

H5R1 04 (SCDHSC0423) — Assist Individuals at Formal Hearings

Overview

This standard identifies the requirements when you assist individuals at formal hearings. This includes how you support individuals to understand the format and proceedings of a formal hearing and how you work with them to understand related information, documents and likely outcomes of the hearing. The standard also covers assisting individuals to present their case at the hearing and supporting them to evaluate the outcomes of a hearing and the implications for themselves and others.

Additional Information

Scope/range related to Performance Criteria

The details in this field are explanatory statements of scope and/or examples of possible contexts in which the NOS may apply; they are not to be regarded as range statements required for achievement of the NOS.

NOTE: Where an individual finds it difficult or impossible to express their own preferences and make decisions about their life, achievement of this standard may require the involvement of advocates or others who are able to represent the views and best interests of the individual.

Where there are language differences within the work setting, achievement of this standard may require the involvement of interpreters or translation services.

Active participation is a way of working that regards individuals as active partners in their own care or support rather than passive recipients. Active participation recognises each individual's right to participate in the activities and relationships of everyday life as independently as possible.

To **communicate** may include using the individual's preferred spoken language, the use of signs, the use of symbols or pictures, writing, objects of reference, communication passports, other non-verbal forms of communication, human and technological aids to communication.

The **individual** is the adult, child or young person for whom assistance at formal hearings is required.

Key people are those who are important to an individual and who can make a difference to his or her wellbeing. Key people may include family, friends, carers and others with whom the individual has a supportive relationship.

Scope/range related to Knowledge and Understanding

The details in this field are explanatory statements of scope and/or examples of possible contexts in which the NOS may apply; they are not to be regarded as range statements required for achievement of the NOS.

All knowledge statements must be applied in the context of this standard.

Factors that may affect the health, wellbeing and development of individuals

may include: adverse circumstances or trauma before or during birth; autistic spectrum conditions; dementia; family circumstances; frailty; harm or abuse; injury; learning disability; medical conditions (chronic or acute); mental health; physical disability; physical ill health; poverty; profound or complex needs; sensory needs; social deprivation; substance misuse.

Values

Adherence to codes of practice or conduct where applicable to your role and the principles and values that underpin your work setting, including the rights of children, young people and adults. These include the rights:

- ◆ to be treated as an individual
- ◆ to be treated equally and not be discriminated against
- ◆ to be respected
- ◆ to have privacy
- ◆ to be treated in a dignified way
- ◆ to be protected from danger and harm
- ◆ to be supported and cared for in a way that meets their needs, takes account of their choices and also protects them
- ◆ to communicate using their preferred methods of communication and language
- ◆ to access information about themselves

Performance Criteria — What you do in your job

You must provide evidence to meet all the 37 Performance Criteria for this Unit. The Performance Criteria are grouped under headings to assist you with planning how best to meet these points.

Place the number of the piece of work where this Performance Criteria has been met in the evidence box after each criteria.

Support individuals to understand the proceedings and processes of formal hearings

	Performance Criteria	Evidence Number where this criteria has been met
1	Access information and support to help you explain accurately to the individual the format and proceedings of the hearing.	
2	Work with the individual to help them understand the purpose of the hearing and its implications for them and for key people .	
3	Support the individual to understand where the hearing will be held and who will be present.	
4	Support the individual to understand the procedures of the hearing.	
5	Support the individual to understand how and by whom their interests will be represented and how information about them will be presented and used.	
6	Use illustrations where appropriate to support the individual's understanding of the processes and proceedings of the hearing.	
7	Check at regular intervals and appropriate times the individual's understanding of the information you have given.	
8	Seek additional support where you have concerns about the individual's capacity to understand the processes and proceedings of the formal hearing.	

Work with individuals to understand information, documents and possible outcomes of the hearing

	Performance Criteria	Evidence Number where this criteria has been met
9	Access information and support to help you explain accurately to the individual the papers, documents and likely outcomes from the hearing.	
10	Collect illustrative materials to prepare the individual to understand information and documents likely to be presented at the hearing.	
11	Support the individual to understand papers and documents they need to complete in advance of the hearing.	
12	Wherever possible, ensure that the individual knows about documents that may be presented during the hearing.	
13	Explore with the individual any papers and documents they think may be presented that could prejudice their case.	
14	Work with the individual to understand types of information that may be presented without their prior knowledge and why.	
15	Support the individual to understand the type of questions they are likely to be asked during the proceedings.	
16	Support the individual and key people to understand the possible outcomes of the hearing and how outcomes will be communicated to them.	
17	Support the individual and key people to prepare themselves for the likely outcome and other possible outcomes.	
18	Check at regular intervals and appropriate times the individual's understanding of the information you have given.	

Work with individuals to understand information, documents and possible outcomes of the hearing (cont)

	Performance Criteria	Evidence Number where this criteria has been met
19	Seek additional support where you have concerns about the individual's capacity to understand papers, documents and outcomes relating to the formal hearing.	

Assist individuals to present their case at the hearing

20	Work in ways that promote active participation when assisting the individual to present their case.	
21	Support the individual to complete necessary documents before the hearing, ensuring that they are sent to the appropriate place and received in time for them to be taken into account at the hearing.	
22	Ensure that any specialist equipment, facilities and resources that will enable the individual to communicate and present their case are available.	
23	Support the individual to communicate their wishes about the hearing and access sources of evidence that will help them to present their case.	
24	Work with the individual to identify people who can support the individual's case at the hearing, if permitted.	
25	Support the individual to gain their commitment to appear at the hearing, if permitted.	
26	Work with the individual to select appropriate evidence for their case, taking into account information that may be presented against their case and preparing them to counter this.	
27	Support the individual to organise their evidence in line with the proceedings of the hearing.	

Assist individuals to present their case at the hearing

	Performance Criteria	Evidence Number where this criteria has been met
28	Enable the individual to practice and evaluate their own presentation of the evidence in support of their case.	
29	Give praise and constructive criticism to enable the individual to improve their presentation.	
30	Assist the individual to present their case at the hearing, supporting them according to their wishes.	
31	Support the individual during the hearing if conflicts arise that the individual cannot deal with.	

Support individuals to understand the outcomes and implications of formal hearings

32	Support the individual to understand the outcomes of the formal hearing.	
33	Support the individual to accept and come to terms with outcomes that are not as they had wished.	
34	Work with the individual to assess the implications for themselves and key people.	
35	Work with the individual to make adjustments to their life in response to the outcomes of the hearing.	
36	Support the individual to evaluate whether they should take any action to challenge decisions that are contrary to their wishes.	
37	Complete records and reports on the procedures and outcomes, identifying necessary changes for future presentations and hearings.	

Knowledge and Understanding — Why and how you do what you do in your job

You must provide evidence of your knowledge and understanding to meet all the 58 knowledge points for this Unit. The knowledge points are grouped under headings to assist you with planning how best to meet them.

Place the number of the piece of work where each knowledge point has been met in the 'evidence number' box after each point.

Rights

	Knowledge and Understanding <i>You need to know and understand:</i>	Evidence Number where this knowledge point has been met
1	Legal and work setting requirements on equality, diversity, discrimination and rights.	
2	Your role in promoting individuals' rights, choices, wellbeing and active participation.	
3	Your duty to report any acts or omissions that could infringe the rights of individuals.	
4	How to deal with and challenge discrimination.	
5	The rights that individuals have to make complaints and be supported to do so.	
6	Conflicts and dilemmas that may arise in relation to rights and how to address them.	

Your practice

	Knowledge and Understanding <i>You need to know and understand:</i>	Evidence Number where this knowledge point has been met
7	Legislation, statutory codes, standards, frameworks and guidance relevant to your work, your work setting and the content of this standard.	
8	Your own background, experiences and beliefs that may have an impact on your practice.	
9	Your own roles, responsibilities and accountabilities with their limits and boundaries.	
10	The roles, responsibilities and accountabilities of others with whom you work.	
11	How to access and work to procedures and agreed ways of working.	
12	The meaning of person-centred/child centred working and the importance of knowing and respecting each person as an individual.	
13	The prime importance of the interests and wellbeing of the individual.	
14	The individual's cultural and language context.	
15	How to build trust and rapport in a relationship.	
16	How your power and influence as a worker can impact on relationships.	
17	How to work in ways that promote active participation and maintain individuals' dignity, respect, personal beliefs and preferences.	
18	How to work in partnership with individuals, key people and others.	
19	How to manage ethical conflicts and dilemmas in your work.	
20	How to challenge poor practice.	

Your practice (cont)

	Knowledge and Understanding <i>You need to know and understand:</i>	Evidence Number where this knowledge point has been met
21	How and when to seek support in situations beyond your experience and expertise.	

Theory for practice

22	The nature and impact of factors that may affect the health, wellbeing and development of individuals you care for or support.	
23	Theories underpinning our understanding of human development and factors that affect it.	

Personal and professional development

24	Principles of reflective practice and why it is important.	
25	Your role in developing the professional knowledge and practice of others.	
26	How to promote evidence based practice.	

Communication

27	Factors that can affect communication and language skills and their development in children, young people and adults.	
28	Methods to promote effective communication and enable individuals to communicate their needs, views and preferences.	

Health and Safety

	Knowledge and Understanding <i>You need to know and understand:</i>	Evidence Number where this knowledge point has been met
29	Legal and statutory requirements for health and safety.	
30	Your work setting policies and practices for monitoring and maintaining health, safety and security in the work environment.	
31	Practices for the prevention and control of infection in the context of this standard.	

Safe-guarding

32	Legislation and national policy relating to the safe-guarding and protection of children, young people and adults.	
33	The responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices.	
34	Indicators of potential harm or abuse.	
35	How and when to report any concerns about abuse, poor or discriminatory practice, resources or operational difficulties.	
36	What to do if you have reported concerns but no action is taken to address them.	
37	Local systems and multi-disciplinary procedures that relate to safeguarding and protection from harm or abuse.	

Multi-disciplinary working

38	The purpose of working with other professionals and agencies.	
39	The remit and responsibilities of other professionals and agencies involved in multi-disciplinary work.	

Handling information

	Knowledge and Understanding <i>You need to know and understand:</i>	Evidence Number where this knowledge point has been met
40	Legal requirements, policies and procedures for the security and confidentiality of information.	
41	Legal and work setting requirements for recording information and producing reports.	
42	Principles of confidentiality and when to pass on otherwise confidential information.	
43	How to record written information with accuracy, clarity, relevance and an appropriate level of detail.	
44	How and where electronic communications can and should be used for communicating, recording and reporting.	

Leading practice

45	Theories about leadership.	
46	Standards of practice, service standards and guidance relating to the work setting.	
47	Techniques for problem solving and innovative thinking.	

Knowledge that is Specific to this NOS

	Knowledge and Understanding <i>You need to know and understand:</i>	Evidence Number where this knowledge point has been met
48	How and where to access literature, information and support to inform your practice when assisting individuals at formal hearings.	
49	The ways that health, social or care values may differ from those of the individuals and key people you are working with.	
50	Theories about facilitating the empowerment and participation of individuals and key people at formal hearings.	
51	The range of formal hearings, their functions, associated statutory requirements and procedures.	
52	The range of possible outcomes from hearings.	
53	The paperwork, people and organisations involved in preparing for, attending and receiving and dealing with the outcomes from formal hearing.	
54	How to present information and assist individuals to present information at formal hearings generally and specifically for the individuals with whom you are working.	
55	The range of methods and inter-personal skills required for presentations at formal hearings, to handle conflicts of interest and to deal with outcomes if not in the individual's favour.	
56	The actions to take in crises and emergencies when assisting individuals at formal hearings and when the outcomes are not as individuals wished.	
57	How to find out about and access further sources of relevant information, assistance, advice, support, and resources.	
58	The use of evidence, fact and knowledge based opinions in records and reports and why it is important to differentiate between these and make clear the source of evidence.	

The candidate and assessor must only sign below when all Performance Criteria and knowledge points have been met.

Unit assessed as being complete

Candidate's name	
Candidate's signature	
Date submitted to Assessor as complete	

Assessor's name	
Assessor's signature	
Date assessed complete	

Internal Verification

To be completed in accordance with centre's internal verifier (IV) strategy.

Evidence for this Unit was sampled on the following date/s	Internal verifier's signature	Internal verifier's name

This Unit has been subject to an admin check in keeping with the centre's IV strategy.

Date of admin check	Internal verifier's signature	Internal verifier's name

Unit completion confirmed

Internal verifier's name	
Internal verifier's signature	
Date completed	