

LONG TERM CARE OMBUDSMAN GUIDE TO DEVELOPING AND SUPPORTING FAMILY COUNCILS

**Prepared for:
The Legal Assistance Foundation
of Metropolitan Chicago**

By:

Robyn Grant, M.S.W., Consultant

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I. INTRODUCTION.

Family councils can be a powerful force for positive change in a nursing home. When a council is family-run, and strong, it can lead to direct improvement in resident care and quality of life.

The paper entitled, Ombudsman Best Practices: Working With and Supporting Family Councils¹ points out that:

- Effective family councils can unify family members and enable them to maintain open communication with facility administrators and staff, which can help assure that problems are corrected and solutions are maintained.
- Councils benefit the facility by increasing family willingness to contribute time and energy towards making the facility a good place for people to live
- Family members can monitor care and advocate for residents on a daily basis when ombudsman cannot.

However, starting a council can be tremendously difficult. Creating a new council requires a lot of time and energy, and there may be numerous hurdles to overcome. Family members, no matter how interested, may need help moving the process forward.

The ombudsman can play a critical role in providing that assistance. Indeed, the Older Americans Act requires local ombudsmen to support the development of resident and family councils.

But how specifically can you do that? The purpose of this manual is to provide local ombudsmen with practical suggestions for helping families to form strong family-run councils.

The manual will address creating a new council, maintaining a council and strengthening a council. However, the **primary** focus will be on the development of a new council, since the ways to maintain and strengthen a council usually involve going back in one way or another to the “basics” of council formation.

II. GUIDING PRINCIPLE IN COUNCIL DEVELOPMENT WORK.

The role of the ombudsman in council development mirrors that of the ombudsman’s work in complaint investigation and resolution: consumer empowerment.

You want the client, in this case, family members, to do as much as possible for themselves. Whenever possible your role is to provide information and suggestions to

¹ Ombudsman Best Practices: Working With and Supporting Family Councils. Gail MacInnes, National Citizens’ Coalition for Nursing Home Reform.

families so that **THEY** can take the next step. Your first approach is always to give families the tools they need to do something themselves.

Sometimes families may not be ready to “solo” and may ask for your direct assistance. When you are asked to help or you offer assistance and it is accepted, your role is to model the approach that families can take and the way they can do something. For example, council members may ask you to attend their first meeting with the administrator to talk about family concerns. You can demonstrate how to organize such a meeting, the tone to set and how to discuss the problems with the administrator in a way that will lead to a solution. The idea is that the next time (or maybe the time after that) the families will take the lead.

Whenever the manual refers to steps you are to take, the underlying premise is that you have tried first to empower family members to do this task or activity themselves. You step in only if requested to do so.

III. VARIOUS OMBUDSMAN ROLES IN DEVELOPING AND SUPPORTING FAMILY COUNCILS.

As an ombudsman you are familiar with assuming different roles in order to “get the job done.” In working to resolve complaints, you may at one point in a case be a negotiator, while later in the same case you may serve as an educator. The role varies according to the situation.

Working with family councils is no different. From starting a new council to strengthening an existing one, you will play a number of different roles. The role you take on will depend on what the council needs at that moment.

The ombudsman functions in each of the following roles in family council work:²

A. Coach.

In this role the ombudsman:

- Provides encouragement and support to council members. S/he can motivate families to persevere even if they have hit a rough patch. The ombudsman can share success stories from other facilities to inspire the council to keep up its work.
- Suggests strategies, techniques and approaches that family members can use in processing council concerns. Families may need help in determining what to say to the administrator or how to push for change. The ombudsman can provide guidance to give families an idea of what to say and what to do. You can even role-play a particular situation to prepare families!

² Adapted from: The Effective Council Advisor. Advocacy Center for Long Term Care.; and Ombudsman Best Practices: Working With and Supporting Family Councils. Gail MacInnes, National Citizens’ Coalition for Nursing Home Reform.

- Motivates facility administrators and staff to work positively with the council. By emphasizing the benefits of a family-run council, you can help make staff more willing to work with a council, respond to its concerns and listen and act upon its input.
- Provides suggestions for improvement and change. As a non-family member with advocacy experience and expertise, you are in a position to see areas that might need to be strengthened. Communicating your suggestions in a positive and constructive manner can serve to make the council more effective.
- Reminds the council to maintain a professional demeanor at all times.
- Points out council accomplishments and successes. Sometimes council get so overwhelmed by what they are **not** achieving that they overlook what have been able to do. As ombudsman you may see the effects of council efforts when family members can't. You can be on the lookout for small or major accomplishments and praise the council for its work.
- Bolsters council confidence and enthusiasm.
- Comes up with new ideas for meetings, projects, and recruitment.

B. Educator/trainer.

In this role the ombudsman:

- Provides the council with important information and knowledge about such issues as family rights pertaining to family councils, nursing home regulations, residents' rights, the facility's responsibilities and the long-term care system. As the family council begins to identify key topics and issues of interest or concern, the ombudsman can educate families about regulations that pertain to those issues and examples of good care practices.
- Educates facility staff about the importance of a family council, its benefits, the rights of a family council and the facility's responsibilities toward a council.
- Educates facility staff about best practices.
- Educates the staff liaison about how to best work with the council.
- Trains council members on specific subjects that will make the council more effective. Examples of training topics include:
 - Communication techniques
 - Group process
 - Running an effective meeting
 - The problem solving process
 - Goal setting/prioritizing
 - Recruitment
 - Effective leadership
 - Negotiation techniques
 - Assertiveness techniques
 - Legislative action

Note: The training provided by the ombudsman will vary according to the ombudsman's own knowledge and experience. This list does not mean that all ombudsmen must be able to provide training on all topics

C. Connector.

In this role the ombudsman:

- Connects individual family members with whom he or she is working to the council
- Connects the council to facility staff and administration.
- Connects the council to resources in the community.
- Connects the council to possible speakers and trainers on various topics.
- Connects family councils from different facilities with each other.
- Connects the family council to residents or the resident council.
- Connects the council to players in the long-term care system as a whole (ex. policy makers).

D. Mediator.

In this role, the ombudsman:

- Serves as a go-between to prompt facility staff to respond to council concerns
- Facilitates communication between council members and staff

You will take on different roles as a council evolves and will often play more than one role at any given time.

The roles outlined above give you a general “ombudsman job description” for family council work. But what exactly do you do to develop and support a family council?

Councils, (like residents), are individuals. Each one is different, and each one starts from a different place. What works with one council, may not work with another. It is not a case of one size fits all.

Nevertheless, there are some concrete steps that you can take to build family councils in your area. This guide provides you with a general road map and shares with you what has been learned from the experience of other ombudsmen, advocates, families and facilities. Of course, there is no one set formula for creating a successful family-run council. You may use some of the steps discussed in this guide and skip others, or you may adapt the steps to fit the group. The steps are merely designed to serve as a compass to help you find your way.

IV. STARTING A NEW COUNCIL.

PHASE 1: FROM THE DECISION TO START A COUNCIL THROUGH THE FIRST COUNCIL MEETING.

In general, the role of the ombudsman throughout this initial phase is very ‘hands-on.’ You will be either working side by side with family members, if not taking the lead.

A. Select The Facilities In Which You Will Focus Your Organizing Efforts.

Since you want to have as much going in your favor as possible, choose facilities where either family or facility interest in forming a council is high.

If none of your facilities falls into that category, consider facilities where you know some of the families and where you have a good, or at least neutral working relationship with the administrator and staff. You can send out a letter to administrators of these facilities saying that you are providing assistance and support in the organization of new family run councils and would like to work with them to develop such a council.. See if any one responds. If not, follow up the letter with a call and set up a time to meet with the administrator.

B. If Facility Interest Is High.

1. Meet with the administrator and discuss:

- Type of council to be formed. Stress that the goal is to develop an independent self-run council. It is important to be clear from the beginning that you are talking about a council that is not run by the facility.
- Benefits of such a family council in general. Use the information in Chapter 1, Section IV in the Family Guide to Effective Family Councils as talking points.
- Ombudsman involvement in supporting and assisting the council, and providing training to families to help them to develop and maintain a family council.
Note: The availability of the ombudsman to support council development may be a critical factor in obtaining administrative support for council formation.
- Why a family-run council, and not a facility-run council, is important. Use the information in Chapter 1, Section III in the Family Guide to Effective Family Councils as talking points.
- Any concerns or objections that the administrator has about the formation of a family council.
Even administrators who want to see a family council form may have some concerns. See Section D for information about issues that administrators may raise and possible responses.
- What the council will need from the facility in order to be successful:
 - Commitment to be open and listen to family concerns.
 - Commitment to respond and act on concerns.
 - Support and encouragement.
 - Private space.
 - Staff liaison.

- Assistance in getting word out to families and publicizing the council.

2. Ask the administrator to designate a staff person to serve as staff liaison to the family council.

The general role of the staff liaison is to:

- Advise families on facility changes and decisions.
- Explain facility policies and procedures.
- Make other staff aware of the council and its importance.
- Help the council communicate its questions and ideas to, and receive responses from, appropriate staff and administration.
- Bolster council members' self-confidence and enthusiasm.

The initial role of the staff liaison would be to work with you to get the council off the ground.

3. You can take council organizing in a couple of different directions at that point:

Approach #1: Work with facility staff to identify a few interested families to help pull together an introductory meeting; or

Approach #2: If you don't know of potentially interested family members, work with facility staff to plan a family council presentation to which all families would be invited.

APPROACH #1

- Using your knowledge of families in the facility and the knowledge of the staff liaison, identify at least 3-4 family members who are active in the home, positive minded, open to new ideas and who have already been involved in constructive endeavors in the home. Try to find individuals whom you believe have leadership potential.
- Ask the staff liaison to help you connect with these family members. The staff liaison could:
 - Tell you when these families are most likely to be in the facility so that you could talk with them at that time.
 - Provide you with their phone numbers.
 - Speak with families about releasing their phone numbers to you.
 - Speak directly to the family members (this approach could work if you feel confident that the staff person has a good understanding of a family run council.)

What to Say to Initial Family Members

When you talk with the family members you have selected:

- Explain what a council is.
- Point out the benefits to them and their loved ones.
- Let them know that they were identified due to their active involvement and leadership skills.
- Ask if they would be willing to serve on a steering committee to organize a

family council introductory meeting in the facility.

If the family members agree to serve:

- Obtain contact information (phone number, address, e-mail).
- Provide them with the Family Guide to Effective Family Councils.
- .Set up first steering committee meeting to plan introductory meeting.

If the family members are not willing to serve:

- Ask them if they know any families that might be interested.
- Encourage them to participate in the family council as a member.

Note: If neither you nor the staff liaison can identify potential family members **and** you choose not to have a family council presentation, you can spend some time in the facility talking with family members you encounter. Explain what a council is and see if they would be interested in helping to organize it or at least to participate once it is up and running. Give them many copies of the flier “Help Organize a Family Council” and ask them to share it with other family members. Ask the staff liaison to do the same thing.

APPROACH #2

The purpose of doing a presentation is to provide families with information about family councils, generate enthusiasm for a council, and identify a few family members to assist in planning the first council meeting.

- a. Publicize the presentation using the ideas in Chapter 7 of the Family Guide to Effective Family Councils.
- b. Use or modify the agenda and training notes in Appendix 1 for this presentation.
- c. At the end of the presentation, ask the group if there is interest in actually forming a council.

If interest is expressed:

- Suggest the development of a leadership committee to plan and lead the first council meeting and to see the council through the first election.
- Ask for volunteers willing to serve. Ideally you want 3-4 people or more if possible, but no fewer than 2. State that this group would develop a proposed temporary leadership structure with draft descriptions of leadership positions to be discussed at the first council meeting.
- Set date, time, location of first council meeting.
- Meet briefly with the families who have volunteered for the leadership committee before they leave to set the time, date, and location of the first leadership committee meeting. Find out if members would like the staff liaison involved in the organization process.
- Continue your organizing efforts with the steps in Section H.

If no one steps forward, try one (or more!) of the following approaches:³

- Indicate that you will be there to assist and guide the leadership committee
- See if you can draft a few family members into serving. One way to do this is to pay attention during the meeting to those who seem particularly interested and articulate. Ask them, directly, if they will volunteer. People will often agree to serve if asked.
- Ask if 3-4 people would help you plan and lead the next meeting.

Note: If you carry out some of the tasks in this phase, make sure to involve at least one family member in each task you do. This demonstrates that your role is only temporary and trains the family member in performing that function.

C. If Family Interest Is High (Families Have Stated They Want To Form A Council).

Family interest in forming a council often stems from frustration with care problems in the facility and lack of facility response.

1. Suggest that interested family members meet with you outside the facility. You do not need a large number of families to be involved at this point.

At this meeting:

- Explain what a family run council is.
- Provide them with the Family Guide to Effective Family Councils.
- Ask for at least 3-4 people to serve on a steering committee to work with you to get the council off the ground.

2. Schedule a meeting with the nursing home administrator to discuss the formation of a family council.

If at all possible, see if a member of the steering committee will contact the administrator to set up the meeting. This promotes leadership on the part of families right from the very beginning. Offer to “prep” the steering committee member for this contact by giving suggestions for approaching the discussion, what to say, what the administrator might say, how to respond, etc. For some family members, this type of coaching may be sufficient. However, if family members are not comfortable contacting the administrator at this point and would like you to do it, you should do so on their behalf.

3. Meet with the steering committee to plan the meeting with the administrator. Develop the approach and “talking points” for the meeting. Topics should cover:

- Points #1 and #2 listed for discussion with the administrator in Section IV, B.

³ From: The Effective Council Advisor. Advocacy Center for Long Term Care.

- Family interest in partnering with the administrator and staff and belief that forming a council would be a “win win” undertaking for everyone.

Again, if at all possible, encourage one of the steering committee members to take the lead at this meeting. Coach him or her for this role. Tell him or her that you will be there to assist. However, if no one is comfortable taking on this role at this time, you should be the primary spokesperson for the steering committee.

4. Along with the steering committee, meet with the administrator. Cover the points listed in #3.

If a family member is the committee spokesperson, your role is to provide support if needed. If necessary:

- Point out how you have seen councils benefit facilities in other nursing homes.
- Respond to any concerns about family councils that the administrator may express See Section IV, D.
- If the administrator is resistant to a family council, remind the administrator of the laws and regulations regarding family councils.

The goal of the meeting is to gain facility support in developing a council.

D. Facility Resistance To A Family Council.

1. If the administrator is resistant to the formation of a council, begin by meeting one-on-one with the administrator and using your persuasive skills to convince him/her of the importance and value of an independent family council.

a. Some of the issues administrators may raise and possible responses to those points are presented in the following table.

CONCERN/OBJECTION	POSSIBLE RESPONSE
Administrators may argue the need to have a staff member present to facilitate group interaction and to limit the amount or type of complaints raised by family members.	<ul style="list-style-type: none"> • Many family members are already skilled at group facilitation and those who are not will receive training. • Hearing complaints is helpful to the administrator because it lets him or her know what families think so that problems can be responded to in an appropriate manner. • Federal regulations give families the right to meet privately.

<p>Administrators may encourage family members to join established support groups that focus on adjustment issues and that are staff led.</p>	<ul style="list-style-type: none"> • The purpose and role of a support group is different from that of a family council. A support group is staff-led and helps members discuss feelings, needs and concerns. A family council is family-led and works to find positive solutions to problems affecting resident care.
<p>Administrators may state the need for staff to be present as a condition of the group meeting at the facility.</p>	<ul style="list-style-type: none"> • In order for the facility to benefit from what a family council has to offer, families need to have time to themselves. (Ask the administrators how they would feel if they went to a meeting with their peers and a surveyor was present!) • Federal law allows staff to be present only if invited.
<p>Administrators may state that there is no need for a council because families already feel free to voice their concerns and have access to staff at any time.</p>	<ul style="list-style-type: none"> • Family councils can improve care for all residents, even those who don't have any family. • Family councils do more than just allow families voice concerns. They can: <ul style="list-style-type: none"> • Advocate with boards and management companies to request changes within the facility that staff (and even the administrator) want, but are unable to obtain approval for. • Provide recommendations for programming or policies that would benefit residents; and • Identify outside resources to enhance the lives of residents and facility functioning.
<p>Administrators may argue that their staffs are too busy to concentrate on a family council.</p>	<ul style="list-style-type: none"> • The role of facility staff is not to run the council, but to give families the tools <i>they</i> need to do so. • The ombudsman will be available to support and assist the council and to provide training. This will ease the burden on staff.

<p>Administrators may cite opposition to family councils due to previous experiences in which families raised issues that were confrontational or embarrassing to staff.</p>	<ul style="list-style-type: none"> • Hearing complaints is helpful to the administrator because it lets him or her know what families think so that problems can be responded to in an appropriate manner. • It's better to know what families are concerned about (even if it <i>is</i> confrontational or embarrassing) so that the problem can be addressed. You can't solve unvoiced.
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b. Point out the benefits of a family council. See Chapter 1, Section IV of the Family Guide to Effective Family Councils.

2. If there is still resistance against the formation of a council, you can help families explore their options and determine a course of action. Refer to Chapter 2, Section E in the Family Guide to Effective Family Councils for a list of approaches to try. The extent to which family members are willing to push the development of a council will vary enormously. Any decision about how to proceed must come from family members, not from you. Families must decide how far they are willing to go. You can provide family members with information to help them in their decision-making, but should not try to persuade them one way or the other.

E. The Introductory Meeting.

At this point in the formation of a council your role is to guide families through the process, keep things on track and maintain the momentum.

1. Planning the introductory meeting.

- a. Offer assistance to the steering committee in planning and/or running the introductory meeting.
- b. Make sure the following points are covered during the planning process:
 - Determine who is going to facilitate the meeting. Again, encourage families, with your help, to do this. However, it is appropriate for you to lead this meeting if families are not ready.
 - To develop the agenda, refer to the suggestions for a meeting agenda in the Chapter 5, Section III in the Family Guide to Effective Family Councils. Help council members identify who is going to be responsible for the different items on the agenda.
 - **Note:** the proposed agenda in the Family Guide to Effective Family Councils identifies several items for the ombudsman to lead. Urge families to be responsible for these items, if possible. Offer guidance and instruction. Let the families decide what they want your role to be.

- Ask steering committee members if they would like any assistance in preparing for their role at the introductory meeting. You can then provide that assistance to them or find someone who can help them.

c. Following the planning meeting:

- Check in with steering committee members periodically to see how things are going and if they need help.
- If the steering committee is not getting the support and assistance it needs from facility staff, talk with the administrator to try to work out the problem.
- Do what you can to publicize the meeting and to get the word out to families. Contact families you have worked with or are currently working with and inform them about the meeting.

Note: Depending on the facility and the person appointed to work with the council, you may be able to have facility staff person handle some of these duties. The determining factor is how clearly the staff understands that the council is to be family-run and led and that their role is not to shape things for the families or make decisions for them.

A few days prior to the meeting, have the steering committee and staff liaison remind family members of the upcoming meeting. Suggest that the staff liaison call family members.

2. Conducting the introductory meeting

- Refer to Chapter 2, Section II, B in the Family Guide to Effective Councils for the specifics on holding this meeting.
- If families have asked you to facilitate this meeting, your role is to:
 - Model and teach how to run an effective meeting.
 - Generate enthusiasm and excitement.
- If you are not running the meeting, your role is to:
 - Help if the meeting becomes disorganized, chaotic, or goes off track.
 - Model effective leadership.

Examples of ways to do this include saying:

- “I think we were talking about the best time to meet. Does any one else have any comments?”
- “What would you like to do about that problem?”
- “Do you all agree with that suggestion?”

F. Provide In-service Training On Family Councils To Facility Staff.

At some point in Phase 1, it is you want to present family council information to the staff. The purpose is to help them understand what a council is all about, how it is run, and the

benefits of a family council to residents, staff and families. This is an important way to gain staff support for the council and to dispel myths or worries about the council.

G. Provide One-On-One Training To The Staff Liaison.

Help him or her understand and carry out the role. Meet periodically with him/her to provide technical assistance and to answer questions.

H. The First Council Meeting .

1. Preparing for the first council meeting.

It is important that you work with the leadership committee in preparation for the first council meeting. This can help to ensure that the meeting is well organized and effective.

- a. Guide to Effective Councils.
- b. Try to have family members do as much of the initial preparation as possible.
- c. Encourage families to run the first council meeting themselves, if possible. However, since the council is still in its formation stage, you should facilitate the meeting if families are uncomfortable and request you to do so.
- d. Help the group decide how it will obtain and process group input and prioritize items. Refer to Chapter 6 in the Family Guide to Effective Help them accomplish the tasks identified in Chapter 2, Section III, A of the Family Councils for ideas.
- e. Offer guidance/coaching/informal training on holding this first council meeting.
- f. Talk to as many families as you can about the upcoming meeting.

2. Holding the first council meeting.

The ombudsman role is the same as at the introductory meeting.

V. STARTING A NEW COUNCIL

PHASE 2: FROM THE FIRST COUNCIL MEETING TO THE FIRST ELECTION

During this phase, the ombudsman slowly takes a back seat position (observing, making suggestions, being present for moral support) as the council leaders assume more responsibility. During the first election you will again become more active.

A. Immediately Following the First Meeting.

1. Meet with the leaders to evaluate the first council meeting. Congratulate members on having launched the council. Point out things that went well. Provide concrete suggestions and ideas for ways to improve and strengthen the meeting process.
2. Work with temporary leaders to identify training needs.

Training ideas that might be useful are:

- Conducting effective meetings
 - Council leadership and structure
 - Processing council concerns and effective communication
 - Assertiveness skills
 - Group process
3. Provide whatever training and information material you can or find someone else to do the training. . See Appendix 2 for training notes on conducting effective meetings; leadership and structure; processing council concerns.
 4. Work with leaders to develop agenda for next meeting.

B. Subsequent Council Meetings Leading To The Election

The ombudsman role during this period of time is to nurture and grow the council so that it can operate as much as possible by itself.

1. Leadership.
 - a. Help the council gradually progress to the point where families are running the meetings. If you have been leading the meetings, this may mean co-facilitating a few meetings so that the process is not too overwhelming.
 - b. Continue to attend the meetings and let the families know you will be there to help if they run into problems.
2. Meetings.
 - a. Continue to help the council evaluate each of its meetings afterwards and provide feedback on how to improve. Refer Chapter 5 in the Family Guide to Effective Family Councils.
 - b. Sit in on the development of the agenda, but make suggestions and comments only as necessary.
 - c. Provide or arrange for additional training on conducting effective meetings, if necessary.
3. Infrastructure.

Over the course of the next few months and meetings, the council should develop its procedures for each of the infrastructure components listed Chapter 3, Section I. of the Family Guide to Effective Family Councils, as well as any other components that are relevant to the individual council.

Some councils may resist the “formality” of developing by-laws and a mission statement. Strongly encourage them to develop these elements by pointing out that the mission statement and by-laws do not have to be complicated at all. The purpose is simply to ensure that the council knows where it is heading and that there is a democratic and fair way for the council to do its work and make decisions.

Your role is to provide whatever assistance you can to the council in building its infrastructure:

- a. If you are aware of any councils that have developed a solid infrastructure, share those models with the council.
- b. Connect family council leaders with leaders from other councils to share ideas.
- c. Contact some of the resources listed in Appendix 13 of the Family Guide to Effective Family Councils to obtain additional ideas.

The stronger the council foundation, the more able it will be to stand on its own later.

4. Council work.

Some councils will want to begin processing complaints from the very first meeting, some will want to start with a project, while others will want to get their “ducks in a row” first. Again, there is no right or wrong approach. However, you can point out the importance of not trying to do everything at once and prioritizing council work. If the council spreads itself too thin, it risks not being successful in any of its endeavors.

You can also help the council to choose one or two key areas to focus on at a time. The first time the council determines priorities, you can lead them through the group process for prioritizing concerns/issues described in Chapter 6 of the Family Guide to Effective Family Councils.

- a. Processing Council Concerns.

See Section VII.

- b. Council Projects.

You can assist the council by:

- Providing ideas for projects based on your knowledge and experience.
Note: Holding a staff appreciation event is always a good beginning project for a council. Such an event can be particularly good project if the facility has been somewhat resistant to and leery about a council.
- Stressing the importance of not taking on too much at one time.
- Helping council members learn how to plan an activity/project.
- Assisting members in connecting to the information and resources they need.

5. Elections.

When the infrastructure appears to be in place and council members are comfortable with each other, meet with the leaders to discuss the first election. Your role is to guide members through this process.

- a. Start by discussing the development of a slate of candidate with the leaders. Help them think through how they this should be handled. Assist them in exploring the pros and cons of different approaches.
- b. Using the steps outlined in Chapter 3 of the Family Guide to Effective Family Councils, and any other steps that members can think of, develop an election plan

and time frames.

- c. Assist members in implementing their plan.
- d. Count the votes and announce the new officers.
- e. Encourage the council to celebrate this major accomplishment in its development.
- f. Meet with the new officers to identify any training needs they might have. Offer to either provide training or help them obtain it. See Section V, A.2. for ideas about training that officers might need.

VI. AFTER THE FIRST ELECTION.

The ombudsman moves from providing less ongoing assistance to providing more “as needed” assistance.

A. Consultant Role.

From this point on, you are primarily a consultant.

1. Check in regularly with the council leadership, particularly during the first 6 months after the election.
 - a. Consider calling each leader before the council meeting to see if there is anything you can help with.
 - b. Hold a regular monthly meeting. Ask what is going well and where council leaders are having difficulty. Provide feedback.
 - c. Volunteer to review council minutes and Family Council Action Forms. Provide feedback.
2. Continue to attend council meetings if requested.
3. Let the council know that you are there if they need you. Be available by phone or e-mail in between meetings if council members have questions or need advice.
4. Connect council leaders in your facilities to each other. If possible, hold a meeting or informal gathering for new leaders to share concerns and ideas.
5. Have the staff liaison assume the day-to-day roles of providing council assistance, support and encouragement. Meet periodically with the staff liaison to answer questions and give suggestions.

VII. PROCESSING CONCERNS AND PROBLEM RESOLUTION.

Since one of the primary functions of the council is to improve resident quality of care and quality of life, the council’s ability to resolve problems is very important. You can play a significant role in helping council members address their concerns.

A. Help Council Members Learn How To Go Through The Problem Solving Process.

1. Stress the importance and necessity of handling common concerns, not individual problems. You can offer to be available to families who have a problem that is not shared by others.
2. Encourage members to prioritize their concerns.
3. Assist in the identification of the problem to be addressed.
 - a. Encourage discussion.
 - b. Help keep the focus on the resident. Use the question, “Will this help improve resident care and residents’ lives?” as the litmus test.
 - c. Help families to see problems in light of systemic issues. For example, the problem is not that the aide on B wing is not fast enough, the problem is that there are not enough aides on the wing to care for all the residents.
 - d. Provide information and education about standards of good care.
 - e. Ask questions that help members to narrow down and pinpoint the specific problem. See Chapter 4 , Section I in the Family Guide to Effective Family Councils.
 - f. Help to solicit differing points of view. Not every member may see the problem the same way, so it is important to find out what everyone’s views are.
 - g. Encourage the council to educate itself about the problem and to gather all appropriate information. This might include:
 - Learning the current policy on a facility issue since sometimes the problem is not the policy, but its implementation. For example, you could encourage the council to learn about the policy from a department head by inviting him or her to one of the council meetings or meeting privately with him or her.
 - Learning what the laws and regulations require. You can educate the council about the laws and regulations that pertain to the particular issue or arrange to have someone from another agency talk to the group.
 - Encouraging the council to determine how long the problem has been going on, what appears to be causing it, what has already been done to address the problem.
 - Encouraging council members to ask individual residents, the resident council, and staff about their experiences with the problem, what they would like to have done, and what solutions they might suggest.
4. Assist in the identification of possible solutions.
 - a. You may need to help the council move from discussion of the problem to problem solving. If the group only discusses the issue, but never talks about what to do about it, members will feel very frustrated, and one of the important purposes of the council will not be accomplished. The role of the council is not just to identify problems, but to offer ideas and suggestions about how to resolve them.
 - b. If the council is going in circles and not moving to what can be done, ask,

“What would you like to do about it?” If council members are stuck at first and can’t come up with any ideas, you can suggest a few possibilities to generate discussion.

- c. Urge the council to look at many different possible options. Help them brainstorm. See Chapter 6 in the Family Guide to Effective Family Councils.
 - d. share any information or best practices you are aware of (perhaps from the Pioneer Network or from other facilities and councils that have addressed a similar concern).
 - e. Assist the council in evaluating the different approaches they have come up with.
 - Questions you can ask include:
 - Do you think that idea would work?
 - Does the council have enough members to make the idea work?
 - Does the council have sufficient funds?
 - Would staff/administration cooperate with that idea? What might staff/administration say about that idea?
 - Are there any obstacles to this solution? How could you get around those obstacles?
- Note:** Your role is to ask questions to generate discussion, not to influence the council’s decision. However, that does not mean that you never do anything but raise questions. If you are aware of a problem that members may not see, point it out, but suggest a possible way the problem might be solved.

5. Help plan the action.

- a. Encourage the council to take action as quickly as possible. If too much time goes by, members can become frustrated.
- b. Ask questions to guide council members:
 - Questions you can ask include:
 - What are all the tasks that need to be done to accomplish this plan?
 - Who is going to do them? Is more than one person needed? Is a committee needed?
 - What are the deadlines? If there aren’t any, what time frame would the council like?
 - Who is going to coordinate the effort?

6. Assist in carrying out the plan.

- a. Offer some direct guidance the first few times the council addresses a concern.
 - Review the first few Family Council Action Forms to make sure they are written in a tone that is objective and reasonable, not emotional, subjective and adversarial. Suggest ways to improve the written concern.
 - If council members are going to meet with the administrator or facility staff, help them prepare. Coach them on what to say and how to approach the staff or administrator. You might even role-play!

- Go with council members the first time they hold such a meeting. You can be there for moral support and to assist if needed. If families are uncomfortable leading this meeting themselves, you can offer to do so. However, make a point of having families do as much of the talking as possible (for instance, you could ask a family member to explain the council’s thinking on a certain point, rather than doing it yourself.)
 - b. “Debrief” with council members after a meeting and give feedback and any suggestions for improvement.
7. Help evaluate the results.
 8. Encourage the council to celebrate success – no matter how small!

B. Intervene With The Administrator.

You can intervene with the administrator on the council’s behalf when the council is not having success. The best way to do this is usually to mediate a discussion between council representatives and facility staff and administration. If this is still not successful, you can work with the council on other strategies and approaches. See Chapter 4, Section I, C. in the Family Guide to Effective Councils.

VIII. MAINTAINING AND STRENGTHENING A COUNCIL.

Refer to Chapters 9 and 10 in the Family Guide to Effective Family Councils.

A. Maintaining A Council.

To maintain a council you need to:

- Assume the range of ombudsman roles discussed in Section III.
- Assist the council in recruitment.
 - Work with the council to develop its recruitment plan.
 - Continue to encourage families to promote the council using the suggestions listed in Chapter 7 of the Family Guide to Effective Family Councils.

B. Strengthening A Council.

When a council wants to become stronger, you can assist them in:

- Conducting a self-evaluation.
- Processing the results.
- Identifying the areas for improvement.
- Developing a plan for addressing those areas.
- Connecting members to other councils that have successfully overcome similar problems.
- Assessing progress.

IX. CONCLUSION

As an ombudsman, you can play a key role in developing and promoting a family council. Your enthusiasm and involvement can make the difference between success and failure. While the work can be difficult, it can also be tremendously rewarding to see families coming together to make a positive difference in residents' lives.

APPENDIX 1

A FAMILY COUNCIL

is a **self-led, self-determining** group of consumers families and friends of nursing home residents –that:

- Works to improve the quality of care and quality of life of the facility's residents; and
- Provides families with a voice in decision-making that affects them and their loved ones.

WHAT DO FAMILY COUNCILS DO?

- Act on concerns and complaints affecting nursing home residents;

- Support families;
- Communicate with the nursing home administrator and staff;
- Serve as a sounding board and advisory body on new ideas and improvements;
- Advocate for positive change within the facility and the long term care system;
- Educate and inform families about issues relating to residents, the nursing home and the long term system; and
- Sponsor activities that benefit all residents.

**FAMILY RUN FAMILY
COUNCILS ARE MORE
EFFECTIVE**

Sense of direct ownership in the work of the council.

Family member interest is stronger

Staff members don't have enough time

BENEFITS OF A FAMILY COUNCIL

For Nursing Home Staff

- Provides the administration and staff with information about concerns
- Gives the facility the opportunity to fix problems in the facility rather than having families turn to outside agencies such as the survey agency or the ombudsman program for help.
- Can provide creative solutions to problems.

- Gives honest feedback to use for ongoing quality improvement efforts.
- Provides an avenue for requests for changes within the facility to be made to boards and management companies.
- Keeps facility staff from being overwhelmed by a barrage of individual complaints all at once.
- Provides recommendations for programming or policies that would benefit residents.
- Increases the likelihood that new facility policies will be implemented smoothly and successfully and positively impact residents because families will have had an opportunity to comment on and shape these

policies.

- Can identify outside resources to enhance the lives of residents and facility functioning.
- Increases family willingness to contribute time and energy towards making the facility a good place for people to live.
- Results in better care for residents!!

For Family Members

- Provides support, encouragement.
- Provides information.
- Gives families a place to constructively channel their concerns.

- Reduces sense of isolation, helplessness, frustration.
- Gives them an opportunity to shape facility policies and procedures affecting their loved ones.
- Empowers families – gives greater sense of control
- Improves the care of their loved ones!

For Both Families and Facilities

- Promotes open lines of communication
- Builds a trusting relationship
- Creates sense of community
- Provides the opportunity to make improvements for all residents

For Residents(Most Important of All!)Improves their quality of life and quality of care!!!!

FAMILY COUNCIL REGULATIONS

A resident's family has the right to meet in the facility with the families of other residents in the facility.

- .. The facility must provide a family group, if one exists, with private space.
- .. Staff or visitors may attend meetings at the group's invitation.
- .. The facility must provide a designated staff person responsible for providing

assistance and responding to written requests that result from group meetings.

- When a family group exists, the facility must listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.

LAYING GROUNDWORK

• WITH OTHER FAMILIES

- **WITH THE ADMINISTRATOR
and STAFF**

PHILOSOPHY OF THE COUNCIL:

WORK IN PARTNERSHIP WITH THE FACILITY

HOLDING THE FIRST MEETINGS

INTRODUCTORY MEETING

- .. Purpose: Inform about council
- .. Generate enthusiasm
- .. Determine whether to proceed
- .. Essential points to cover:
 - .. Decision about formation of a council
 - .. Formation of leadership committee
 - Plan first council mtg
 - Lead council to elections
- .. Time, date, location of first council

- meeting
- “ Family concerns

PREPARATION FOR MEETING

“DEVELOP AGENDA (who will run meeting, items, who will cover them)

“ DECIDE ABOUT STAFF ATTENDANCE

“ PROMOTE!! PROMOTE!! PROMOTE!!!

FIRST COUNCIL MEETING

Purpose: To Officially Launch The Council!!

Essential points to cover:

- .. Purpose/Mission statement
- .. Beginning work on organizational structure (by-laws)
- .. Approach to Processing Council Concerns
- .. Beginning concern processing or activity

START WHERE GROUP IS!

PROMOTING PARTICIPATION

Approaches to use from the very beginning:

- .. Fliers
 - .. Ombudsman referral
 - .. Greeter in the lobby (weekends!)
 - .. Mailings
 - .. Notice in facility newsletter
-
- .. **PERSONAL INVITATIONS**

- A. Approaches once council is developed: All of the above; and Sign-in sheets at meetings and E-mail notices
- B. Council brochure; Information in admissions packet
- C. Council Bulletin Board
- D. Buttons
- E. Wing representatives
- F. Meeting reminders
- G. Buddy system

APPENDIX 2

RUNNING EFFECTIVE MEETINGS

- “Limit meeting time to 1 to 1 ½ hours**
- “Establish “ground rules” for the meeting**
- “ Use an agenda**
- “ Gather input (group decision-making)**
- “ Use structure to gather input**
- “ Decide structure/time limits in advance**
- “ Use timekeeper (or a timer!)**

- “ **Move discussion to ACTION!**
- “ **Plan next steps**
- “ **Assign tasks: Who’s going to what, when?**

LEADERSHIP AND STRUCTURE

LEADERSHIP

Some form of leadership by families is important because:

- “ Assures that council work reflects family interests/needs
- “ Gives facility a contact person
- “ Enhances credibility

LEADERSHIP MODELS

Need at least 3-4 people

- .. Traditional
- .. “Co-leaders”
- .. Leadership committee
- .. Leadership committee with rotation
- .. Alternating leader

Consider:

Job descriptions for leaders

Training for leaders

Term limits

STRUCTURE

Helps council do its work efficiently!

BY-LAWS

- Name
- Purpose/mission statement
- Membership
- Officers and committees
- Meetings
- Elections

- Rules of Order
- Future amendments

Policies

- Communication with administrator/staff
- Communication of concerns to administrator/staff
- Communication with other family members
- Communication with residents
- Handling individual concerns

EFFECTIVE ADVOCACY

Start with shared input Top 3 concerns?

Improvements?

Identify issues of **common concern**

Prioritize: pick top 1-2 issues “winnable ones”

PROCESSING A COUNCIL CONCERN (PROBLEM SOLVING)

Carefully identify the problem. Develop a concrete and factual statement of the problem. Identify the result the council is seeking. Think about causes. Identify possible solutions. Identify possible obstacles and ways around them.

Choose the approach the council will try.
Develop an action plan. Carry out the
action plan. Monitor Progress

Evaluate the results

On October 17, 2001, nursing assistant Susie Smith did not know that my mother needed two people to transfer her to her wheelchair. She did it by herself, and almost dropped my mother. My mother was very shaken up after this incident and is now afraid of being moved.

On October 21, 2001, nursing assistant Tom Riggs did not know that my father needs to be approached very slowly and calmly, and talked with just a little before providing care. He came in, went right up to my dad, and started getting him out of bed.

This frightened my Dad, and he lashed out. Dad was agitated for several hours afterwards.

Statement of problem:

Our council has documented that aides on all shifts do not know what residents' individual care needs and preferences are.

There have been 15 occasions between October 1 and October 25, 2001 when families have noted that aides have not done what was called for in the residents' care plan.

Examples include:

