

Appointee Assessment (Incapacity)

Part 5 Appendix A: Tips and sample questions

Preparing

Time

- What time of day should I visit? – some people are better in the afternoons for example once pain medication has taken effect, some are more tired by the afternoon. What is best for this individual?
- Have I given enough notice of my visit?
- Have I allocated long enough for the visit given the circumstances?

Place

- Where are we to meet? Is this the best place? Is it a place the person is familiar and comfortable with?
- Are there any health and safety concerns that need to be addressed for the client or for you?
- If this is a hospital, residential care home, school am I satisfied that this is appropriate and that the establishment is aware and content for the visit to take place?
- If the client and appointee are to be seen at the same location is there enough space and privacy for them to be seen separately?
- What if they wish to have someone present – is this ok? May it depend on who it is and if they are expecting any active participation?

Preparing the client and potential appointee

- Does the client know I am coming, what the visit is for and what it will involve? Will the proposed appointee prepare them and if not, what is the best way to get this information to them?
- Does the proposed appointee understand the purpose of the visit and roughly what it will include and not include i.e. that you will not be making a decision on the day.
- Have you discussed whether it will be possible to speak to the client and appointee separately i.e for the appointee not to be present during the client assessment
- Where documentation will be needed you should ensure those involved in the visit been advised of this ahead so that it is readily available.

Communication Needs

- Every effort must be made to assist and facilitate communication by the client of their wishes and feelings. Attempts must be made to find ways to help the client to understand information about the consequences of an appointment, the decisions they need to make about their benefits, or the appointment of an appointee who will act on their behalf. The client should be supported to reach their own decisions, as far as possible, and to communicate their view to you.
- How information is given will affect the ability of the individual to understand the decisions they need to make and the things they need to consider. Use broad terms and simple language (or other methods appropriate to the person) to explain the proposed action or decision. It will not always be necessary to explain everything in great detail.
- Communication by simple muscle movements, such as blinking an eye or squeezing a hand to indicate 'yes' or 'no' may be sufficient to indicate that the person has some capacity.
- A range of different communication methods could be required. For example:
 - Makaton
 - symbol systems
 - tactile alphabet
 - assistive technology
 - an interpreter
 - sense intervenor
 - communicator guide
- If the person has hearing difficulties, you may need to use appropriate visual aids or sign language. A wide range of aids has been designed to assist communication, for example Makaton or Talking Mats. It may be that mechanical or digital assistance is better, for example, voice synthesisers or other computer equipment. In short, find out from people who know the individual if, and if so what, communication aids may best meet their needs.
- In cases where you are unsure how best to assist, you should seek assistance from a professional involved in the client's care.
- It may be helpful for the person to have assistance from an advocate who is independent of family and other agencies involved in the person's care. An advocate could help the person express their views, choice/s and aspirations. You can make use of Social Security Scotland's independent advocacy service.
- Finally remember that communication is difficult – it may not be successful first time every time. Although not ideal, you should be prepared to abandon a first attempt and try at another time.

Approach

- Stay calm, have patience
- Build trust
- Maintain eye contact, be on the same level as the individual, unless this would cause the client discomfort or anxiety
- Have open body gestures, smile
- Be matter of fact and relaxed
- Remain objective – ensure you are not inadvertently influencing the client's decisions by your words or gestures.
- Do not use excessive persuasion or 'undue pressure'
- Speak at a steady rate and volume that suits the client
- Make sure your comments/questions are clear /unambiguous
- Use language the client understands
- Listen actively, be observant – a change in the client's body position or facial expression may indicate something different to the words they are conveying.
- Apologise and ask the client to repeat what they have said, if you don't understand something.
- Check your understanding with the client of what they have said by repeating back and rephrasing what you believe yourself to have heard / understood.
- Be alert to the client's emotions, acknowledge these.
- Be aware of cultural or religious factors which might influence the client's way of thinking, communicating and behaving.

To optimise the process you should:

- Provide appropriate advice and information
- Explain things in simple terms,
- Use short sentences
- Take time (especially where using an interpreter or where English is not a first language)
- Break the discussion into 'bite sized chunks, offer the client choices/options.
- Use others to support the client in their decision-making, if this is necessary.

Other things which may assist are:

- Use of and encouraging the client to use, simple gestures if this helps, e.g. thumbs up, down, pointing, head or eye movements, mimes,
- Use of drawings, pictures, recordings etc if this will be better for the individual than words, or will complement the words. In any event, keep paper and a pen handy, be this for you or the individual
- Writing down key words if this assists focus of the conversation

- Writing down choices if this assists
- If the client is struggling for words, do not offer them a range of options hoping one of these may be the one they are searching for
- Use of past examples if these would assist?
- Can you draw inferences from past decisions?
For example, if you are asking the client whom they may wish as their appointee, you may ask who they choose to go with them to the shops, or perhaps to the doctors. This will give you an indication of whether they receive support already from the proposed appointee, or whether in fact there is another named person that maybe would be their preferred appointee. Although remembering that circumstances can change and just because they chose one person for support in the past does not mean that they would necessarily choose that same person today.

The Client

Personal needs

Points to consider include:

- Does the person identify or recognise, any problems in meeting personal care needs? If so, do they seek appropriate assistance? From whom
- Is there evidence of recent change in the person's ability to self-manage? For example, has there been a deterioration in their appearance, self care, living environment - house less clean and tidy than before, lack of food in the cupboard, etc.
- Can the person recognise risky situations and respond accordingly?
- Could the person ask others for help in an emergency?
- Does the person encounter safety or physical health risks because of memory problems?

Possible other questions include:

- do they choose their own carers?
- do they give their carers lists of what they need from the shops?
- what ideas do they have about making their life better (e.g. better technology)
- do they remember to take any medication?
- how often do they organise their own transport or activities?
- do they actively think of ways to manage despite their disability (e.g. shopping online)
- can they ask for help when necessary?

Finances

- What is the person's current and previous role in money management.
- What are their sources of income etc. Who manages their finances more generally?
- What is the person's knowledge of his/her assets, income, expenses, debts and financial dependents (if there are any). Specifically, the person should be able to say roughly what
 - Their weekly or monthly income is;
 - Their weekly or monthly expenses are; and
 - They have by way of savings.
- Accept approximations and only seek information on major income sources/debts.
- Could they manage themselves with more support?
- Are their finances complex is appointeeship perhaps too limited and Guardianship would be more appropriate.

Possible other questions include:

- do they budget for regular costs (bills, food, rent)? How?
- how do they get value for money ?
- are they saving for anything?
- do they have anything set aside for unexpected costs?
- if they have to ask for help, how do they do this?
- if they are not involved, do they understand why?
- are they learning about managing money (e.g. having a small allowance)
- If the person does not volunteer the information about significant aspects of their financial status, you can gently prompt. If acknowledged, inquire at a later point to see if the information has been retained.
- probe for reasons behind any discrepancies between the self- report and the records or third party report.

Points to consider include:

- Is there a discrepancy between the person's understanding of their actual income and expenses that cannot be put right through learning?
- Can the person be helped to develop skills to manage their money, e.g. learn to count change, understand regular weekly expenditure, learn to sign a cheque and use a bank machine?
- Does the person have a basic understanding of money and its value, e.g. coin recognition and worth; decipher a bank statement; recognise a cheque book (provided they have been familiar with these in the past).
- Does the person admit to any problems with routine or complex money management skills?
- For those areas the person acknowledges as problematic, does they seek appropriate help?

- Is there any evidence of a recent change in the ability of the person to manage his or her finances?
- Can the person recognise situations of potential exploitation and respond accordingly?
- How does the person reconcile his/her perception of reality of financial management against objective evidence of inability?
- Is the person aware of obligations to financial dependants? (where appropriate).

What would be the benefit to the client of having an appointee?

For example:

- Is there a benefit to them in having an appointee? Think about the types of things an appointee would be able to do on their behalf rather than that a person could help with.
- Are there particular benefits to the person who has applied acting for the client over another person? Is an appointee the least restrictive way of securing this benefit (this outcome)?
- Is the appointment of [name] as the appointee the least restrictive way of securing this benefit? For example could a third party representative or advocates could support them to do the particular aspects of tasks the struggle with?
- Is there another possible appointee, may be one who lives closer and has more regular contact, so who knows the client' needs better and who could respond more fluidly as may be required and so who may be offer greater benefit as an appointee.

Closing the interview

- Offer a final opportunity for the client or proposed appointee to tell you anything which may now have occurred to them.
- Advise what will happen now and when they will hear the outcome of the process.
- Never advise them of the outcome on the day
- Provide them with contact details in the event they need to contact you
- Ask if they have any final questions of you
- Thank them very much for their time, honesty and patience.

The Potential Appointee

Individual

You may wish to explore with the potential appointee:

- how have they come to know the client
- is their association recent or longstanding,
- their family situation,
- other dependents

- other obligations/commitments e.g their job
- any emerging Health conditions that might mean they will have difficulty acting for the client
- any conflicts of interest which may negatively influence how the appointee would use the client's benefits. any major issues in their life – financial or other
- if they live some distance away – how will they deal with that? What measures might they put in place?
- have there been any issues with other people involved in the client's care any rows, or concerns raised about them.

Are they themselves clear about the responsibilities and capable of:

- Claiming any and all relevant benefits
- Completing and signing any claim forms
- Administering the benefits paid – by opening an account managed by the appointee only.
- Spending the benefits in a way which supports the client's needs
- Arranging payment to the client of any day-to-day monies they may require
- Providing financial advice and guidance to the client as may be required
- Reporting changes of circumstance
- Reporting administrative changes eg a change of name or address or change of bank account.

Organisation/Corporate

You may wish to explore with the potential appointee:

- are they a newly set up organisation, what type of organisation are they
- are they small or large,
- do they act for a lot of other clients
- will there be good communication between their departments (finance and case workers) to ensure joined up working. For example if letters are sent to head office how will the case worker know about them and respond where necessary
- how are they expecting to fund this activity/service? do they deduct expenses from the client's benefits for example?
- how did their organisation come to be applying to act for the client, were they referred by someone else?
- is there no individual who might be better placed to act for the client (eg relative)
- how often will the named person see the client?
- how will the named person ensure any money paid is spent effectively and not building up?
- will they be proactively reviewing what benefits they might become entitled to?