# SEXUALITY

**Caretakers Southwest**

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**Policy Statement**

The confidential and sensitive nature of this information means that only those with a specific need to know should be able to access any information regarding a service user’s sexuality or sexual activities. This information should be recorded separately and held in a file that is accessible only by those who need to know.

This document outlines the policy of this organisation in relation to the sexuality and sexual activities of service users.

# The Policy

**Definitions**

* **Sexuality** encompasses gender identity, body image, sexual desires and experiences including preferences. People have needs relating to sexuality regardless of age, mental capacity or personal history. It relates to sex, masturbation, sexuality, physical intimacy, romance and physical attraction
* **Gender Identity** or sexual orientation describes a person’s physical, romantic or emotional attraction to another person, e.g. straight, gay, lesbian, bisexual. Its their personal sense of identity as a man or woman, or, someone who doesn’t identify themselves as either. Sexual orientation is about who you are attracted to, gender identity is about your own sense of identity, and self
* **LGBT +** describes the lesbian, gay, bisexual and transgender community. The first three letters. (LGB) refers to sexual orientation, the T refers to sexual identity. The + stands for other marginalised and minority sexuality or gender minorities. such as, omnigender, possessing all genders, and, nonmonosexual, attracted to more than one gender

We as Providers have a duty to promote inclusive practices throughout our services including LGBT+. Assessments of Need includes discussion of sexuality needs, explored in a sensitive and non- discriminatory way. With those service users who lack capacity, it is important to remember that Best Interest Decisions, as defined within Section 27 of the Mental Capacity Act 2005 states “Nothing in the Act permits a decision on……….(b) consenting to have sexual relations”

It is important that we, as providers, maintain and update knowledge of the current, in use, language and guidance in order to deliver the relevant and most up to date practice in the highly sensitive area of service delivery

Staff are supported to undertake relevant training, in addition to Induction, where appropriate and to regularly update their skills

This organisation believes that service users have the right, which is often denied to older people and to people with disabilities, to develop and maintain intimate personal and sexual relationships; to engage in sexual activity which is within the law and does not cause significant offence to others; and to enjoy pleasurable experiences and take appropriate decisions for themselves in this area of their lives. We recognise, however, that the presence of care staff in the homes of service users and their delivery of intimate care tasks may threaten the privacy on which this right depends. We believe that our care practice should support the operation of rights associated with sexuality, and that, where appropriate, we should help to provide the information and guidance to help service users remain safe and healthy.

# Care Practice

* Our staff never forget that they are guests in a service user’s home and that providing a domiciliary care service should never interfere with service users’ rights to have visitors at any time and to entertain their visitors in private.
* For a service user who has a marital, civil or same sex partner who resides with them or visits them, our service is provided in ways that respect their wish to be together in private.
* Service users are assured that while a worker is in their home there will be no interruption of privacy for any intimate or personal contacts or sexual activity
* Service users are able to decide whom they see and do not see; if necessary and requested to do so, our staff provide support in these decisions and protection from any personal contacts who are unwelcome or abusive.
* A request by a service user for assistance in restricting or forbidding entrance to their home by an unwelcome visitor is recorded and as far as possible complied with
* Wherever possible, when intimate care is given, service users’ wishes as regards the gender of the worker are respected.
* We assist service users who require access to advice or guidance to ensure that any sexual activity in which they engage is safe and pleasurable.
* The sexual orientation and preferences of service users are treated with respect.
* Homosexual relationships are accorded similar respect to heterosexual relationships.
* If service users engage in any sexual activity or display that is offensive to a staff member, or make a sexual approach towards them, the matter is reported to staff member’s supervisor; they will take prompt and appropriate steps to discuss the matter with the person concerned and to help them contain their behaviour within reasonable limits.
* If service users persist in engaging in inappropriate sexual activity or display in the presence of a staff member, the service may be terminated.
* All possible efforts are made to protect service users from any form of sexual abuse.
* Any service user who, because of a disability, requires assistance in fulfilling their sexual aspirations has the opportunity to discuss their needs with staff; where possible, they will arrange for appropriate help to be provided as part of our care service Information about service users’ personal and sexual relationships and activities is treated confidentially and sensitively, and is passed only to those with a specific need to know.
* The opportunity is provided for service users to discuss matters relating to their sexual relationships and activities within the care planning process if they wish to, always with due regard to the need to treat these issues with confidentiality and sensitivity.
* Particular care and sensitivity are exercised if it is necessary to pass information between staff or to make a written record relating to any matter concerning a service user’s intimate relationships or sexual activity.
* Service users’ relatives, friends and representatives are fully informed about the contents of this policy and are provided with appropriate support and guidance if they seek it.
* A service user requiring advice on sexual matters or personal relationships can raise the matter with any member of the care staff or management with whom they feel comfortable.
* Sexual relationships between staff and service users are not allowed in order to protect both staff and service user in relation to position of trust conflict

**[Torbay Care Trust 01803 219700](#SexualityInput1\")**

**Related Policies**

Assessment of Need and Eligibility

Care and Support Planning

Code of Conduct for Workers

Equal Opportunities

Equality and Diversity

Mental Capacity Act 2005

Position of Trust

**Related Guidance**

* Equality Act 2010 <https://www.gov.uk/guidance/equality-act-2010-guidance>
* Protected Characteristics <https://www.legislation.gov.uk/ukpga/2010/15/section/4>
* Gov.UK LGBT Action Plan <https://www.gov.uk/government/publications/lgbt-action-plan-2018-improving-the-lives-of-lesbian-gay-bisexual-and-transgender-people>
* Care Quality Commission Relationships and sexuality in adult social care services<https://www.cqc.org.uk/sites/default/files/20190221-Relationships-and-sexuality-in-social-care-PUBLICATION.pdf>
* Section 27 Mental Capacity Act 2005 <http://www.legislation.gov.uk/ukpga/2005/9/section/27>
* Stonewall <https://www.stonewall.org.uk/>

**Training Statement**

All staff, during induction are made aware of the organisations policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used including one to one, on-line, workbook, group meetings, individual supervisions and external courses are sourced as required.

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