

## **H7M9 04 (SCDLMCE10) — Manage the Conduct and Performance of Workers in Care Services**

### **Overview**

This standard identifies the requirements when managing the conduct and performance of workers in care services. It includes initiating disciplinary processes and contributing to disciplinary proceedings.

## 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.

**Address with workers** this would include supporting workers to reflect on their conduct and performance; providing evidence to workers of conduct and performance that fall below expected standards; exploring any underlying issues such as ill health, bullying, financial or family concerns, alcohol or substance misuse; setting clear objectives to improve the standard of conduct and performance and explaining actions that will be taken if improvement is not achieved.

**Appropriate people** would include workers, individuals, key people, other professionals or agencies who have a right to know about the outcomes of a disciplinary procedure.

**Evidence** may include own observations; the observations of individuals, key people and others; records; concerns or complaints; feedback from professionals or members of the public.

The **individual** is the person you support or care for in your work.

**Initiate disciplinary processes** this could include suspending a worker; carrying out investigations; liaison with other managers or professionals; consultation with human resource departments and/or advice from legal representatives or labour relations organisations.

**Key people** are those who are important to an individual and 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.

**Management options** are when there are a range of management actions which can be taken before engaging in disciplinary processes, eg training, setting objectives, coaching/mentoring. They also include disciplinary options depending on the seriousness of the complaint.

**Others** are workers that you manage, your colleagues and other professionals whose work contributes to the individual's wellbeing and who enable you to carry out your role.

## **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 statement required for achievement of the NOS.

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

**In relation to all knowledge statements you need to know and understand the specified areas of knowledge and be able to critically apply the knowledge and understanding in your leadership and management practice.**

**Critically analyse** is to examine something closely such as a policy, procedure, theory, complex situation, problem or an approach to practice — identifying the parts or issues that contribute to the whole product, situation or idea and determining how these different parts affect the quality of the whole product or how the individual issues affect the overall situation.

Critical analysis involves a weighing-up of the factors concerned, for their contribution of strengths/weaknesses or advantages/disadvantages of a product or in a situation. Critical analysis is part of the process of understanding issues and developing original and creative responses.

**Critically evaluate** is to weigh arguments for and against something, assessing all evidence, this could relate to factors such as models of care service delivery, policy development, theories, approaches to practice.

Critical evaluation requires a weighing up and making judgements on factors such as currency, relevance, validity, outcomes, cost, sustainability, risk, and fitness-for-purpose of a product or a service against other products, services or ideas, using relevant criteria to frame the evaluation and inform decision-making.

**Employment practices** should include recruitment, performance management, disciplinary procedures, grievance procedures.

**Evidence based practice** uses systems, processes and 'practice wisdom' that has been proved to be effective in supporting the achievement of positive outcomes. Evidence may have been drawn from a variety of sources: research, both formal and informal, and the views and opinions of individuals, key people and those involved in the delivery of care services.

**Factors that may affect the health, wellbeing and development** may include adverse circumstances or trauma before or during birth; autistic spectrum disorder; 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.

**Leadership** is the ability to provide strategic direction and a sense of purpose. Effective leaders create a sense of trust, confidence and belief, inspiring people to adopt the values and behaviours they promote. They are innovative, creative and motivating.

**Management** is the ability to set the operational direction and organise the effective running of the service provision to meet the overall service needs including ethical, legislative, regulatory and organisational requirements. Effective managers facilitate and organise resources in order to optimise the performance of others, allowing them to carry out tasks and achieve goals efficiently and effectively. They provide clarity and accountability that enable teams to meet their objectives.

**Outcomes** are the changes or differences that individuals or care services are trying to achieve. Hard outcomes are changes that are clear and obvious, or those that involve a visible change in people's behaviour or circumstances. Soft outcomes are changes that are less easy to observe and measure, or those that involve more subtle changes inside people such as a change in someone's attitude, sense of wellbeing or how they see or feel about themselves.

**Outputs** are the tangible products, services or facilities that are a result of organisational activities or the activities of those involved in the delivery of the service provision. Outputs may be used to achieve outcomes.

**Personalisation** can be defined as 'changing the power balance so that each person really does have choice and control over the care services that they want. From being a recipient of services, individuals become involved in selecting and shaping the services they use'. Personalisation is a social care approach that encompasses citizen-directed support; self-directed support; the use of direct payments or personal budgets; the provision of accessible information and advice on care and support and the promotion of independence and self-reliance amongst individuals and communities.

Depending on how it is used the **power and influence** of leaders and managers may have either a positive or negative effect upon relationships.

**Regulatory processes** this relates to when behaviours and conduct are referred to a professional body for formal investigation.

## 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 28 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.

### Manage the conduct and performance of workers within the service provision

	<b>Performance Criteria</b>	<b>Evidence Number where this criteria has been met</b>
1	Ensure that systems, procedures and policies for performance management and conduct of workers comply with legislative, regulatory and organisational requirements.	
2	Ensure that <b>individuals</b> and <b>key people</b> are aware of the standards of conduct and expected performance of workers and are familiar with the codes of practice that apply.	
3	Ensure that workers are informed about the standards of conduct and performance expected of them.	
4	Ensure that workers understand policies and procedures for dealing with misconduct or unsatisfactory performance.	
5	Ensure that workers receive regular feedback on their performance and any potential conduct issues.	
6	Develop a culture where individuals, key people and <b>others</b> feel able to challenge conduct and performance that falls below expected standards.	
7	Consult with others to establish <b>management options</b> that can be considered when the conduct and performance of workers falls below the expected standard.	

**Manage the conduct and performance of workers within the service provision (cont)**

	<b>Performance Criteria</b>	<b>Evidence Number where this criteria has been met</b>
8	Carry out investigations to establish the facts relating to <b>evidence</b> of misconduct or unsatisfactory performance.	
9	Use active listening, ask questions, clarify points and rephrase others' statements to check mutual understanding of information related to the conduct and performance of workers.	
10	Use supervision to <b>address with workers</b> conduct and performance that falls below legislative, regulatory or organisational standards and the codes of practice that apply.	
11	Assess the achievement of conduct and performance objectives set for workers to establish whether improvement has been achieved.	
12	Maintain confidentiality about any issues related to misconduct or unsatisfactory performance in line with legislative, regulatory and organisational requirements.	

**Implement disciplinary proceedings where the conduct or performance of workers continues to fall below expected standards or where there is evidence of gross misconduct**

13	Follow policies and procedures to <b>initiate disciplinary processes</b> where the conduct or performance of workers has failed to improve to the required standard or where there is evidence of gross misconduct.	
14	Provide the worker with information about the disciplinary process that is being undertaken and their rights.	
15	Ensure that clear, accurate and factual records are kept for the initiation of disciplinary processes in line with legislative, regulatory and organisational requirements.	

**Implement disciplinary proceedings where the conduct or performance of workers continues to fall below expected standards or where there is evidence of gross misconduct (cont)**

	<b>Performance Criteria</b>	<b>Evidence Number where this criteria has been met</b>
16	Ensure that clear and accurate records are kept about the misconduct or unsatisfactory performance of workers in line with legislative, regulatory and organisational requirements.	

**Contribute to disciplinary proceedings in line with role and responsibilities**

17	Gather evidence on misconduct or unsatisfactory performance of workers in preparation for disciplinary proceedings.	
18	Ensure that you do not do anything that may hinder the disciplinary hearing or contaminate the evidence that might be presented.	
19	Analyse the risks to individuals, key people and others that result from the workers misconduct or unsatisfactory performance.	
20	Compile a report for a disciplinary hearing that presents evidence gathered about the misconduct or unsatisfactory performance of the worker and any identified resulting risks to individuals, key people and others.	
21	Present reports and evidence at disciplinary hearings.	
22	Ensure that the disciplinary hearing is conducted according to legislative, regulatory and organisational requirements.	

## Manage the outcomes of disciplinary processes

	<b>Performance Criteria</b>	<b>Evidence Number where this criteria has been met</b>
23	Ensure that there is clarity of outcomes and agreed actions from disciplinary hearings.	
24	Ensure that outcomes and actions are recorded accurately in accordance with legislative, regulatory and organisational requirements.	
25	Ensure that reports from disciplinary hearings are disseminated to <b>appropriate people</b> .	
26	Implement outcomes and agreed actions from a disciplinary process within remit of own role and responsibility.	
27	Support individuals, key people and others to understand the implications of outcomes and actions from disciplinary procedures.	
28	Provide additional support to individuals, key people and others where there are on-going difficulties as a result of disciplinary outcomes and actions.	

## 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 104 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

	<b>Knowledge and Understanding</b> <i>You need to know and understand:</i>	<b>Evidence Number</b> <b>where this knowledge</b> <b>point has been met</b>
1	Legal and work setting requirements on equality, diversity, discrimination and rights.	
2	Your role in developing and maintaining systems, procedures and practices which promote 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 <b>critically evaluate</b> and take informed action against discrimination.	
5	The rights that individuals have to make complaints and be supported to do so.	
6	How to ensure that individuals are informed about the service they can expect to receive.	
7	Your role in developing and maintaining systems, procedures and practices which ensure that individuals have access to information about themselves in a format they can understand.	
8	Conflicts and dilemmas that may arise in relation to rights and how to address them.	

## Your practice

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

## Your practice (cont)

	<b>Knowledge and Understanding</b> <i>You need to know and understand:</i>	<b>Evidence Number where this knowledge point has been met</b>
22	How to manage resources to deliver services that meet targets and achieve positive outcomes for individuals.	
23	How to distinguish between <b>outputs</b> and <b>outcomes</b> .	
24	How to work in partnership with individuals, key people and others.	
25	How to identify and manage ethical conflicts and dilemmas in your work.	
26	How to challenge and address poor practice.	
27	How to address concerns and complaints.	
28	How and when to seek support in situations beyond your experience and expertise.	
29	The nature and impact of <b>factors that may affect the health, wellbeing and development of individuals</b> you care for or support.	
30	Theories underpinning our understanding of human development and factors that affect it.	

## Personalisation and resources

31	How to critically evaluate evidence and knowledge based theories and models of good practice about empowerment and citizen directed services.	
32	How to identify and promote the potential of individuals to use their personal strengths and resources to achieve change.	
33	The value and role of family networks, communities and groups in achieving positive outcomes, and ways to develop them.	

### Personalisation and resources (cont)

	<b>Knowledge and Understanding</b> <i>You need to know and understand:</i>	<b>Evidence Number where this knowledge point has been met</b>
34	The nature of <b>personalisation</b> and personalised services, including self-directed support.	
35	The range of resources available within informal networks, within the wider community, through formal service provision and through innovation.	
36	How assistive technology can be used to support the independence of individuals.	
37	How to lead, manage and support others to plan, deliver and review personalised services with individuals.	

### Continuing professional development

38	Principles of reflective practice and why it is important.	
39	Your role in developing the professional knowledge and practice of others.	
40	How to promote <b>evidence based practice</b> .	
41	Methods of managing performance to meet targets and achieve positive outcomes.	
42	How to assess performance.	
43	How to provide constructive feedback to others on their practice and performance.	
44	How to address performance that does not meet required standards.	
45	How to use supervision to support the practice and performance of others.	
46	How to use appraisal to support the practice and performance of others.	

### Continuing professional development (cont)

	<b>Knowledge and Understanding</b> <i>You need to know and understand:</i>	<b>Evidence Number where this knowledge point has been met</b>
47	Systems, procedures and practices for managing workloads.	
48	Methods for delegating work.	

### Communication

49	Factors that can affect communication and language skills and their development in children, young people or adults.	
50	Methods to promote effective communication and enable individuals to communicate their needs, views and preferences.	
51	Factors that can affect communication within and between organisations.	
52	Methods to promote effective communication within and between organisations.	

### Health and Safety

53	Legal and statutory requirements for health and safety.	
54	Your work setting policies and practices for monitoring and maintaining health, safety and security in the work environment.	

### Safe-guarding

55	Legislation and national policy relating to the safe-guarding and protection of children, young people and adults.	
56	The responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices.	
57	Indicators of potential harm or abuse.	

### Safe-guarding (cont)

	<b>Knowledge and Understanding</b> <i>You need to know and understand:</i>	<b>Evidence Number where this knowledge point has been met</b>
58	How and when to report any concerns about harm or abuse, poor or discriminatory practice, resources or operational difficulties.	
59	What to do if you have reported concerns but no action is taken to address them.	
60	Local systems and multi-disciplinary procedures that relate to safeguarding and protection from harm or abuse.	
61	How to support others who have expressed concerns about harm or abuse.	

### Multi-disciplinary working

62	The purpose of working with other professionals and agencies.	
63	The remit and responsibilities of other professionals and agencies involved in multi-disciplinary work.	
64	Features of multi-disciplinary and interagency communication.	
65	How different philosophies, principles, priorities and codes of practice can affect partnership working.	

### Handling information

66	Legal requirements, policies and procedures for the security and confidentiality of information.	
67	Legal and work setting requirements for recording information and producing reports within timescales.	
68	Principles of confidentiality and when to pass on otherwise confidential information.	

## Handling information (cont)

	<b>Knowledge and Understanding</b> <i>You need to know and understand:</i>	<b>Evidence Number where this knowledge point has been met</b>
69	How to support the effective sharing of information to achieve positive outcomes for individuals.	
70	How to record written information with accuracy, clarity, relevance and an appropriate level of detail.	
71	How to use evidence, fact and knowledge-based opinion to support professional judgements in records and reports.	
72	How and where electronic communications can and should be used for communicating, recording and reporting.	

## Leading and managing practice

73	How to <b>critically analyse</b> theories about <b>leadership</b> and <b>management</b> .	
74	Standards of practice, service standards and guidance relating to the work setting.	
75	National and local initiatives to promote the wellbeing of individuals.	
76	Models of practice for the use of early interventions.	
77	Lessons learned from government reports, research and inquiries into serious failures of health or social care practice and from successful interventions.	
78	Methods of supporting others to work with and support individuals, key people and others.	
79	How to lead and manage practice that achieves positive outcomes for individuals.	
80	Methods of supporting others to recognise and take informed action against discrimination.	

### Leading and managing practice (cont)

	<b>Knowledge and Understanding</b> <i>You need to know and understand:</i>	<b>Evidence Number where this knowledge point has been met</b>
81	How to develop systems, practices, policies and procedures.	
82	How to implement, monitor and evaluate systems, practices, policies and procedures.	
83	How to promote the services and facilities of your work-setting.	
84	Techniques for problem solving and innovative thinking.	
85	How to motivate others.	
86	How to critically evaluate evidence and knowledge based theories and models of good practice about change management.	
87	How to use change management techniques.	

### Risk management

88	How to critically evaluate principles and frameworks of risk assessment and risk management.	
89	Principles of positive risk-taking.	
90	How to lead others to develop practice that supports positive risk-taking.	

### Managing people

91	Legal and work-setting requirements for <b>employment practices.</b>	
92	Internal and external governance arrangements for the work-setting.	
93	Factors that can lead to pressures on the service, individual and team performance.	

## Managing people (cont)

	<b>Knowledge and Understanding</b> <i>You need to know and understand:</i>	<b>Evidence Number where this knowledge point has been met</b>
94	How to manage time, resources and workload of self and others.	
95	How to manage team dynamics.	
96	How to create a culture that promotes openness, creativity and problem solving.	
97	How to create a culture that supports people to embrace change.	

## Knowledge that is Specific to this NOS

98	The importance of following formal disciplinary procedures in cases of misconduct or unsatisfactory performance.	
99	The relationship between disciplinary and <b>regulatory processes.</b>	
100	The range of advice, guidance and support available from colleagues, human resources or legal specialists.	
101	The differences between misconduct, gross misconduct and unsatisfactory performance.	
102	Informal approaches for dealing with cases of minor misconduct or unsatisfactory performance.	
103	The range of sanctions that may be considered within a disciplinary process.	
104	How to carry out investigations to establish facts relating to the misconduct or unsatisfactory performance of workers.	

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

**Unit assessed as being complete**

<b>Candidate's name</b>	
<b>Candidate's signature</b>	
<b>Date submitted to Assessor as complete</b>	

<b>Assessor's name</b>	
<b>Assessor's signature</b>	
<b>Date assessed complete</b>	

**Internal Verification**

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

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

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

<b>Date of admin check</b>	<b>Internal verifier's signature</b>	<b>Internal verifier's name</b>

**Unit completion confirmed**

<b>Internal verifier's name</b>	
<b>Internal verifier's signature</b>	
<b>Date completed</b>	