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## **POLICY STATEMENT**

This policy is available to staff and service users, as many service users may be concerned about preserving their autonomy and independence.

Homecare D & D Ltd seeks positively to promote the autonomy and independence of our service users. We recognise that the capacity for independent action of our service users has often been undermined by illness and disability and that insensitive action by care workers can reinforce dependence. We will therefore strive to help service users make their own decisions and to support them in controlling their own lives.

## **MENTAL CAPACITY ACT DEPRIVATION OF LIBERTY**

We try to respect the lifestyles service users have chosen for themselves but exceptionally may be obliged to intervene to prevent a service user from harming themselves or becoming a danger to someone else. On these rare occasions, our workers will act with respect for human rights, within our responsibilities in law and the Mental Capacity Deprivation of Liberty Act

The Mental Capacity Act Deprivation of Liberty safeguards (MCA DOLS) apply to anyone:

- aged 18 and over
- who suffers from a mental disorder or disability of the mind – such as dementia or a profound learning disability
- who lacks the capacity to give informed consent to the arrangements made for their care and / or treatment and
- for whom deprivation of liberty (within the meaning of Article 5 of the ECHR) is considered after an independent assessment to be necessary in their best interests to protect them from harm.

The safeguards cover patients in hospitals, and people in care homes registered under the Care Standards Act 2000, whether placed under public or private arrangements

The safeguards are designed to protect the interests of an extremely vulnerable group of service users and to:

- ensure people can be given the care they need in the least restrictive regimes
- prevent arbitrary decisions that deprive vulnerable people of their liberty
- provide safeguards for vulnerable people
- provide them with rights of challenge against unlawful detention
- avoid unnecessary bureaucracy

We recognise that the tone of the relationship between Homecare D & D Ltd and a service user is often set by the initial contact and that the care needs assessment which endangers a potential service user's sense of being in control. We will do everything we can to empower our service users from the very outset of our dealing with them.

We recognise the important role which can be played by knowledge of what is going on in making people feel independent. We will therefore provide good, thorough and up-to-date information about our service and other facilities at the beginning and throughout our contact with a service user. We will always try to provide information in formats and languages which make it accessible to the individuals to whom it is addressed.

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The workers providing care and support on a day-to-day basis will aim to carry out their tasks in co-operation with service users not in ways which destroy the possibility for the service user to exercise their own discretion, initiative and control. We realise that this principle is particularly difficult to uphold where service users have disabilities or severe mental disorders. We value risks as playing an essential part in a fulfilling lifestyle. Care workers will support service users in taking reasonable risks, without obviously endangering their health or safety, and subject to a sensible risk assessment recorded in the Service User Plan. We know how disempowering it can be for service users not to understand fully what is going on.

Care workers will wherever possible communicate with service users in their first or preferred language and will address service users by their chosen name at all times.

## PROCEDURE

The following rights of the service user will be taken into account when planning and delivering the care service to meet the individual needs of each service user.

## INDEPENDENCE

Independence means having opportunities to think, plan, act and take sensibly calculated risks without continual reference to others. Service users have, by definition, decided some of their situation inevitably involves a degree of dependence on others. It is therefore important that agencies provide service users with discreet support and encouragement to stay in control of as many of the remaining aspects of their lives as possible.

A domiciliary care agency should maximise its service users' independence by:

- a) Helping service users to manage for themselves where possible rather than becoming totally dependent on others
- b) Encouraging service users to take as much responsibility as possible for their own healthcare and medication
- c) Involving service users fully in planning their own care, devising and implementing their care plans and managing the records of care
- d) Working with carers, relatives and friends of service users to provide as continuous a service as is feasible
- e) Creating a climate in the delivery of care and fostering attitudes in those around a service user which focus on capacities rather than on disabilities

## Service user's rights relating to independence

- To care for themselves independently as far as they are able and willing without interference from this organisation or its staff.
- To be informed of the aims of the agency and the range of services available, facilities required and cost if applicable.
- To be aware of their human rights and diversity in terms of their care plans.
- To allow the service user to take reasonable risks without causing risk to their safety.
- To have their cultural, religious, sexual, emotional and other needs accepted and respected.
- To be consulted on all aspects of their care in a way they understand and take an active part in the resulting decision making and care planning.

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- To involve where applicable the family, friends or other agencies in decision making regarding the care plans or passing of information or bad news in private when applicable to the service user.
- To provide care which maintains the privacy, dignity and independence within the environment where care is carried out, with care for their belongings and their affairs.
- To respect their family, friends and visitors and accept on occasions care might need to be terminated or times re-arranged (within reason) to allow for special occasions i.e. birthday parties, anniversaries etc.
- To provide the service user with up to date information regarding their care plans, and to communicate this effectively to staff relevant to the care plan.
- To provide information about the independent advocacy services available to support independence.
- To respect the choices of the service user unless this choice places others at risk of harm or injury.
- To participate in activities within the local community to maintain independence.
- To know how the complaints and compliments procedure operates within the organisation and to complete periodic surveys regarding the service.

## **FULFILMENT**

Fulfillment has been defined as “the opportunity to realise personal aspirations and abilities”. It recognises and responds to levels of human satisfaction separate from the physical and material, but it is difficult to generalise about fulfillment since it needs to relate specifically to precisely those areas of lifestyle where individuals differ from each other.

A domiciliary care agency should respond to its service users’ right to fulfillment by:

- a) Facilitating participation by service users in as broad a range of social and cultural activities as possible
- b) Helping service users where required to participate in practices associated with religious or spiritual matters and to celebrate meaningful anniversaries and festivals
- c) Responding sensitively and appropriately to the special needs and wish to prepare for or are close to death
- d) Making particular efforts to understand and respond to the wish of any service user to participate in minority-interests events or activities
- e) Doing everything possible to help a service user who wants to achieve an unfulfilled task, wish or ambition before the end of their life

## **Service user’s rights relating to privacy and dignity**

- To make an assessment of the needs of a service user in a way that is not intrusive.
- To ask questions about the most intimate areas of a service user’s life at the outset of our contact, and to observe a service user in their own private environment where care will be delivered.
- To limit the embarrassment a service user can experience at this stage and to provide reassurances about the confidentiality of our information systems and the sensitivity of our staff.

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- To offer the presence of a carer or representative during the assessment interviews. If it seems helpful we will arrange for some parts of the interview to take place with the service user alone.
- To review the care plan to ensure that our services remain appropriate and to make adjustments to respond to changing care needs.
- To introduce staff to the service user prior to the service start date (if possible).
- To inform the service user if changes are needed to the care plan to meet their changing needs and to inform appropriate manager.
- To pass information about service users from a care worker to a manager, or between care workers and treat with respect
- To provide a same sex care worker where possible

## ADVOCACY and CIVIL RIGHTS

We will provide information when requested about the availability of independent advocates and self-advocacy schemes, and are quite willing if required to act as the service users' advocate.

Disability almost invariably has the effect of restricting people's exercise of their civil rights by limiting access to public services, facilities and opportunities for participation.

A domiciliary care agency has limited powers to correct this tendency, but nevertheless can respond to its service users' need to continue to enjoy their civil rights by:

- a) Helping service users to decide whether they wish to participate in elections, accessing for them information on their democratic options, and either providing or obtaining any assistance that they need to vote
- b) Helping service users to make use of as wide a range as possible of public services such as libraries, education and transport
- c) Encouraging service users to make full use of health services in all ways appropriate to their medical, nursing and therapeutic needs
- d) Providing easy access for service users and their friends, relatives and representatives to complain about or give feedback on services
- e) Providing support to service users in their participating as fully and diversely as they wish in the activities of their communities through voluntary work, religious observance, involvement in associations and charitable giving

## CHOICE

Choice, defined as "the opportunity to select independently from a range of options", is often constrained by disability and dependence on others, but agencies and workers need to ensure that these limitations are not increased by the way they organize and provide care.

A domiciliary care agency should respond to its service users' need for choice by:

- a) Resisting patterns of service delivery which lead to compulsory timings for activities like getting up and going to bed
- b) Managing and scheduling services so as to respond as far as possible to service users' preferences as regards the staff with whom they feel most comfortable
- c) Exploiting possibilities for diversity in the way they deliver services as a way of respecting service users' eccentricities, personal preferences and idiosyncrasies

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- d) Cultivating an atmosphere and ethos of delivery service which welcomes and responds to cultural diversity
- e) Encouraging service users to exercise informed choice in their selection of the organisation and individuals who provide them with assistance

## **PERSONAL FINANCES**

Where requested, we will provide support to service users in controlling their own financial affairs, always respecting the privacy and confidentiality of documents to which we have to have access.

## **PERSONAL FILES**

We will provide facilities for service users to see their personal files in accordance with the **Data Protection Act 1998** and inform them of the access to files which may be required by inspectors.

## **DEALING WITH SERVICE USERS' RELATIVES AND CARERS**

We will try to relate to service users' relatives and carers where this is appropriate, treating them as partners in providing care. But we are concerned that these relationships should not undermine the autonomy of service users themselves, so we insist on having the service user's permission before dealing with anyone on their behalf or releasing confidential information to others.

## **TRAINING**

Training will be given relating to intimate bodily functions to ensure privacy and dignity at all times.

Care workers will be instructed to be alert to the potential invasion of privacy involving handling a service user's personal possessions or documents.

We will make our staff alert to points of cultural difference they may encounter in their work and we encourage our service users to draw to our attention any particular matter of which we should be aware.

All staff will receive training in Autonomy, Independence, Privacy and Dignity through Induction training and formal qualifications, which will be updated as required.