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.

SCDLMCE10
Manage the conduct and performance of workers in care services

Performance criteria

Manage the conduct and performance of workers within the service provision

You must be able to:

P1 ensure that systems, procedures and policies for performance management and conduct of workers comply with legislative, regulatory and organisational requirements

P2 ensure that **individuals** and **key people** are aware of the standards of conduct and expected performance of workers and are familiar with the codes of practice that apply

P3 ensure that workers are informed about the standards of conduct and performance expected of them

P4 ensure that workers understand policies and procedures for dealing with misconduct or unsatisfactory performance

P5 ensure that workers receive regular feedback on their performance and any potential conduct issues

P6 develop a culture where individuals, key people and **others** feel able to challenge conduct and performance that falls below expected standards

P7 consult with others to establish **management options** that can be considered when the conduct and performance of workers falls below the expected standard

P8 carry out investigations to establish the facts relating to **evidence** of misconduct or unsatisfactory performance

P9 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

P10 use supervision to **address with workers** conduct and performance that falls below legislative, regulatory or organisational standards and the codes of practice that apply

P11 assess the achievement of conduct and performance objectives set for workers to establish whether improvement has been achieved

P12 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

You must be able to:

P13 follow policies and procedures to **initiate disciplinary processes** where the conduct or performance of workers has failed to improve to the required standard or where there is evidence of gross misconduct

P14   provide the worker with information about the disciplinary process that is being undertaken and their rights

P15   ensure that clear, accurate and factual records are kept for the initiation of disciplinary processes in line with legislative, regulatory and organisational requirements

P16   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

You must be able to:

P17   gather evidence on misconduct or unsatisfactory performance of workers in preparation for disciplinary proceedings

P18   ensure that you do not do anything that may hinder the disciplinary hearing or contaminate the evidence that might be presented

P19   analyse the risks to individuals, key people and others that result from the workers misconduct or unsatisfactory performance

P20   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

P21   present reports and evidence at disciplinary hearings

P22   ensure that the disciplinary hearing is conducted according to legislative, regulatory and organisational requirements

Manage the outcomes of disciplinary processes

You must be able to:

P23   ensure that there is clarity of outcomes and agreed actions from disciplinary hearings

P24   ensure that outcomes and actions are recorded accurately in accordance with legislative, regulatory and organisational requirements

P25   ensure that reports from disciplinary hearings are disseminated to **appropriate people**

P26   implement outcomes and agreed actions from a disciplinary process within remit of own role and responsibility

P27   support individuals, key people and others to understand the implications of outcomes and actions from disciplinary procedures

P28   provide additional support to individuals, key people and others where there are on-going difficulties as a result of disciplinary outcomes and actions

SCDLMCE10
Manage the conduct and performance of workers in care services

---

Knowledge and understanding

Rights

You need to know and understand:

K1   legal and work setting requirements on equality, diversity, discrimination and rights

K2   your role in developing and maintaining systems, procedures and practices which promote individuals' rights, choices, wellbeing and active participation

K3   your duty to report any acts or omissions that could infringe the rights of individuals

K4   how to **critically evaluate** and take informed action against discrimination

K5   the rights that individuals have to make complaints and be supported to do so

K6   how to ensure that individuals are informed about the service they can expect to receive

K7   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

K8   conflicts and dilemmas that may arise in relation to rights and how to address them

Your practice

You need to know and understand:

K9   legislation, statutory codes, standards, frameworks and guidance relevant to your work, your work setting and the content of this standard

K10   your own background, experiences and beliefs that may have an impact on your practice

K11   your own roles, responsibilities and accountabilities with their limits and boundaries

K12   the roles, responsibilities and accountabilities of others with whom you work

K13   how to access and work to procedures and agreed ways of working

K14   the meaning of person-centred/child centred working and the importance of knowing and respecting each person as an individual

K15   the prime importance of the interests and well-being of the individual

K16   the individual's cultural and language context

K17   how to build trust and rapport in a relationship

K18   how your **power and influence** as a leader and manager can impact on relationships

	K19	the role of independent representation and advocacy for individuals
	K20	how to work in ways that promote active participation and maintain individuals' dignity, respect, personal beliefs and preferences
	K21	how to work in ways that achieve positive outcomes for individuals
	K22	how to manage resources to deliver services that meet targets and achieve positive outcomes for individuals
	K23	how to distinguish between **outputs** and **outcomes**
	K24	how to work in partnership with individuals, key people and others
	K25	how to identify and manage ethical conflicts and dilemmas in your work
	K26	how to challenge and address poor practice
	K27	how to address concerns and complaints
	K28	how and when to seek support in situations beyond your experience and expertise
	K29	the nature and impact of **factors that may affect the health, wellbeing and development of individuals** you care for or support
	K30	theories underpinning our understanding of human development and factors that affect it

Personalisation and resources

You need to know and understand:

	K31	how to critically evaluate evidence and knowledge based theories and models of good practice about empowerment and citizen directed services
	K32	how to identify and promote the potential of individuals to use their personal strengths and resources to achieve change
	K33	the value and role of family networks, communities and groups in achieving positive outcomes, and ways to develop them
	K34	the nature of **personalisation** and personalised services, including self directed support
	K35	the range of resources available within informal networks, within the wider community, through formal service provision and through innovation
	K36	how assistive technology can be used to support the independence of individuals
	K37	how to lead, manage and support others to plan, deliver and review personalised services with individuals

Continuing professional development

You need to know and understand:

	K38	principles of reflective practice and why it is important
	K39	your role in developing the professional knowledge and practice of others

	K40	how to promote **evidence based practice**
	K41	methods of managing performance to meet targets and achieve positive outcomes
	K42	how to assess performance
	K43	how to provide constructive feedback to others on their practice and performance
	K44	how to address performance that does not meet required standards
	K45	how to use supervision to support the practice and performance of others
	K46	how to use appraisal to support the practice and performance of others
	K47	systems, procedures and practices for managing workloads
	K48	methods for delegating work

Communication

You need to know and understand:

	K49	factors that can affect communication and language skills and their development in children, young people or adults
	K50	methods to promote effective communication and enable individuals to communicate their needs, views and preferences
	K51	factors that can affect communication within and between organisations
	K52	methods to promote effective communication within and between organisations

Health and Safety

You need to know and understand:

	K53	legal and statutory requirements for health and safety
	K54	your work setting policies and practices for monitoring and maintaining health, safety and security in the work environment

Safe-guarding

You need to know and understand:

	K55	legislation and national policy relating to the safe-guarding and protection of children, young people and adults
	K56	the responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices
	K57	indicators of potential harm or abuse
	K58	how and when to report any concerns about harm or abuse, poor or discriminatory practice, resources or operational difficulties
	K59	what to do if you have reported concerns but no action is taken to address them
	K60	local systems and multi-disciplinary procedures that relate to safeguarding and protection from harm or abuse

K61   how to support others who have expressed concerns about harm or abuse

Multi-disciplinary working

K62   the purpose of working with other professionals and agencies

K63   the remit and responsibilities of other professionals and agencies involved in multi-disciplinary work

K64   features of multi-disciplinary and interagency communication

K65   how different philosophies, principles, priorities and codes of practice can affect partnership working

Handling information

K66   legal requirements, policies and procedures for the security and confidentiality of information

K67   legal and work setting requirements for recording information and producing reports within timescales

K68   principles of confidentiality and when to pass on otherwise confidential information

K69   how to support the effective sharing of information to achieve positive outcomes for individuals

K70   how to record written information with accuracy, clarity, relevance and an appropriate level of detail

K71   how to use evidence, fact and knowledge-based opinion to support professional judgements in records and reports

K72   how and where electronic communications can and should be used for communicating, recording and reporting

Leading and managing practice

K73   how to **critically analyse** theories about **leadership** and **management**

K74   standards of practice, service standards and guidance relating to the work setting

K75   national and local initiatives to promote the well-being of individuals

K76   models of practice for the use of early interventions

K77   lessons learned from government reports, research and inquiries into serious failures of health or social care practice and from successful interventions

K78   methods of supporting others to work with and support individuals, key people and others

K79   how to lead and manage practice that achieves positive outcomes for individuals

K80   methods of supporting others to recognise and take informed action against discrimination
K81   how to develop systems, practices, policies and procedures
K82   how to implement, monitor and evaluate systems, practices, policies and procedures
K83   how to promote the services and facilities of your work- setting
K84   techniques for problem solving and innovative thinking
K85   how to motivate others
K86   how to critically evaluate evidence and knowledge based theories and models of good practice about change management
K87   how to use change management techniques

Risk management

You need to know and understand:

K88   how to critically evaluate principles and frameworks of risk assessment and risk management
K89   principles of positive risk-taking
K90   how to lead others to develop practice that supports positive risk-taking

Managing people

You need to know and understand:

K91   legal and work-setting requirements for **employment practices**
K92   internal and external governance arrangements for the work-setting
K93   factors that can lead to pressures on the service, individual and team performance
K94   how to manage time, resources and workload of self and others
K95   how to manage team dynamics
K96   how to create a culture that promotes openness, creativity and problem solving
K97   how to create a culture that supports people to embrace change

Specific to this NOS

You need to know and understand:

K98   the importance of following formal disciplinary procedures in cases of misconduct or unsatisfactory performance
K99   the relationship between disciplinary and **regulatory processes**
K100   the range of advice, guidance and support available from colleagues, human resources or legal specialists
K101   the differences between misconduct, gross misconduct and unsatisfactory performance
K102   informal approaches for dealing with cases of minor misconduct or unsatisfactory performance

K103 the range of sanctions that may be considered within a disciplinary process

K104 how to carry out investigations to establish facts relating to the misconduct or unsatisfactory performance of workers

SCDLMCE10
Manage the conduct and performance of workers in care services

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 well-being. 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 e.g. 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 well-being 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 well-being 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

SCDLMCE10
Manage the conduct and performance of workers in care services

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

SCDLMCE10
Manage the conduct and performance of workers in care services

Developed by	Skills for Care and Development
Version number	1
Date approved	January 2013
Indicative review date	January 2016
Validity	Current
Status	Original
Originating organisation	Skills for Care and Development
Original URN	LMCE10
Relevant occupations	Health and Social Care; Managers and Senior Officials; Health and Social Services Officers; Childcare and Related Personal Services;
Suite	Leadership and Management in Care Services
Key words	Conduct; performance; disciplinary; disciplinary proceedings; care services