Supporting Safely

A guide for individuals receiving support and their families and friends
Introduction

This guide sets out the important principles and, in some areas, the specific details of how people who use care and support in the community can protect and maintain their health, safety and well being, and that of their staff, family and friends, and the general public.

The guide covers issues that may arise when any individual receives support. In particular it covers support to:

- People of all ages with physical and sensory disabilities
- People of all ages with mental health problems
- Older people needing support due to ill health and the problems of aging
- People of all ages with learning difficulties

The guide has been written to provide support and guidance to anyone who is organising their own support, or anyone who is doing so on behalf of someone else.

If you have any comments or questions about the content of this guide or would like to suggest changes, please contact In Control by emailing admin@in-control.org.uk.

Context

There are two main areas in which we need to think about staying healthy, safe and well: Health and Safety, and Safeguarding. Both will be the concerns of any local authority that is providing you with an individual or personal budget to use to meet your social care and support needs, and so it is important that you are able to think about how you can address these issues as you plan how to spend your budget. This guide will help you to think about the things you need to do to demonstrate to anyone providing you with, or reviewing your use of, an individual or personal budget.

In receiving the care and/or support you need to meet your social care needs, you have both rights and responsibilities, and this guide will provide some information about both of these areas.

“The governing principle behind good approaches to risk is that people have the right to live their lives to the full as long as that does not stop others from doing the same.” Independence, choice and risk: a guide to best practice in supported decision making – DH, 2007.
What is health and safety?

The Health & Safety At Work Etc Act 1974 makes it a legal requirement that no one should be put at risk through the work they do, including individual staff, the people they work with and any members of the general public who they might have contact with whilst at work. This Act gives you certain responsibilities when you are employing people to provide you with care and/or support.

Section 2(1) of the Act says:

“It shall be the duty of every employer to ensure, so far is reasonably practicable, the health, safety and welfare at work of all his employees.”

This means making sure that everything they do seeks to reduce risks of any incident occurring that might lead to any of the following harms:

- Damage to relationships and personal reputations.
- Damage to or loss of property, (theft).
- Physical, sexual, emotional or financial abuse.
- Trauma and mental health problems.
- Illness and the abuse of drugs or alcohol.
- Physical harm and injury, including violence to staff.
- Death.

The Health and Safety at Work Act 1974, s.51 excludes “domestic servants”, so a direct payment recipient would not owe duties under Health and Safety at Work legislation to their personal assistants (Pas). However, they still owe a common law duty of care and so potentially could be sued in negligence.

If the paid carer is an employee of an agency, then Health and Safety at Work applies between the agency and the employee, and between the agency and the direct payment recipient. It is also worth noting that if an employed carer was present and by carelessness caused injury to an unpaid carer also present, this could raise the 1974 Act.

In the case of unpaid carers, as nobody is being employed, Health and Safety at Work employer duties do not apply. It is important to note, however, that safe working practices, such as in relation to lifting and handling, are important for everyone, and therefore sensible precautions taken by paid carers should also be taken by unpaid carers. Under the Carers and Disabled Children Act 2000, the Local Authority has certain duties towards unpaid carers, which might include assessment of their needs separately from the person they care for, and consideration of providing services to help the informal carer, such as lifting and handling instruction or training.

Local authorities, in principle, have duties under section 3 of the Health and Safety at Work Act (duty to non-employees) toward direct payment recipients and, potentially, toward carers (paid or unpaid) of the direct payment.
Personal responsibility
In addition to this employer responsibility, we all individually have a responsibility under health and safety law to be mindful of health and safety issues and to ensure that we do not, by any action, or failure to act, put the health or safety of any other person at risk.

Therefore, any individual person who is involved in supporting you has a duty to:

- Work safely and efficiently.
- Use all necessary equipment safely.
- Use protective equipment where necessary.
- Meet any statutory obligations.
- Report any incidents that have lead or may lead to injury or damage.
- Adhere to any agreed procedures for safe working.
- Assist in the investigation of any accidents so that any future risk of harm can be reduced.

This guide will not be able to cover every possible issue, but we hope to deal with the more common or significant concerns, and to give enough guidance for individuals to use their judgement in more unusual situations.

What is safeguarding?
Safeguarding is the duty to make sure that people are not abused or neglected. It usually applies to people who have care and support needs as they can often be more vulnerable to abuse, although most things that are defined in safeguarding terms as abuse are, in fact, criminal offences: “financial abuse” is often simply theft, “physical abuse” assault, “sexual abuse” rape. There are also issues of neglect, where someone can be prosecuted for not providing you with the care and support you need to keep you healthy, safe and well. You have the right to expect to be free from abuse, neglect or negligence from the people who provide your care and/or support.

It is important to be aware that people who are agreeing how you plan to spend your individual or personal budget will be rightly concerned that the way you are planning to be supported will not make you more vulnerable to these types of abuses.

Risk
Often concerns about both safeguarding and health and safety issues will be talked about as matters of risk.

We all have to make choices and decisions throughout our lives, some of which may be considered to be risky, either by ourselves or by other people. It is important that you are seen by any professionals who are working with you as an expert in your own needs and that you are supported to make your own choices and have control over your life. In order for you to have choice and control in this way, it is important that you and those around you have a positive approach to risk.
This means that no one has the right to deny someone else the opportunity to enjoy and control their own life simply because they are a user of care and support services. On the other hand, social care staff have a responsibility to make sure that people who might be at risk of harm from others are aware that they have the right to live a life free from abuse or neglect.

People who do not have the capacity to make some decisions and choices for themselves still have the right to be supported to make choices as far as they reasonably can, and any choices which may be made for them should be made with a clear discussion of what is in their “best interests”, as defined by the Mental Capacity Act Guidance (.http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/MentalCapacity/MentalCapacityAct2005/DH_073511

**Things to consider:**

- When you are planning and organising your care and support, you must think about health and safety issues for yourself, the people who are going to be supporting you and anyone you might come into contact with while you are being supported.
- Identifying risks: you need to be very specific about anything harmful that you think might feasibly happen. Pay special attention to any problems that have occurred before.
- Responses to risks: you need to think about anything you could reasonably do to reduce or remove the risks you have identified. Think about all the possible responses and be imaginative.
- Evaluate the options: you need to think carefully through the potential consequences of all of these possible responses in turn, thinking about whether it does actually reduce risk, and making sure that in doing so, you are not compromising your independence. It will help to talk about your thoughts with people who know you well, and any professionals who might have advice or guidance for you, such as your social worker or a health professional. It is important that you listen carefully to everyone’s point of view, and that you are supported to weigh up the pros and cons of all the possible courses of action you are considering before you make any final decisions about how the risk is to be managed.
- It is important that you keep a record of this thinking and decision making process in your support plan, so that you can refer back to it if anyone questions why you are taking the approach that you eventually decide upon to manage your risks.

It is unlikely that all risks of harm can be reduced or removed, and nor should it be the goal of people supporting you to do so. Life is full of risks for all of us, regardless of whether we need care and support, and so it is unreasonable to assume that people who need help to be independent should strive to have a life without risk. However, we are all under an obligation because of the health and safety act, and because of safeguarding principles, to minimise risks where possible.
Rights and safety

One of the trickiest things to manage is when you want to make a decision about how to be supported that other people think will be too risky for you. You have a right to make that choice, but other people also have a right to be safe, and this includes anyone who you might be paying to support you, or any members of the general public who you might come into contact with while you are being supported.

Things to consider:

- You have the right to make your own decisions, but you do not have the right to make decisions which put other people at risk of harm.
- You have a duty of care towards people who are paid to support you, particularly if you are employing them directly.
- You have the right to make choices which other people think are risky, and to be supported to put those decisions into practice, even when that means taking certain risks.
- You have a general responsibility not to put the public at significant risk.

It is not always easy to find the right balance between these principles, and you might want to have some advice and guidance about balancing risks. There are some useful documents in the Further Information section of this guide which might help you here.

Issues of capacity

Where it is difficult for you to make your own decisions, or if you are involved in making decisions on behalf of the person whose care and support you organise, it is important that you are aware of the Mental Capacity Act 2005. The Act’s Code of Practice states:

1. Every adult has the right to make their own decisions if they have the capacity to do so. **You must assume that a person has capacity unless it can be established otherwise.**

2. Individuals should receive support to help them make their own decisions and all possible steps should be taken to try to help him / her to reach a decision themselves.

3. Individuals have the right to make decisions that others might think are unwise. **Making an “unwise” decision does not mean that a person lacks capacity.**

4. A person’s capacity must not be judged simply on the basis of their age, appearance, condition or an aspect of their behaviour.

5. It is important to take all possible steps to try to help people make a decision for themselves.

Personal identity, relationships and sexuality

For all human beings our personal identity is vital to our well being but for people with care and support needs, these issues can often be difficult and it is important that you think about how you want to be supported to be yourself when you are making your support plan.

Each of us has a unique identity which is made up of many different elements, such as age, gender and sexual preference. We also express our identity through our relationships with others, through family, friendships and loving relationships as well as through our community. We also express our personal identity through our beliefs, interests and achievements. For example, being a Christian, being passionate about football or climbing the Munros. These things define us and give our lives meaning.

In thinking about how you want to be supported, it is important to be mindful of the different ways in which having our personal identity denied or having to struggle to express ourselves can be very harmful, even abusive. For example it can really harm people:

- To be an adult, but to be treated as a child.
- To be homosexual, but to be treated as if that is wrong.
- To have a family, but to be separated from your family.
- To be kept away from your partner.
- To have no real friends.
- To be excluded from ordinary life.

Some people are at particular risk of having their identities dismissed and it is important that you make it very clear in your support plan how people who will be supporting you must be sure that they are helping you to live your life your way, and not simply to accept a standard style of working which may not suit you, or may even deny your identity.

For example, you should be able to expect help to have control and choice over your appearance, your relationships and your preferences for the places you wish to go and the people you wish to have in your life. This might include things like following a particular religion or being involved with a particular social scene. Sexuality is a private and personal matter and it is not the business of any paid supporter to try and interfere with your sexuality.

Wherever possible, you should try to make sure when you are choosing people to support you, whether that is thinking about friends and family, employing people directly or engaging a provider agency, you try and choose people who will both understand and be able to actively support you in your lifestyle choices.

You may want to use some of your support to help you to make new friends or connections within your local area. This might be through getting a job, spending time following a hobby or special interest or simply getting out into places where you think you might meet new people. Meeting new people and building new relationships can be risky for all of us, and some people who support you may be concerned that you could be putting yourself at risk in this area. It is really important that you are supported to take reasonable risks to make new connections and relationships if this is what you want to do, and people who are supporting you should be reminded of your right to do so.

It is worth remembering that it can be particularly risky for individuals to have a highly limited network of relationships, and the risks inherent in making new friends should not outweigh the need to have a wide network of friends.
Issues of consent

If you or your partner are not able to consent because of not understanding the meaning, implications or nature of any proposed sexual activity, it is vital, both for the sake of you and your potential partner, that the matter is properly reviewed. Sex where one party does not consent is illegal.

If someone’s capacity to consent is an issue, then other appropriate parties, including your social worker or care manager, must be involved to discuss the matter and see whether any means can be provided to give the you or your partner sufficient information and advice, to make an informed choice.

Personal development

As we develop from children to adults, our personal identities are formed; we learn new things and face new choices. As we develop, we need each other’s support, in order to become a full person, and this is the same for people who need care and support from others. It is important for you to think about how you can best be supported to be able to explore your own way of being in the world and to carry on learning and developing if this is what you want to do.

Relationships with supporters

It is possible for relationships with the people who provide your care and support to be much more than a merely professional relationship, indeed support often seems to work best when the supporter is a trusted friend or family member. However, there are often concerns when a supporter and the person they support begin a loving relationship.

Strong emotions are involved in loving relationships and these emotions are even felt by others who are only indirectly involved. For instance, people can feel anger, envy, jealousy and suspicion and third parties may feel left out or that they might be treated unfairly. In addition, if a relationship ends, this can be very difficult to manage if the person is also someone you rely on for support. People are often also concerned that someone who provides support might be taking advantage of the person they work with or for in moving into a more intimate relationship with them.

For these reasons, it is generally accepted that it is inappropriate for somebody to be in a loving partnership with someone and also to be working for them providing care and support. It is important to think carefully about engaging a close loved one to provide your care and support needs, or about continuing to have someone provide care and support to you if your relationship with them progresses to a more intimate level.

Relationships with others

Whatever role people play in your life, there is always a risk, as there is to all of us, that someone might try to take advantage of you or abuse your trust in them in some way. It is important that you feel confident to speak to someone if you feel that this is happening, and you should be aware that if you are receiving care and support then any such issues might be considered as Safeguarding matters and be referred to social services and/or the police to investigate.
**Risks of abuse**

The main forms of abuse are considered to be:

- Emotional
- Physical
- Financial
- Sexual

It is important that if you feel you are being abused, or that you might be at risk of such abuse from anyone who is supporting you, you talk to someone about the situation urgently. Every local authority will have a Safeguarding Adults procedure which will deal with any such situations, and the way to access this is for you, or the person you speak to about the situation, to refer you to the local social services and/or the police.

**Abuse of others**

If there is any significant risk that you might pose a risk to others as a potential abuser, then every effort must be made to plan your care and support in such a way as to minimise that risk. Other members of the community are entitled to be protected from undue risk just as you are similarly entitled.

In general, any information about you that might damage your reputation should be treated as confidential. This does not mean that nobody should be told. Instead, it means that people should only be told if it will be helpful to the promotion of the health and safety of you, or other citizens.

**Safe Environments**

To be safe from abuse it is important that you live in a safe environment. Every effort should be made to make sure that you understand any potential risks of abuse, have opportunities to talk about your life with people you trust and are supported to build a wide range of friends and connections.

It is important to remember that safety from abuse comes not from increased isolation, or from being supported by only a small number of people. In general, we are safer the more people we know, and the better, more open and sensitive are our relationships with others.

**Personal care**

Where supporters are responsible for supporting you with your cleanliness and hygiene, your support plan should detail clearly how to do this properly in ways that make sense to you. This includes dental care, hair care and shaving, continence and menstruation issues, nail and foot care. If you need assistance to use the bath, shower or toilet, it is vital that your dignity and self-respect is maintained. As a minimum, you should expect that people supporting you with your personal care will:

- Close doors wherever possible to provide privacy.
- If possible, provide you with time on your own in the bathroom or toilet.
- Cover your lap with a towel if you are using the toilet.
- Always explain what they are doing clearly and respectfully.
- Use respectful language, not saying things like “You’re dirty”.

In general it is accepted as good practice that people should be supported with their personal care by someone of the same sex. However, if you have a clear preference which differs from this, and any potential questions of risk of abuse have been considered, this preference should be fully respected.

**Moving and handling**

If you need to be moved by supporters then it is vital that you and they receive training in how best to move and handle people in ways that reduce the risk of injury to either party. If your supporters are employed by a provider organisation or agency then they should have been given the correct training by their employer. If you are employing people directly, or being supported in moving and handling by family or friends, then your local authority may be able to offer training to them on your behalf. They will also be able to visit you at home and discuss your moving and handling needs with you.

The following principles are generally accepted as best practice in matters of moving and handling:

- No one should try to move someone, by hand, if that person cannot bear any of their own weight, without the assistance of somebody else.
- No one should try to use any equipment to lift someone unless they have been shown how to do so by someone who understands and has used the equipment before.
- Advice must be sought from a physiotherapist or occupational therapist about any equipment that will make moving and handling easier.

Your support plan should describe any relevant techniques and issues regarding the use of any equipment.

**Accidents and spills**

If there is an accident, and blood, urine, vomit or faeces are spilled, it is essential that cleaning takes place as soon as possible, and people who are supporting you should use protective clothing and gloves when doing so.

**Person-specific risks**

If there are particular risks associated with your individual character, history or method of communication which people who support you will be required to manage with you, then they will need clear guidance, within your support plan, of how to do so. It is important that your support plan gives clear details of the particular risks and how they have affected you in the past, as well as guidelines on how to support you to manage them in the future. This is important because it will ensure that anyone working with or providing support to you understands what the potential risks are, and how they are required to work with you to minimise and manage them in ways that keep you safe and well, without compromising your right to make choices and decisions.
If you sometimes act in ways that might cause a significant risk to yourself or to other people then your supporters must know how to help you to avoid situations where this might occur, and to manage them if they do occur. People who are supporting you will be able to do so better if they understand the reasons for any such behaviour, which are often complex and can take time to understand.

People behave in ways that can be harmful to themselves or to others for a variety of reasons, including ill health or a response to physical pain, mental ill health or a psychiatric disorder, a way of dealing with certain situations, of communicating something or of expressing emotions or frustrations.

It is therefore important to include as much detail in your support plan as possible, and to work with people who know you well, often with the help of professionals, to develop appropriate responses and strategies for managing any such behaviour.

In general, it is easier to manage difficult behaviour when your support is designed to give you the maximum choice and control over your life, and to enable you to live your life in ways that make the most sense to you. Your support plan should be written in such a way as to make it clear what things are important to you and what outcomes you want to achieve in meeting your care and support needs.

Sometimes people who are supporting you might need training to help them to do so safely and within the law. This training might include things like de-escalation and breakaway techniques, and in some exceptional cases restraint. If you are employing people directly, or being supported in moving and handling by family or friends, then your local authority may be able to offer training to them on your behalf.

**Liability**

The dictionary definition of liability is "when you are legally responsible for something".

Vicarious liability means that employers may be liable to persons injured by the wrongful acts of their employees, if such acts are committed in the course of their employment. For example if an employee's careless driving injures another employee / contractor / customer, the employer is likely to be held liable. If you are employing an agency or provider organisation to provide your care and support, then the organisation will be liable for the actions of their staff, and may have policies and procedures which affect how they can work with you. If you are employing people directly then you must be aware that you could be held liable for their actions if these result in injury to anyone else during the course of their work with you.

There is no vicarious liability if the act is not committed in the course of employment.

**Duty of care**

Every member of society is under a 'duty of care' to take reasonable care to avoid acts or omissions which they can reasonably foresee are likely to injure their neighbour. A neighbour means anyone who ought reasonably to have been kept in mind. This means that anyone who is supporting you will have a general duty of care to you and to anyone with whom you come into contact while they are
working with you. It also means that you have a general duty of care to anyone who is supporting you, whether paid or unpaid, and to anyone with whom you come into contact in the course of your everyday life.

What is considered to be 'reasonable' will depend on the circumstances.

**Lifestyle risks: Diet**

We all know that we should eat a good balanced diet in order to maintain our general health, but equally we all make choices which do not reflect this knowledge sometimes, and we all have an absolute right to do so. No one who is supporting you has the right to tell you what you can or cannot eat or drink, although they may be asked, through your support plan, to help you to make good choices on a day to day basis. If you have a particular health problem which is or could be made worse by eating or drinking certain things, or by not eating or drinking certain things, then this must be detailed in your support plan and people who are supporting you should be made aware of how to support you best to balance these issues with your right to choose for yourself what you eat and drink.

If you are not able to choose or control what you eat and drink, supporters have a responsibility to make sure that you have a balanced and healthy diet which includes foods and drinks that you like and enjoy and food that is appropriate to your culture or religion if this is important to you.

**Lifestyle risks: Smoking**

Smoking is bad for health, but it is a legal and common practice and as such it is your right to smoke if you choose to do so. However, you should consider that it is also the right of anyone who is supporting you to choose not to expose themselves to passive smoking – being in the same space as someone who is smoking – and this may well affect your ability to recruit and retain supporters and paid staff.

Under Section 2 of the Health & Safety at Work Etc Act 1974, employers have to ensure so far as is reasonably practicable, the health, safety and welfare at work of all their employees. This means that if a risk to health can be demonstrated, for example, if a worker with a respiratory condition is forced to work in a very smoky atmosphere which may make that condition worse, the employer must take action to deal with the risk. In this case, the employer might be the agency or organisation you have asked to provide your care and support, or you may be considered to be the employer yourself if you are directly employing staff.

**Lifestyle risks: Use of drugs including alcohol**

Drug use, including alcohol, tobacco, illegal and prescribed drugs, and the misuse of all of these, is common, and a feature of today’s society. If you choose to use or misuse substances, you should be aware that people who support you may well feel it is their duty of care to encourage you to cut down or stop, but they cannot force you to do so. However you should also be aware that they cannot be expected to help you in any activity which is against the law.

It is important to remember that a supporter must not support you to buy or use illegal drugs, and you should not ask them to do so.
Medication

If you have to take regular or even occasional medication, then your supporters should encourage and enable you to manage this for yourself wherever possible. If you need support in taking medication, that support should be done in a way that still maximises your control over your own life.

Self-administration: If you can administer your own medication, then the role of your supporter is to encourage you to use some system that reduces the risk of any errors occurring, and possibly to agree with you to keep a check on how self-administration is progressing. Pharmacists can provide advice on different systems for organising medication, and can also organise the system for you.

Non self-administration: if you are unable to administer your own medication, or can only do so with direct help to make sure that you have taken the correct medication, then this should be detailed in your support plan. The role of your supporter is to make sure that the correct medication is taken at the correct times, and there will need to be specific written records kept detailing where and how medication is to be stored and administered.

Storage of medication: There are risks from keeping medicines too long and from having too many unnecessary medicines in the home. If you are not responsible for the administration of your own medicine, then your supporter will need to make sure that stocks are kept low and safe.

Review of medication: if you are taking regular medication over a long period of time then it will be important to record in your support plan when this should be reviewed by your doctor.

Communicable diseases

If you have a disease that is communicable, which means that it can easily be passed on to people who come into contact with you, then this should be identified in your support plan and this information should be shared, on a confidential basis, with anyone providing support to you who might therefore be at risk as a result. Communicable diseases include things like Hepatitis B, HIV / AIDS and MRSA.

In exceptional circumstances, a professional may be required to share this information with others without your permission, but they should seek your permission before doing so and explain to you why they are having to go ahead without your permission if you refuse to give it.

It is equally expected that anyone who is paid to support you and who is themselves carrying a communicable disease that they should discuss this with you, in order for you to assess what risks, if any, exist, and how those risks might best be minimised.

If there is a risk of cross infection, then everyone necessary should know how to prevent it and should understand what the implications of not carrying out these measures are.
**Disability-related health risks**

If you suffer from any illness or are particularly likely to suffer from ill health, for whatever reason, then this should be detailed in your support plan. This might include things like epilepsy and diabetes. Equally if you have a particular health condition which must be actively managed to avoid deterioration, then this too must be detailed, and the strategies for managing it described in your support plan. This might include things like a risk of pressure sores if you are not very mobile, tube-feeding if you use a gastrostomy tube or administering oxygen. People who are going to be supporting you will need specialist training to help you manage conditions such as these.

**Safety in the home**

It is important that people who support you are able to help you to feel safe and secure in your home, and equally that you feel able to expect them to maintain your standards of safety and security. The local police will be happy to come and speak to you and your supporters about security and general safety issues.

The possibility of a fire presents a significant risk to everyone, whatever their living situation and you may need to think about strategies for minimising risk if you are to be having people come into your home to provide care and support for you. The fire service will be happy to come and visit you at home to advise you about appropriate fire safety measures you could take.

If you have care and support needs that might make it difficult for you to react quickly in the case of a fire, you should give some thought to the measures that you need to put in place to safeguard you and your supporters should a fire occur. This would include how you would summon help and get out of the building safely, and if there are specific strategies for managing this then they should be detailed in your support plan.

**Preparation of meals and eating**

Poor hygiene, particularly poor food hygiene, can lead to food poisoning, serious illness and, in extreme cases death. If you need help with preparing food you may want to consider the need for food hygiene training for your supporters.

If you need support to eat then your support plan should give clear guidance as to how this is to be given. You may need to consider having some advice from a speech and language therapist if there is a risk of you choking, to make sure that your supporters have the right skills and training to help you to stay safe and well.

**Risks outside the home: Travel and transport**

If you need help to get about outside your home, then you will need to show in your support plan how this is to be provided in ways that make sense to you and that allow you to be as independent as you wish to be. If you are expecting your supporters to use their own cars, or to drive a car which you own, in order to transport you, then you will need to make sure that they have the correct licence and insurance, and that the car is safe and legal to drive.
Risks outside the home: Personal safety

If you feel that your personal safety may be at risk when out and about then you will need to show in your support plan how your supporters can help you to minimise or manage these risks. This may include things like assertiveness or self-defence training, buying a personal alarm or having a mobile phone. If you have experienced bullying or so called “hate crime” in your area then you may wish to ask the local police to come and talk to you about their policy for tackling such things.

Financial safety

Whether you are managing your own finances or receiving help from someone else to do so, it is important to be aware of how to do so safely and in ways which minimise the risk of other people mishandling your money or stealing from you.

Some accepted standards of good practice are:

- Where a supporter is to handle your money for you, then an agreed cash limit should be set for funds held by them on a daily or weekly basis.
- Your money must be kept separate from your supporter's money.
- Receipts must be kept for everything, and there should be a written record of all financial transactions.
- Signatories for bank accounts or benefit books must be defined in accordance with appointeeship or legal guardianship guidelines.
- Supporters should not take your property, keys or money, home with them.
- Supporters should not 'hold on to' your money, benefit or bank books.
- Supporters should not accept financial gifts or borrow money from you.
- Supporters should make sure that they do not seek to influence your spending decisions.

Employment-related risks: Recruiting safely

If you are going to use an agency or provider organisation to deliver your care and support, then they should be using standard recruitment practices which include obtaining references, Criminal Records Bureau checks (CRBs) and conducting face to face interviews. They should also have a performance management structure which provides an induction period for staff, including mandatory basic training, regular supervision and appraisal. Any agency or organisation you choose to employ should be happy to discuss the details of their recruitment and retention policy with you, and to include you where possible in the recruitment of any new staff that are to be employed specifically to work with you.

If you are going to employ people directly, then it is important that you consider using similar techniques to do so. It is also important that you get advice about your own legal responsibilities as an employer, in relation to employment law, which includes issues of fair recruitment, fair terms and conditions and the provision of tax, national insurance and other pay and benefits matters. Your local authority will be able to provide you with the correct contact information from which to obtain this advice and guidance.

When considering someone for employment as a supporter, or personal assistant (PA), the following are generally considered to be standards of good practice:
• Ask people to apply in writing: whether using an application form, CV or simply a letter, this gives you an opportunity to see what skills and experience they have already, and what interests and personal attributes they might bring to working with you.

• Always interview the person face-to-face; get support from someone you trust to help you with this, and prepare by writing a list of questions you want to ask them.

• Take up at least two written references, one of which should be from someone that the person has worked for before, in a similar role if possible, and check that these references are genuine by phoning the referees once you have received their response.

• Seriously consider carrying out a CRB check. A CRB check tells you whether someone has been prosecuted for any criminal offence, and may help you to decide if you think the person is suitable to work with you or not. Your local authority should be able to help with the paperwork, and possibly the cost for this.

• Trust your instinct. If you or the person supporting you with interviewing does not think that the person applying is right for you, then trust this response. We all have “gut feelings” about other people and often they prove to be right even when the person may appear on paper to be perfect for the job.

• Be aware of your legal responsibilities as a potential employer: you are not allowed to refuse someone who is otherwise suitably qualified on the grounds of their race, sex or age, unless you have clear and defensible reasons why you can only be safely supported by people from a certain background.

• Consider asking applicants to complete a health questionnaire or at least to enquire about any previous or existing health conditions which might limit or impair their ability to work with you. Think especially about back problems if you need your supporters to move and handle you, or stress related problems if you need a lot of support with managing difficult behaviours.

**Employment-related risks: Violence and abuse**

It is important to remind staff that they have rights and that they have a right to feel safe from, and to protect themselves from, violence and abuse. Sometimes support staff feel that they are under a greater obligation than is reasonable, to put up with difficult or abusive behaviour from their employer, and people employed directly by the person they provide care and support to can feel especially vulnerable, and may not feel confident in challenging you if they think you are treating them unfairly. Make sure you let them know what you expect of them by sharing your support plan and have an open and frank discussion about their ability to deliver the support described in the way detailed before agreeing to employ them.

They should also be reminded that they have the right not to be placed at undue risk, or to be asked to perform tasks which would put you, or other people, at risk.
Monitoring accidents, incidents and new risks

While your support plan will describe all the risks that you can reasonably expect to have anticipated, there will always be times when accidents occur, or when despite following guidance contained in the support plan, there is an incident of difficult behaviour or dangerous occurrence. There is also the possibility of new risks occurring as you and your life change and develop.

It is important that you think about who is responsible for recording and acting on any such accidents, incidents, near misses or new risks, and that you are happy with the arrangements for requiring a review, or reassessment of your needs and or your support plan if this seems necessary.

If existing plans are no longer adequate or possible to follow then you and your supporters must take action to make sure that you have considered how to minimise any risks until such time as you can sensibly review and update the plans. It may be that more information or input from professionals is needed, or that plans simply need to be better communicated to supporters, or that they need more training to be able to carry out the plans properly.

In the first instance, the main responsibility for managing risk is yours, where you are able to make informed decisions for yourself, although you do have a responsibility to consider professional advice and guidance and to have due regard for the safety of others, including people who support you, whether paid or unpaid. If you are unable to make decisions about risks for yourself, then people who do so for you must work hard to include you in the decision making process and make sure that any decisions that are made on your behalf could are ones that you could reasonably be expected to make for yourself, were you so able.

Sometimes, a risk is thought to be so high that your supporters, a professional or an organisation engaged to support you may need to seek advice under Safeguarding Procedures. This can sometimes mean breaking confidentiality, or acting even when you have specifically asked them not to, if they feel that there is a genuine and real risk of harm to you or others. Your local authority can provide you with information about their Safeguarding Policy and Procedures on request.

Further information and useful resources

- The Mental Capacity Act and associated Guidance.
- Independence and choice, a guide to best practice in supported decision making – DH.

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