Supporting Choice
Rights, Risks and Responsibilities

Summary Version
If you wish to view the full length Supporting Choice Guidance document please ask your worker who can provide a copy.
Introduction

This booklet aims to help people make decisions about the type of care and support they have. Whatever the nature of that care or support, whether it takes place in a care home or - as many people these days prefer - in a person's own home, some risk factors have to be considered.

In order to make it clear what is meant by ‘risk’, this new policy document outlines a clear and open process that individuals, carers, family members and practitioners can use to evaluate levels of risk. The aim is to promote maximum choice and control for everyone concerned and to provide a more individualised and transparent approach to risk.

Risk

We all view risk differently - what seems highly risky to one person is a normal, everyday activity to another. We sometimes assume that as people get older they should try to avoid putting themselves at too much risk. But this can lead to some older and/or disabled people being prevented from doing things that others may take for granted.

When we look at risks we should do so in the context of people’s strengths, resilience and support networks. Everyone should have the right to make choices about their lives, so it is important to work out whether a risk is significant, and whether it is likely to happen.
Most people also agree that risk-taking is part of everyday life but when their circumstances change they want to be able to call upon the right support at the right time to help them deal with risks without losing their independence.

Putting People First =

Putting People First is the name of the government’s document about transforming health and social care - wants all people, irrespective of illness or disability, to achieve the following outcomes, (amongst others):

- Live independently
- Exercise maximum control of their lives
- Participate as active and equal citizens, both economically and socially
- Have the best quality of life, irrespective of illness or disability
- Retain maximum dignity and respect.

South Gloucestershire Council aims to promote a framework for supporting choices and managing risk. The person (or people) preparing a support plan should be involved in weighing up the risks they face, alongside the protective factors in their lives. In this way their support plan will help them manage any identified risks and to live their lives in ways which best suit them.
The role of the professional team (Care Managers or Social Workers) is to help people understand their own responsibilities and the implications of their choices based on available information.

The principles of the Mental Capacity Act, 2005 Guidance should be considered alongside this policy. Briefly, a person must be assumed to have capacity unless it is established that she or he lacks capacity. Capacity assessment and the determination of what is in someone’s best interests should be underpinned by the requirements set out in the Mental Capacity Act 2005 and its code of practice. The council has a legal duty of care and a responsibility not to agree to support or fund any plan which places someone at serious risk.
**Process**

### Supporting Choice Risk Assessment Grid

<table>
<thead>
<tr>
<th>Impact</th>
<th>Very high (Very serious impact)</th>
<th>High (Serious impact)</th>
<th>Medium (Moderate impact)</th>
<th>Low (Minor impact)</th>
<th>Very Low (Insignificant impact)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rare</td>
<td>Medium</td>
<td>Low</td>
<td>Low</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Unlikely</td>
<td>High</td>
<td>Medium</td>
<td>Medium</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td>Possible</td>
<td>High</td>
<td>High</td>
<td>Medium</td>
<td>Medium</td>
<td>Low</td>
</tr>
<tr>
<td>Likely</td>
<td>Very High</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Almost Certain</td>
<td>Very High</td>
<td>Very High</td>
<td>High</td>
<td>Very High</td>
<td>Medium</td>
</tr>
</tbody>
</table>

This grid can be used to work out how likely risks are to occur, and what impact it would have on their life and the people related to their care.

**Example:** A diabetic person may think that they would be at risk of both hunger and health issues if their Personal Assistant didn’t turn up to serve their meal. While they may assess this risk as unlikely, if it occurred it would have a high impact on their life. So this risk would be assessed as a medium level risk.
**Flow Chart**

From assessment to review - including the stages where risk will be discussed:

**Assessment & Support Plan Process**
Consider each need & outcome & any associated risk

1. **Is there a medium, high or very high risk?**
   - Use grid below to work out level/likelihood

2. **Are risks manageable?**
   - Discussion Senior Practitioner &/or Team Manager
   - Review

3. **Has agreement been reached?**
   - Yes
   - Review
   - Sign off

4. **No**
   - Review
   - Sign off support plan

5. **Reassessment support plan and outcomes**

3rd party providers will also follow their own risk assessment process which may run parallel to & inform to this process.
Roles and Responsibilities (of the individuals and professionals involved)

Individual (and informal carers)
An individual will be helped to identify, as far as possible, any potential risks during their assessment and support plan process. The support plan records clear roles and responsibilities about living with risk. South Gloucestershire Council aims that service users have ownership of their support plan whenever this achievable and works from the principle that managing risk is a shared responsibility.

Please see Customer Journey on Page 11

Practitioners
The Support Plan will be initially agreed by the service user (and their family or carer), a practitioner and (if applicable) the broker. It will include recorded discussion and agreement over identified risks and the responsibilities held by each party. Then the support plan should be passed to the Senior Practitioner for authorisation.

If this proves a lengthy process, then interim services may be arranged.
**Senior Practitioner / Assistant Team Manager**
The Senior Practitioner will have responsibility to sign off the support plan if risk appears manageable. If there are unresolved medium to very high risks the Senior Practitioner should try to address them between the practitioner and individual parties involved to try and come to solutions. The Senior Practitioner consults the Team Manager if the level of risk continues to be unresolved and discusses making an application to the Risk and Resources panel.

**Team Manager**
The Team Manager decides whether the support plan should be sent to the Risk and Resources panel after discussion with the Senior Practitioner and/or practitioner or after reading the panel application form.

**Risk and Resources Panel**
The Risk and Resources Panel may include a health professional representative if this is relevant to the case. The decision making process will consist of a virtual panel with a wide range of expertise. The nature of the case could influence whose advice / expertise was sought on a case by case basis. The Panel aims to reach positive solutions in cases where decisions about medium to very high risks have been identified and are unresolved. The intention is that difficult decisions about risk are made under the panel and not owned solely by an individual practitioner.
Escalation Process and Risk and Resources Panel

Some people may choose to live with a certain level of risk. The Council is accountable for the correct use of public funds and, though a person can choose to live with a degree of risk, the council is under no obligation to fund a potential high or very high risk.

A Mental Capacity Assessment may establish that a person does not have capacity in relation to a specific decision at a specific time and, if this is the case, best interest decisions will be made. However, if a high or very high risk is identified, even when making the least restrictive decision in someone’s best interests, an application is required to the Risk and Resources panel. If someone does not have the support of family or friends, the appointment of an Independent Mental Capacity Advocate (IMCA) should be considered during this process. See also Mental Capacity Guidance and Deprivation of Liberty Safeguards guidance.

Risks can be reduced and prepared for. The panel considers information from the Escalation Application form, Support Plan, Health Needs Assessment (if applicable), Continuing Health Care Screen evidence (if applicable) and any other relevant documentation to make a decision.

The panel can ask that specific actions be taken in relation to risk, within a context of positive risk taking and balance. Possible actions are as follows: -
- **Acceptance** - risk accepted due to upholding choice and control - when there are clear and achievable benefits to the individual.

- **Reduction** - the personal budget can be decreased or increased and/or services commissioned to minimise the risk and keep as far as possible to the objectives of the support plan.

- **Avoidance** - South Gloucestershire Council should uphold its statutory duties and responsibilities not to agree a support plan if there are serious concerns that it will not meet needs or place the person/s at unacceptable risk. Solutions should try to be reached by the panel so that the objectives can be reached as far as possible including being least restrictive.

Written reasoning must be given by the panel for accepting or refusing an application. Information from the panel should be shared with the practitioner to aid further support planning/commissioning with the individual and separate broker (if applicable).

### Appeals Process

If an individual does not agree with the outcome of the panel they can make an appeal and choose to use an advocate. An internal review of their circumstances will be undertaken in line with the complaints process. The guideline time frame for a written response to the internal review is 10 days, with the option for it to be extended to 20 days in agreed circumstances.
Self Assessment - What do I need and what dangers or problems might there be?
Joint Assessment with practitioner - Has my voice been heard and do I have help to identify dangers or problem (risk/s)
Indicative Budget - Do I agree with my draft budget?

Personal Budgets
- Direct Payment
- Mixed Package
- Commissioned Service - Individual service fund or virtual budget

Support Plan - Can I write my own support plan? YES
- Can I have help to do my support plan? YES
  - A practitioner
  - A family member, friend or carer you choose
  - A practitioner can offer that you use DHI Brokerage service to complete your support plan.
  - Or peer support services

Do I need any specific training to help me? (e.g. how to be more confident; how to deal with employing staff; how to manage my finances; understanding the law). If I have questions I can ask my practitioner who can try to find out answer/s or signpost, if needed.

Using my Support Plan
Checking to see if any staff I employ have a criminal record or history of abusing people
Make mistakes and learn from them
Be aware that things will go wrong
Who can I talk to when things go wrong?
How can I get help?
Be clear about the roles and boundaries
What is my back up plan if someone I employ is sick or not able to work?
What can I do if someone I employ isn’t doing what I need them to do?

Review - Is everything going to plan?
Have my needs changed in any way
Am I having any problems?
Is the risk identified still present?
Are there new risks?
Who do I contact if there are problems? Contingency Planning
Is anything worrying or concerning me?
Am I managing my budget ok?

What support is needed to help me live my life with choice and control?
Being aware of the possibilities and options available
Planning the support needed & arranging how it will be done
Thinking about any risks or problems
Checking that everything is going well
Well Aware is a new, free, user-friendly website for everyone in South Gloucestershire. Go to www.wellaware.org.uk to search over 5000 services that could improve your health and wellbeing. Or call the freephone number 0808 808 5252.