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| Overview | This standard identifies the requirements when managing challenges to inspection or scrutiny findings which may include appeals or representations following a judgement. It includes careful consideration of the challenge information provided. It also includes the gathering of additional evidence in relation to the original decision and the current challenge. This will enable a rigorous consideration of the request to be made according to procedures. It also includes the communication of that decision to all parties involved. |

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| **Performance criteria**  You must be able to:  You must be able to:  You must be able to: | **Give guidance regarding processes to challenge findings**   1. support the **provider** to understand circumstances about which they can make **challenges** 2. direct providers to details of **processes** they can use to challenge **decisions** served by the **organisation** 3. clarify that the provider understands the time limits for making a challenge 4. support the provider to understand which information cannot be kept confidential by the organisation 5. clarify with the provider information that may be shared when considering the wider responsibilities for the safety and welfare of people using services   **Contribute to making judgements on challenges**   1. contribute to the examination of challenges to ensure they have been made in accordance with the **procedures** for submission 2. identify potential conflicts of interest between inspectors and organisations subject to inspection activities 3. recognise limitations of own role in the challenge process 4. request from provider and **relevant others** additional information required to enable careful consideration of the challenge 5. offer the provider opportunity to comment on any additional information gathered during management of challenge process 6. contribute to the analysis of evidence in consultation with **appropriate people** to make judgement on challenge against decisions 7. consult the legal advisors about any decisions regarding the challenge 8. **record** outcomes of challenge   **Communicate judgement**   1. **present challenge outcomes** to provider within the time frame set by the organisation 2. explain the options available to the provider on receipt of the challenge decisions 3. present challenge outcomes to relevant others | |
| 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, and 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   **Specific to this NOS**   1. judgements and notices that can be challenged 2. challenges process of own organisation, both formal and informal where they exist 3. how to verify the validity and reliability of evidence including **triangulation** 4. the criteria against which organisations are assessed 5. details of particular types of services and setting conducting self-assessment 6. cultural and linguistic contexts of the service conducting self-assessment and individuals within that service 7. the identified standards against which organisations are assessed and how to make judgements against them, including grading if applicable 8. how to recognise and respond to potential conflicts of interest between inspectors and organisations subject to inspection or scrutiny 9. how to recognise and acknowledge achievements | |

**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    **Appropriate people** may include senior authorised officer, other regulatory authority departments, colleagues and team members  **Challenges** may includerepresentations and appeals  **Decisions** may include judgements and notices  **Organisation** may include regulatory body, inspection and scrutiny services  **Present challenge outcomes** includes setting out positive and negative factors, in a manner which promotes the understanding and co-operation of the service and individuals  **Procedures** may includelegal and organisational requirements for inspection and scrutiny activities, health and social care standards, codes of practice / conduct  **Processes** may include internal processes to complain against the decisions of the organisation or external processes  **Providers** may include service managers, registered managers, owners of service provision  **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 |

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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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| **Developed by** | Skills for Care and Development |
| **Version number** | 1 |
| Date approved | January 2013 |
| Indicative review date | January 2016 |
| Validity | Current |
| Status | Original |
| Originating organisation | Skills for Care and Development |
| Original URN | SCDINSPC4 |
| Relevant occupations | Inspectors/Senior Inspectors/Regulators of Health, Social Care and Children’s Services |
| Suite | Inspectors of Health, Social Care, Children and Young People’s Services |
| Key words | challenge outcomes; challenge to inspection findings; children and young people’s settings; health and social care; judgement |