L.N. 62 of 2019

SOCIAL CARE STANDARDS AUTHORITY ACT (CAP. 582)

Social Regulatory Standards on Respite Services for Persons with Disability Regulations, 2019

IN EXERCISE of the powers conferred by article 30(5) of the Social Care Standards Authority Act, the Minister for the Family, Children's Rights and Social Solidarity, has made the following regulations: -

Citation.

1. The title of these regulations is the Social Regulatory Standards on Respite Services for Persons with Disability Regulations 2019.

Scope.

Cap. 582.

2. These regulations by means of the Schedule, elevate the social regulatory standards on respite services for persons with disability, to the status of subsidiary legislation under the Social Care Standards Authority Act.

Interpretation.

3. In these regulations, unless the context otherwise requires:

"challenging behaviour" means behaviour exhibited by clients that is triggered by intrinsic or extrinsic factors and has the potential to cause physical or psychological harm to the clients themselves or others;

"civil rights" mean rights conferred on persons by the laws of Malta;

"client" means a person with disability aged eighteen (18) or over who enters into an agreement with a service provider to make use of services offered by the respite service. A client may nominate a person or persons to be kept informed about the clients' personal affairs, take decisions or act on the client's behalf. With the exception of client's personal financial transactions, such persons cannot be part of the management or staff of the service provider;

"competent person" means a person who is recognised as capable and/or authorised to undertake specific activities in line with applicable national legislation, standards or directives issued by the applicable authorities;

"holistic assessment" means the process in which staff identify the needs and aspirations of the clients in relation to their health, personal, emotional, spiritual and psychological care, protection and social networking, family support and what services should be delivered to satisfy these needs and aspirations;

"management" means a person or persons who act on behalf of the service provider to provide leadership to staff and to oversee and control the proper functioning of the services offered to persons with disabilities;

"performance indicator" means an active descriptor of what service providers need to do to ensure service outputs that support the quality indicators;

"person with disability" means a person who has prolonged physical, mental, intellectual or sensory problems that when these relate with various obstacles can interfere from fully and effectively participating in society on equal basis as others as defined in Article 1 of the United Nations Convention on the Rights of Persons with Disabilities;

"personal support programme" means a document that is based on a holistic assessment of the client which specifies how the client’s needs and aspirations are going to be met and also includes the resources required by the client whilst living in the residence;

"policies and procedures" means documents released by management that regulate how the residence should operate;

"prospective client" means a person with disability aged eighteen (18) or over who is considering whether to enter into an agreement with a service provider to temporarily live in the residence and make use of services offered by the service provider;

"quality indicator" means a statement that sets out the requirements to achieve compliance with a standard;

"residence" means a building that has been purposely built, or adapted to accommodate persons with disabilities on a temporary basis;

"respite service" means a short-term and temporary accommodation offered to clients in a planned manner or in an

emergency situation. These services support and safeguard the well-being of persons with disabilities and their care-givers/ family. Service provision shall focus on the person's abilities, preferences and requirements;

"SCSA" means Social Care Standards Authority as established by virtue of article 5 of the Social Care Standards Authority Act;

Cap. 582.

"service provider" means a person who, or organisation that, provides and operates a residence and associated respite services to persons with disability on a temporary basis;

"staff" means a person engaged by the service provider wherein one of the person's responsibilities is to provide client support or care, irrespective of whether or how the person is compensated.

SCHEDULE
(Regulation 3)

Standard 1: Clients' Rights

Standard Statement:

This standard promotes rights that assure dignity and respect whilst preventing discrimination.

Quality Indicators

1. The service provider supports the client to maintain relationships and develop new relationships.

2. The service provider ensures that the clients' privacy is respected and the clients are not subjected to unnecessary intrusion.

3. The service provider ensures that the clients are treated equally with respect and dignity.

4. The service provider supports clients to express themselves.

Standard 2: Personal Support Programme

Standard Statement:

This standard promotes the development, implementation and review of the personal support programm with individual clients to establish the care and support required and set objectives to meet the clients' needs and aspirations.

Quality Indicators:

1. The service provider draws up the personal support programm upon a holistic assessment of the clients and with the involvement of the clients. All decisions taken are recorded in the programme.

2. The service provider ensures that the staff supports and empowers clients to achieve objectives identified in the personal support programme.

3. The service provider ensures that the personal support programme is reviewed regularly and updated as the clients' requirements change.

Standard 3: Participation and Decision Making

Standard Statement:

This standard promotes active participation of clients in the respite services and community, advocates and respects client's decisions and feedback.

Quality Indicators:

1. The service provider ensures that the clients are given enough time when they need to take a decision.

2. The service provider respects the decisions taken by the clients and actively supports the clients when taking decisions.

3. The service provider encourages the clients to actively take part in planning and participating in social and leisure activities.

4. The service provider ensures that the clients have the opportunity to review and give feedback on the respite services.

5. The service provider deals with situations causing concerns and complaints promptly and effectively.

6. The service provider assists the prospective clients in taking a decision on whether to use the respite service or not.

7. The service provider will respect the choices of the clients regarding nutrition and eating routines.

Standard 4: Protection and safeguarding

Standard Statement:

This standard promotes the physical, emotional and mental well being as well as the safety of the clients.

Quality Indicators:

1. The service provider ensures that competent persons carry out an evaluation of hazards and risks within the respite service.

2. The service provider ensures the safety of the clients by undertaking individualised risk assessments.

3. The service provider ensures that the clients' personal belongings are held securely.

4. The service provider ensures that the clients are protected and safeguarded from harassment, abuse and discrimination.

5. The service provider ensures that the clients' private space is respected.

6. The service provider ensures that the clients are provided with a nutritionally balanced diet according to their dietary and health requirements.

7. The service provider ensures that the clients are supported in taking care of their holistic well-being.

8. The service provider supports and where necessary assists the clients to receive the medication they require in a safe manner.

Standard 5: Information on Service Provision

Standard Statement:

This standard promotes information to access and use services as well as the identification of alternative services to meet the needs and aspirations of the clients.

Quality Indicators:

1. The service provider will offer services in key areas to the clients.

2. The service provider gives the clients accurate information regarding the physical environment and the organisational setup of the residence.

3. The service provider has alternative plans in place in case the services do not match the needs of the clients.

4. The service provider ensures that the clients are informed on all available services and activities.

Standard 6: Service agreement and related documentation

Standard Statement:

This standard promotes the formal conditions of service provision including the financial aspects and the rights and responsibilities of the clients through a written agreement.

Quality Indicators:

1. The service provider is bound to draw up a written agreement with the clients covering the conditions of the services and care offered.

2. The service provider ensures that prospective clients are given a comprehensive document regarding all financial costs of using the respite service.

3. The service provider ensures that the prospective clients are given a comprehensive document regarding rights and responsibilities of using the respite service.

Standard 7: Service Quality Management

Standard Statement:

This standard promotes service management based on continuous improvement of service operations and staff development.

Quality Indicators:

1. The service provider implements management strategies to continuously improve service delivery to the clients.

2. The service provider implements transparent recruitment strategies and plans for the continuous development of staff.

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