



INDEPENDENT LIVING POLICY

Introduction

The Trustees acknowledge that those accommodated in almshouses should be able to live independently and this may be expressly recognised in the charity's governing scheme. However, it is recognised that circumstances sometimes arise as a result of illness, infirmity, and frailty that lead to it being inadvisable for residents to continue living in their almshouse. The charity does not provide care facilities for residents in any sense. This policy covers what actions need to be taken when Trustees identify that a resident is no longer able to live independently.

Recommendations to residents at point of Letter of Appointment.

There are certain arrangements that we strongly recommend residents make. These include:

- nominating a next of kin or close friend whom the Trustees may contact in case of need. It is advisable to confirm the name of the next of kin, annually.
- arranging for a Lasting Power of Attorney, the two forms being Property & Financial Affairs and Health & Welfare, both of which may be arranged online at a comparatively low cost or by instructing a solicitor. Details of these should be provided to the charity in order that the Trustees may be aware of to whom they should refer in case of need. (Unfortunately, statistics show that one in five of the over 80's is diagnosed with some form of dementia and the need for a Power of Attorney to be executed is therefore of increasing importance).
- advising the charity of the name and address of their GP and providing the Trustees with a letter of authority enabling them to make contact with him or her in case of need.
- informing the Trustees of the location of papers relating to their financial affairs and the contact details of the person who has Power of Attorney.

Increased Frailty

In the case of residents experiencing increased frailty, where practical (and legally permissible) Trustees will endeavour to authorise adaptations to their almshouse to make life easier provided that it remains safe for the resident to live independently. However, Trustees will inform residents that permission must be sought on all occasions before any adaptations are made. If it is necessary for a care package to be put in place, again Trustees will ask the resident to inform the charity accordingly.

If increased frailty or ill health makes it impossible for a resident to continue to live independently, after full consultation with the resident, their relatives, if applicable, and medical practitioners, Trustees may feel it necessary to request the resident to move to more appropriate accommodation where care is provided.

In cases where residents do not have a next of kin, it is likely that a multi-disciplinary meeting organised through the local authority will need to be arranged. Experience shows that, unfortunately, it often falls to the almshouse charity to be the co-ordinator when various agencies are involved, and Trustees may need to be persistent and persuasive in their communications with the various parties concerned.

It often proves necessary to define the concept of independent living in the almshouse setting for other agencies and to make clear that even in cases where charities have a Warden, this does not amount to the charity providing care.

Regrettably, the threat of setting aside the resident's appointment may need to be made and in some cases actually actioned.

Trustees should be very careful to ensure that they are clear to third parties that they are not responsible for the resident's care and that the Trustees cannot permit residents to continue to occupy almshouse accommodation if they are not able to live independently.

Trustees should also take care not to go too far in supporting the residents to remain in the almshouses, by trying to be helpful in the short term, as this may make it harder for third parties to accept the need to find alternative accommodation.

Setting aside a resident's appointment will be regarded by Trustees as the last resort when all efforts to remedy the situation have failed. If asking the resident to move on becomes necessary, in the first instance all Trustees are advised to read the relevant section of *Standards of Almshouse Management*.

The Trustees are aware that The Almshouse Association strongly advises that legal advice be taken and would recommend that this is sought from a solicitor who not only specialises in charity law but also has knowledge and experience of almshouse charities. The Association is able to provide contact details of solicitors fulfilling this criterion whose services they are aware have been used successfully by a number of its member almshouse charities, although the Trustees note that the Association does not make recommendations.

Check List:

1. Develop an Independent Living policy for approval by the Board*.
2. Review the policy every 2 years.
3. The policy identifies the partners who would need to be engaged in discussions about options for alternative accommodation.
4. The policy sets out the process for setting aside a resident's appointment when a resident no longer meets the requirements for independent living.
5. If concerned that the situation will lead to a Set Aside – seek legal advice early.