

October 2013

# Personal Relationships & Sexuality Policy

<b>This document is relevant to:</b>	
Central Support Services	✓
Operational Services	✓
Community Mission	✓

## Introduction

- 1 Livability promotes engagement in sexual activity within the context of a committed relationship. However, it does not seek to impose these values on others and will support service users to make their own decisions and choices. The organisation accepts its duty of care to ensure that service users' rights and freedom of choice are maintained, whilst protecting them from any form of abuse. Any concerns or allegations of abuse will be reported and investigated through the Livability Safeguarding Adults Procedure.
- 2 The policy does not prescribe for every situation that may arise, and it is, therefore, important that every case is treated individually within the framework and spirit of this guidance.
- 3 Livability recognises that service users may need varying levels of support to achieve this principle. The organisation will ensure the provision of training, guidance and support to both staff and service users that is appropriate to individual needs and to the setting and context of the service provided.
- 4 This policy is set in the legal framework of the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards (DoLS) the Sexual Offences Act 2003 and the Data Protection Act 1998. The policy meets the requirements of section 20 Regulations of the Health and Social Care Act 2008 and should be read in conjunction with the Livability Safeguarding Adults and the Equality and Diversity Policies.

## Policy

### 5 Staff Role

- 5.1 Livability will ensure that staff receive appropriate training and support to operate the Personal Relationships and Sexuality Policy, including the legal and ethical framework relating to sexual activity. The expectations of staff in implementing this policy will be clearly explained to them at the outset.
- 5.2 Staff will endeavour to protect service users from sexual abuse or exploitation and support users in a non-judgemental, respectful and discreet manner, to ensure that their rights, choices and aspirations are respected.
- 5.3 Staff should not impose their personal beliefs and values on service users and any member of staff experiencing difficulties in implementing any aspect of this policy, must report this to their line manager.

- 6 **Consent.** Every adult has the right to make his or her own decisions regarding personal relationships and sexuality and must be assumed to have capacity to do so unless it is proved otherwise. Livability will ensure that all decisions made on behalf of a person who lacks capacity are based on their best interest and are the least restrictive of their basic rights and freedoms. An assessment of someone's capacity to consent will be based on the individual decision to be taken. There will under no circumstances be a blanket label of a lack of capacity.
- 7 **Risk.** Livability recognises and supports the rights of individuals to take decisions in their personal lives that involve an element of risk. Service users must be given the time and support to make informed decisions about risk-taking and be fully informed of the possible consequences.
- 8 **Confidentiality.** Livability will ensure that any information reported or recorded about the sexual relationships and activities of service users is kept strictly confidential, in line with the Data Protection Act 1998, unless there are concerns about abuse, exploitation, illegality or risk to health and well-being.
- 9 **Heterosexual relationships.** Livability will provide the space and privacy to support healthy non-abusive sexual relationships between people living in their residential or Supported Living units or with people outside their home, provided that they are over the age of 16 years and have the capacity to make the decision to consent to the relationship.
- 10 **Same sex relationships.** Livability will ensure that service users aged 16 and over are supported to make choices and decisions as to their sexual preferences including entering into a same sex relationship.
- 11 **Sex education.** Livability will ensure that service users are given the opportunity to learn about their bodies, personal feelings, sexual feelings and sexual expression in a way that promotes their individual self-esteem, self image and awareness of self in relation to others, as part of their individual plan.

- 12 **Sexual health.** Livability will ensure that service users have access to all appropriate sexual health information and screening programmes, and access to qualified Sexual Counsellors, if requested or assessed as in their best interest.
- 13 **Pornography and sexual aids.** Livability will not condone the use of illegal pornography. The right to possess legal pornographic material and sexual aids will be respected, providing they are viewed or used in private.
- 14 **Use of prostitutes/sex surrogates.** Livability will not condone the use of prostitutes or sex surrogates for those people living in its residential care services or colleges. The choice of service users in Supported Living units to use prostitutes or sex surrogates should be respected, providing they are assessed as able to make informed choices and consent, and the activity is legal.
- 15 **Facilitating sexual relationships and activities.** Service users who require physical assistance to engage in intimate sexual relationships will be facilitated to do so, providing this is part of their personal plan agreed through a multi-disciplinary process.
- 16 **Pregnancy and parenting.** Livability will endeavour to support and provide care for a service user who becomes pregnant, and will respect their right to parenthood.
- 17 **Termination.** Livability will ensure access to appropriate medical advice and counselling to assist a service user in deciding whether they wish to continue with pregnancy or seek a termination. Any service user considering such choices must be given access to appropriate specialist counselling and support before and after the termination.
- 18 **Working with carers and families.** Livability will ensure that it works sensitively with carers and families in the area of service users' sexual relationships and activities. Carers and families should be made aware that the service users' rights are of primary importance in issues of sexuality and relationships.
- 19 **Relationships between service users and staff.** Livability will not condone any form of sexual relationship or activity between staff and service users, whether or not the service user has the capacity to give consent. Any member of staff entering in to a relationship with a service user will be subject to an investigation in accordance with the disciplinary procedure.

## Responsibilities

- 1 Individual Service Managers are responsible for ensuring that this policy and any associated procedure are fully implemented in their own areas.
- 2 The Director of Operations is responsible for maintaining, reviewing and updating this policy. Revisions, amendments or alterations to the policy can only be implemented following the approval of the Director.

**Policy Ownership**

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Personal Relationships & Sexuality	3.0

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31 October 2013	31 October 2016

**Approval status:**

Approved By:	Signature:	Date:
Director of Operations	<i>Liz Mell</i>	Oct 2013

Consult the intranet for the latest version of this policy.

**Document Control**

**Reviewers:**

Name	Position
Andrew Giles	Assistant Director – Quality and Practice Development
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**Change History:**

Issue	Date	Author	Reason
2.0	Nov 09	Alison Tucker	Revised version
3.0	Oct 13	Angela Crooks	Reviewed and updated