

<b>CREATING OPPORTUNITIES AND TACKLING INEQUALITIES SCRUTINY COMMITTEE</b>	<b>Agenda Item No. 6</b>
<b>21 JUNE 2010</b>	<b>Public Report</b>

## **Report of the Executive Director of Adult Social Services**

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### **DRAFT PERSONAL RELATIONSHIPS POLICY**

#### **1. PURPOSE**

- 1.1 The report is being presented to Scrutiny Committee so that members of the Committee can consider and comment on the draft policy.

#### **2. RECOMMENDATIONS**

- 2.1 Members are asked to scrutinise and comment on, this report and the attached draft policy.
- 2.2 Members may also wish to ask for feedback on the impact of the policy and its delivery at a future date.

#### **3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY AND LOCAL AREA AGREEMENT**

- 3.1 The policy relates to the overarching theme of the LAA 'Creating Opportunities, Tackling Inequalities' and in particular to SSC03: empowering local communities, OI02: improving health and OI03: supporting vulnerable people. Although the policy in itself does not impact on a particular PI, it contributes to the outcomes implicit in:

- Increased personalisation, choice and control through the introduction of Individual Budgets and self-directed support (LAA PI 130)

#### **4. BACKGROUND**

- 4.1 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 2009, 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

4.2 The draft policy is written within the context of this new legislation and the World Health Organisation's definition of sexual health, which is stated at 2.2 in the appendix, 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.

4.3 The Care Quality Commission (CQC) require councils providing Adult Social Care services to have a personal relationships policy along the lines of the attached, in place in order to evidence compliance with Valuing People Now paragraphs 3.52 –3.54.

This draft policy has drawn on Department of Health Guidance and other policies currently in use in the East of England, see background papers below. Some councils have a policy that only applies to council employees, however it is the intention that this policy will apply across independent social care providers and partners.

## **5. KEY ISSUES**

5.1 The Joint Committee on Human Rights (JCHR) Report 2008 '*A life like any other*' recommended in its response to the Government (in the light of evidence received from adults with learning disabilities) 'that the Department of Health revisit this issue [of how the Government can support adults with learning disabilities to form relationships] in the redrafted *Valuing People Now* strategy. *Valuing People Now* (March 2009) paragraphs 3.52 – 3.54 captures this commitment and the whole strategy emphasises the importance of enabling people with learning disabilities to meet new people, build and sustain social networks and relationships – including sexual relationships – and to lead a fulfilling life with access to a diverse range of social and leisure activities. It recognizes the importance of person-centred plans which address the whole range of people's interests, likes and dislikes; and the ongoing support that people will often need to establish and maintain relationships and social networks.

5.2 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 including information relating 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.

5.3 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 have a policy that sets out 'rights' and 'responsibilities' in this sensitive area and 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.

5.4 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.

## **6. IMPLICATIONS**

6.1 The policy will apply across the whole of Peterborough. The main implications are for:

- Partnership Boards, especially Learning Disability Partnership Board in ensuring delivery of this policy and monitoring the effectiveness of action taken, also Safeguarding Adults Partnership Board in ensuring that vulnerable adults are protected from abuse. Members of the Learning Disability Partnership Board in commenting on the draft policy have requested training around 'consent' for service users.
- Human Resources because of the implications for staff. To aid this procedural guidance will be drawn up drawing on procedures already in use in other councils. Most of the issues and responsibilities are already covered in staff training, however if necessary further training will be provided.

## **7. CONSULTATION**

7.1 Consultation is currently in progress and this is promoting helpful discussion as well as raising awareness and understanding of the issues. The draft policy is being presented to all NHS Peterborough's (NHSP) relevant Partnership Boards. So far it has been to Mental Health Partnership Board and Learning Disability Partnership Board, the Long Term Conditions and Carers Partnership Board in June and Older People's Partnership Board in July. Additionally it is being presented to the Aiming High Partnership Board the Safeguarding Adults Forum in June (this is a provider forum) and also NHSP's Independent Provider Quality Group. It is also being consulted on with staff.

## **8. NEXT STEPS**

8.1 Once comments have been gathered and the draft policy amended the policy will be taken to NHS Peterborough's Policy and Procedures Group for approval. At this point the Equality Impact statement will be checked and approved. All NHS Peterborough's Policies include a review date. The final policy will also be reported to the Peterborough's Safeguarding Adult's Board.

8.2 Following approval the policy will be circulated to staff and a procedure document produced for staff employed by NHS Peterborough.

## **9. BACKGROUND DOCUMENTS**

9.1 In addition to the Acts and statutory guidance listed above, NHS Guidance for health and social care staff (2007) on Reducing health inequalities for lesbian, gay, bisexual and trans people.

9.2 Similar policies and procedures in use in Hertfordshire, Norfolk, Bedford, Suffolk and Essex.

## **10. APPENDICES**

10.1 The draft policy is attached as an appendix. This is also available in easy read format.

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