HWCGS Care (T/A Segal Gardens)
436 Fleet Lane, Parr, St Helens, nr Liverpool, Merseyside, WA92NH

Review Sheet

Last Reviewed 28 Oct '19

Last Amended 28 Oct '19

Next Planned Review in 12 months, or sooner as required.

Business impact	LOW IMPACT Minimal action required circulate information amongst relevant parties.
Reason for this review	Scheduled review
Were changes made?	Yes
Summary:	This policy describes the standards expected when providing personal care and the procedures staff will follow to meet these standards.
Relevant legislation:	• The Care Act 2014 • The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 • Health and Social Care Act 2008 (Registration and Regulated Activities) (Amendment) Regulations 2015 • Mental Capacity Act 2005 • Mental Capacity Act Code of Practice • The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012
Underpinning knowledge - What have we used to ensure that the policy is current:	• Author: Office of the Public Guardian, (2016), *Mental Capacity Act 2005, Code of Practice*. [Online] Available from: https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice [Accessed: 28/10/2019]
Suggested action:	• Encourage sharing the policy through the use of the QCS App

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1. Purpose

1.1 To ensure Service Users are enabled to be as independent as possible in achieving personal hygiene that supports good health.
1.2 To ensure HWCGS Care (T/A Segal Gardens) compliance with the Mental Capacity Act 2005.
1.3 To support HWCGS Care (T/A Segal Gardens) in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
CARING	C3: How are people's privacy, dignity and independence respected and promoted?
EFFECTIVE	E2: How does the service make sure that staff have the skills, knowledge and experience to deliver effective care and support?
EFFECTIVE	E7: Is consent to care and treatment always sought in line with legislation and guidance?
SAFE	S2: How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom is respected?
WELL-LED	W1: Is there a clear vision and credible strategy to deliver high-quality care and support, and promote a positive culture that is person-centred, open, inclusive and empowering, which achieves good outcomes for people?

1.4 To meet the legal requirements of the regulated activities that HWCGS Care (T/A Segal Gardens) is registered to provide:

- The Care Act 2014
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Health and Social Care Act 2008 (Registration and Regulated Activities) (Amendment) Regulations 2015
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012

2. Scope

2.1 The following roles may be affected by this policy:

- Registered Manager
- Other management
- Care staff
- Activities

2.2 The following Service Users may be affected by this policy:

- Service Users

2.3 The following stakeholders may be affected by this policy:

- Commissioners
- External health professionals
- NHS

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3. Objectives

3.1 Service Users remain or become as independent as possible.
3.2 Care Workers promote independence of Service Users.
3.3 Decisions about provision of personal care support are made either with the agreement of the Service User or in compliance with the Mental Capacity Act 2005 and the Care Act 2014.

4. Policy

4.1 Service Users are given all possible help to maintain their independence in self-care and personal hygiene.
4.2 A Service User's right to dignity and privacy should be respected by staff.
4.3 Where Service Users might lack mental capacity to consent to support with personal hygiene, HWCGS Care (T/A Segal Gardens) will ensure decisions and actions are made in accordance with the Mental Capacity Act 2005.

5. Procedure

5.1 Where Service Users are aged 16 and above, HWCGS Care (T/A Segal Gardens) staff will work within the five statutory principles of the Mental Capacity Act at all times.
5.2 Care Plans outline ways to enable Service Users to manage their own personal hygiene as far as possible; this includes ensuring the availability of walking aids, good signage and lighting for toilets and washing facilities, and giving tactful reminders when appropriate.
5.3 Care Plans are updated when necessary to provide up to date guidance on Service Users needs for assistance to maintain adequate personal hygiene.
5.4 Care Plans evidence how HWCGS Care (T/A Segal Gardens) staff have sought to align support with the personal wishes, preferences and cultural background of each Service User.
5.5 Care Plans evidence up-to-date assessments of relevant specific needs regarding skin integrity or health problems such as diabetes or skin disorders, with information about how these are to be managed.
5.6 Care Plans show evidence if a specific Service User lacks capacity to consent to or refuse personal care when this is necessary for health. This will include evidence, where appropriate, of efforts that have been made to improve their capacity for these decisions.
5.7 Good practice to ensure maximum possible privacy and dignity for Service Users when providing personal care and intimate personal care is to encourage one-to-one support as much as possible. Where additional support is required for moving and handling or to ensure safety, this should be for as short a duration as possible as determined in a risk assessment.
5.8 Where Service Users lack mental capacity to consent to personal care, including intimate personal care, decisions must be made in accordance with the Mental Capacity Act 2005.
5.9 Even where Service Users lack capacity to consent to personal care interventions, they are to be given as much choice as possible in how the care is given, and what products are used, taking account of their known wishes and preferences.
5.10 Male Service Users are not made to be clean-shaven when this is not what they want. In particular, restraint is never to be used to achieve a 'cosmetic' aim such as a clean-shaven face.

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6. Definitions

6.1 Personal Care

- Any help with dressing, bathing or showering, brushing, washing or cutting of hair, trimming of nails, and removal of unwanted hair

6.2 Intimate Personal Care

- This refers specifically to care given when a person is incontinent of urine or faeces, and refers to the cleansing required to enable Service Users to be comfortable and socially acceptable, while protecting skin from risk of breakdown

6.3 Restraint

- The MCA defines restraint as 'the use or threat of use of force, to make someone do something they are resisting, or restricting their freedom of movement whether they are resisting it or not.' Hence restraint is often used when providing personal care to someone who lacks capacity to consent to it
- Restraint is lawful under the MCA provided that:
  - The person lacks capacity to consent to this intervention
  - The intervention is in the person's best interests and
  - Any restraint is **necessary** to prevent harm to the person and a **proportionate response** to the likelihood and seriousness of that harm.

6.4 Mental Capacity

- Capacity is decision-specific and time-specific: Can a person make a particular decision, such as whether to consent to help with their personal care, at the time the decision needs to be made
- A person must not be assessed as lacking capacity for a decision until all practicable attempts have been made to enable them to make that decision

6.5 Best Interests

- When a Service User lacks capacity to consent to personal care or intimate personal care, this can only be given if it is in their best interests
- The MCA Code of Practice Chapter 5 outlines how to make a best interests decision

Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Personal care, including intimate personal care, can only be given either with the consent of an individual Service User or in accordance with the MCA
- Any care intervention in the absence of capacity must be decided by following the MCA best interests decision-making process
- Where a Service User lacks capacity to consent to personal care, and restraint is needed for its administration, this is lawful provided it meets the best interest's requirements together with two extra conditions: it must be necessary to prevent harm to the person and be a proportionate response to the likelihood and seriousness of that harm

Key Facts - People affected by the service

People affected by this service should be aware of the following:

- Personal care, including intimate personal care, can only be given with your consent or, if you lack capacity to make this decision, a best interests decision may be made as discussed in the MCA
- Even if you lack capacity for this decision, your wishes and feelings must be honoured as far as possible in the way you are given personal care
- HWCGS Care (T/A Segal Gardens) staff must always protect your right to privacy and dignity when giving you personal care

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Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

Skills for care - Promoting self care:
https://www.skillsforcare.org.uk/Topics/Self-Care/Self-care.aspx
Skills for care - Promoting dignity in care:
https://www.scie.org.uk/publications/guides/guide15/factors/personalhygiene/

Outstanding Practice

To be ‘ outstanding ’ in this policy area you could provide evidence that:

- HWCGS Care (T/A Segal Gardens) staff do all they can to respect Service Users' preferences about their own personal care, for example by following wishes about when and how personal care is given
- Care Plans show attempts to learn from relatives or other carers how to give personal care in a way that the Service User will find acceptable
- The wide understanding of the policy is enabled by proactive use of the QCS App

Forms

Currently there is no form accompanied to this policy.

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