

Stockport Mencap

Policies and Procedures

Version	Date approved by committee	Target date for next review	Comments
1.0	November 2009	November 2011	First ever comprehensive risk based review of the society's Policies and Procedures based mainly on National Mencap affiliation agreement and model policies.
2.0	January 2016	January 2018	Reviewed, revised and adopted for implementation.
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1 Introduction

1.1 Governing Documents

1.1.1 National Mencap Agreement

Stockport Mencap is affiliated to National Mencap as a Branded Group (entitled to use the local group brand) under the 2009 -2012 standard agreement which has been adopted subject to the qualifications noted below. This agreement is available in pdf format and is made available through Stockport Mencap's website alongside this policy document. This agreement was used heavily in a risk based policy and procedures review to ensure that Stockport Mencap complies with at least the minimum quality standard expected by the National organisation.

1.1.2 Qualifications to the National Mencap Agreement

On reviewing the National Mencap agreement, the following slight variation is noted in the case of Stockport Mencap:

1. Stockport Mencap's sign at Prospect House was in place before the latest up to date Branding guidance was issued. The colouring on the sign is slightly non-compliant. We formally acknowledge the National organisation's right under section 7.2 of the agreement to revoke our Branded status and will respond to them in the event they exercise that right.

1.1.3 National Mencap Model Constitution (2001)

Stockport Mencap has also adopted National Mencap's 2001 model constitution subject to the qualifications noted below. The model constitution is available on Stockport Mencap's website.

1.1.4 Qualifications to the National Mencap Agreement

On reviewing the National Mencap 2001 model constitution, the following slight variations are noted in the case of Stockport Mencap:

1. The role of Secretary shall not be an honorary office;

2. Whilst it is accepted, per paragraph 20 of the model constitution, “that In the event of any ambiguity or difference of opinion concerning the purpose or intention of this Constitution, its interpretation shall be a matter for the Royal Society”, Stockport Mencap’s interpretation or intention is a matter for Stockport Mencap’s Executive Committee.

1.2 Stockport Mencap’s Positioning Statement on Policies and Procedures

The Executive Committee of Stockport Mencap has written these policies and procedures such that they comply with the national organisation’s minimum quality standard; are concise, and easy to understand and follow; are as comprehensive as possible but “light touch”; give sound guidance on principles to be followed.

They are:

1. Mandatory on all Stockport Mencap volunteers, Executive Committee members, Trustees, and Members whilst engaged on activities of the society. This explicitly include Stockport Trans 16 group, which is a subsidiary organisation of Stockport Mencap;
2. Mandatory, insofar as the provisions relate to the use of Stockport Mencap’s buildings or transport for all organisations making such use. E.g. provisions on fire regulations, safe storage of hazard substances relate to all users of Prospect House and all drivers of Stockport Mencap’s minibuses must comply with the Section 19 regulations; however, groups that meet at Prospect House, may, if they wish, choose their own policies and procedures in areas such as risk assessments, manual handling and personal care;
3. Optional, in other respects, for other groups (principally Stockport Gateway and ABC groups) that meet on Stockport Mencap’s premises. Should such groups wish, they may resolve to adopt the whole or part of these policies and procedures, with or without amendment. It is suggested that such adoption would best be recorded in writing, clearly noting any differences in approach.

In the event of any uncertainty of interpretation, the order of precedence in determining the correct interpretation is:

1. The law of England and Wales, and if necessary counsel’s opinion on that law;
2. These policies and procedures, as interpreted by the Executive Committee of Stockport Mencap;
3. Policies and Procedures of National Mencap, as interpreted by that organisation;
4. If all else is silent on a particular matter, generally acceptable best practice.

These policies and procedures have largely been based on model policies provided by National Mencap, with sections that do not apply to the Stockport Group removed. Where more detailed guidance is considered helpful, we have made reference to a copy of the full National association document and posted it on our website. There is much more guidance available, so if you don't find the information you need in the documents we have selected or you have ideas to improve these policies and procedures, please contact a member of the Executive Committee.

2 Working Summary of Key Matters for the Attention of all Volunteers

Recognising that in practice many people will not read a lengthy document such as this from cover to cover, the following has been put together to summarise the key issues covered within these policies and procedures. It should be issued to and read by all trustees, committee members, volunteers, and representatives of organisations using Stockport Mencap's buildings and transport. Its purpose is to provide a key summary of the society's stance in each policy area to act as guidance and an indication to individual's, depending on their area of involvement as to whether they need to refer to the full text of the detailed policy and procedures.

2.1 *Your responsibility as a volunteer*

It is important to realise that the law makes no allowance for the fact that you are a volunteer or Stockport Mencap is a voluntary organisation. It imposes the same responsibilities that apply to a paid volunteer and employing organisation. It is therefore important that you understand your responsibilities, the support we can give you, and that you speak up if you are not happy about something.

2.2 Summary of what's in these policies and procedures

Section 4 sets out what we regard as acceptable behaviour (based on common courtesy and respect) and the consequences of any unacceptable behaviour;

Section 5 sets out our vision for helping those with learning disability and we hope you share that vision;

Section 6 sets out our equal opportunities policy – in short, we have no prejudice and do not discriminate;

Section 7 tells you how to raise a complaint or what will happen if someone complains about you;

Sections 8 & 9 contain information about the protection of vulnerable adults (POVA) and vulnerable children (POCA). You will be asked to undergo a Criminal Records Bureau (CRB) check and checks against the POVA and POCA registers to ensure you are suitable to work with these vulnerable groups. During your work with us, you have a duty to report ANY concerns you may have concerning any seemingly suspicious or inappropriate behaviour or circumstances that might indicate a breakdown in the safeguarding arrangements for these vulnerable people. Further exhaustive guidance from National Mencap is given on our website.

Section 10 sets out our Health and Safety policy and your responsibilities to take reasonable care, familiarise yourself with safe working practices and report any incidents or safety concerns. Do not use ladders at Prospect House until you have been shown how to do so safely, and do not drive the society's minibuses unless you have complied with all the requirements and signed the Section 19 log.

Section 11 gives the general guidance that we do not undertake manual handling that could cause injury.

Section 12 sets out the principles you should be aware of in protecting clients personal information.

Section 13 gives guidance on managing challenging behaviour, indicating circumstances when a risk assessment might be useful. Physical restraint is discouraged. Further exhaustive guidance from National Mencap is given on our website.

Section 14 notes that it is unusual for us to give intimate personal care, but notes the key principles of dignity, service user involvement, and where possible delivery by a volunteer of the same sex.

Section 15 notes the requirement for the society to verify the identity of any sources of income greater than £9,000. If you receive or are promised a sum in excess of this amount, whether in a single transaction or a series, you must refer the matter to the society's Treasurer.

Section 16 notes the procedures for coaching volunteers who may not be performing at the required level and the processes that determine whether they can continue to volunteer with the society.

Section 17 contains some basic information on the code of conduct expected of all volunteers.

Section 18 gives some good advice on dealing with emergencies (unplanned events that could result in danger).

Section 19 explains your duty of care over vulnerable people you work with and gives guidance on when and whether you should intervene.

Section 20 explains what you should do and what to expect should you have a grievance.

Section 21 explains about harassment, what to do if you are being harassed and what to expect if someone else makes a complaint against you.

Section 22 gives guidance on what to do if a service user goes missing.

Section 23 gives some advice and guidance to those planning holidays or trips away.

Section 24 explains the law behind the society's no smoking policy.

Section 25 gives guidance on your potential and very limited involvement with service users medication.

3 Compliance Procedures

The Executive Committee will at least annually complete a compliance review of important matters referred to in these policies and procedures and will keep a secure permanent record of the results of checks that include the following:

Ensure the accident book is available, up to date, and securely filed.

Review the written risk assessments for all activities and ensure they are securely filed and available as evidence of following best practice.

Document and assess appropriateness of the latest fire alarm inspection and test, gas safety certification, testing of all lifting equipment, PAT testing.

Confirm the date and appropriateness of the latest fire safety equipment service and inspection.

Confirm the following notices are still displayed in the building - fire procedures, emergency exits, sign saying it is illegal to smoke in the building.

Confirm fire risk assessment is up to date and securely filed.

Check that all hazardous substances are safely locked away (scullery cupboard).

Visually inspect entire building for obvious or new hazards.

Confirm Section 18 logs for minibuses have been filled in and copies securely retained as evidence.

Confirm vehicles are taxed, insured and MOT'd.

Perform safety checks on all ladders and sign off an inspection log.

Securely store the record of the inspection.

First aid kit contents

Hygiene standards

4 Acceptable Behaviour Policy

4.1 National Mencap policy

National Mencap values the positive, productive and friendly relationship that it has developed over the years with its members and Groups and wishes to continue this and develop these further on the basis of mutual respect and civility. It welcomes criticism but expects it to be presented in a constructive and appropriate manner. It will treat any incident of unacceptable conduct by Groups towards its staff, volunteers and trustees seriously, and take appropriate action.

Examples of unacceptable behaviour include physical or verbal abuse, including offensive, degrading or vulgar language, excessive and/or unreasonable criticism, public or private sarcasm resulting in humiliation, and any form of behaviour which may be deemed as harassment.

In response to any incidence of unacceptable behaviour, National Mencap will write to the person concerned, explaining that any recurrence will be taken as a breach of the terms of the Membership Agreement and if not addressed may affect the Group's continued affiliation.

The Group will also be informed if this is deemed to be appropriate.

4.2 Stockport Mencap comment

Stockport Mencap recognises the need for an acceptable behaviour policy as set out by National Mencap. It endorses that policy but notes that the judgment of what is "reasonable" or "excessive", or what may or may not be "deemed" is very subjective. For this reason, any allegation of unacceptable behaviour within Stockport Mencap will be investigated in accordance with the complaints and disciplinary policies which give the alleged offender opportunity to account for their actions and if appropriate rebut any allegations.

5 Stockport Mencap Vision, Mission and Values

National Mencap's vision, which Stockport Mencap supports is a world where people with a learning disability are valued equally, listened to and included. We want everyone to have the opportunity to achieve the things they want out of life.

5.1 *Mencap's mission*

Mencap will listen to people with a learning disability; fight for the changes that people with a learning disability, and their families and supporters, want and need; support all people living with a learning disability in all parts of their lives; give excellent information and advice; work with people and groups that want the same things we do.

5.2 *Mencap's values:*

Mencap's values are being people centred; empowering, including and respecting all people; challenging wrong ways of thinking about learning disability; transforming lives; being brave and developing new ideas.

6 Diversity and Equal Opportunities Policy

6.1 Policy Statement

Stockport Mencap's vision is for a society where all people with a learning disability are valued equally, listened to and included. To achieve this, Stockport Mencap will listen to what people with a learning disability want; help to support people living with a learning disability in all parts of their lives; give excellent information and advice; work with people and groups that want the same things that Stockport Mencap does; fight for the changes that people with a learning disability and their families and supporters want.

We believe that our vision and mission can only be achieved if we make full use of the talents and resources of all our volunteers. We want to be a diverse organisation, where individual differences are recognised and valued and where discriminatory attitudes or practices are challenged.

Diversity means the broad range of visible and non-visible differences that characterise people. Some of these qualities include race, age, colour, first language, ethnic or national origin, religion/community background, political belief, gender, disability, appearance, sexual orientation, age, responsibility for dependants, marital status, HIV status and work style.

In carrying out this Policy, we will comply with the relevant anti-discrimination legislation and challenge discriminatory practice; make every effort to attract people from all groups, either to act as volunteers or to use our services or to be members; take seriously and investigate urgently any alleged discrimination or harassment; ensure that our services are relevant and accessible to all those who use them or want to use them.

6.2 Volunteering policies

Our policy is to treat individuals solely according to their ability to meet job requirements.

This will ensure that in all aspects of voluntary involvement – such as recruitment, training, appraisal, promotion and termination of involvement, trustees, committee members and volunteers are treated as unique individuals.

In implementing our volunteering, recruitment and training policies we will ensure that all volunteers are effectively inducted into Stockport Mencap and know the relevant policies, procedures and standards of expected behavior; encourage volunteers to achieve their full capacity and potential; promote conditions where innovation, teamwork and participation

can flourish; ensure that work environments are not intimidating, hostile, degrading, humiliating or offensive.

6.3 Services

We are committed to achieving equality of opportunity in access to our services. We aim to achieve a consistent approach to diversity and equal opportunities in the delivery of our services. We also expect people working on our behalf to demonstrate their commitment to diversity and equality in the work that they do.

We want to ensure that our services are welcoming to all people with a learning disability, and accessible to people from all communities.

To achieve this we will build close links with sections of the community in areas where we provide services and actively encourage those groups to benefit from our services; ensure that trustees, committee members and volunteers are aware of the needs and sensitivities of the people we support from different groups; investigate urgently any claim of discrimination or harassment.

7 Complaints Procedure

7.1 Introduction

Everyone has a right to express their views or complain about a service provided by Stockport Mencap. By inviting comments and encouraging feedback, Stockport Mencap aims to ensure that its services are continually reviewed and meet the needs of users.

7.2 Procedure

7.3 Stage 1

It is hoped that any problems or complaints that a parent, carer, member or person using the services provided by Stockport Mencap may have can be dealt with informally at source.

7.4 Stage 2

If a problem cannot be resolved in this way, they should write, giving full details of their complaint to

The Stockport Mencap Committee
Stockport Mencap
70 Derby Road,
Stockport
SK4 4NF

7.5 Stage 3

If the matter has not been resolved, or if there is no satisfactory outcome within four weeks of the date the Chairman received the written complaint, the matter should be referred to

The Chairman
Stockport Mencap
70 Derby Road
Stockport
SK4 4NF

The Chairman will then discuss the matter confidentially at a meeting of the Trustees and convey the result to the complainant in writing.

8 Protection of Vulnerable Adults (POVA)

8.1 Relevant legislation

Part V of the Police Act 1997 created the Criminal Records Bureau.
The Care Standards Act 2000 created the POVA list of those unsuitable to work with vulnerable adults.

8.2 Policy statement

It is Stockport Mencap's policy to ensure that vulnerable adults who attend Stockport Mencap activities are protected at all times and do not suffer any harm due to the act or omission of any member, volunteer, employee or other carer who works with the group and will have regular contact with vulnerable adults; to comply with the provisions of the Local Authority's policy and procedures for the protection of vulnerable adults; from the Commencement Date of this Agreement to ensure that all new volunteers' employees and members that wish to work with the Group and who will have direct contact with or are training or supervising staff in direct contact with vulnerable adults, will be subject to the appropriate Criminal Records Bureau check and a check against the POVA list.

If a person is identified as on the POVA list as unsuitable to work with vulnerable adults Stockport Mencap will not allow that person to work with the Group; If a Criminal Records Bureau check identifies a person has a criminal record the Stockport Mencap will consider the nature of the offence, and decide whether it is appropriate in the face of the information received to still employ or allow the person to volunteer at the Group.

Stockport Mencap will refer to the relevant Authority any person working with the Group who is dismissed, or who retires, resigns or is made redundant when they otherwise might have been dismissed, for any misconduct whether arising out of their employment or otherwise which harmed or placed at risk of harm a vulnerable adult.

If we consider that anyone who is having regular contact with a vulnerable adult attending the Group's Activities is behaving in an inappropriate manner towards a vulnerable adult we will investigate the matter in accordance with the complaints procedure and notify the Local Authority vulnerable adults protection team and police as appropriate and co-operate with any resulting investigation.

9 Protection of Children (POCA)

9.1 Relevant legislation

Part V of the Police Act 1997 created the Criminal Records Bureau
The Children Act 1989
Protection of Children Act 1999
Care Standards Act 2000
Children's Act 2004

9.2 Policy statement

It is Stockport Mencap's policy to ensure that children who attend its Activities are protected at all times and do not suffer harm due to any act or omission by any member, volunteer, employee or other carer who works with the Group and who will have regular contact with children; to comply with the provisions of the Local Authority's policy and procedures for the protection of children; from the Commencement Date of this Agreement to ensure that all new volunteers' employees and members that wish to work with the Group and who will have direct contact with or are training or supervising staff in direct contact with children, will be subject to the appropriate Criminal Records Bureau check and a check against the POCA list.

If a person is identified as on the POCA list as unsuitable to work with children Stockport Mencap will not allow that person to work with the Group; if a Criminal Records Bureau check identifies a person has a criminal record we will consider the nature of the offence, and decide whether it is appropriate in the face of the information received to still employ or allow the person to volunteer at the Group.

Stockport Mencap will refer to the relevant Authority any person working with the Group who is dismissed, or who retires, resigns or is made redundant when they otherwise might have been dismissed, for any misconduct whether arising out of their employment or otherwise which harmed or placed at risk of harm a child.

If we consider that anyone who is having regular contact with a child attending the Group's Activities is behaving in an inappropriate manner towards a child we will investigate the matter in accordance with the complaints procedure and notify the Local Authority child protection team and police as appropriate and co-operate with any resulting investigation.

10 Health and Safety

10.1 General Policy Statement

The Trustees of Stockport Mencap recognise their responsibility to ensure the health, safety and welfare at work of all volunteers; and further that a duty extends to all other persons whilst they are on Stockport Mencap's premises.

It is Stockport Mencap's policy to do all that is reasonable to prevent personal injury and damage to property and to protect all persons, including members of the general public, from foreseeable work hazards insofar as they come into contact with Stockport Mencap.

The Trustees recognise that it is their duty to nominate the person(s) with overall responsibility for Health and Safety; provide and maintain safe and healthy working conditions, taking into account any statutory requirements; provide appropriate instruction and training to enable volunteers to perform their tasks safely and efficiently; make available to volunteers all necessary safety devices and protective equipment and to supervise their use; maintain a constant and on-going interest in health and safety matters which are applicable to Stockport Mencap's activities; in particular by consulting and involving volunteers; provide and maintain, so far as is reasonably practical, safe access and egress to the place of work; provide and maintain a working environment that is, so far as is reasonably practical, safe, without risk to health and safety, and adequate as regards facilities and arrangements for welfare at work.

The Trustees further recognise that volunteers equally have a duty under the law to exercise personal responsibility and to do everything practical to prevent injury to themselves and others by working safely and efficiently; using the appropriate protective equipment provided and meeting all statutory obligations; immediately reporting incidents that have led or may lead to injury of persons or damage to property; strictly adhering to Stockport Mencap Policies and Procedures, directions and safety instructions for securing a safe work place; assisting in the investigation of accidents with the objectives of upgrading existing measures or introducing new measures to prevent a recurrence; fulfilling the duty to refrain from the wilful misuse or interference with protective equipment which has been provided by Stockport Mencap in the interest of health and safety and welfare, and to take reasonable care in any action which might endanger themselves or others.

Volunteers have a duty to take reasonable care for the health and safety of themselves and others; to cooperate with their employer, or any other person, or any of the relevant statutory provisions so far as is necessary, to enable that duty or requirement to be performed or complied with; to observe all health and safety rules at all times; to familiarise

themselves with all safety operating procedures and instructions applying in any work place and in any job to which they may be allocated; to use appropriate safety devices and equipment to ensure compliance with statutory regulations and appropriate Stockport Mencap Policies and Procedures; to immediately upon detection report any defects or health hazard to an executive committee member; to assist in the maintenance of good housekeeping standards at all times; to report any accidents or plant damage immediately to an executive committee member, whether injuries are caused or not, and assist in the investigation of the accident.

10.2 Health and safety policy - implementation

The Executive committee of Stockport Mencap are responsible for the effective implementation of the Health and Safety Policy by keeping themselves informed of all the incidents of accidents occurring on Stockport Mencap premises, both to Stockport Mencap's volunteers and to other persons; keeping under review all safety measures, instructions, training and to ensure the health and safety and welfare of all volunteers and other persons whilst on Stockport Mencap premises or on or about its vehicle(s); making available such resources as are required in order that Stockport Mencap may execute its statutory duties under all health and safety legislation.

10.3 Use and inspection of ladders

You should not use the ladders at Prospect House unless you have been shown how to do so safely. The condition of all ladders will be inspected for safe operation at least annually and the results recorded.

10.4 Driving Stockport Mencap Minibuses

Before you drive any of the Stockport Mencap minibuses you need to ensure you have the permission of the Society; hold the relevant driving licence, and have completed the necessary checks under Section 19 of the Transport Act 1985 and signed the log kept in the vehicle.

11 Manual Handling

11.1 *Relevant legislation*

Manual Handling Operations Regulations 1992
Lifting Operations and Lifting Equipment Regulations 1998
The Health and Safety at Work Act 1974
The Provision and Use of Work Equipment Regulations 1998

11.2 *Guidance on lifting*

You should avoid as far as is practicable the need to have to lift where injury might be caused. If the need to lift cannot be avoided an assessment shall be undertaken to identify the risks. Following a risk assessment you must devise a safe system of working that reduces the risk. The requirements regarding risk assessments and procedures for manual handling relate equally to situations where people, equipment or other items are being lifted or moved.

12 Confidentiality and Data Protection

12.1 Policy statements

Stockport Mencap takes the concept of confidentiality very seriously and does all in its power to restrict personal information to those who genuinely need to know. To comply with the principles of the Data Protection Act, Stockport Mencap will endeavour to ensure that strict confidentiality of clients' personal data is maintained in all of its work, whether the information is stored on a computer or a manual filing system. We will also try to ensure that: access to personal information by our volunteers is on a "need to know" basis only; personal information is not given to any outside party without the consent of the person concerned (or their legal or appointed representative); information is stored securely and can be reinstated/restored in an emergency.

12.2 Freedom of information

If a request is received for access to information under the Freedom of Information Act you should refer the matter to the Chairman. In deciding whether there is a duty to disclose the information requested, the Chairman will consider the individual's rights of protection under the Data Protection Act.

13 Challenging behaviour

13.1 *Relevant legislation*

The Health and Safety at Work Act 1974 creates a duty on us to ensure the welfare and safety of employees and all that attend our Groups

The Health and Safety at Work Regulations 1999 creates a duty to make suitable assessment of the risks of employees at work

Care Homes Regulations 2001 deals with the issue of physical restraint

Human Rights Act 1998

13.2 *Policy statements*

Challenging behaviour refers to behaviour, which may be physical, or verbally aggressive, may involve self-injury, or which results or could result in harm to another person or property. You should not use physical restraint unless the person has given consent, or it is a situation where the circumstances require physical restraint to prevent significant harm to others or property or to prevent a crime being committed.

For individuals known to display challenging behaviour, you should undertake a full risk assessment prior to attending the Group's Activities in order to assess and manage any individual behavioural needs. This assessment must be kept under review in order to identify any changing needs and to take measures to manage them.

If an incident of challenging behaviour occurs it must be recorded as a service user risk assessment, the risks of further occurrence should be assessed and measures taken to minimise any such risks identified, counselling and support should be offered if appropriate to the circumstances.

More detailed guidance on managing challenging behaviour has been issued by National Mencap and is available on our website.

14 Intimate personal care

14.1 Relevant legislation

The Health and Safety at Work Act 1974 creates a duty on us to ensure the welfare and safety of employees and all who attend
The Health and Safety at Work Regulations 1999 creates a duty to make suitable assessment of the risks of employees at work
Manual Handling Operations Regulations 1992
Lifting Operations and Lifting Equipment Regulations 1998
Human Rights Act 1998

14.2 Policy statements

Stockport Mencap does not deliver intimate personal care except in exceptional circumstances.

Where intimate personal care is delivered this will always be done sensitively and appropriately. Volunteers will be aware of the need to maintain privacy and dignity when dealing with intimate personal care needs.

Intimate personal care should be delivered within the process of needs assessment/care planning and detailed within the service user plan. The service user will be involved to ensure the personal care is appropriate for the specific individual.

The service user will make the decision as to who offers intimate personal care and what from this will take.

Gender issues are significant in determining the appropriateness of the support and we will endeavour to ensure that the principle of same gender care is applied when meeting the intimate personal care needs of a service user.

It is recognised that it is important for service users to have positive role models of males and females. Work other than that involving intimate personal care would routinely be carried out by staff of either sex, subject to the preference of the individual service user and the appropriateness of the individual volunteer.

15 Money laundering

15.1 *Relevant legislation*

Money Laundering Regulations 2003

15.2 *Policy statements*

Transactions of the value of £9000 and over are regulated by legislation in order to seek to prevent the incidence of money laundering through an organisation. If the Group receives amounts of money over £9000, or a series of transactions amounting to that sum, there is an obligation for the Group to seek as far as is possible to verify the identity of the person in order to legitimise the source of the money.

16 Capability and disciplinary policies

16.1 Why is it important?

Stockport Mencap wants to encourage and support volunteers to meet and maintain the required standards of performance. Where, despite support, a volunteer is unable to reach the required standards, hearings will be held under the procedure which may ultimately lead to the termination of the volunteer on the grounds of incapability.

16.2 The policy

Stockport Mencap recognises that failure to meet the required standards of performance can arise from either conduct or capability reasons. Incapability is where the employee has received all the necessary training and support but is unable to achieve the required standards of performance.

Misconduct is where the employee is unable or unwilling to meet standards through negligence, carelessness or deliberate refusal to work satisfactorily.

On an occasion where conduct and capability overlap, a decision will be taken by the Executive Committee on the most appropriate procedure to be followed.

Informal stage

It is important that issues of performance are raised as soon as possible with the volunteer. Unless the matter is viewed as a serious lack of capability, it should be dealt with informally in the first instance.

Stage 1 Capability Review Hearing

If the volunteer has failed to meet the improvements required, following informal action, they will be invited to attend a first formal hearing.

At the hearing the Executive Committee will:

- explain how the volunteer's performance has failed to meet the required standards
- give the volunteer the opportunity to explain the reasons for this
- listen to the response and identify the course of action to be taken with the aim of improving performance i.e. an action plan detailing further support and/or training
- set a timescale for review and for the volunteer to meet the required standards
- formally warn the volunteer that failure to meet the required standards may result in further formal action or issue no warning but continue informal monitoring

The Executive Committee will confirm in writing the outcome of the hearing, including confirmation if a formal warning has been issued and details of the right of appeal. Volunteers should be made aware that if capability continues to be an issue this could ultimately result in their termination as a volunteer.

At the end of the review period, the Executive Committee will arrange a further hearing with the volunteer to discuss his/her performance.

If the volunteer's performance has improved to the required standards since the Stage 1 review hearing and is maintained, he/she will be informed that his/her performance is now satisfactory. He/she will also be informed that his/her performance will be reviewed for a period of 12 months. Any subsequent drop in performance during that time will lead to the capability procedure being activated from where it was left, rather than starting at the beginning. Any future failure to meet the required standards is likely to result in further formal action. A letter of confirmation will be sent following the hearing.

If, after the review period, the employee has improved but has still not reached the required standards, or no improvement has been made, a hearing will be held under Stage 2 of the formal procedure.

Stage 2 Capability Review hearing

At the second formal hearing the Executive Committee will follow the same process as outlined in stage 1 above with the addition of the following:

- outline the action taken and any progress made since the stage 1 hearing
- formally warn the volunteer that failure to meet the required standards may result in further formal action

The Executive Committee will confirm in writing the outcome of the hearing, including confirmation if a formal warning has been issued and details of the right of appeal.

At the end of the review period, the Executive Committee will arrange a further hearing with the volunteer to discuss their performance.

If the volunteer's performance has improved to the required standards since the Stage 2 review hearing and is maintained, they will be informed that their performance is now satisfactory. They will also be informed that their performance will be reviewed for a period of 12 months. Any subsequent drop in performance during that time will lead to the capability policy being activated from where it was left, rather than starting at the beginning. Any future failure to meet the required standards is likely to result in further formal action.

If, after the review period, the volunteer has improved but has still not reached the required standards, or no improvement has been made, a hearing will be held under Stage 3 of the formal procedure.

Stage 3 Capability Review hearing

At the third formal hearing the Executive Committee will follow the same process as at the earlier stages with the addition of the following:

- outline the actions taken since the stage 1 & 2 hearings
- confirm that the volunteer's performance has not improved to the level required despite the additional support provided
- formally warn the volunteer that failure to meet the required standards may result in further formal action including the possibility of dismissal
- issue a final formal warning followed by a further specified review period

The Executive Committee will confirm in writing the outcome of the hearing, including confirmation if a formal warning has been issued and details of the right of appeal.

At the end of the review period, the Executive Committee will arrange a further hearing with the volunteer to discuss his/her performance.

If the volunteer's performance has improved to the required standards since the Stage 3 review hearing and is maintained, they will be informed that their performance is now satisfactory. They will also be informed that their performance will be reviewed for a period of 12 months. Any subsequent drop in performance during that time will lead to the capability policy being activated from where it was left, rather than starting at the beginning. Any future failure to meet the required standards is likely to result in further formal action.

If, after the review period, the volunteer has improved but has still not reached the required standards, or no improvement has been made, a hearing will be held under Stage 4 of the formal procedure.

Stage 4 Final Capability Review hearing

At the fourth formal hearing the Executive Committee will follow the same process as at the earlier stages with the addition of the following:

- outline the actions taken since the stage 1, 2 & 3 hearings
- confirm that the volunteer's performance has not improved to the required standards despite the additional support provided

At the conclusion of the hearing, the Executive Committee will consider the following options:

- dismissal on the grounds of incapability
- extend the final review period

The Executive Committee will confirm in writing the outcome of the hearing, including details of the right of appeal.

17 Code of conduct

The following code of conduct should apply to all volunteers.

17.1 Confidentiality

You must keep all information given to you or created by you during your volunteering confidential at all times while you are a volunteer and after your volunteering ends.

17.2 Personal belongings

Stockport Mencap cannot accept any responsibility for your own belongings while you are volunteering and you should therefore ensure that you only bring with you those items which you will actually need.

17.3 Vehicles

Where your own vehicle is used for Stockport Mencap business, regardless of whether you claim reimbursement of petrol costs for this, you must ensure that your insurance policy is in force and includes cover for such use. You must also have a current MOT, road tax and valid current driving licence.

17.4 Smoking

Prospect House is a no smoking environment. You are asked to respect this and take into account health and safety requirements.

17.5 Acceptance of gifts

You must never ask or influence a service user to buy or give you a gift.

17.6 Wills, deeds etc.

Under no circumstances may you assist or offer advice in the preparation of wills, deeds or gifts or any document relating to finance, gifts or property. On such occasions, you should advise service users to seek independent legal or financial advice.

17.7 Communications

You have a responsibility to read all appropriate communication books and check any message systems.

18 Dealing with emergencies

18.1 *What is an emergency?*

An emergency may be defined as an unplanned, and normally dangerous, event that requires immediate action in order to minimise any loss or damage to people, property and the environment.

Emergencies may be caused by property damage (e.g. due to adverse weather), by a breakdown in essential services, or by people. Whatever the cause, the aim must always be first to protect the safety of service users, volunteers and any members of the public. The next priority is to try to minimise damage to the property and surrounding environment.

18.2 *Preparation*

Most situations can be prevented (or at least the losses can be minimised) by careful planning, by regular risk assessments of the property and the people living and working in it, and by ensuring that service user plans, where required, are comprehensive and current.

Service users should be supported to deal with an emergency by:

- ❑ volunteers talking through with service users what they should do in a given situation, e.g. if they think they can smell smoke or gas or suspect a fire
- ❑ having the opportunity to practice evacuation drills
- ❑ knowing how to contact the emergency services (999 – police, ambulance and fire brigade).

All volunteers must have easy access to emergency phone numbers. Essential telephone numbers include:

- ❑ emergency services (999 – police, ambulance and fire brigade)
- ❑ essential services: gas, electricity, water
- ❑ out-of-hours maintenance number(s)
- ❑ management contact numbers
- ❑ management out-of-hours on-call service.

18.3 *Volunteer responsibilities*

It is vital that volunteers co-operate and share responsibility for the full and correct implementation of health and safety. In particular, volunteers are reminded of their own responsibility to:

- ❑ familiarise and observe the operational and health and safety policies and procedures of Stockport Mencap
- ❑ report any dangerous occurrences to the leader of the group
- ❑ report any personal injury or incapacity that could affect their ability to move or safely handle service users
- ❑ follow advice in ensuring safe working practices
- ❑ seek to work in a manner that will not be detrimental to their own health and safety
- ❑ report any changes in service users' health, environment or working condition
- ❑ at all times keep themselves updated with the content of the risk assessments and service user plans, where these exist.
- ❑ always make every effort to minimise the risks to service users, themselves and others.

18.4 Dealing with an emergency situation

In dealing with an emergency situation volunteers should:

- ❑ stay calm
- ❑ assess the situation, and then choose a course of action to manage the situation
- ❑ only manage a situation if this is safe to do, and does not place service users, themselves and others in to a position of greater possible harm or risk
- ❑ reassure service users
- ❑ never attempt to deal with a situation alone, unless it safe to do so
- ❑ contact the appropriate emergency service or agency, being clear and concise when making an call

18.5 Reporting of accidents and dangerous occurrences

Any accident/incident that results in an injury must be reported to the group leader and an accident report form must be completed. An entry should also be made in the accident book.

If any person has an accident that requires reporting under RIDDOR then the designated health and safety officer must be informed with 24 hours. There is a legal requirement to report this to the HSE Incident Contact Centre.

Any fatality in the workplace must be reported to Mencap's national health and safety officer as soon as possible by telephone.

18.6 Notification to others

Other people and agencies will need to be informed as required, for example:

- □relatives
- placing authority.

19 Duty of care

19.1 Policy statement

As an Organisation that has contact with disabled / vulnerable people Stockport Mencap has a Duty of Care to them. As a minimum, this duty of care includes:

- Safeguarding and promoting the interests and well being of the service user with whom it works.
- Reducing the vulnerability of a service user by upholding the law, professional attitudes and practices.
- Making sound decisions by assessing the individual's emotional, physical, intellectual and mental capacity in relation to self-determination and consent, in order to take all the reasonable steps to protect the person from harm, abuse and exploitation.

19.2 Assessment for intervention

In order to fulfil these duties, you must ensure that for vulnerable individuals assessments of the risks and of their needs are carried out in order to ascertain if any steps should be taken to protect them from harm, abuse and exploitation.

In determining the appropriate intervention, consideration should be given to the following:

risk – does the vulnerable person appreciate and understand the nature and consequences of any risk they may be subject to and do they willingly accept such risk?

The vulnerable person's wishes are critical in determining what action to take. All people have a right to make choices, insofar as they are able, and maintain their independence even when this involves a degree of risk. This degree of risk should only be that which is considered generally acceptable according to professional practice. Risk may require intervention, but this must be allowed by law.

All identified hazards/risks and the corresponding risk reduction actions must be recorded using the Individual service user Risk Assessment.

Self determination – is the vulnerable person able to make their own decisions and choices and do they wish to do so?

Where a vulnerable person appears to be able to make informed decisions and choices and is not being intimidated or coerced then the available options should be explored with them.

Their wishes should be respected, unless these conflict with a legal duty to intervene, or unless another person[s] is considered to be at risk. A refusal of help must not be allowed to deter support staff or others from protecting other vulnerable people who may also be at risk. In all circumstances the vulnerable person should be consulted and involved in decision making.

Consent – does/did the vulnerable person consent willingly ?

Action with which the vulnerable person does not agree, or does not understand to what he or she is agreeing, may be abusive. Consent is a critical issue in defining what might be deemed abusive and in determining whether to intervene. The person's ability to consent is subject to the legal age of responsibility and their capacity to understand the level of risk and the possible consequences of what they are agreeing to.

Capacity- does the vulnerable person have the capacity for self determination, the capacity to understand to what they are consenting, or alternatively the capacity to refuse?

The vulnerable person's capacity is the key to action in that if someone has 'capacity' and declines assistance this limits the help that can be given to that person. It will not however limit the action that may be required to protect others or the vulnerable individual who may be at risk of harm, abuse and exploitation. In order to make sound decisions in these situations it will be necessary to assess the vulnerable person's emotional, physical, intellectual and mental capacity in relation to self-determination and consent.

An inter agency care planning meeting will normally be the correct place for this assessment to be made and for identifying what reasonable steps need to be taken to protect the individual or others from harm, abuse and exploitation.

19.3 Service users under 18 years of age

For a service user under 18 the parents or the person with parental responsibility must be involved in the assessment process and must give the required consent to any actions or interventions, subject to the law of consent.

In situations where it is clear that the involvement of the parents or the person with parental responsibility will place the person at increased risk of harm, abuse and

exploitation, then the situation must be discussed with line management before any action is taken.

20 Grievance Procedure

Stockport Mencap wants to ensure that volunteer concerns are resolved as quickly as possible as they may affect morale and as a result, service delivery. The grievance procedure allows us to deal with grievances fairly and consistently.

20.1 *The procedure:*

What this procedure covers:

The grievance procedure applies to concerns that you have that affect you personally. This doesn't normally include decisions that affect all volunteers.

The procedure also doesn't apply if a policy has an appeal process, for example, disciplinary or harassment.

20.2 *Stages in the procedure*

Stage 1

To begin the process, you should first discuss the matter informally with your group leader, who will consider what you have to say and will work with you to resolve the situation.

Stage 2

If you are not happy that your concern has been resolved at stage 1, you should put your grievance in writing to the Executive Committee. You should give a full and clear explanation of what you are concerned about. You should do this within 14 calendar days of meeting with the group leader.

The Executive Committee will consider the grievance.

You will be asked to come to a meeting as soon as possible and at a reasonable time and location for your grievance to be heard. If you wish, a friend can accompany you to the meeting. You should inform the person hearing the grievance who your companion is before the hearing. Your companion can have a say at the meeting but can't answer questions for you.

You will be told in writing of the outcome of your grievance, where possible within 10 working days of the date of the meeting. If the Executive Committee feels a more detailed investigation is needed, they may not be able to give the decision in writing

until this investigation is completed. If the decision will take longer than 10 days, you will be informed of this.

Stage 3

If you are still not happy that your concern has been resolved, you can make an appeal, asking for the grievance to be referred to National Mencap. You should put your appeal in writing within 14 calendar days of receiving the letter explaining the outcome of the stage 2 grievance. You should explain clearly and fully what you are still concerned about.

21 Harassment

21.1 *Why is it important?*

This policy is important because if bullying and harassment are not stopped, they can create an atmosphere where people feel frightened, angry and powerless. We want to ensure that our volunteers do not have to work in this kind of atmosphere.

21.2 *What is Harassment?*

Harassment is unwanted behaviour that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment may be intentional bullying which is obvious or violent, but it can also be unintentional or hidden. It may be a display or abuse of power by one person over another.

People can be harassed because e.g. they are women, lesbian or gay, disabled, from a black or minority ethnic community, because of their religion or belief, because of their age, because they have changed their gender, or because of other matters. If employees complain that they are being bullied or harassed they have a grievance which must be dealt with regardless of whether or not their complaint falls into a standard definition of harassment or bullying.

21.3 *Policy statement*

Stockport Mencap is determined to create an environment that is free from intimidation, bullying or harassment. Harassment is hurtful to people and is totally unacceptable. It is unlawful to harass someone on the grounds of their sex, race or ethnic origin, because they are a lesbian or gay man, disabled or because of their religion or belief. Harassment and bullying are serious offences. If you harass one of your colleagues, this could lead to the disciplinary procedure being used against you. Repeated or serious offences could result in you being asked to leave. You could be personally liable in an employment tribunal and might have to pay compensation.

If you feel that you have been harassed, we want you to speak up. This policy explains what you can do if you feel that you are being harassed by another volunteer.

If you make a complaint, it will be taken seriously and will be investigated fully. Your complaint will be treated confidentially, and the only people who need to know about it will be those who will help sort it out.

21.4 Examples of harassment

Harassment may manifest itself in several ways, including:

- Spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, disability, sexual orientation and religion or belief).
- Nicknames, teasing or name-calling.
- The revealing of a person's sexual orientation by another person, without their permission ('outing').
- Unwelcome comments about dress or appearance.
- Unwanted physical contact - touching, standing too close.
- Overbearing supervision or other misuse of power or position.
- Excluding a person from a work group, because of their race or religious beliefs, gender, disability, sexual orientation, or age.
- Derogatory comments or jokes about religious or political beliefs.
- Unfair allocation of work or rudeness, to create an atmosphere where individuals from particular backgrounds feel intimidated and unwanted.
- Sending round emails that are critical of someone, or sending abusive emails to an individual.
- Offensive posters, graffiti or website images.
- A general culture which appears to tolerate the telling of jokes at the expense of people who are different in some way from the majority group.
- Other behaviour which may not be intended to upset others but actually does upset them.

21.5 What we expect of all volunteers

We expect you:

- Not to harass anyone.
- To challenge harassment when you see it; this might involve reporting incidents to a manager.

21.6 Complaining about harassment

Allegations of harassment will be dealt with under the Stockport Mencap complaints procedure.

21.7 Harassment by service users

If you feel you are being harassed by a service user, it may not be appropriate to raise the matter with the service user directly. You should first raise the matter with group leader, who will ensure that your complaint is dealt with. Harassment by service users will be taken seriously. Your group leader may involve you and other team members in dealing with the service user's behaviour in a planned way.

If you feel that the matter has not been resolved within a reasonable timescale, you can follow the formal procedure outlined above.

21.8 Harassment by Mencap members

If you feel that you are being harassed or bullied by a Mencap member, you should first raise the matter with group leader. He or she will discuss with you the best way to deal with the matter. This may include you or your group leader raising the matter with the individual on an informal basis. Alternatively the matter may be dealt with using the Code of Conduct for Members.

22 Service user goes missing

22.1 Principles of good practice

In situations where service users live independently or with their families or other carers you would not normally need to know where service users are for the majority of the time except for when support is actually provided. In other situations where a service user is dependent on support workers or volunteers to be safe for most of the time it is essential that support workers and volunteers are aware of where the service user is. A needs assessment conducted by a social services care manager and/or your group should identify known safety issues and indicate those situations where a person may be at risk. The support plan should address any specific risks associated with a service user being on their own in the home and outside the home.

Where a risk assessment does indicate safety issues adult service users, who live independently, do not need “permission” to go out but they should be asked to say when they are going and accept the support of volunteers outside. Even when there are not specific risks that are identified service users shall be encouraged to give “information” about where they are going and when they will be likely to return.

Some types of service take place mainly outside the place in which a person lives. The assessed risks to people in those situations shall include the possibility of people going missing, how to minimise that possibility and what the service user and the volunteer should do in such circumstances.

22.2 Precautions

It is the responsibility volunteers supporting adults:

- to obtain as much information as is reasonably possible about where service users are going and when they are likely to return
- to encourage service users to carry some kind of identification (name, address, telephone number), sufficient money for personal needs and transport, and any travel passes they may hold
- to encourage service users to be dressed appropriately with regard to what is generally socially acceptable and to the particular weather conditions
- to establish, as far as possible, that people going out have a clear understanding of where they are going, how to get there, how to return, and what to do if they are lost
- to be aware, as far as reasonably possible, of the whereabouts of each service user.

22.3 Definition of a missing service user

What is meant by “a service user going missing” is not easily defined and the point at which a service user is regarded as having gone missing is not easily determined.

Concern should be expressed when a service user:

- is not back at the usual time the service is provided
- has been out much longer than they indicated before leaving
- has been away from the service for significantly longer than usual without having indicated prolonged absence
- has gone out with a companion but has not returned with them and there is no apparent explanation
- has not returned at a time that is consistent with their normal pattern of behaviour.

22.4 Procedure to be followed

Concern should then lead to an initial investigation including:

- checking the premises and grounds to ensure that the particular service user has not arrived back unannounced, or is not trapped somewhere
- discussing possibilities with other volunteers on duty
- ensuring that a message left in the recording systems of the particular service has not been overlooked
- asking other service users, in a way that does not generate anxiety, if they have any knowledge of the person’s plans or whereabouts.

When concern has become serious, advice may be sought from management structure or by use of the management advice on-call system outside office hours.

If the circumstances suggest that the service user may be in difficulty or danger, local hospitals may need to be contacted and/or the local police notified. The precise timing of this will be a matter of discretion, with regard to the person’s age, competency and level of vulnerability.

It will help to have:

- a clear description of the person. A recent photograph would be useful, as this may be required by the police;
- as much detail as possible about where the person intended to go or might be located, and when they left the service
- some indication of the person’s relevant competencies – e.g. physical mobility, communication skills
- information about any particular behaviour patterns that may be relevant to their absence or their reaction to feeling lost and needing to seek and/or receive help.

If appropriate, contact the service user's closest relative – in a way that does not cause undue anxiety.

When it has been established with reasonable certainty that a service user is a “missing person”, the following people must be informed:

- the police (they will advise on procedures)
- in the case of a child (under the age of 18), the parents or the person with parental responsibility
- service development manager and regional manager or business unit equivalent
- placing authority
- National Care Standards Commission.

Once the service user has been located or has returned, ensure that all parties who were advised of the situation are contacted again and informed of the outcome.

Throughout the process it is important to maintain personal calm and to cause as little anxiety as possible amongst other service users.

A full report of the incident, and action taken, must be made without delay.

23 Service user holidays and trips away

If the Group is planning a trip or Activity to take place away from the Group's usual premises from which it operates it must undertake a risk assessment for the trip or Activity. A record must be kept of all such risk assessments. The risk assessment must identify the risks and measures to minimise those risks and should include a consideration of the following;

- The level of appropriate supervision required on the journey and during the trip or Activity taking into account the number of people attending and the nature of the trip or Activity being undertaken
- The specific personal, medical or other needs of any person attending (See Medication, Personal Care, Managing Challenging Behaviour)
- The need to ensure the safety and protection of those attending (See Health and Safety and The Protection of Vulnerable Adults and Children)
- Whether the Group's insurance covers the trip or Activity and whether any specific or additional insurance is required
- Emergency contact details and written consent from parents or carers regarding the person's attendance and consent for emergency medical treatment where appropriate for all those attending

24 Smoke free policy

24.1 Introduction

The aim of this policy is to outline our smoke-free policy and ensure that Prospect House meets the requirements of the laws on smoking.

Where this policy uses the word “smoking”, this means all tobacco and tobacco-related products e.g. cigarettes, cigars, pipes, herbal/menthol cigarettes.

This is a policy for Stockport Mencap volunteers but will also apply to all visitors, members, and contractors and volunteers in Prospect House and Stockport Mencap vehicles.

24.2 Background - the legal framework

The Health Act 2006 outlined the Government’s intentions to make all enclosed public places smoke-free. The aim of the legislation is to protect workers and the general public from the harmful effects of second-hand smoke.

The regulations ban smoking in all public places (including workplaces and work vehicles) which are ‘enclosed’ OR ‘substantially enclosed’. Substantially enclosed means that 50% or more of the wall space (excluding doors and windows) is enclosed.

There are three specific offences:

- **Failing to display no-smoking signs in premises (or vehicles) covered by the law**
There is a fixed penalty of £200 or maximum fine of £1000 if prosecuted and convicted in a court. This is imposed on whoever manages and controls the premises/vehicle or business.
- **Smoking in a smoke-free place**
There is a fixed penalty of £50 or maximum fine of £200 if prosecuted and convicted in a court. This is imposed on the individual.
- **Failing to prevent smoking in a smoke-free place**
There is a maximum fine of £2500. This is imposed on whoever manages and controls the premises or business.

25 Medication

25.1 Relevant legislation

Care Homes Regulations Act 2001
Medicines Act 1968
The Misuse of Drugs Act 1971
The Misuse of Drugs (safe custody) Regulations 1973

25.2 Policy and procedures

Stockport Mencap volunteers will not get involved in administering medicines to service users. Their entire involvement is, at most, to hold (securely) medicines handed over from a responsible carer or guardian, to prompt a service user to take medicines in accordance with a MAR sheet, and to maintain an accurate record of medication taken or refused on such sheet.

Medicines should never be given to anyone other than the service user for whom it was prescribed

Non-prescribed drugs can be administered without reference to a pharmacist or GP however any concerns over allergic reactions or side effects should be discussed with the pharmacist, GP, or with reference to the service users care plan or after discussion with their normal carer or guardian.

Failure by a service user to take a prescribed medicine, overdose, incorrect administration or any adverse reaction to any medicine must be reported to the service user's GP immediately or if the situation warrants treated as an emergency and the Group must call 999 for an ambulance.

A record must be kept of all medicine received by and disposed of by the Group and this must be signed by the person who receives or disposes of any medicine

All medicines must be fully labelled with the service user's name, the name of the medicine, dosage and time to be administered and kept in their original containers

Medicines may only be transferred to another container in exceptional circumstances for example for home leave and the container must be labelled with the service user's name,

the name of the medication and dosage, and time to be administered.