

**DRAFT PERSONAL
RELATIONSHIPS POLICY
PRINCIPLES AND OUTCOMES**

1. Introduction

- 1.1 The need to update and revise policy has been informed by a number of changes in national social care policy and new legislation. The rights of service users, including adults with learning disabilities to have personal and sexual relationships has been implicit for many years, but more recent legislation makes this explicit. The legislation includes:
- the right to private and family life enshrined in the Human Rights Act (Article 8);
 - person centred and self directed planning, highlighted in Valuing People Now, the White Paper 'Our Health, Our Care, Our Say' and Putting People First;
 - the right of the individual to have capacity to make decisions unless deemed otherwise, recognised in the Mental Capacity Act 2005
 - expanded protection from the Sexual Offences Act 2003
 - protection from discrimination on grounds of sexual orientation set out in the Equality Act Sexual Orientation Regulations 2007
- 1.2 This policy is written within the context of this new legislation and with a clear understanding that the service user is the prime recipient of support and advice, even if the expression of their sexuality may be difficult for others. Both individual service users and their carers will under this policy be offered sensitive support. However, the policy acknowledges that some of our interactions regarding personal and sexual relationships, have in the past been influenced so strongly by others, that the views of users of our services haven't always been adequately heard, or given due regard.
- 1.3 There are several aspects to promoting sexual health and well-being, including:
- Supporting people to develop positive sexual relationships, free of coercion, discrimination or violence
 - Supporting people to overcome obstacles to their sexual well-being
 - Promoting respect for sexual diversity
 - Dealing with sexual abuse, violence or coercion
 - Preventing sexually transmitted infections (STIs) and HIV infection
 - Avoiding unintended pregnancy and supporting people to deal with unwanted pregnancy.
- 1.4 Adult Social Care and other NHS staff are responsible for assessing and reviewing people's social care needs; supporting them to develop a plan for meeting their eligible, assessed needs; providing people with information, advice and guidance; supporting people to develop independent living skills

and commissioning, organising or managing support services. In the course of many of these activities, staff may be asked for information, advice or support in relation to sexual health or well-being matters. Additionally, they may identify situations where a person appears to require such support, or there appear to be risks to that person or to others.

- 1.5 Many people are apprehensive about asking for help or support in relation to their sexual health and well-being or about accessing services for fear of embarrassment or of being judged or discriminated against. It is therefore important to develop staff skills, knowledge and attitudes in order to promote a supportive environment and also to develop the knowledge and understanding of users, carers and partners.
- 1.6 It is also important that staff recognise the limits of their responsibility and know how to respond appropriately to requests for advice, information or support. Staff must also know what action to take if they identify risks to the individual or to others. If staff get this wrong, the sexual health and well-being of the service user could be compromised and there could be legal or professional consequences for the practitioner and their employer.

2. Policy

- 2.1 NHS Peterborough is committed to working practices that encourage service users to lead normal and healthy life and lifestyles that are meaningful to the individual. This includes the development of the whole spectrum of relationships including their personal and sexual development.
- 2.2 We accept and follow the World Health Organisation's definition of sexual health which is:
- “Sexual health is a state of physical, emotional, mental and social well-being related to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained and maintained, the sexual rights of all persons must be respected, protected and fulfilled.”*
- 2.3 We recognize that people who use services have the same personal and sexual needs and rights as other people. Sexuality is a natural and expected part of an individual's life experiences, and staff should support service users to explore and understand their sexuality and should support gay and lesbian or bisexual relationships in the same way as they would heterosexual relationships. This also applies to service users who have changed or wish to change their sex (transsexual) and those who dress as members of the opposite sex (transvestites).
- 2.4 We will exercise our legal responsibilities to ensure that personal sexual expression is within the law and does not devalue, stigmatise or exploit individuals.
- 2.5 We will ensure that our staff are appropriately selected, supported, trained and supervised to enable them to work with individuals to express their personal choices and preferences in respect of personal relationships and sexuality.
- 2.6 We will work in collaboration with the service user, their families, carers and advocates, service providers and other relevant professionals to ensure maximum support and protection of the service user at all times.
- 2.7 Service users and carers will be provided with appropriate and adequate access to information to promote understanding, choice and independence.
- 2.8 Staff will work to support service users in maintaining a wide range of relationships with partners, family, friends and acquaintances.

- 2.9 It is the responsibility of all staff to ensure that their relationships with service users remain of a professional nature only, whether within or outside of their work place. Intimate or sexual relationships between staff and service users are **NOT** permissible and will result in disciplinary action. In some circumstances such relationships are a criminal offence and may also result in prosecution.
- 2.10 A development plan for staff, service user and carers will be developed and regularly reviewed together with guidance for staff to ensure that this policy is implemented in the light of current legislation and best practice.

3. Principles

The following principles are implicit within the work of NHS Peterborough and must be followed by all staff and also by contracted organisations. Partnership Boards that have been consulted on this draft policy are also expected to uphold the policy and its principles.

3.1 People who use services have a right:

- To be treated with respect, sensitivity and dignity. This includes a right to privacy.
- To freedom from sexual abuse and as far as it is possible to be protected from exploitation and degrading treatment.
- To hold their own moral, cultural and religious beliefs.
- To marry or establish a civil partnership or live with a partner outside of marriage or civil partnership
- To information concerning the choices they make and access to information held about them.
- To confidentiality regarding information about sexuality and personal relationships. However this does not mean keeping quiet when abuse or exploitation is suspected.
- To be assisted in pursuing the type of social, personal and sexual relationships they want and to have accessible information/ explanations in order to make an informed choice. This to include information about promotion of sexual health, contraception, safe sex, parenthood, genetic counselling and advice/counselling about physical/emotional needs and personal and sexual relationships.
- To buy and use sexually stimulating material e.g. pornography within the legal framework, sexual aids and to seek education about their use.
- To take risks and make mistakes.
- To be given support and assistance if they feel that their rights have not been upheld.
- To have an advocate and/or someone of their choice to speak up on their behalf if required.

3.2 People who use services have the following responsibilities:

- To stay within the law as for any other citizen.
- To respect the rights of others.
- To treat others with respect, consideration and sensitivity
- To recognise that no one has the right to impose his or her beliefs or wishes on others.
- To ensure that any Personal Assistants they employ have had recent clear CRB checks and are given access to training on personal relationships and safeguarding as well as other aspects of care and support.

3.3 Carers have a right to be treated with respect at all times and:

- To have their views listened to and taken into account.
- To have help and support to express their views and have them heard.
- To have their contribution to someone's care recognised and taken into account.
- To raise concerns either formally or informally about any aspect of someone's care, including concerns about abuse.
- To have their concerns taken seriously and if necessary investigated.

3.4 Personal Assistants should expect

- To have support and training about personal relationships
- To be aware of abuse and the multi-agency policy and procedures for Safeguarding Vulnerable Adults and to report any concerns they may have.
- To be protected, as far as is possible, from discrimination, harassment and abuse and to be assisted and supported if this does occur.
- To have the opportunity to discuss matters that concern them with *designated NHSP staff (likely to be Safeguarding Coordinator and Contraception and Sexual Health Services)*

3.5 Staff and managers should expect:

- To have support and training about personal relationships
- To be aware of abuse and the multi-agency policy and procedures for Safeguarding Vulnerable Adults and to report any concerns they may have.
- To be protected, as far as is possible, from discrimination, harassment and abuse and to be assisted and supported if this does occur.

- To have adequate supervision, guidance and support from their managers.
- To have the opportunity to discuss matters that concern them with their line manager.

3.6 To meet these principles:

- It is recognised that staff are entitled to hold their own values; however staff are not be expected to impose their values on people who use services, or others with whom they work, but to promote the values of the organisation and this policy.
- The issues surrounding sexuality are seen in the context of the values that underpin the whole of Adult Health and Social Care Services. This translates to our commitment to service users being treated in a person centred way, with dignity and respect in order to maximise and promote rights, choice, control, independence and social inclusion.
- In this context the issues surrounding sexuality and development of personal relationships are seen as a right and as one of many positive aspects that enhance people's lives.

4. Outcomes

4.1 Our aim is that service users should:

- Feel safe – and receive support to be safe if they need it.
- Recognise their rights and responsibilities and feel able to make their own decisions with regard to their sexuality, sexual health and wellbeing.
- Be treated fairly, respectfully and with dignity, regardless of age, gender, sexual orientation, race, ethnicity, citizenship, education, physical and / or mental ability.
- Have their privacy respected and be confident that their personal information will be protected and not shared with others without their permission.
- Be enabled to identify and access information, advice or services that will support their sexual health and wellbeing.

Glossary

Personal Assistant (PA) means:

- A care worker or assistant who is employed by the service user and or their family directly, usually using a direct payment or personal budget. The concept of a PA as someone employed by a service user to enable and empower them to make choices and be independent was borne out of independent living movement.

Sexuality means:

- The condition of being characterized and distinguished by sex
- Sexual character
- Concern with or interest in sexual activity

Sexual orientation means an individual's sexual preference towards

- People of the same sex as him or her (gay or lesbian)
- People of the opposite sex (heterosexual)
- People of both sexes (bisexual).

Transsexual means

- A person whose sexual identification is entirely with the opposite sex
- A person who has undergone a sex change operation

Trans and Transgender are similar terms meaning

- A person appearing or attempting to be a member of the opposite sex, as a transsexual or habitual cross-dresser
- Trans is primarily a UK term, developed in a political context to refer to a diverse and inclusive community of people ranging from part-time cross-dressers to transsexual people who undergo gender reassignment surgeries.

Transvestite means

- A person who dresses and acts in a style or manner traditionally associated with the opposite sex