Behaviour of Concern Policy

Policy Reference:		CS17	
Effective date:	August 2024	**Review date:**	August 2027
Approved by P&PRG:	July 2024	**Approved by BoM:**	August 2024
Owner:	Neil Armstrong	**Job Title:**	Assistant Director – Care & Support

To be issued to: (check as needed)	
☒ Board of Management	☐ OD
☐ All Staff	☐ Compliance
☐ ET/SLT	☒ All Care & Support
☐ Head Office Managers	☐ C&S Managers (RM, OM, CSM)
☐ Head Office Staff	☐ C&S Staff
☐ Finance	☐ Contractors
☒ Housing	☐ Agency Staff
☒ Asset	☐ Unite the Union
☐ ICT	☐ Employee Voices Group
	☐ Other: _____

Method of Delivery: (check as needed)	
☒ Learn Pro	☐ Policy Owner to Notify (e.g. Contractors)
☐ Board Portal	☐ Other: _____
☐ Line Manager to Share (e.g. Agencies)	_____

Stakeholder Consultation Completed (check as needed)	
☐ Board of Management	☐ OD
☐ All Staff	☐ Compliance
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	☐ Other: _____

Version Control

Date	Owner	Version	Reason for Change
July 2024	Sean Taylor	4.0	Cyclical review New policy template

Summary of Changes

Section	Change
1.0	Values updated.
5.0	Updated to include: Adult Support and Protection revised Code of Practice (Scottish Government, 2022). Rights, Risks and Limits to Freedom (Mental Welfare Commission, 2021). Codes of Practice for Social Services Workers and Employers (SSSC, 2024)
8.0	Added Behaviour of Concern e-learning
All	Updated to reflect new job roles.

Policy Name

Contents

1.0 Ark's Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

2.0 Purpose

This policy and its associated procedure explain how Ark Care & Support services will support people who exhibit behaviours of concern.

3.0 Policy Statement

Ark is committed to supporting people who exhibit behaviours of concern to participate fully in society on an equal basis.

It is the responsibility of all Care & Support staff to uphold supported people's rights to autonomy and liberty while protecting them from harm or abuse.

There may be circumstances where the behaviour of a supported person has an impact on their ability to exercise their rights and places them at risk of harm or abuse.

Any method used to support, divert from, or extinguish behaviour of concern will be the least restrictive required, subject to regular review and undertaken with the agreement of the multi-disciplinary team.

4.0 Scope

This policy and associated procedure apply to all Care & Support teams. It includes agency staff, volunteers and students undertaking direct practice with supported people on behalf of Ark.

5.0 Legal/Regulatory Framework

This policy and associated procedures are written with regard to the following:

- Human Rights Act 1998
- Equality Act 2010
- Mental Health (Care & Treatment) (Scotland) Act 2003
- Adults with Incapacity (Scotland) Act 2000
- Adult Support and Protection (Scotland) Act 2007
- Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016
- Management of Health & Safety at Work Regulations, 1999
- Adult Support and Protection revised Code of Practice (Scottish Government, 2022)
- Rights, Risks and Limits to Freedom (Mental Welfare Commission, 2021)

- Health and Social Care Standards (Scottish Government, 2017)
- Codes of Practice for Social Services Workers and Employers (SSSC, 2024)

6.0 Responsibilities

6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy, and for ensuring that its decisions are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required. The Executive Team is responsible for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

6.3 Leadership Team

Ark's Leadership Team is responsible for review of the policy, and for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training and guidance.

6.4 Managers

Ark Care & Support Managers, Operations Managers and Regional Managers will be responsible for the effective implementation of this policy within their area of responsibility.

They must also ensure that all established and relief Care & Support staff are made aware of this policy and participate in Behaviour of Concern e-learning and Positive Behaviour Support training where required.

6.5 All Staff

All Ark Care & Support staff are required to familiarise themselves with this policy and comply with its provisions as well as undertake a Behaviour of Concern e-learning and where required complete Positive Behaviour Support training, as part of this policy or associated procedure.

6.6 Third Parties

All agency staff, volunteers and students undertaking Care & Support duties are required to familiarise themselves with this policy and comply with its provisions.

Ark will ensure that the Public Sector Equality Duty is complied with when third parties, such as contractors, are carrying out functions on behalf of Ark.

7.0 Behaviour of Concern

Chan, et al. (2012)* suggest that behaviours of concern are "behaviours that indicate a risk to the safety or wellbeing of the people who exhibit them or to others. Unless professionals intervene to prevent such behaviours, therefore, they are likely to affect the communal, social or occupational quality of life of the people involved, and may lead to their rights being restricted"

Ark uses the term 'behaviour of concern' rather than 'challenging behaviour' as it better reflects the need for Care & Support services to respond compassionately to individuals exhibiting behaviours of concern and that the individual's human rights are the primary consideration of any intervention.

Behaviours of concern are, therefore, actions or ways of being that create a significant barrier to the individual and affects their quality of life through:

- their ability to participate in activities of daily living
- their ability to participate in their community
- an impact on their health and wellbeing
- a risk to their health or safety
- a risk to the health or safety of others

Interventions to support people with behaviour of concern will be based on a Positive Behaviour Support (PBS) approach. PBS is a "person-centred framework for supporting people with a learning disability and/or autism… who have, or are at risk of developing [behaviours of concern]" (BILD, 2017).

An intervention may be considered restrictive practice if it limits the individual's rights to autonomy and liberty, see: **CS06 Reducing Restrictive Practice**

All Care & Support staff will be clear about what constitutes behaviour of concern and their responsibility to provide person-centred, positive support that enables the individual to develop their skills and abilities. All staff providing direct care and support to individuals will be supported through observations, supervisions, behaviour of concern e-learning, PBS training where required as well as support and feedback with reporting and incident debriefing.

8.0 Learning & Development Requirements

Care and Support staff will also complete the Behaviour of Concern e-learning contained on the Learn Pro platform.

9.0 Related Policies & Procedures

- HS01 Health & Safety
- HS03 Risk Assessment
- HS04 Reporting of Incidents
- HS11 Managing Aggression at Work
- HR15 Whistleblowing
- G36 Keeping People Safe
- G55 Equality & Diversity
- G57a Adult Support & Protection
- CS02 Care Planning
- CS06 Reducing Restrictive Practice
- CS08 Medication

10.0 Equality Impact Assessment (EIA)

Please see relevant Equality Impact Assessment.

11.0 Data Protection Impact Assessment (DPIA)

Please see Care & Support Data Protection Impact Assessment.

12.0 Stakeholder Consultation

- Ark Board of Management
- Ark Leadership Team
- Ark Regional Managers
- Ark Operations Managers
- Ark Care & Support Managers
- Short-life working group (Care & Support)
- Ark Policy and Procedure Review Group

13.0 Monitoring and Review

13.1 Monitoring

Ark's Executive and Leadership Teams will monitor implementation through quarterly incident reports and Learn Pro reports completed by Learning & Development of this policy on an ongoing basis and ensure that relevant decisions within Ark are taken in line with the obligations and expectations set out in this policy.

13.2 Review

This policy will be reviewed within 3 years from the date of approval by our Board of Management, in accordance with Ark's policy review framework.

*Chan, J., Arnold, S., Webber, L., Riches, V. and Parmenter, T. (2012) 'Is it time to drop the term 'challenging behaviour?' *Learning Disability Practice* 15:5, pp. 36-38.