

**FROM THE DIRECTOR OF COMMUNITY CARE
LESLIE FREW**



Department of
**Health, Social Services
and Public Safety**

An Roinn

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

www.dhsspsni.gov.uk

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CONSENT IN SOCIAL CARE

The purpose of this letter is to set out the actions required by Health and Social Services Boards and Trusts to ensure consent in social care settings. The importance of patient/client-centred consent procedures was a key theme that emerged from the Northern Ireland Inquiry into Policy and Practice in Human Organ Retention and the Human Rights Risk Assessments carried out by HSS Boards and Trusts. In this context, it was clear that there was a need to issue updated consent guidance to the HPSS to ensure an appropriate focus on the rights of individuals and their families.

A Departmental working party on consent, which comprised representatives from policy branches, professional advisory groups, Boards and Trusts (including representatives from different professional backgrounds) and the Health and Social Services Councils, was established to oversee the production of guidance for the HPSS. Subsequently, following extensive consultation, the Department issued “Good Practice in Consent, Consent for Examination, Treatment or Care – A Handbook for the HPSS” and the associated “Reference Guide to Consent for Examination, Treatment or Care”. These documents were developed to assist HPSS organisations to promote good practice in how service users give their consent to examination, treatment or care and included the social care dimension in working with service users, where this was appropriate, and these sections of the guidance issued remain relevant across the HPSS. However, it was considered that Part 1 of “Good Practice in Consent – Consent for Examination, Treatment or Care”, with its model policy and model consent forms, did not fit well to social care situations. Consequently, Part 1 of the guidance is directed specifically to health care professionals.

The Department's position is that consent is already a core requirement of the assessment, care planning, care provision and review processes. A service user's consent should be based on an understanding of how a service will be planned and provided for him or her. This requires the provision of information so that the service user can give informed consent.

In the social care context, an approach that empowers the individual and which respects, safeguards and promotes his/her dignity, individuality, rights, responsibilities and identity is central to social work and social care practice and the delivery of social care services. It is therefore essential that the individual is at the very centre of assessment and care planning, care delivery and care review and the individual's right to make informed decisions is respected while ensuring that service users and carers participate meaningfully in decision-making processes.

This approach is underpinned by:

- People First, the Children Order, Co-operating to Safeguard Children and all associated guidance, regulations and/or standards;
- recommendations arising from Departmental inspections and reports and in the quality standards issued by the Department;
- the code of ethics for social workers;
- National Occupational Standards; and most recently
- the Codes of Practice produced by the Northern Ireland Social Care Council.

Current good practice in information giving, recording and record keeping combined with the service user's right of access to social care records means that securing agreement and the engagement of service users in social care is an integral part of the assessment, care planning, service delivery and review processes. Accordingly, it is considered that the development of specific consent forms for use in social care is **not required**, at this time.

The actions outlined below will build on and further strengthen existing good practice requirements.

1. Social care providers are required to re-focus on good practice in relation to empowering service users and carers in decision-making processes. This is required by existing Departmental guidance and standards, as well as within the codes of practice issued by the Northern Ireland Social Care Council and the Code of Ethics for Social Work issued by the British Association of Social Workers. A list of relevant guidance, standards and codes of practice is attached as Annex 1.

Action required: Boards and Trusts should ensure that social care workers are aware of and working to the standards currently required of them in carrying out their professional duties.

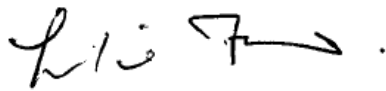
2. The requirement to treat service users with dignity and respect and to secure their participation in the delivery of care is integral to current standards and to the care standards under development by the Standards Development Task Group. The meaningful engagement of service users will also be considered a feature of successful clinical and social care governance arrangements.

Action required: Boards and Trusts should use care standards to review, assess and inform practice. Boards and Trusts should also ensure that clinical and social care governance arrangements involve service users in ways that are meaningful, appropriate and acceptable to them. Boards and Trusts are reminded that they are expected to devote a specific section to clinical and social care governance in their Annual Reports, giving a full account of their activities related to clinical and social care governance, what has been achieved and what is planned for subsequent years. In addition, they should ensure that they have appropriate mechanisms in place to deliver routine reports to their boards on progress made in implementation, building on current best practice arrangements.

3. As part of the Review of Community Care, the Department is progressing work in relation to the development of a Single Assessment Tool in partnership with key stakeholders. Initially focused on older people, the Single Assessment Tool will be constructed in such a way that the service user is enabled, either directly or through appropriate representation, to demonstrate an understanding of the assessment process and the options for his or her care and support. This will include the assessment and management of risk. Service users will be given the opportunity to agree the assessment and care approach proposed. Where disagreement occurs in any aspect of the assessment or care planning processes, clear evidence of action taken to find a resolution will be required.

Action required: Boards and Trusts will monitor and ensure that service users are involved in assessment, care planning, monitoring and review processes in line with current standards.

The Department will keep the issue of consent in social care under review and issue any further guidance necessary in due course, taking account of the work outlined above and any further representation from the service.



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PAUL MARTIN

RELEVANT POLICY GUIDANCE, STANDARDS, REPORTS AND CODES OF PRACTICE IN RELATION TO THE PROVISION OF CHILDREN'S AND ADULT SOCIAL CARE SERVICES

Adopting Best Care (2002) DHSSPS: Belfast.

Care Management: Guidance and Assessment and Provision of Community Care (1991) DHSS: Belfast.

Charter for Patients and Clients (1992) DHSS: Belfast.

Charter for Community Services (1995) DHSS: Belfast.

Children Matter: A Review of Residential Child Care Services in Northern Ireland (1998) DHSSPS: Belfast.

Children Order – Regulations and Guidance, Volumes 2 – 6 (1996), DHSS: Belfast.

Code of Ethics for Social Work (2002) BASW: London (www.basw.co.uk).

Code of Practice for Employers of Social Care Workers (2002) NISCC: Belfast (www.niscc.info).

Code of Practice for Social Care Workers (2002) NISCC: Belfast (www.niscc.info).

Code of Practice for Recruitment, Assessment, Training and Support of Foster Carers (1998).

Community Care from Policy to Practice - The Case of Mr Frederick Joseph McLernon (deceased) (September 1998) DHSS: Belfast.

Consumer Involvement – Changing Attitudes (September 1997) DHSS: Belfast.

Co-operating to Safeguard Children (May 2003) DHPSS: Belfast (www.dhsspsni.gov.uk).

Discharge of Hospital Patients (1998) DHSS: Belfast.

European Convention on Human Rights

Ethics of Social Work, Principles and Standards (1994) IFSW: Berne (www.ifsw.org).

Final Draft Standards for Child Protection (2003) DHSSPS: Belfast.

Final Draft Standards for Children with Disability (2003) DHSSPS: Belfast.

Final Draft Standards for Mental Health Social Work Services (2003) DHSSPS: Belfast.

Final Draft Standards for Social Work Services for Adults with Sensory Impairment (June 2003) DHSSPS: Belfast.

Framework for the Assessment of Children in Need and their Families (2000) Department of Health: London (www.open.gov.uk/doh/quality.htm).

From Dependence to Independence – Agenda for Action (2000) DHSS: Belfast.

From Dependence to Independence – Standards for SW Services for Young Disabled Adults, Key Standards and Criteria (January 2003) DHSSPS: Belfast.

From Hospital to Home (November 1997) DHSS: Belfast.

GOVERNANCE IN THE HPSS – Clinical and Social Care Governance: Guidelines for Implementation (Circular: HSS (PPM) 10/2002)

Guidance on Abuse of Vulnerable Adults (1996) DHSS: Belfast.

Guidance on Carers Assessments (1996) DHSS: Belfast.

Guidance on Commissioning and Purchasing (1991) DHSS: Belfast.

Mental Health (Northern Ireland) Order 1986 - A Guide (1986) DHSS: Belfast.

Mental Health (Northern Ireland) Order 1986 A Code of Practice (1992) HMSO: Belfast.

Multi-Disciplinary Inspection of Assessment and Care Management Arrangements (May 1995) DHSS: Belfast.

Multi-Disciplinary Inspection of Trust Arrangements for the Discharge of Older People from Hospital to their own Homes, Residential or Nursing Home Care (1997) DHSS: Belfast.

Organisational Standards for Social Work in Hospitals (June 1995) DHSS: Belfast.

People First – Community Care in Northern Ireland in the 1990s (1990) DHSS: Belfast.

People First – Care Management: Guidance on Assessment and the Provision of Community Care (1991) DHSS: Belfast.

Promoting Independence – A Review of Leaving and After Care Services (2000) DHSS: Belfast.

Quality Standards – Assessment and Care Management (October 1999) DHSS: Belfast.

Quality Standards – Children Living in a Family Placement (May 1995) DHSS: Belfast.

Quality Standards – Children Who Live Away from Home (May 1995) DHSS: Belfast.

Quality Standards – Consumer Involvement in Community Care Services (April 1999) DHSS: Belfast.

Quality Standards – Registration and Inspection Units (1999) DHSS: Belfast.

Quality Strategy for the HPSS in Northern Ireland (1991) DHSS: Belfast.

Report on the Health and Social Services Boards and Trusts Audit of Assessment and Care Management Arrangements (1999) DHSS Belfast.

Review of Community Care (Building upon the Lessons of Winter 1999/2000) (February 2000) DHSSPS: Belfast.

Review of Community Care First Report (April 2002) DHSSPS: Belfast.

Social Care Institute for Excellence Best Practice Guide Assessing Mental Health Needs of Older People (2002) SCIE: London (www.scie.org.uk).

Standards for Pre-School Settings (2002) DHSSPS: Belfast.

UK National Standards for Foster Care (1999) NFCA on behalf of the UK Joint Working Party on Foster Care.

United Nations Convention on the Human Rights.

United Nations Convention on the Rights of the Child.