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| Overview | This standard identifies the requirements when contributing to investigation of service failures or when leading an inquiry. An investigation is more serious than regular inspection, scrutiny activity or visit and is usually carried out in response to a serious complaint or issue being raised either by a member of the public, member of staff or another agency. It could include very serious incidents or whole service failures.This standard includes explanation of the investigation or inquiry process, gathering evidence in accordance with appropriate procedures and communicating with individuals, families, carers, service providers, own managers and colleagues, sector experts and other agencies as appropriate in order to support the investigation. It also includes assessing the need for further action to secure compliance or to secure the safety or welfare of individuals. It also includes recording and reporting your role in the investigation, serving appropriate notices where necessary, using appropriate methods of recording and protecting the integrity of the evidence |

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| **Performance criteria**  You must be able to:  You must be able to  You must be able to | **Contribute to investigation process**   1. agree roles and responsibilities with other agencies involved in the investigation 2. explain the **role** of the inspector to **service** provider and **relevant** **others** 3. explain the function of investigation to service provider and others 4. explain to service provider and others how the investigation is to be conducted 5. explain to the service provider their right to challenge the organisation about the investigation 6. explain to the service provider their right to respond to the conclusions and decisions 7. gather **evidence** in accordance with **procedures** 8. ensure integrity of the evidence is protected according to procedures 9. interview **those involved** in the investigation 10. use **experts** where necessary and according to procedures 11. ensure systems are in place to maintain safety of those involved in the complaint 12. assess the **nature of the complaint** 13. assess the views of those affected 14. identify any **ritualistic compliance** 15. take steps to deal with any **resistance** by the provider 16. contribute to the evaluation of the quality, validity and value of evidence 17. take account of the right and ability of **individuals** to take risks and make informed choices when evaluating evidence 18. contribute to making judgements based on the inspection findings in line with procedures 19. contribute to the **assessment of risk of harm** to individuals according to procedures   **Report and Record findings from investigation**   1. **record** information and evidence gained 2. **report** the outcomes of the investigation communicating informationto **appropriate others** in accordance with agreed plan   **Conclude investigation**   1. seek response to report from service provider according to procedures 2. advise about **action** required to secure compliance of provider services with identified standards 3. clarify that the service provider understands the actions for improvement in the service 4. assess service provider's plan of action to meet compliance |

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| Knowledge and understanding  You need to know and understand:  You need to know and understand:  You need to know and understand:  You need to know and understand:  You need to know and understand:  You need to know and understand:  You need to know and understand:  You need to know and understand:  You need to know and understand:  You need to know and understand: | **Rights**   1. legal and work setting requirements on equality, diversity, discrimination and rights 2. your duty to address any acts or omissions that could infringe the rights of individuals   **Your practice**   1. legislation, including capacity and rights legislation, statutory codes, standards, frameworks and guidance appropriate to the organisation's operations and activities and its interpretation 2. your own roles, responsibilities and accountabilities with their limits and boundaries 3. your own background, experiences and beliefs that may have an impact on your practice 4. **other agencies** that may impact on the work of your organisation, including their responsibilities, statutory powers, organisational priorities and staffing arrangements 5. principles of working in partnership with **individuals** and other agencies 6. the meaning of person-centred/child centred approaches and the importance of knowing and respecting each person as an individual 7. meaning of dignity for individuals 8. how to work with other agencies, establishments and other bodies to gather evidence of **positive outcomes** for individuals 9. how to create a culture that promotes openness, creativity and problem solving 10. principles of strategic planning and what a strategic plan should cover 11. principles of quality assurance, quality control and the distinction between them 12. evidence based research relating to provision of services 13. identified lessons learnt from government reports and inquires 14. how to access sources of expert advice in relation to health and social care, health and safety, building regulations, financial security and company law 15. how to recognise areas for improvement against regulations, standards and best practice and how to respond 16. when to use authority and the exercise of regulatory power rather than partnership 17. how to implement, monitor and evaluate systems, practices, policies and procedures 18. difficulties with capture of data and data problems   **Communicating with individuals and organisations**   1. the importance of individuals contributing to inspection and scrutiny activities 2. participatory practice including techniques that can be used to engage with individuals 3. the role of independent representation and advocacy for individuals 4. methods to promote effective communication and enable others to communicate their views and preferences 5. the importance of language in communication and the impact of bilingualism and how to work with it 6. the purpose of working with other professionals and agencies 7. the ethos of organisations and how different organisations work 8. methods to promote effective communication within and between organisations 9. how to convey potentially difficult or unwelcome information 10. how to engage in professional dialogue and provide clear feedback which could contribute to the development of an organisation   **Theory**   1. theories and models of regulation, inspection, scrutiny and frameworks used to evaluate scrutiny and regulation 2. theories about **leadership** and **management** 3. principles of organisational behaviours and cultures 4. factors that may affect the health, wellbeing and development of individualsin health and social care or children and young people’s settings   **Health and Safety**   1. legal and statutory requirements for health and safety 2. organisational policies and practices for monitoring and maintaining health, safety and security in the work environment   **Safeguarding**   1. the responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices 2. legislation and national and local policy relating to the safeguarding and protection of children, young people and adults 3. **early indicators of potential abuse** 4. indicators and signs of potential harm or abuse 5. how to respond to concerns about harm and abuse   **Handling information**   1. legal requirements, policies and procedures for the security and confidentiality of information 2. protocols and best practice governing the exchange of information with other individuals and agencies   **Report writing**   1. how to record written information with accuracy, clarity, relevance, an appropriate level of detail including reference of sources of evidence 2. legal and work setting requirements for recording information and producing reports within timescales   **Risk management**   1. principles of positive risk-taking and the relation to inspection and scrutiny activities 2. principles of risk assessment and principles of risk management 3. how to critically evaluate principles and frameworks of risk assessment and risk management   *strat*  **Specific to this NOS**   1. how to plan and conduct interviews and observations 2. details of particular types of services and setting to be investigated 3. cultural and linguistic contexts of the service being investigated and individuals within that service 4. effective methods of gathering information that can be used to prepare for or carry out investigations 5. how to recognise and respond to potential conflicts of interest between inspectors and organisations subject to inspection 6. difficulties such as **ritualistic compliance** and how to overcome game playing or resistance and avoidance strategies 7. factors which may affect the validity, reliability and accuracy of information provided by those involved, distinguishing between allegations, assertions and facts 8. factors which may inhibit clear communication by those involved including fears of retribution, peer pressure and how to minimise them 9. how to develop and test hypotheses 10. how to verify the validity and reliability of evidence including **triangulation** 11. how to make judgements against defined standards including grading if applicable 12. how to recognise potential breaches of regulations or legislation and how to respond 13. how to recognise areas for improvement against regulations, standards and best practice and how to respond |  |

**Additional Information**

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| 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    **Action** may include one or more of the following:   * Recommendation for no further action * Action by inspectors and/or by other * Administration of formal caution * Action to monitor and safeguard welfare of individuals including their removal or withdrawal of service by placing with authority, relative, or carer * Informing other individuals and agencies, including commissioning authority * Action to ensure a co-ordinated and consistent approach to follow up, especially after a multi-agency investigation   **Appropriate others** may include complainants or their nominated representatives, service persons or their authorised representatives, registration and inspection officer’s line managers, lawyers and/or courts,  persons who are subject of the concern, issue or complaint, commissioners, other individuals or agencies with a legal or professional interest in the concern, issue or complaint or other individuals or family carers, Secretary of State  **Assessment of risk of harm** this may include potential or actual harm and the degree and scope of harm caused through abuse, neglect, poor health and safety practices  **Evidence** will include factual information which is sufficient, valid and reliable and has been obtained and recorded appropriately and may involve using police procedures to protect the civil and human rights of those regulated, e.g. Notices of Search  **Experts** may include interpreters, independent persons, or other advocates to support children’s and adults’ rights. They may also include professionals with specific knowledge about the particular issue being investigated  The **individual** is an adult, child or young person who uses services  **Nature of the complaint** may include misuse of medication on the part of staff, poor infection control practices, concept of restrictive practices cleanliness as well as risk taking by individuals  **Procedures** may includelegal and organisational requirements for inspection and scrutiny activities, health and social care standards, codes of practice/conduct  **Record** includes recording all evidence and information fully ensuring it is accurate, timed and dated in a way which protects its confidentiality, and evidential value and is in accordance with organisational procedures and legal requirements  **Relevant others** may include individuals, their families and carers, staff and volunteers, other professionals, lay assessors, experts, commissioners and other specialists  **Report** may include verbal reporting or completing records within confidentiality agreements and according to regulatory authority procedures  **Resistance** may include blocking mechanisms, diversionary tactics and avoidance  **Ritualistic compliance** may include apparent compliance on paper but deeper evidence shows little evidence of compliance across the whole organisation  **Role** includes responsibilities and powers  **Service** is that which is provided within the remit of the organisation and includes registered and unregistered services. It may include services provided by local authorities, social work, education, statutory service, health, large departments or organisations, whole services, voluntary and independent organisations as well as local level services  **Those involved** in the investigation may include complainants, informants and potential witnesses where appropriate |

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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 statement required for achievement of the NOS.  **All knowledge statements must be applied in the context of this standard.**  **In relation to all knowledge statements you need to know and understand the specified areas of knowledge and be able to critically apply the knowledge and understanding in your practice**  **early indicators of potential abuse** may include, patronising attitudes to adults and children, restrictive practices including unnecessary locking of doors, restriction of positive opportunities, lack of respect in relating to individuals  The **individual** is an adult, child or young person who uses services  **Other agencies** may include other regulatory organisations, commissioners, local authorities, standard setting bodies  **Leadership** is the ability to provide strategic direction and a sense of purpose. Effective leaders create a sense of trust, confidence and belief, inspiring people to adopt the values and behaviours they promote. They are innovative, creative and motivating  **Management** is the ability to set the operational direction and organise the effective running of the service provision to meet the overall service needs including ethical, legislative, regulatory and organisational requirements. Effective managers facilitate and organise resources in order to optimise the performance of others, allowing them to carry out tasks and achieve goals efficiently and effectively. They provide clarity and accountability that enable teams to meet their objectives  **Positive Outcomes** may include health and safety, wellbeing, achievement of personal goals and ambitions, self esteem  **Positive Risk Taking** is a risk based approach that promotes the taking of risks as a deliberate and planned strategy designed to enhance health, welfare and educational outcomes. It represents best practice for professionals in health care, social work and educational settings in terms of promoting dignity, autonomy, and respect when working with children and adults at risk of harm  **Triangulation** is used in [social sciences](http://en.wikipedia.org/wiki/Social_sciences) to indicate that more than two methods are used with a view to double (or triple) checking results | |
| 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.  Inspection and scrutiny activities will enhance these rights which 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 needs, takes account of choices and also protects  To communicate using preferred methods of communication and language  To access information about themselves  All aspects of inspection and scrutiny activity should seek to build on these underpinning values and should:  Be transparent  Be accountable  Be proportional  Be consistent  Be targeted  Be impartial  Enable providers |

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| Suite | Inspectors of Health, Social Care, Children and Young People’s Services |
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