

## **28. Code of Conduct for all members of SWIA performance inspection teams**

### **Introduction**

1. It is important that everyone taking part in a performance inspection knows how inspectors should conduct themselves.
2. They should have confidence in the ability of inspectors to do their job in a professional manner.
3. Where they feel inspectors have not achieved these standards, information should be readily available about the way in which their concerns will be handled.
4. These systems should work without unnecessary delays and in accordance with the procedures set out in this document.
5. The outcomes should be fair and explained in full to the person expressing the concerns.

**Information about the Code of Conduct which includes the complaints process, should be made available (by the lead inspector) to all those who are involved in a performance inspection.**

Inspectors are guided by eight general principles:

- 1. Keeping a focus on people who uses services and on outcomes for them in all that we do.**  
We spend a lot of time talking to people who use services and their carers about the links between social work services and their quality of life.
- 2. Working in partnership with the council.**  
We ask the council to assess its own strengths and areas in need of improvement. We talk to staff at the frontline as well as managers and leading councillors.
- 3. Including all the stakeholders in the inspection.**  
We meet with important partners such as the health service, education, housing and the police. We also see private and voluntary social care providers working in the area.

**4. Giving evidence for all our judgements.**

Our report sets out in detail the basis for judgements and the evidence on which they are made. We use fair comparisons with similar councils.

**5. Applying a common, consistent approach to our inspection practice.**

The council is provided with details about our methods of work in advance. Arrangements are in place to ensure that we deliver the whole inspection in accordance with these commitments and with best practice.

**6. Looking at the contributions of the whole council to social care.**

The inspection looks at the overall priority given to social work services, how well the council unites its services and how well councillors and officers work together.

**7. Giving the council a clear agenda for future improvements.**

To make a difference in practice, we try to ensure the council has a good action plan and the capacity to work on the areas needing improvement. We also follow up to see what progress has been made.

**8. Being open about the results of our work.**

The findings of the inspection are presented to public meetings of the council and our reports are available to all. We are challenging, where necessary, but we also highlight those areas where the council is doing well.

**What can you expect from the performance inspection team when it visits YOUR council?**

All inspectors undertake to meet the following standards of behaviour:

**Keeping an open mind**

You can expect us to be even-handed and fair. We will be starting each performance inspection with information provided by the council itself. We will also have information from our colleagues in the Care Commission, NHS Quality Improvement Service (NHS QIS), HMIe, Audit Scotland and other public bodies. However, there will be no advance guesses or judgements made, unless there is firm evidence on which to base them. The performance inspection is intended to serve the whole community: there will be no political bias in our approach.

## **Valuing and respecting difference**

You can expect us to treat everyone with respect and consideration, regardless of the language they use, the religion they practice or the ethnic community to which they belong. We will ensure help with communication is provided to allow people to take full part in the inspection. We expect councils to arrange meetings taking mobility into account. Inspectors will welcome any advance requests for help.

## **Active listening**

You should not expect to get a lecture from an inspector: in fact, you may do most of the talking! We will be listening carefully to what people have to say. Our job is to ask probing questions, to check out that we have understood the answers and to consider what has been said in an even-handed way.

## **Open and honest feedback**

You can expect us to give clear explanations about how we are making our judgements and to answer your questions frankly. By remaining open to sharing our views, there should be no surprises when the findings or the final report arrive. Information will be withheld only where the public interest demands or where legal restrictions apply.

## **Confidentiality and sharing information**

You should expect us to be professional about the way we handle information and its sources. We rely heavily on people's willingness to tell us their views. This means we must take proper care to ensure confidentiality as much as possible and to protect them from any undesirable consequences. However, there may be times when we have an obligation to take appropriate action. We will take immediate action if evidence of serious risk or wrongdoing is brought to our attention. You may want us to pass on your comments. This can be done, but normally only as general information, and not about specific cases, and we will not be able to advocate on your behalf.

## **Freedom of Information (Scotland) Act 2002**

As a government agency we are subject to the Freedom of Information (Scotland) Act 2002 which places a legal requirement on us to act in the spirit of openness and provide information we hold when requested unless there is strong reason not to. If you wish any information you may provide us with to remain confidential, please tell us and we may then consider if this is possible.

## **Good manners**

You can expect us to be polite and respectful at all times. Even though we may be challenging in our questions, we take a supportive and constructive approach to our work. We will do our best to arrive promptly for meetings and to ensure that proper introductions are made. You can expect us to present ourselves in a business-like manner. We will carry official identification.

## **Gifts and hospitality**

You should expect us to meet our own expenses. Although hospitality may be intended as a friendly gesture, the public needs to know that our report is written entirely on merit. The provision of light refreshments is welcome on occasions, especially if it allows work to continue over a rest break or if it helps inspectors and people who use services enjoy a more relaxed discussion. Gifts cannot be accepted.

## **Conflicts of interest**

You can expect us to keep people who use services and their carers at the centre of everything we do. This means that we must not let our personal interests influence our work. If an inspector has worked in a local authority area or is hoping to do so in the future, this has to be made known to the lead inspector in SWIA to consider if any potential conflict of interest arises. Similarly, if a close family member works there or receives a service, this will be declared.

## **Answering for what we do**

You can expect us to answer for everything that we say or do.

## **And if you are not happy with what we have done**

You should expect us to deal quickly and fairly with any queries or complaints that you raise about our behaviour in accordance with our published complaints procedure. In the first place, these should be brought to the attention of the lead inspector. If you are still not satisfied, you can pursue your complaint through our Corporate Manager.

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## **Appendix 1**

### **DEALING WITH VULNERABLE PEOPLE**

Inspectors must be aware that they occupy a position of considerable power and privilege. At all times they must seek to use that position responsibly and with due regard for the interests of those with whom they work.

Inspectors must take special care in dealing with vulnerable people, to ensure that the legitimate need for information does not override the need of individuals for care and protection. Inspectors must be careful also not to lay themselves open to accusations of malpractice or abuse.

A vulnerable person has been defined as one “who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation”. In practice, inspectors carefully consider a wide range of people who are not able to take full responsibility for their lives, including making a choice about whether or not to be seen by inspectors. This includes all children and some adult users of services. Inspectors should manage their contacts with all people who use services to minimise the risk of harm or misinterpretation.

## **Appendix 2**

### **PLANNING CONTACT WITH PEOPLE WHO USE SERVICES**

Contact with people who use services should be planned.

For individual interviews, inspectors should consult with social work services staff in making arrangements. Staff should be asked to say whether there are any special factors that would make contact unhelpful or difficult. Inspectors should use their judgement in deciding whether to go ahead with interviews, with a presumption in favour of giving the choice to the person who uses services. People who use services should be given notice of interviews and should be made aware that they can choose whether to be seen or not. All people who use services should be given copies of the performance inspection leaflet in advance or at the outset of the interview.

For group settings (such as residential homes or day centres), inspectors should make every effort to ensure that people who use services are informed about the nature and purpose of the visit in advance and that individuals have the right to choose whether to speak to inspectors. Copies of the leaflet provided by SWIA should be made available to all people who use services.

#### **Interview settings and demeanour**

Inspectors should think about the right degree of formality and informality to be used, especially with children. They should also think carefully about the degree of privacy required, to allow people who use services to talk freely without danger of misinterpretation.

Inspections are official events and contacts with people who use services should retain a certain formality. Inspectors should dress and conduct themselves in a manner appropriate to their role. It should be apparent to people who use services that inspectors are there for a purpose; therefore, what is said to inspectors matters and may be written down.

Interviews should take place in settings appropriate to the task. If this is in a person's home, it will usually take place in a living room or sitting room. It will rarely happen in a bedroom, unless this is unavoidable (e.g. because a person who uses services is bed-bound or, in a communal setting, because of the need to observe conditions). Interviews in cars or in social settings are usually inappropriate.

Inspectors should avoid secluded contact in bedrooms or similar settings. Where possible, interviews should take place where they can be observed by a third party and where either party has the possibility of ready exit.

## **Appendix 3**

### **CONDUCT OF INTERVIEWS**

Inspectors should explain who they are and why they are there. They should carry official identification, ensure that the person who uses services has seen the leaflet provided by SWIA and understood its contents.

During the interview, the inspector should gauge the reaction of the person who uses services and be sensitive to:

- strong feelings;
- signs of disturbance; and
- any problems that may require additional attention.

If there are matters that go beyond the scope of the interview and need to be tackled the inspector should explain this and refer the matter to the appropriate carer or staff member.

At the end of the interview, the inspector should:

- thank the person who uses services or carer for their contribution;
- explain again the part played by interviews in building up evidence;
- give the opportunity for comment or question; and
- confirm what happens next.

### **Further contact**

Inspectors should make clear that they cannot pursue individual grievances or have contact outside the inspection. If people who use services do seek to contact them outside the inspection, they should report this to the local authority lead manager.

If the inspectors identify a cause for particular concern that cannot be resolved in immediate discussion with the relevant local authority manager, the lead inspector will raise this formally with the local authority lead manager. It is then for the local authority lead manager to see that appropriate action is carried out.