

Best Interest Decisions

Best Interest decisions **cannot** be made in relation to a persons ability to consent to sex.

This is **specifically excluded** in the MCA 2005.

Sexual Disinhibition

This is damage to a specific part of the brain which can result in people no longer being aware that their behaviours are unacceptable.

Damage to the brain can also cause increase or decrease in sexual desire.

These conditions may lead to people misinterpreting situations or misidentifying someone, resulting in unwanted behaviour.

What if someone lacks capacity to consent to sexual relations?

It may be necessary for a formal capacity assessment if you are unsure if a person understands consent. By law both parties have to consent to sex.

Capacity assessments should be reviewed regularly as capacity can change or fluctuate.

Things to consider:

- Do you have the appropriate training in order to support people with their personal relationship needs?
- Do you have assessments in place to be able to support people correctly?
- Can you demonstrate you are supporting people in a positive way to meet their identified needs?
- Does your policy cover guests staying overnight?
- Are people signposted for sexual health advice?
- Are staff aware of what action to take if they suspect someone is at risk of harm or abuse?

Further Information:

<https://www.cqc.org.uk/news/stories/new-guidance-addresses-relationships-sexuality-among-people-using-adult-social-care>

Visit the NCG Intranet

<https://ncgintranet.com/>



Quality Matters

Relationships and Sexuality in Adult Care Services



By Mike Cleasby, Quality Director of NCG

Keeping staff up to date with changes or requirements taking place within the care sector.

What is sexuality?

This can refer to a person's gender, identity, body image and sexual desires and experiences. The people we support have needs relating to their sexuality, regardless of age, mental capacity or personal history.

The definition of sexuality is deliberately left broad as it can mean different things to different people. This guide relates to:

Sex: masturbation, sensuality, physical intimacy, romance and physical attraction.

Gender Identity: the sense that we are male or female or not aligned with either gender.

Sexual Orientation: including heterosexual, homosexual or bisexual.

Personal Dress: body image, personal grooming and sexual expression.

Sexual Orientation and Gender Identity

Sexual orientation describes a person's physical, romantic and/ or emotional attraction to another person (for Example straight, gay, lesbian bisexual)

Gender identity describes a person's internal, personal sense of being a man or a woman (or someone who does not identify themselves as a man or woman).

What does LGBT+ mean?

This term describes the lesbian, gay, bisexual and transgender community. The first three letters (LGB) refer to sexual orientation, The 'T' refers to gender identity. The '+' stands for other marginalised and minority sexuality or gender identities.

NCG has a duty to promote equality, diversity and human rights both for the people we support and staff.

We need to promote LGBT+ inclusive practices and evidence staff are supporting people appropriately and balancing risk and responsibility towards the person concerned.

Assessing a person's sexuality needs

Moving into a residential home or supported accommodation need not signal the end of a romantic relationship or sexual activity.

Sexual expression is a positive, natural human need. Ignoring it can have an impact on a person's physical and mental wellbeing.

NCG must assess people's needs, this may include:

- Previous and current relationships
- Sexual orientation
- Understanding of sexual health
- Personal dress preferences
- Gender identity

Information should be gathered by staff who are confident and competent. Staff should use pictorial tools and prompt to help them talk about this. This information should be documented in a support plan.