



SERVICE SPECIFICATION SCHEDULE SIX (6)

Legislative and Policy Framework

CARE AND SUPPORT AT HOME IN BOURNEMOUTH CHRISTCHURCH AND POOLE

Legislative and Policy Frameworks

1. Safeguarding

1.1. The Care Act 2014 S42-46 sets out how local agencies should work together to ensure a coherent policy exists for the protection of vulnerable adults, and replaces the 'No Secrets' guidance. The Act encourages organisations to promote well-being, prevent abuse and understand what feeling safe means to the individual themselves. Six key principles underpin a personalised approach to safeguarding an individual:

- Empowerment,
- Prevention,
- Proportionality,
- Protection,
- Partnership, and
- Accountability.

1.2 The Provider must ensure that their staff in contact with the adult understand their own role and responsibility and have access to practical guidance, advice and support. This will include understanding local inter-agency policies and procedures.

1.3 The key focus is on developing a real understanding of what people wish to achieve, agreeing, negotiating and recording their desired outcomes, working out with them (and their representatives or advocates if they lack capacity) how best those outcomes might be realised and then seeing, at the end, the extent to which desired outcomes have been realised. The quality of communication will then be effective in supporting and empowering individuals to retain control and be confident to disclose themselves when they feel they are being mistreated, abused or neglected (e.g., poor nutrition or hydration).

1.4 The Provider must have a written policy and procedure in place to respond to and investigate any allegations of misconduct by staff. The Provider is also required to have a whistle blowing policy.

1.5 The Provider's Adult Safeguarding procedure(s) must be compatible with the Bournemouth and Poole Safeguarding procedures. The Provider's procedures must include responsibilities:

- To report suspected, alleged or observed abuse to the Contract Officer and relevant social work team within established timescales;

- To co-operate fully with an Adult Safeguarding investigation
- To take measures to ensure the safety of Vulnerable Adults when an allegation is made about a member of staff
- Have a robust whistle-blowing policy in place.

2. Mental Capacity

- 2.1. Providers must at all times, comply with the requirements of the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards (2007) legislation and follow the guidance within the Code of Practice. In particular, every adult has the right to make his or her own decisions and must be assumed to have capacity to make them unless it is proved otherwise.
- 2.2. Copies of the Code of Practice must be made available for staff to reference at all times. The legislation provides a framework to empower and protect people who may lack capacity to make some decisions for them.

3. Other Legislation, Policy Frameworks and Guidance

- 3.1. The following list of legislation is not exhaustive, but Providers shall adhere to the statute, policy frameworks and guidance contained within the following:
 - Age Discrimination Act 2006
 - Care Act (2014) (revised 2016);
 - Care Standards Act 2000
 - Control of Substances Hazardous to Health Regulations (2002)
 - Data Protection Act 1998
 - Dementia Strategy 2009
 - Disability Discrimination Act 1995, 2005
 - Domiciliary Care Agencies Regulations 2002
 - Electricity at Work Act 1974
 - Employment Act 2008
 - Employment Services Act 1973
 - End of Life Care Strategy 2008
 - Equality Act 2010
 - Food Act 1990
 - Freedom of Information Act 2000

- General Data Protection Regulations Act 2018
- Health and Social Care Act 2001
- Health and Social Care Act 2008
- Health and Safety at Work Act 1974
- Health and Social Care (Community Health and Standards) 2003
- High Quality Care for All 2008
- Human Rights Act 1998
- Lifting Operations and Lifting Equipment Regulations 1998
- Manual Handling Operational Regulations 1992
- Mental Capacity Act 2005
- National Assistance Act 1948
- National Service Frameworks 2000-2008
- NHS Community Care (Direct Payments) Act 1996
- NHS Constitution 2009
- Nursing Agencies Regulations 2002
- Provision of Use of Work Equipment Regulations 1998
- Putting People First Concordat 2007
- Race Relations Act 1976 and 2001
- Report of Injuries, Diseases & Dangerous Occurrences Regulations (1995)
- Sex Discrimination Act 1975
- Social Value Act 2012
- Standards for Better Health 2004
- Stroke Strategy 2007
- The Chronically Sick and Disabled Persons Act 1970
- The Local Authority Social Services Act 1970
- The National Health Service Act 1977, 2006
- The National Framework for NHS Continuing Healthcare 2007(updated 2009) □
- Working Time Directive 1998

3.2. Providers will demonstrate how the service will meet the objectives contained within the Social Value Act 2012 and benefit the wider local community particularly relating to investment in the social care workforce, early help and community engagement programme.

4. Links to Online Policy Guidance

- Pan Dorset Multi-Agency Safeguarding Policy and Procedures Manual
Available at: <http://pandorsetscb.proceduresonline.com/>

- Care Quality Commission – the independent health and social care regulator.
Available at: Care Quality Commission <http://www.cqc.org.uk/>
- How we inspect and regulate – a guide for providers:
Available at: <http://www.cqc.org.uk/content/how-we-inspect-and-regulate-guide-providers>
- Disclosure and Barring Service
Available at: <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- Safeguarding People – Care Quality Commission
Available at: <https://www.cqc.org.uk/content/safeguarding-people>
- Care Certificate – Skills for Care
Available at: <http://www.skillsforcare.org.uk/Learning-development/Care-Certificate/Care-Certificate.aspx>
- Dignity in Care – SCIE
Available at: <http://www.scie.org.uk/publications/guides/guide15/>
- Homecare – delivering personal care and practical support to older people living in their own homes – NICE
Available at: <https://www.nice.org.uk/guidance/ng21/chapter/recommendations>