

# SCDHSC0423

## Assist individuals at formal hearings



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### Overview

This standard identifies the requirements when you assist individuals at formal hearings. This includes how you support individuals to understand the format and proceedings of a formal hearing and how you work with them to understand related information, documents and likely outcomes of the hearing. The standard also covers assisting individuals to present their case at the hearing and supporting them to evaluate the outcomes of a hearing and the implications for themselves and others.

### Performance criteria

#### Support individuals to understand the proceedings and processes of formal hearings

*You must be able to:*

- P1 access information and support to help you explain accurately to the **individual** the format and proceedings of the hearing
- P2 work with the individual to help them understand the purpose of the hearing and its implications for them and for **key people**
- P3 support the individual to understand where the hearing will be held and who will be present
- P4 support the individual to understand the procedures of the hearing
- P5 support the individual to understand how and by whom their interests will be represented and how information about them will be presented and used
- P6 use illustrations where appropriate to support the individual's understanding of the processes and proceedings of the hearing
- P7 check at regular intervals and appropriate times the individual's understanding of the information you have given
- P8 seek additional support where you have concerns about the individual's capacity to understand the processes and proceedings of the formal hearing

#### Work with individuals to understand information, documents and possible outcomes of the hearing

*You must be able to:*

- P9 access information and support to help you explain accurately to the individual the papers, documents and likely outcomes from the hearing
- P10 collect illustrative materials to prepare the individual to understand information and documents likely to be presented at the hearing
- P11 support the individual to understand papers and documents they need to complete in advance of the hearing
- P12 wherever possible, ensure that the individual knows about documents that may be presented during the hearing
- P13 explore with the individual any papers and documents they think may be presented that could prejudice their case
- P14 work with the individual to understand types of information that may be presented without their prior knowledge and why
- P15 support the individual to understand the type of questions they are likely to be asked during the proceedings
- P16 support the individual and key people to understand the possible outcomes of the hearing and how outcomes will be communicated

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- to them
- P17 support the individual and key people to prepare themselves for the likely outcome and other possible outcomes
- P18 check at regular intervals and appropriate times the individual's understanding of the information you have given
- P19 seek additional support where you have concerns about the individual's capacity to understand papers, documents and outcomes relating to the formal hearing

#### **Assist individuals to present their case at the hearing**

*You must be able to:*

- P20 work in ways that promote **active participation** when assisting the individual to present their case
- P21 support the individual to complete necessary documents before the hearing, ensuring that they are sent to the appropriate place and received in time for them to be taken into account at the hearing
- P22 ensure that any specialist equipment, facilities and resources that will enable the individual to **communicate** and present their case are available
- P23 support the individual to communicate their wishes about the hearing and access sources of evidence that will help them to present their case
- P24 work with the individual to identify people who can support the individual's case at the hearing, if permitted
- P25 support the individual to gain their commitment to appear at the hearing, if permitted
- P26 work with the individual to select appropriate evidence for their case, taking into account information that may be presented against their case and preparing them to counter this
- P27 support the individual to organise their evidence in line with the proceedings of the hearing
- P28 enable the individual to practice and evaluate their own presentation of the evidence in support of their case
- P29 give praise and constructive criticism to enable the individual to improve their presentation
- P30 assist the individual to present their case at the hearing, supporting them according to their wishes
- P31 support the individual during the hearing if conflicts arise that the individual cannot deal with

#### **Support individuals to understand the outcomes and implications of formal hearings**

*You must be able to:*

- P32 support the individual to understand the outcomes of the formal hearing

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- P33 support the individual to accept and come to terms with outcomes that are not as they had wished
- P34 work with the individual to assess the implications for themselves and key people
- P35 work with the individual to make adjustments to their life in response to the outcomes of the hearing
- P36 support the individual to evaluate whether they should take any action to challenge decisions that are contrary to their wishes
- P37 complete records and reports on the procedures and outcomes, identifying necessary changes for future presentations and hearings

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### Knowledge and understanding

*You need to know and understand:*

#### **Rights**

- K1 legal and work setting requirements on equality, diversity, discrimination and rights
- K2 your role in promoting 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 deal with and challenge discrimination
- K5 the rights that individuals have to make complaints and be supported to do so
- K6 conflicts and dilemmas that may arise in relation to rights and how to address them

*You need to know and understand:*

#### **Your practice**

- K7 legislation, statutory codes, standards, frameworks and guidance relevant to your work, your work setting and the content of this standard
- K8 your own background, experiences and beliefs that may have an impact on your practice
- K9 your own roles, responsibilities and accountabilities with their limits and boundaries
- K10 the roles, responsibilities and accountabilities of others with whom you work
- K11 how to access and work to procedures and agreed ways of working
- K12 the meaning of person-centred/child centred working and the importance of knowing and respecting each person as an individual
- K13 the prime importance of the interests and well-being of the individual
- K14 the individual's cultural and language context
- K15 how to build trust and rapport in a relationship
- K16 how your power and influence as a worker can impact on relationships
- K17 how to work in ways that promote active participation and maintain individuals' dignity, respect, personal beliefs and preferences
- K18 how to work in partnership with individuals, key people and others
- K19 how to manage ethical conflicts and dilemmas in your work
- K20 how to challenge poor practice

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- K21 how and when to seek support in situations beyond your experience and expertise

*You need to know and understand:*

### Theory for practice

- K22 the nature and impact of **factors that may affect the health, wellbeing and development of individuals** you care for or support
- K23 theories underpinning our understanding of human development and factors that affect it

*You need to know and understand:*

### Personal and professional development

- K24 principles of reflective practice and why it is important
- K25 your role in developing the professional knowledge and practice of others
- K26 how to promote evidence based practice

*You need to know and understand:*

### Communication

- K27 factors that can affect communication and language skills and their development in children, young people adults
- K28 methods to promote effective communication and enable individuals to communicate their needs, views and preferences

*You need to know and understand:*

### Health and Safety

- K29 legal and statutory requirements for health and safety
- K30 your work setting policies and practices for monitoring and maintaining health, safety and security in the work environment
- K31 practices for the prevention and control of infection in the context of this standard

*You need to know and understand:*

### Safe-guarding

- K32 legislation and national policy relating to the safe-guarding and protection of children, young people and adults
- K33 the responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices
- K34 indicators of potential harm or abuse
- K35 how and when to report any concerns about abuse, poor or discriminatory practice, resources or operational difficulties
- K36 what to do if you have reported concerns but no action is taken to address them

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- K37 local systems and multi-disciplinary procedures that relate to safeguarding and protection from harm or abuse

### Multi-disciplinary working

*You need to know and understand:*

- K38 the purpose of working with other professionals and agencies
- K39 the remit and responsibilities of other professionals and agencies involved in multi-disciplinary work

### Handling information

*You need to know and understand:*

- K40 legal requirements, policies and procedures for the security and confidentiality of information
- K41 legal and work setting requirements for recording information and producing reports
- K42 principles of confidentiality and when to pass on otherwise confidential information
- K43 how to record written information with accuracy, clarity, relevance and an appropriate level of detail
- K44 how and where electronic communications can and should be used for communicating, recording and reporting

### Leading practice

*You need to know and understand:*

- K45 theories about leadership
- K46 standards of practice, service standards and guidance relating to the work setting
- K47 techniques for problem solving and innovative thinking

### Specific to this NOS

*You need to know and understand:*

- K48 how and where to access literature, information and support to inform your practice when assisting individuals at formal hearings
- K49 the ways that health, social or care values may differ from those of the individuals and key people you are working with
- K50 theories about facilitating the empowerment and participation of individuals and key people at formal hearings
- K51 the range of formal hearings, their functions, associated statutory requirements and procedures
- K52 the range of possible outcomes from hearings
- K53 the paperwork, people and organisations involved in preparing for, attending and receiving and dealing with the outcomes from formal hearing
- K54 how to present information and assist individuals to present

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- information at formal hearings generally and specifically for the individuals with whom you are working
- K55 the range of methods and inter-personal skills required for presentations at formal hearings, to handle conflicts of interest and to deal with outcomes if not in the individual's favour
- K56 the actions to take in crises and emergencies when assisting individuals at formal hearings and when the outcomes are not as individuals wished
- K57 how to find out about and access further sources of relevant information, assistance, advice, support, and resources
- K58 the use of evidence, fact and knowledge based opinions in records and reports and why it is important to differentiate between these and make clear the source of evidence



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### 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.

Note: Where an individual finds it difficult or impossible to express their own preferences and make decisions about their life, achievement of this standard may require the involvement of advocates or others who are able to represent the views and best interests of the individual.

Where there are language differences within the work setting, achievement of this standard may require the involvement of interpreters or translation services.

**Active participation** is a way of working that regards individuals as active partners in their own care or support rather than passive recipients. Active participation recognises each individual's right to participate in the activities and relationships of everyday life as independently as possible

To **communicate** may include using the individual's preferred spoken language, the use of signs, the use of symbols or pictures, writing, objects of reference, communication passports, other non verbal forms of communication, human and technological aids to communication

The **individual** is the adult, child or young person for whom assistance at formal hearings is required

**Key people** are those who are important to an individual and who 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.

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#### 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 statements required for achievement of the NOS.

**All knowledge statements must be applied in the context of this standard.**

Factors that may affect the health, wellbeing and development of individuals may include adverse circumstances or trauma before or during birth; autistic spectrum conditions; 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

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#### 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

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