinary and grievance procedures**

Performance criteria	DO	RA	EW	Q	WP	WT	PD	CS	P/A/A
	1. You implement and review the effectiveness of disciplinary and grievance policies, procedures and practice in the context of legislation, regulation, inspection and organisational requirements.								
2. You ensure that actual and potential conflicts and unsatisfactory performance are identified and dealt with promptly.									
3. You review reports, complaints and other information with regard to the discipline of workers.									
4. You ensure that where disciplinary and grievance procedures are to be invoked, workers are given sufficient opportunity to discuss the matter with you and/or seek advice, support and independent representation.									
5. You identify and ensure that the different stages of disciplinary and grievance procedures are used appropriately and lead to effective action for: (a) yourself (b) the provision (c) the workers (d) anyone else who is involved									
6. You ensure ongoing confidentiality until the matter is resolved.									

*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*

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**LMC E10.3 Arrange, conduct and report on disciplinary hearings**

Performance criteria	DO	RA	EW	Q	WP	WT	PD	CS	P/A/A
1. You take action promptly in response to deteriorating and unsatisfactory performance.									
2. You identify the processes and requirements for disciplinary hearings.									
3. You objectively and systematically review documentary and other evidence to be presented at the disciplinary hearing.									
4. You ensure that you: (a) follow the provision's systems, procedures and practices for disciplinary hearings ensuring that they comply with legislation, regulation, inspection and organisational requirements (b) do not do anything that may hinder the hearing or contaminate the evidence that might be presented									
5. You ensure that all workers involved in the procedure are properly briefed about what to expect and what is required.									
6. You ensure that the hearing is conducted according to legal, regulation, inspection and organisational requirements and due process.									
7. You use <b>evidence</b> to record and report the findings from the hearings.									
8. You ensure that: (a) actions are agreed with all present (b) actions and outcomes are recorded accurately and in accordance with legal, regulation, inspection and organisational requirements (c) reports are sent to appropriate individuals, organisations and agencies within agreed timescales									

*DO = Direct Observation RA = Reflective Account Q = Questions PD = Professional Discussion  
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*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: .....