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Falkland Islands Government

Health and Social Services Directorate



Assessment of Adults with need for Care and Support

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1 Context

- 1.1 The Policy details how the Falkland Islands Government will meet its responsibilities under The Assessment and Safeguarding of Adults Ordinance 2020 to assess adults with care and support needs and carers with support needs.
- 1.2 This policy applies to all care and support services for adults including community support services, social care, occupational therapy services, residential care, sheltered housing and carers support.
- 1.3 This policy replaces The Falkland Islands Vulnerable Adults Policy 2016
- 1.4 The policy will be reviewed on a regular basis, or sooner in light of new guidance or legislation which emerges within the Falkland Islands or United Kingdom.
- 1.5 This policy should be read in conjunction with the following documents:
 - Assessment and Safeguarding of Adults Ordinance 2020
 - Assessment and Safeguarding of Adults Regulations 2020
 - Standards of Care for all Community Care Services within the Falkland Islands
 - Community Care Service Levels of Care Provision Policy
 - Safeguarding Adults in the Falkland Islands - Policy
 - Safeguarding Adults in the Falkland Islands – Guidance for Professionals
 - Mental Capacity Policy.

The Wellbeing Principle

In accordance with the Assessment and Safeguarding of Adults Ordinance 2020 (s5) it is the general duty of the government to promote the individual's well-being.

In exercising this function, the government must have regard to;

- *the importance of beginning with the assumption that the individual is best-placed to judge the individual's well-being*
- *the individual's views, wishes, feelings and beliefs*
- *the importance of preventing or delaying the development of needs for care and support or needs for support and the importance of reducing needs of either kind that already exist*
- *the need to ensure that decisions about the individual are made having regard to all the individual's circumstances (and are not based only on the individual's age or appearance or any condition of the individual's or aspect of the individual's behaviour which might lead others to make unjustified assumptions about the individual's well-being)*
- *the importance of the individual participating as fully as possible in decisions relating to the exercise of the function concerned and being provided with the information and support necessary to enable the individual to participate*
- *the importance of achieving a balance between the individual's wellbeing and that of any friends or relatives who are involved in caring for the individual*
- *the need to protect people from abuse and neglect*
- *the need to ensure that any restriction on the individual's rights or freedom of action that is involved in the exercise of the function is kept to the minimum necessary for achieving the purpose for which the function is being exercised.*

3 Care and Support

‘Care and Support’ describes the mixture of practical, financial and emotional support for adults who need extra help to manage their lives and be independent.

The reasons for this may include;

- Physical Disability
- Long-term Physical Health condition
- Mental Health Condition
- Cognitive Impairment
- Learning Disability
- Substance Misuse
- Informal Carers

Care and Support includes an assessment of the adult’s needs and the provision of available services. It could include community care, support services, residential care, carer support or the provision of aids and adaptations or other specialist support services such as meals on wheels or day services within the resources available.

4 Consent

4.1 It is essential within the needs assessment process to consider whether the adult is capable of giving consent to the assessment process and in other areas of their life. If they are able, their consent should be sought.

4.2 An adult may not give their consent to completing a needs assessment for a number of reasons. For example, they may fear their independence will be removed or they may lack trust in services. Reassurance and appropriate support can help to change their view on whether it is best to complete an assessment, and staff should consider the following approaches;

- Explore the reasons for the objection – what are they concerned about

- Explore the concern, provide reassurance and explain the benefits of completing an assessment
- Reassure the adult that their information will not be shared with anyone who does not need to know.

4.3 If, after this, the adult refuses to complete an assessment, or requests that information about them is not shared with other departments, in general their wishes should be respected. However, there are a number of circumstances where staff can reasonably override such a decision, including;

- Whether the adult has the mental capacity to make that decision – this must be properly explored and best interest decision making recorded in accordance with Mental Capacity Policy
- Emergency or life-threatening situations may warrant the sharing of relevant information with the emergency services without consent
- If there is an aspect of public interest (e.g. not acting will put other adults or children at risk)
- Sharing the information could prevent a serious crime;
- If there is a duty of care on a particular department to intervene (e.g. the police if a crime has been/may be committed)
- The risk is unreasonably high
- There is a court order or other legal authority for taking action without consent.

4.4 It is important to keep a careful record of the decision-making process and what, if any, information was shared in such situations. Staff should seek advice from their manager in situations where the adult has withheld consent, except in emergencies or if there is immediate risk of harm to the adult or other people.

Managers should make decisions based on whether there is a reason which makes it necessary to take action without consent, and whether it is proportionate because there is not a less intrusive way of ensuring safety. Social Services,

clinical or legal advice should be sought where appropriate if the decision is to complete an assessment without consent. The adult should be informed that this is being done and of the reasons why.

4.5 If none of the above apply and a decision is taken not to complete the assessment;

- Support the adult to weigh up the risks and benefits of different options
- Ensure that they are aware of the level of risk and possible outcomes
- Offer to arrange for them to have a representative
- Agree on and record the level of risk the adult is taking
- Record the reason for not completing an assessment of need
- Regularly review the situation with an agreed date
- Seek to build trust between the adult and the professional/s.

5 Mental Capacity

The mental capacity of adults with need for care and support should always be considered.

Professionals working with adults should always assume capacity and seek to support the person to make decisions for themselves. The assessment of adults should take into account the ability of an adult to make informed choices about how they wish to live their life and the risks they are wanting to take. This includes their ability to understand the implications of their situation and to take action to prevent abuse or minimise the risk of harm.

The Mental Capacity Policy provides a framework to empower and protect people who may lack capacity to make decisions for themselves, and provides guidelines for making decisions on the individual's behalf. It applies to anyone over 18 who is unable to make some or all decisions for themselves. All decisions taken during the assessment process should comply with this guidance

The Mental Capacity Policy outlines the five principles that underpin the work with people who may lack mental capacity:

1. A person must be presumed to have capacity unless it is established that they lack capacity

2. A person is not to be treated as unable to make a decision unless all practicable steps to help them do so have been taken without success
3. A person is not to be treated as unable to make a decision merely because they make an unwise decision
4. An act done, or decision made, for or on behalf of a person who lacks capacity must be done, or made, in their best interests
5. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

6. Advocacy

The *Assessment and Safeguarding of Adults Ordinance 2020* outlines the Falkland Islands Government's duty to;

*'arrange for a person who is independent of the Government (an **'independent advocate'**) to be available to represent and support the individual for the purpose of **'facilitating the individual's involvement.'***

This requirement applies when the Government considers that, were an independent advocate not to be available, the individual would experience substantial difficulty in doing one or more of the following;

- a) Understanding relevant information
- b) Retaining that information
- c) Using or weighing up that information as part of the process of being involved
- d) Communicating the individual's views, wishes or feelings (whether by talking, or using any other means reasonably available).

This duty **does not** apply when the assessor is satisfied that there is an appropriate person who is able to facilitate and support the adult for the purpose of involving the individual's involvement within the needs assessment process. This person should not be engaged in providing care or treatment in a professional capacity.

7. Assessment

- 7.1 The Department of Health and Social Services supports adults to retain or regain as much independence as possible. The assessment process focusses on the adult's capabilities, existing support networks and other forms of support within the community before considering the provision of care and support.
- 7.2 In carrying out its functions the Department of Health and Social Services will have regard to the principles of involvement, choice, dignity and respect. The assessment process focusses entirely on risk to independent living and wellbeing and does not discriminate on the basis of any protected characteristic.
- 7.3 The assessment process starts from the first-time contact is made with the Department of Health and Social Services about the adult. Information will be gathered from the outset to establish which health or social care professional will be responsible for completing the needs assessment or whether a shared needs assessment is required involving more than one team or health and social care professional. This may include the Community Support Team, Social Services, and/or Occupational Therapy.
- 7.4 Upon receipt, each referral will be prioritised within the screening process. We will provide updates on any waiting times for assessment. The adult, or their family/carer, may provide any additional information to enable the assessment to be completed. This may require us, with consent, to contact other professionals such as doctors, Physiotherapist or Speech and Language Therapist.
- 7.5 The assessment will be carried out in partnership with the adult and can involve relatives, carers or friends of the adult. Where the adult does not want support from family/carer or friends, their wishes should be explored with them and respected and if appropriate an advocate should try to be identified. The role of the advocate is to facilitate the adult's involvement within the assessment process (See Section 6).
- 7.6 In cases where English is not the adult's first language, an approved on-islands interpreter should be identified in cases where additional communication support is required. In cases where on-island language support is not available overseas

language support services should be used to assist the adult with communication needs within the needs assessment process.

7.7 An assessment which relates to an adult who is deaf/blind must be carried out by a person who has specific training and expertise relating to individuals who are deaf/blind or must be carried out in consultation with a person who has specific training and expertise relating to individuals who are deaf/blind.

7.9 The Department of Health and Social Care takes an outcomes-based approach to needs assessment which focuses on what matters to the adult, what goals an adult has and what they want to achieve. The assessment may identify needs, outcomes and goals which are unable to be met by the Falkland Islands Government and it should be recognised there is no statutory requirement for the Falkland Islands Government to provide services.

7.10 When carrying out an assessment the Falkland Islands Government must consider;

a whether, and if so to what extent, matters other than the provision of care and support could contribute to the achievement of the outcomes that the adult wishes to achieve in day to day life; and

b whether the adult would benefit from the provision of prevention services.'

(Assessment and Safeguarding of Adults Ordinance 2020)

7.11 Once the assessment is completed a decision will be taken on whether the adult has unmet care and support needs. Unmet care and support needs will be considered in accordance with the Community Care Service Levels of Care Provision Policy to establish the level of care and support available from the Falkland Islands Government.

7.12 The assessed person is entitled to a copy of the completed assessment.

8 Assessment of Carers

8.1 A carer is anyone, including children and adults who looks after a family member, partner or friend who needs help because of their care and support needs and cannot cope without their support. The care they give is unpaid.

8.2 The Department of Health and Social Services have a duty to complete a Carer's Assessment where it appears that a carer may have need for care and support (whether currently or in the future). This will be completed by the Social Services Department.

A Carer's Assessment must be offered;

Where it appears to the Government that a carer may have needs for care and support (whether currently or in the future) the Government must assess –

- a whether the carer does have needs for support (or is likely to do so in the future); and*
- b if the carer does, what those needs are (or likely to be in the future).*

(Assessment and Safeguarding of Adults ordinance 2020)

8.3 The Carer's Assessment should include an assessment of;

- Whether the carer is able to, and likely to continue to be able, to provide care for the adult needing care
- Whether the carer is willing, and is likely to be willing, to do so
- The outcomes the carer wishes to achieve in day-to-day life and
- Whether, and if so to what extent, the provision of support could contribute to the achievement of those outcomes.

8.4 In carrying out the Carer's Assessment the Department of Health and Social Services will consider to what extent the provision of support will contribute towards the desired outcomes and whether the carer would benefit from the provision of prevention services, information or advice which might be available within the community.

9 Consideration for Care and Support Services

9.1 The assessment will consider all needs but primarily;

- Eating, drinking and maintaining a good diet
- Maintaining personal hygiene
- Being appropriately clothed
- Managing toilet needs
- Being able to make use of the home safely
- Maintaining a habitable home environment
- Developing and maintaining family or other personal relationships
- Accessing and engaging in work, training, education or volunteering
- Making use of necessary facilities or services in the local community including recreational facilities or services
- Carrying out any caring responsibilities the adult has for a child

9.2 The assessment will identify care and support needs as those which have been identified as not already being met through existing support provision, and that require external support or services to be put in place in order to meet those needs.

9.4 The assessment also considers whether environmental factors would assist including the provision of equipment or adaptations which may be considered in accordance with the Disabled Facilities Adaptation Grant Policy.

9.5 Care and support provided by a carer will not be taken into account when assessing the adult with care and support needs.

9.6 The assessor must provide a written record of the assessment to the assessed person. If the adult has been assessed as lacking mental capacity a copy of the completed assessment should be made available to their appointed representative or advocate.

9.7 The assessment must consider the following; three conditions;

1. Do the adult's needs arise from, or are related to, a physical or mental impairment or illness.

2. As a result of the adult's needs, the adult is unable to achieve two or more of the specified outcomes (which are described in 6.3)
3. As a consequence of being unable to achieve these outcomes there is, or there is likely to be, a significant impact on the adult's wellbeing.

Adults who are assessed as having unmet care and support needs will be considered for care and support services where available however it should be recognised there is no statutory requirement for the Falkland Islands Government to provide care and support or carer support services.

10 Consideration for Carer's Support

10.1 The assessment will consider all needs but primarily;

- Carrying out any caring responsibilities the carer has for a child
- Providing care to another person for whom the carer provides care
- Maintaining a habitable home environment in the carer's home, whether or not this is also the home of the adult needing care
- Managing and maintaining nutrition
- Developing and maintaining family or other personal relationships
- Engaging in work, training, education or volunteering
- Making use of necessary facilities or services in the local community, including recreational facilities or services
- Engaging in recreational activities

10.2 When considering support for carers the following conditions should be met;

1. The needs arise as a consequence of providing necessary care for an adult
2. As a result of providing necessary care for an adult;
 - (a) the carer's physical, emotional or mental health is deteriorating, or is at risk of deteriorating and/ or
 - (b) the carer is unable to achieve any of the specified outcomes
3. As a consequence, there is, or likely to be, a significant impact on the carer's wellbeing.

Carers who are assessed as having unmet support needs will be considered for carer support services where available, however it should be recognised there is no statutory requirement for the Falkland Islands Government to provide care and support or carer's support services.

11. Assessment of children and young people

The Children Ordinance 2014 sets out arrangements for safeguarding and promoting the welfare of children, defined as those under 18 years of age. The Children Ordinance provides the legislative framework for departments to take decisions on behalf of children, and to take action to protect them from abuse and neglect.

12. Appeals and Complaints

If either the adult, or the adult's legal representative or the carer wishes to complain about the assessment process they should in the first instance contact the Community Support Team Manager or the Head of Social Services. If they are still unhappy with the outcome and the complaint cannot be resolved they can pursue the complaint through the Department of Health and Social Services Complaints Procedure.

Appendix One

Outcomes for Adults with Care and Support Needs

The assessment process for adults with care and support needs involves the sequential consideration of the following three criteria:

| | | |
|---|---|--|
| Do the needs arise from a physical or mental impairment or illness? | Do these needs mean that the adult is unable to achieve two or more of the listed outcomes? | As a consequence of being unable to achieve these outcomes there is an overall significant impact on their wellbeing |
|---|---|--|

Outcomes

Examples are given – these are simply possible ideas and not intended to be exhaustive

| |
|--|
| Managing and maintaining nutrition |
| <p>What to consider:</p> <p>Does the adult have access to food and drink so they can maintain their nutritional and hydration needs, are they able to prepare and consume the food and drink, do they instigate eating and drinking themselves?</p> <p>Examples of circumstances affecting the ability to achieve the outcome</p> <p>If the adult is eating a restricted or unhealthy diet (e.g. only eats toast):</p> <ul style="list-style-type: none">• They may have difficulty getting to the shops to buy food• They may be able to prepare food but have swallowing problems• They may not have the cognition to instigate a response to their needs. |
| Maintaining personal hygiene |
| <p>What to consider:</p> <p>Is the adult able to wash themselves and launder their clothes?</p> <p>Examples of circumstances affecting the ability to achieve the outcome</p> <ul style="list-style-type: none">• If the adult cannot reach to wash themselves all over.• If the adult does not have access to a washing machine and/or their mobility is poor, clothes and linen may not be properly clean. <p>If the adult cannot buy cleaning products, or cognitively understand how to operate a washing machine, their clothes and linen may not be properly clean.</p> |
| Managing toilet needs |

What to consider

Is the adult able to access and use the toilet and manage their own toilet needs?

Examples of circumstances affecting the ability to achieve the outcome

- If the toilet is no longer accessible due to environmental issues or mobility problems
- If the adult needs to reach the toilet more urgently than their mobility allows for they may not be managing their toilet needs.

If the adult is unable to maintain their night-time continence, they may not be managing their toilet needs in a way that promotes their dignity.

Being appropriately clothed

What to consider

Is the adult able to dress themselves and be appropriately dressed, for example, in relation to the weather or the activities they are undertaking, which could include work/volunteering?

Examples of circumstances affecting the ability to achieve the outcome

- If the adult cannot put on or fasten their clothes , they are unlikely to be appropriately dressed.
- If the adult cannot acquire new clothes when needed, they may not be appropriately dressed e.g. for the change in seasons.

The adult may be able to dress themselves in casual clothes unaided but may not be able to dress themselves in more formal work clothes e.g. put on a tie, zip up a dress or clean their shoes, and so would not be appropriately dressed for their circumstances.

If they are severely visually impaired, for example, they may be able to dress themselves but not know if clothes are clean or soiled/

Note: This may also affect another outcome in relation to accessing work or volunteering.

Being able to make use of the adult's home safely

What to consider

Is the adult able to move around the home safely, including climbing steps if any, using kitchen facilities and accessing the bathroom/toilet?

This also includes their immediate environment e.g. steps to the home.

Examples of circumstances affecting the ability to achieve the outcome

- If the adult cannot reach certain rooms, they may not be using the home safely or may be unreasonably confined e.g. having to spend all day in bed.
- If the adult cannot get in or out of the front door (e.g. because they cannot manage the steps), they are unlikely to be using the home safely or have proper access to it.
- If the adult is unable to use home appliances properly and safely (e.g. cooker, heater), they may not be meeting this outcome or the one regarding nutrition and hydration

Maintaining a habitable home environment

What to consider

Is the adult's home sufficiently clean and maintained to be safe, including having essential amenities?

Does the adult require support to sustain the home or maintain amenities such as water, electricity and gas or pay their rent or mortgage?

Examples of circumstances affecting the ability to achieve the outcome

If the adult is unable to pay their rent or utility bills (e.g. due to mental or physical incapacity), they will not be able to sustain their home.

It may not be a habitable home environment if:

- the home is damp or in very poor repair
- the adult is unable to clean their kitchen, leading to infestation
- the adult is hoarding excessively (note: hoarding per se does not determine care and support need; however, the impact of excessive hoarding on the individual's ability to achieve their outcomes, and thereby on their wellbeing, will be considered).

Developing and maintaining family or other personal relationships

What to consider

Is the adult lonely or isolated?

Do their needs prevent them from maintaining or developing relationships with those who they wish to such as family and friends?

Examples of circumstances affecting the ability to achieve the outcome

- The adult's physical or psychological state may prevent them from making or maintaining relationships e.g. mental ill-health, autism.

If the adult is unable to communicate easily and regularly – e.g. they may need a hearing test, they may not have, or be able to use, a phone or computer, they may be unable to leave their home safely, they may be unable to communicate successfully or interact with others – this may prevent them from maintaining or developing relationships with family, friends and others.

Accessing and engaging in work, training, education or volunteering

What to consider

Does the adult have the opportunity and/or wish to apply themselves and contribute to society through work, training, education or volunteering?

This includes physical access to any facility and support with participation in the relevant activity.

Examples of circumstances affecting the ability to achieve the outcome

- If the adult is unable to leave their home safely, or communicate successfully, or interact with others, they may not be able to access work, training, education or volunteering.
- If the adult has a psychological or emotional wellbeing issue they may not feel able to interact with others

If the adult is unable to access information about opportunities available to them, they are unlikely to be able to engage in activities.

Making use of necessary facilities or services in the local community, or recreational facilities or services

What to consider

Is the adult able to get around in the community safely and able to use facilities such as taxis, shops and recreational facilities?

This includes the need for support when attending personal appointments.

Examples of circumstances affecting the ability to achieve the outcome

- If the adult is unable to walk, or to organise alternative transport (e.g. someone giving them a lift), or does not have money for a taxi, they may not be able to access services locally.

- Does the adult have the means to attend necessary services such as the bank or health appointments, or other appointments that they may wish to? Do they know how to arrange a taxi and do they have the means to pay for this.

As well as formal appointments e.g. health care appointments, this could include informal appointments e.g. being able to go to the library or to meet a friend in a cafe or pub.

Carrying out any caring responsibilities the adult has for a child

What to consider

Does the adult have any parenting or other caring responsibilities e.g. as a parent, step-parent or grandparent?

Examples of circumstances affecting the ability to achieve the outcome

- If the individual is not able to take care of others, or feels overwhelmed because of their condition, they may not be able to carry out their caring responsibilities for a child. This may well become a safeguarding issue

Appendix Two Outcomes for Carers

The assessment process for carers with support needs involves the sequential consideration of the following three criteria:

| | | |
|---|---|--|
| Do the needs arise because the carer is providing necessary care and support? | Is the carer's physical or mental health affected or at risk of deteriorating, or is the carer unable to achieve any of the listed outcomes | As a consequence of being unable to achieve these outcomes there is an overall significant impact on their wellbeing |
|---|---|--|

Outcomes

| |
|--|
| Carrying out any caring responsibilities the carer has for a child |
| <p>What to consider</p> <p>Does the carer have any parenting responsibilities for a child in addition to their caring role for the adult, e.g. as a parent, step-parent or grandparent?</p> <p>Examples of circumstances affecting the ability to achieve the outcome</p> <ul style="list-style-type: none"> • If the carer role takes most or all of their time or energy, the carer may not be able to carry out caring responsibilities for a child e.g. responsibilities as a grandparent caring for a child while their parent goes to work. |
| Providing care to other persons for whom the carer provides care |
| <p>What to consider</p> <p>Does the carer have any caring responsibilities to other adults, e.g. for a parent, as well as the adult with care and support needs?</p> <p>Examples of circumstances affecting the ability to achieve the outcome</p> <ul style="list-style-type: none"> • If the carer role takes most or all of their time or energy, the carer may not be able to carry out caring responsibilities for other people in their lives. |
| Maintaining a habitable home environment in the carer's home, whether or not this is also the home of the adult needing care |

What to consider Is the carer's home a safe and appropriate environment to live in? Does it present a risk to the carer's wellbeing? A habitable home should be safe and have essential amenities such as mains water, electricity gas and sewage.

Examples of circumstances affecting the ability to achieve the outcome

- If the carer's role means that they are unable to pay their bills, or do not have time to deal with the maintenance of their home e.g. if there is a damp problem, they may not be maintaining a habitable home.
- If the carer is caring for somebody in their own home, and there is not enough space in the home, it may not be a habitable environment.

Managing and maintaining nutrition

What to consider

Does the carer have time to do essential shopping and to prepare meals for themselves and their family?

Examples of circumstances affecting the ability to achieve the outcome

- If the carer lacks the time or opportunity to shop for or cook appropriate meals, they and their family may eat a restricted or unhealthy diet.
- If the carer is not eating or avoiding eating certain foods to maintain a health condition, they may not be maintaining nutrition for themselves.

Developing and maintaining family or other personal relationships

What to consider

Does the carer's role prevent them from maintaining or developing relationships with family and friends?

Examples of circumstances affecting the ability to achieve the outcome

- If the carer is unable to keep in touch with their family and friends, they may not be able to maintain or develop friendships and other relationships.
- If the reason for not keeping in touch is due to the attention and time commitment of their caring role, meaning that they are unavailable at times when family members or friends are free e.g. in the evenings and at weekends; or because they do not have a phone or computer and/or are tied to the house due to their caring role.

If the carer has no time or energy left after fulfilling their caring role, e.g. when looking after an adult child with care and support needs, they may not be able to maintain existing or develop other relationships.

Engaging in work, training, education or volunteering

What to consider

Is the carer able to continue in their job, contribute to society, apply themselves in education and volunteer to support civil society or have the opportunity to get a job, if they are not in employment?

Examples of circumstances affecting the ability to achieve the outcome

- If the carer has no time or energy left after fulfilling their caring role, they may not be able to engage in work, training, education or volunteering.
- If the carer has to take too many days off work or has to use all of their holiday entitlement to fulfil their caring role, they may not be able to find or maintain suitable employment or commit to a regular volunteering role.

Making use of necessary facilities or services in the local community, including recreational facilities or services

What to consider

Does the carer have opportunities to make use of local community services and facilities e.g. library, cinema, gym or swimming pool?

Examples of circumstances affecting the ability to achieve the outcome

- If the carer has no time or energy left after fulfilling their caring role, they may not be able to make use of necessary facilities or services.
- If an adult with care and support needs disapproves of their carer making use of the facilities or services in the local community, or prevents them from doing so, this may have an impact on the carer's desired outcomes/wellbeing.

Engaging in recreational activities

What to consider

Does the carer have time for themselves, e.g. some free time to read or engage in a hobby?

Examples of circumstances affecting the ability to achieve the outcome

- If the carer has no free time for themselves – or no energy left when they do have some free time – they may not be able to engage in activities to maintain their own interests or hobbies e.g. walking or other forms of exercise, being a member of a club or activity, or taking part in pastimes at home.