

423

ASSIST INDIVIDUALS AT FORMAL HEARINGS

Unit overview

Elements of competence

423a	Support individuals to understand the format and proceedings of the formal hearing
423b	Work with individuals to identify and understand papers, documents and likely outcomes from the hearing
423c	Assist individuals to present their case at the hearing
423d	Support individuals to evaluate and understand the outcomes and assess the implications of the outcomes on themselves and others

About this unit

For this unit you will need to assist individuals at formal hearings.

Scope

The scope is here to give you guidance on possible areas to be covered in this unit. The terms in this section give you a list of options linked with items in the performance criteria. You need to provide evidence for any option related to your work area.

Communicate using: the individual's preferred spoken language; the use of signs; symbols; pictures; writing; objects of reference; communication passports; other non verbal forms of communication; human and technological aids to communication.

Key people include: family; friends; carers; others with whom the individual has a supportive relationship.

Your **knowledge and understanding** for this unit will relate to legal requirements and codes of practice applicable to the scope of your work and that of others with whom you work; your role, and level of responsibility you have within your organisation to manage activities to achieve an optimum service; the depth and breadth of understanding that will enable you carry out your job role and support others to perform competently; the need to be able to solve problems and resolve conflicts; the need to be able to evaluate, assess situations and act appropriately; systems and processes within your own and across other organisations and the need for you to be able to work in collaboration with individuals¹, key people and others within and outside your organisation.

Values underpinning the whole of the unit

The values underpinning this unit have been derived from the key purpose statement², the statement of expectations from carers and people receiving services, relevant service standards and codes of practice for health and social care in the four UK countries. If you are working with children and young people they can be found in the principles of care unit 44. If you are working with adults they can be found in unit 45. To achieve this unit you must demonstrate that you have applied the principles of care outlined in either unit 44 or unit 45 in your practice and through your knowledge.

¹If you are working with children and young people the term "individuals" covers children and young people and "key people" covers parents, families, carers, friends and others with whom the child/young person has a supportive relationship

²The key purpose identified for those working in health and social care settings is "to provide an integrated, ethical and inclusive service, which meets agreed needs and outcomes of people requiring health and/or social care"

Key words and concepts

This section provides explanations and definitions of the key words and concepts used in this unit. In occupational standards it is quite common to find words or phrases used which you will be familiar with, but which, in the detail of the standards, may be used in a very particular way.

Therefore, we would encourage you to read this section carefully before you begin working with the standards and to refer back to this section as required.

Active support	Support that encourages individuals to do as much for themselves as possible to maintain their independence and physical ability and encourages people with disabilities to maximise their own potential and independence
Individuals	The actual people requiring health and care services. Where individuals use advocates and interpreters to enable them to express their views, wishes or feelings and to speak on their behalf, the term individual within this standard covers the individual and their advocate or interpreter
Key people	Are those people who are key to an individual's health and social well-being. These are people in the individual's life who can make a difference to their health and well-being
Others	Are other people within and outside your organisation that are necessary for you to fulfil your job role
Rights	The rights that individuals have to: <ul style="list-style-type: none">• be respected• be treated equally and not be discriminated against• be treated as an individual• be treated in a dignified way• privacy• be protected from danger and harm• be cared for in the way they choose• access information about themselves• communicate using their preferred methods of communication and language

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Support individuals to understand the format and proceedings of the formal hearing

Performance criteria

You need to show that:

- 1 You seek and acquire information and support to help you to describe the format and proceedings of the hearing to the individual accurately
- 2 You work with **individuals** to help them understand the purpose of the hearing and its implications for them and other **key people**
- 3 You support individuals to understand where the formal hearing will be held and who will be present
- 4 You provide **active support** and use illustrations to help individuals understand how the information about them and their interests will be represented and by whom
- 5 You provide **active support** and use illustrations to help individuals understand:
 - the procedures in the formal hearing
 - the likely outcomes of the formal hearing
 - how the outcomes will be communicated
- 6 You check the individual's understanding of the information you have given regularly and at appropriate times
- 7 Where the individual is unable to understand you seek additional support to help clear any misunderstanding

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Work with individuals to identify and understand papers, documents and likely outcomes from the hearing

Performance Criteria

You need to show that:

- 1 You seek and acquire information and support to assist you to accurately describe papers, documents and likely outcomes from the hearing
- 2 You support individuals to understand and complete documents for the hearing and to ensure that they are sent to the appropriate place and received in time for them to be taken account of at the hearing
- 3 You collect illustrative information to prepare individuals to understand the documents and other information that is likely to be presented at the hearing
- 4 You support individuals to understand the proceedings and the type of questions they are likely to be asked
- 5 You work with the individual to understand any information that may be presented without their prior knowledge and to ensure, wherever possible, the individual knows about documents that may be presented
- 6 You explore with the individual any papers and documents they think may be presented that could prejudice their case
- 7 You support individuals and other key people to understand and prepare themselves for the possible outcomes of the hearing and the way they will be communicated
- 8 You check the individual's understanding of the information you have given regularly and at appropriate times
- 9 Where the individual is unable to understand, you seek additional support to help clear up any misunderstanding

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Assist individuals to present their case at the hearing

Performance criteria

You need to show that:

- 1 You ensure that any specialist equipment, facilities and resources that will enable the individual to communicate and present their case are available
- 2 You support individuals to identify, communicate their wishes about the hearing, and access sources of evidence that will help them to present their case at the hearing
- 3 You work with individuals to identify and gain commitment from people who can support their case, to appear at the hearing on their behalf, if permitted
- 4 You work with individuals to select the appropriate evidence for their case, taking into account information that may be presented against their case and preparing them to counter this
- 5 You support individuals to organise their evidence in line with the proceedings of the hearing
- 6 You enable individuals to practice and evaluate their own presentation of the evidence in support of their case, giving praise and constructive criticism to better the presentation
- 7 You assist individuals to present their case at the hearing, supporting them according to their wishes
- 8 You support individuals within the hearing if conflicts arise that the individual cannot deal with

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Support individuals to evaluate and understand the outcomes and assess the implications of the outcomes on themselves and others

Performance criteria

You need to show that:

- 1 You support individuals to understand the outcomes, and accept and come to terms with those that are not as the individuals had wished
- 2 You work with individuals to assess the implications for themselves and key people
- 3 You work with individuals to make adjustments to their lives in response to the outcomes of the hearing
- 4 You support individuals to evaluate whether they should take any actions to challenge decisions when they are contrary to their wishes
- 5 You record and report on the procedures and outcomes identifying necessary changes for future presentations and hearings

Knowledge specification for the whole of this unit

Competent practice is a combination of the application of skills and knowledge informed by values and ethics. This specification details the knowledge and understanding required to carry out competent practice in the performance described in this unit. When using this specification **it is important to read the knowledge requirements in relation to expectations and requirements of your job role.**

Values

- 1 Legal and organisational requirements on equality, diversity, discrimination, **rights**, confidentiality and sharing of information when assisting individuals at formal hearings
- 2 Knowledge and practice that underpin the holistic person-centred approach which enable you to work in ways that:
 - place the individuals' preferences and best interests at the centre of everything you do
 - provide active support for the individuals
 - recognise the uniqueness of individuals and their circumstances
 - empower individuals to take responsibility (as far as they are able and within any restrictions placed upon them), and make and communicate their own decisions about their lives, actions and risks when assisting individuals at formal hearings
- 3 How to manage ethical dilemmas and conflicts when assisting individuals at formal hearings
- 4 How to challenge, and to support individuals, key people and others to challenge information, documents, systems, structures, procedures and practices that are discriminatory
- 5 The ways that health and social care values may differ from those of the individuals and key people you are working with

Legislation and organisational policy and procedures

- 6 Codes of practice and conduct, and standards and guidance relevant to your setting and your own and the roles, responsibilities, accountability and duties of others when assisting individuals at formal hearings
- 7 Current local, UK and European legislation and organisational requirements, procedures and practices for:
 - data protection
 - protecting individuals from danger, harm and abuse
 - your responsibility for keeping yourself, individuals and others safe
 - making and dealing with complaints and whistle blowing
 - assisting individuals at formal hearings
- 8 How to access, evaluate and influence organisational and workplace policies, procedures and systems for assisting individuals at formal hearings

Theory and practice

- 9 How and where to access literature, information and support to inform your practice when assisting individuals at formal hearings
- 10 An up-to-date knowledge of literature related to best practice for the assistance of individuals at formal hearings
- 11 An up-to-date knowledge of government reports, inquiries and research relevant to assisting individuals at formal hearings

Knowledge specification for the whole of this unit (continued)

- 12 Theories about:
 - facilitating empowerment and participation of individuals and key people when assisting individuals at formal hearings
 - how power and influence can be used and abused when assisting individuals at formal hearings
 - multi-disciplinary and multi-organisational working
- 13 Knowledge of the physical and mental health conditions you are likely to have to work with when assisting individuals at formal hearings
- 14 The range of formal hearings - their functions, associated statutory requirements, procedures (eg administration and etiquette) and resources (eg staffing and physical space); the range of possible outcomes from hearings and associated statutory requirements
- 15 The paperwork, people and organisations involved in preparing for, attending and receiving and dealing with the outcomes from formal hearing
- 16 How to present information and assist individuals to present information at formal hearings generally and specifically for the individuals with whom you are working
- 17 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
- 18 The actions to take in crises and emergencies when assisting individuals at formal hearings and when the outcomes are not as individuals wished
- 19 How to find out about and access further sources of relevant information, assistance, advice, support, and resources
- 20 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
- 21 How to work with individuals, key people and others within and outside your organisation to plan for, attend and receive and deal with outcomes from formal hearings

Evidence requirements for this unit

- Direct observation by assessor and/or an expert witness is required for some of the performance criteria for every element in this unit.
- Prior to commencing the unit you should agree a plan with your assessor regarding the types of evidence to be used.
- You must provide your assessor with evidence for ALL the performance criteria, ALL the knowledge requirements and the relevant parts of the SCOPE as applicable to your workplace.
- The evidence must, at all times, reflect the policies and procedures of the workplaces as linked to current legislation and valued and principles for best practice within the Health and Social Care Sector. This will include the National Service Standards for your area of work or client group.
- All evidence should relate to real work activities for ALL elements of this unit.
- Simulation is NOT permitted for this unit.

Competences can be demonstrated using a variety of types of evidence from the following:

- **Work products:** these can be any record that you would normally use within your normal role eg communication records, reports and records on procedures and outcomes, etc.
- **Assignment/project:** you may have already completed a project or assignment (for example from HNC, NC, VRQ, BTec courses, D32, 33, 34, A1 and V1). You could also use evidence of previous in-house training course/programmes you have completed showing professional development.
- **Reflective accounts:** you describe your actions in a particular situation(s) and reflect on the reason(s) for you practicing in that way, in relation to individuals.
- **Questioning:** you and your assessor may agree on questions to demonstrate your knowledge, to supplement the knowledge demonstrated through observations, products and reflective accounts. These can be oral or written but evidence of this must be recorded.

NB Confidential records do not require to be included in your portfolio of evidence. These can remain where they are normally stored and checked by your assessor and internal verifier. If they are included, they must be anonymised.