



Commitment to Partnership

with you as a relative or close friend
of a person we support.

- **Working together**
- **Supporting your relative**
- **Resolving any difficulties**

Hft acknowledges and welcomes the natural involvement that family and close friends (such as members of circles of support) usually have throughout the lives of people with learning disabilities. Wherever and however Hft supports your relative or friend we have a commitment to working in partnership, in person-centred ways, with you both.

We train and support our staff to show they have the values, behaviours and skills needed for good partnership working. We believe that good partnerships are based on mutual respect, good communication, trust and shared goals; we find that they grow best when people understand each other's needs, views and concerns. We hope you do too.

This Commitment to Partnership outlines how we will work with you. It has sections on:

- 1. Working together to share information and communicate well**
- 2. Supporting your relative or close friend with their support and taking decisions according to the Mental Capacity Act**
- 3. Working together to resolve any difficulties if things go wrong.**

We'll keep you informed and updated about how Hft goes about its work – along with any other changes that might affect your friend or relative. In turn, the information, ideas and feedback that you provide will help us deliver even better support.

As part of our three way partnership, Hft staff will work through an easy read version of this document with your relative or friend, as we always make sure the people we support are central to deciding what goes into their Support Plan, what information we can share about them (and with whom), and who supports them with decision-making.

If your relative is assessed as not having capacity to make these decisions, we'll explain how we will consult with you to be sure that what is decided is in their best interests – we explain this in more detail further on so you know exactly when and how often you'll be involved.

1 | Working together

Information and communication

As arrangements are made for your relative to be supported by Hft we will provide you with an introduction pack, including:

- Information about Hft (e.g. how we keep support responsive to each person, our structure, plus lots more)
- A description of the service that will be provided including the contact details and roles of key staff
- An invitation to become a member of Hft – so you can have a say in how the organisation (a registered charity) is run
- A list of other ways you can be involved with Hft.

We'd like you to...

Help us work out how best to support your relative – what do you think we should know about their likes and dislikes, how they communicate, what reassures them, the personal qualities and skills of well-matched staff?

Tell us how you'd like to be contacted, regularly and in any emergency – providing an email address makes it easier to communicate quickly (and helps us keep costs down).

While Hft is supporting your relative/ friend we will...

- Give you access to the Operational Standards we expect our staff to follow
- Provide information you request promptly – or explain why we cannot
- Respect you and the confidentiality of information you give us
- Tell you who will be supporting your relative and if this changes let your relative and you know as soon as possible
- Ask you what regular contact you would like with your relative and/or Hft staff supporting them and who you would like us to contact in any emergency; we will maintain the contact agreed and recorded in your relative's support plan – if the person who usually contacts you is unable to, we will tell you and try to provide an alternative contact
- Support your relative to tell you about activities they do, or keep you updated if they are not able to and have agreed to this
- Give you a list of numbers and email addresses so you know who to contact about what – including how to reach us about any emergency
- For less urgent matters, make sure your contact is acknowledged (as soon as possible, but certainly within two working days) and tell you when a fuller response will be given if this is needed
- Let you know of any local meetings for family and friends and tell you what is going on in Hft through whichever channels of communication you prefer. (You can tell us how you want to hear from us by completing a 'Ways of being involved in Hft' sheet).

We'd like you to...

- Tell us:
 - Contact details of your wider family and the people who are important to your relative, provided each of them agree – having their pictures too will mean we can put faces to names
 - Any significant family medical history (e.g. concerning diabetes, thyroid problems and cancers) to contribute to your relative's Health Action Plan
- Help to keep our records accurate by letting us know about changes affecting your family that may influence how we provide support.

We hope you will...

- Complete and return Hft's 'Ways of being involved with Hft' sheet
- Join in with any events for families and friends
- Tell us what you would like to see us doing better
- Treat staff respectfully however strongly you feel about something
- Think about volunteering and/or fundraising – funding is tight but we're an ambitious, can-do organisation that would like to do more!
- Find support you need through other families and Hft's Family Carer Support Service.

2 | Supporting your relative

Support plans, the Mental Capacity Act and decision-making

Providing support:

We will...

- Fully involve your relative and you –provided they agree – in creating a unique Support Plan which describes how they want to be supported, the goals they want to achieve, how they make decisions and any support they may need with this
- Review your relative’s Support Plan (including long term goals, day to day activities, communicating, staying healthy and safe) with them and you – provided they agree – at least every 12 months, so we can all think about what is working/not working and what needs to change
- Provide you with a copy of their most current Support Plan unless they object
- Keep listening to what you tell us about the support you feel your relative needs; we will share what we think and explain why we think this
- Support your relative to make choices
- Explain our procedures for dealing with safeguarding issues, including how you could be told of an incident involving your relative
- Let you know if we think there are any significant changes in the support your relative needs and say how we are addressing this
- Tell you how we recruit new staff, if you would like to know, involving you as agreed if you are commissioning the service
- If you are purchasing a service (for example with a Personal Budget or Direct Payment), provide you with a Support Provider Agreement.

We'd like you to...

- Continue to be involved, telling us what you feel is important to and for your relative (especially if they are unable to themselves)
- Come to meetings, bring any questions and say if there are issues to resolve
- Provide feedback on what is working well and share any concerns with us openly as soon as they arise
- Complete an annual Family and Friends Questionnaire about the quality of support and partnership Hft is providing.

The Mental Capacity Act 2005

The Mental Capacity Act (MCA) provides a legal framework for decision-making and safeguards for people who cannot make their own decisions. It is supported by a Code of Practice which gives guidance to anyone working with and/or caring for adults who may lack capacity to make particular decisions. The importance of relatives and close friends of people with learning disabilities is acknowledged throughout the Code of Practice.

The 5 principles of the Mental Capacity Act 2005

- **Principle 1:** Assume a person has capacity unless proved otherwise.
- **Principle 2:** Do not treat people as incapable of making a decision unless all practicable steps have been tried to help them.
- **Principle 3:** A person should not be treated as incapable of making a decision because their decision may seem unwise.

- **Principle 4:** Always do things or take decisions for people without capacity in their best interests.
- **Principle 5:** Before doing something to someone or making a decision on their behalf, consider whether the outcome could be achieved in a less restrictive way.

Begin by assuming a person has capacity

It's not ok to assume that, because a person has a learning disability, they cannot make any decisions for themselves. Capacity changes over time and depends on the decision at hand. While a person may struggle to make a decision relating to where they live, they may be able to decide what they want to wear or drink that day.

A person's ability to make a decision can be affected by lots of factors. If your relative is unwell or has recently suffered bereavement, it's not an ideal time for a capacity assessment. If a health/social care professional is asking for a capacity assessment but you believe your relative understands the situation, ask them to explain why they are questioning his/her capacity.

How do we check whether someone has capacity?

Rather than decide things for people we must check whether the person is able to understand. Firstly we give them relevant information about the decision and possible outcomes, and support them to understand this in any way we can.

The purpose of a capacity assessment is not to judge a person's decision. It's to determine whether they have the capacity to make a particular decision at a particular time. To make a decision you need to be able to:

- Understand all the relevant information
- Weigh up the options and implications
- Be able to retain that information long enough to communicate your wishes.

If a person cannot do these things, the MCA Code of Practice says the person lacks capacity to make this decision at this time.

Unwise decisions do not equate to a lack of capacity

People with learning disabilities, autism or both have the same right to make an unwise decision as the general population.

At the same time, we must be careful that this principle is not used as justification for poor support. For example, though we may judge it to be an unwise decision, a person has the right to eat fast food every day. No one can force their values onto another person - but there should be encouragement to make better decisions. What else is important to the person? Have they said they would like to lose weight or have more disposable income? Does the person understand the implications of eating fast food every day, in relation to their life goals?

Who makes a decision if someone is unable to do so themselves?

For everyday decisions a person supporting an individual will, involving them as much as possible,

make decisions according to what they know about the person's wishes. Significant decisions, e.g. where a person lives, how they are supported or medical treatment they may have, are made by the relevant decision maker. (In these examples this would be: the funding authority, the support provider, or a doctor). Such decisions must involve the person as much as possible, be taken after consultation with people who know the individual well and be made in the least restrictive way.

The Care Act 2014

Another important piece of legislation is the Care Act which was introduced in 2014. Our Family Carer Support Service has produced a number of helpful resources, including: 'A guide to the Care Act 2014 and other laws'. These can be viewed on our webpages: <https://www.hft.org.uk/our-services/family-carer-support-service/>

Decisions:

We will...

- Keep records and share with you how we have worked with your relative to find out who they want involved in their support and decision-making, who they would like to be kept informed and to what extent; we can tell you how we do this even if your relative prefers you not to have details
- Keep records of how we have worked out whether a person had capacity to make a decision
- Note and involve appropriately anyone who is authorized as a substitute decision-maker (e.g. as a Benefits Appointee by the DWP, a Court Appointed Deputy or person with Lasting Power of Attorney)
- Involve close relatives/supporters and particular others in decisions that a person does not have the capacity to make themselves – these are called Best Interest Decisions and we can give you more information about them
- Co-operate with a local authority or medical “decision-maker” when they have responsibility for making a decision that will affect a person a lot – the decision-maker should involve people who know the person well (including staff and relatives) in a Best Interests decision-making process
- Give all practical help possible whether or not someone has capacity to make a decision, so they are as involved as they can be in decisions affecting them; this is called Supported Decision-making and we know families have information and ideas to help with this
- Recognise that anyone with capacity to make a particular decision might still make it unwisely although they have been made aware of the possible outcomes; staff will take steps to minimise risks.

- Ensure Best Interest Decisions are made in the way that least restricts the person concerned
- Provide you with more information about the Mental Capacity Act and the part families play in making it work well – our Family Carer Support Service has produced resources specifically for families; the FCSS team can discuss how the Act works and guide you to further information about it.

Hft's Family Carer Support Service has produced 'Using the Mental Capacity Act: A resource for family and friends of people with learning disabilities'. Copies (which include a written guide and DVD) are free or can be downloaded. For more information see www.hft.org.uk/mcaguide

We hope you will...

- Tell us what you have found works to support your relative's involvement in decisions affecting them
- Say if you disagree with an assessment of their capacity to make a decision
- Provide Hft with a copy of any Deputyship or Lasting Power of Attorney granted by the Court of Protection
- Participate in Best Interest Meetings (if applicable); we can give you support to prepare for these
- Let us know if you strongly disagree with a decision made through the Best Interests process – we can tell you how to challenge the decision if you chose to.

3 | Resolving any difficulties

If things go wrong

We will...

- Do our best, as signatories to the Social Care Commitment, to ensure Hft staff follow our Operational Standards (which we invite you to read) and work according to the Code of Conduct for Healthcare Support Workers and Adult Social Care Workers in England
- Encourage the people we support to give us feedback and help them if they want to make a complaint, using a 'Making things better' form
- Support you in making a complaint and resolving problems if you are not happy with any aspect of our services or that of others (e.g. if your relative, or you as a carer, has a poor experience in hospital or elsewhere)

- Record and monitor all complaints relating to our services and make any necessary changes as a result of learning from them
- Remember that when anything goes wrong there can be many consequences for the person needing support and those closest to them.

We hope you will...

- Tell a member of Hft staff as soon as possible if something is not working for your relative or you.



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