

West Berkshire Shared Lives Carers Guidance - Managing Concerns around Conduct



Introduction

This document provides guidance to Shared Lives Carers on how the Shared Lives Service manages concerns around conduct. The guidance covers the following areas:

1. Standards of Conduct and practice
2. Dealing with Complaints and concerns
3. Managing Concerns about the Conduct or Standard of Work of a Shared Lives Carer, or concerns about breaches of the Carer Agreement

West Berkshire Shared Lives service will be open and honest with all service users when things go wrong with their care. This is in line with [CQC Regulation 20 Duty of Candour](#).

1- Standards of Conduct and Practice

The Shared Lives service believes that its Shared Lives Carers and Workers (whether paid or voluntary) should act in a professional and competent manner at all times, keeping in mind the best interests of the people who are making use of Shared Lives arrangements.

How will this happen?

Skills for Care are custodians the code of conduct for all people who are managing or working in social care services. The Shared Lives service meets the expectations in this code of conduct by:

- Recruiting Shared Lives Carers and Shared Lives Team members who have the knowledge / skills for their jobs.
- Following up references and all necessary safety checks before the Shared Lives Carers and Team members start work.
- Providing training and development opportunities for the Shared Lives Carers and Team Members, as well as making sure they understand their jobs and responsibilities.
- Having written policies and procedures guiding good practice.
- Enabling Shared Lives Carers and Team Members to report any concerns they may have about the running of the service, or about the way that care and / or support is provided for people in Shared Lives arrangements.
- Making it clear that any form of bullying, harassment or discrimination is unacceptable, and may result in disciplinary proceedings for Shared Lives Team members or in a review of approval for Shared Lives Carers.

Shared Lives Carers and Shared Lives Team members will:

- Respect the service user's human rights and different cultures / values.
- Enable the service user to make choices and decisions, and enable them to be in control of their own life.
- Treat the service user as an individual.

- Support the service user in doing as much as possible for them and maximise their independence.
- Respect the service user's privacy and dignity.
- Keep information about the service user confidential, following the service's policy and procedures about this.
- Take action to keep the service user, themselves and other people safe including following appropriate policies and procedures.
- Challenge dangerous, abusive or discriminatory behaviour.
- Work with each other and other professionals to support the service user effectively.

Shared Lives Carers and Shared Lives Team members will be required to take responsibility for:

- Treating people with respect and courtesy, including people in Shared Lives arrangements and their relatives, colleagues and other professionals.
- Being honest, trustworthy, reliable and dependable.
- Working in a lawful, safe and effective manner.
- Taking up learning and development opportunities for themselves, as well as contributing to learning and development opportunities for others.
- Informing their Shared Lives Officer or Registered Manager if they do not have the skills or confidence to carry out particular tasks.
- Making sure they do not support a service user under the influence of drugs or excessive alcohol. Prescribed drugs are acceptable however you should notify your Shared Lives officer of any side effects that affect your ability to do your role or drive and if affected inform your Shared Lives Officer immediately.
- Following the service's written policies and procedures.
- Declaring anything that might cause a conflict of interest with their work in this service.
- Promoting the work of the Shared Lives service through their own good practice.

Shared Lives Carers and Shared Lives Team Members must not:

- Abuse the trust of people in Shared Lives arrangements.
- Exploit people in Shared Lives arrangements or colleagues.
- Discriminate against people in Shared Lives arrangements or against colleagues, or condone (including by inaction against discrimination) discrimination from other people.
- Accept gifts or bequests from people in Shared Lives arrangements or their families.
- Form inappropriate personal relationships with people in Shared Lives arrangements.
- Behave in a way that damages the reputation of this service or social care in general.

If Shared Lives Carers or Team members behave in a way that is dishonest, violent, indecent, abusive or discriminatory (even if not connected with their work), this may mean they are considered unsuitable to work in the Shared Lives Service.

2- Dealing with Complaints and Concerns

The Shared Lives service aim to provide the best service to the people we support and we like to know when we are getting it right.

The Shared lives service also recognise that at times things can go wrong. When they do, it is important to put things right quickly, and use the experience to improve our services and prevent future problems.

Service users and / or their families and Shared Lives Carers are encouraged to raise any concerns or complaints that they may have.

How will this happen?

Information about the service is given out to Shared Lives Service Users, their family members and potential new carers upon initial referral. Included in this information is the leaflet for Complaints and Concerns. Summary information will be in the Statement of Purpose and the service user's Shared Lives Agreement.

Informal resolution


If the service user, their family or representative, have any concerns, these can be discussed freely with the service user's Shared Lives Carer or Worker. All concerns will be taken seriously, and can often be dealt with quickly and sympathetically.

If the concern is about something that is happening while the service user is with their Shared Lives Carers, the Shared Lives Carers will try to sort things out with the service user directly and will let the Shared Lives Worker know the outcome.

However if the problem is not one the Shared Lives Carers can deal with themselves or if the service user is not satisfied with the action taken, the Shared Lives Carers will pass the complaint on the Shared Lives Officer or Registered Manager.

Formal Complaint

The service user can make a complaint in any way that suits them, e.g. in person, by phone, by email, by letter or by filling in the service's complaints form.

Our leaflet,  [Listening to Your Views - How to complain about or comment on Adult Social Care services \[840kb\]](#) provides a summary of our complaints process.

How to make a complaint

- Speak to the manager of the service you are dealing with - most concerns or complaints can be resolved quickly through discussions with the manager
- Contact [our complaints team](#)
- [Register your complaint online](#)

Once a complaint has been received West Berkshire Council will acknowledge this.

Our Adult Complaints and Public Liaison Manager will contact the complainant to agree what should happen next, and also agree a timescale for addressing their complaint.

The complainant will receive a written response to your complaint in all cases.

The service will do our best to make sure that our complaints process is fair and that everyone involved in it is supported adequately. If the service user and / or their representative would like independent support to help them with raising a concern or pursuing a complaint, this can be obtained from an independent advocacy service.

Contact details for West Berkshire Council's Adult Social Care complaints team
complaintsadultsocialcare@westberks.gov.uk
01635 503391

If the service user and / or their representative are not satisfied once we have completed our investigation, they can ask the [Local Government Ombudsman](#) to look at their case. They are completely independent of West Berkshire Council.

The service user can also complain at any time to the Care Quality Commission (CQC) on 03000 616161

The complaints procedure will also be followed if Shared Lives Carers have any concerns or complaints. Shared Lives Team members will be able to make use of the procedure for Grievances.

If the complaint is about Shared Lives Carers or other Workers in the service, they will be informed about the nature of the complaint and be given an opportunity to respond. They will also be informed about sources of independent support, in case this is useful to them. A Shared Lives Team member who is not part of the investigation will be allocated to give you an update of the investigation progress. If the complaint requires a safeguarding enquiry the service user may be required to have respite until the outcome of the investigation is complete and decided by the Shared Lives Panel. Until the outcome is made your payments as a long term carer continue.

Any follow-up action required for Shared Lives Team members will be addressed through supervision; for Shared Lives Carers this will be through a formal review of their work, with the review report being presented to the Approval Panel.

All complaints and actions taken will be recorded, and a summary will be available for inspection by CQC and other regulatory bodies when required. Complaints and lessons to be learned from them will be discussed with Shared Lives Carers and Team members when this is appropriate, and within limits of confidentiality.

In some situations, a concern or complaint may be dealt with more appropriately by another procedure. This could be the Safeguarding against Abuse or Neglect procedure, or disciplinary proceedings depending on the situation. If this is the case, the service user will be told the reasons why an alternative procedure is being used and also given information about that procedure.

3- Guidance for Managing Concerns about the Conduct or Standard of Work of a Shared Lives Carer

The Shared Lives service is responsible for providing the encouragement and help that Shared Lives Carers need to provide a good service to the people that they support. The service also has a duty to ensure that Shared Lives Carers do their work well and in a way that demonstrates their commitment to the values underpinning the Shared Lives service and are supported and trained to do this.

This guidance is designed to help the service ensure that Shared Lives Carers maintain good standards of conduct and work. Where there are concerns about the way in which the Shared Lives Carer is working, this guidance provides a fair and consistent approach to the alleged failure to maintain standards of conduct or work.

Finally the guidance should be clear about the advice and support the service will give to carers wishing to reapply to the service, if their approval was removed in the past.

There are common elements to the procedure used where there are concerns about conduct and the procedure used where there are concerns about standards of work. There are however some significant differences between the two procedures, and these have therefore been dealt with separately in the guidance.

Principles

1. Shared Lives Team members and Shared Lives Carers are equally responsible for, as well as committed to, upholding standards of work and conduct.
2. There are skills and knowledge requirements that all Shared Lives Carers are expected to possess, as well as standards to which they are expected to work. Any concerns about standards of work will be expressed in terms of these statements and accompanied by evidence that supports the concern.
3. The **Carer Agreement** sets out the roles and responsibilities of the Shared Lives scheme / the Shared Lives Carer. The Carer Agreement is a key tool in ensuring good standards of conduct and work in the Shared Lives service.
4. Minor breaches of the Carer Agreement by the Shared Lives Carer, or concerns about standards of work will be dealt with informally in the first instance. The aim will be to understand the reasons for the Shared Lives Carer's apparent failure to maintain standards, and to identify ways in which the Scheme can support the Shared Lives Carer to do their work well.
5. Where concerns cannot be dealt with informally (because of the seriousness or the continuation of the concern), the service will ensure that the Shared Lives Carer understands the nature of the concerns, the procedure that will be followed, timescales for the process and that they have an opportunity to put their own side of the story. It should be noted that where there has been any concern regarding the safety of a service user, the service may be constrained in their communication with the Shared Lives Carer by local Adult safeguarding rules.
6. Carers are self-employed and are responsible for their own livelihood. However removing their approval removes their ability to have future placements, and in effect denies

them an opportunity to work. For this reason, the Shared Lives Panel / Shared Lives service will approach removal of approval of Shared Lives Carers with fairness and equity; any decisions will be based on clear evidence following an agreed process and will not be subjective, unfair or taken lightly. A decision to remove approval can be taken to judicial review; the court will penalise organisations where there is an insufficiently transparent and equitable process in place, or where the decision is not sufficiently supported by evidence.

7. A decision to remove approval is made by the Shared Lives Registered Manager on the recommendation of the West Berkshire Council Shared Lives Panel, on the basis of evidence presented in a written report. The Shared Lives Carer will have had the opportunity to review the report in advance of the Panel meeting and to submit their response. Both reports will have been made available to the Shared Lives Panel prior to the meeting. The Shared Lives Carer will have the opportunity to present their own side of the story at the panel hearing.

8. The Shared Lives Carer has the right to appeal against any decision to remove approval, using the procedure outlined in the Shared Lives guidance. At any appeal hearing the Shared Lives Carer should be able to submit written evidence, as well as the opportunity to attend and bring someone to support them (including a legal representative).

Concerns about Breaches of the Carer Agreement

Informal Stage

1. The Shared Lives Officer has a responsibility to bring any concerns about breaches of the Carer Agreement to the attention of the Shared Lives Carer and the Shared Lives Registered Manager as quickly as possible, as this can avoid the need for formal action.
2. The Shared Lives Officer should meet with the Shared Lives Carer to explain the concerns and offer the opportunity for an explanation. The Shared Lives Officer should explore with the Shared Lives Carer whether there are any underlying reasons for the breach and anything that the service can do through additional training or support.
3. Where the Shared Lives Carer has no / insufficient reasons for the breach, the Shared Lives Officer / Registered Manager may decide to take no formal action but simply to state and record the concerns.
4. Where the breach of the Carer Agreement is serious or is persistent, then the Shared Lives Officer / Registered Manager may decide that they need to take formal action. In that situation, the following procedure will apply:

Investigation

1. The Shared Lives Officer / Registered Manager should carefully investigate the alleged breach of the Carer Agreement before starting any formal proceedings. The extent of this investigation will depend upon the nature of the breach. It may for instance be relatively simple for minor breaches of confidentiality; whereas it may be more complicated where the carer or a member of their household has been subject to criminal prosecution.
2. The investigation should include a letter sent to the carer to arrange an informal meeting with the Shared Lives Carer concerned. The reason for the meeting should always be

made clear and the Shared Lives Officer will complete the investigation template with the Shared Lives Carer.

3. Should the Shared Lives Carer refuse to attend or co-operate with such a meeting, the Shared Lives Registered Manager will decide whether to arrange a Carer Review on the facts available without information from the Shared Lives Carer.

Carer Review Meeting

1. If after investigation, the Shared Lives Registered Manager is satisfied that there is a case to answer, then a Carer Review meeting will be held.
2. The Shared Lives Registered Manager will contact the carer to arrange a suitable time for the review meeting. The date, time and place for the meeting will be confirmed in a letter sent or handed to the Shared Lives Carer.
3. The letter will explain the specific allegations against the Shared Lives Carer and their right to be accompanied by a friend or representative. It will also say who will conduct the review meeting.
4. The Shared Lives Carer and / or their companion have the right to see copies of all relevant documents or records necessary to prepare their case. They will not however, have access to information provided in confidence by or to a third party.
5. The review meeting will be conducted by the Shared Lives Registered Manager and Shared Lives Officer.

Conclusions and actions from the Review Meeting

1. Following the review meeting, the Shared Lives Registered Manager will decide:
 - Whether the Shared Lives Carer has breached the terms of the Carer Agreement;
 - The underlying reasons for the breach and any mitigating factors;
 - Whether there is help that the service could provide (e.g. additional support or training), to enable the Shared Lives Carer to avoid further breaches of the Carer Agreement;
 - Whether the breach is as serious and / or persistent as to merit removal of approval.
2. A copy of the report of the review meeting, including the Shared Lives Registered Manager's conclusions, will be sent to the Shared Lives Carer for their comments.
3. The review report (including comments from the Shared Lives Carer) will be presented to the Approval Panel for consideration. The Shared Lives Carer has the right to be present at the Panel meeting and to be supported by a friend or representative (including a legal representative).
4. The Panel recommendations following consideration of the review report may include:
 - Continuing approval (where appropriate with identified help from the service).
 - Decreasing approval (e.g. if the Panel considers that the breach of the Carer Agreement was the result of over work).
 - Removal of approval.

5. The Shared Lives Registered Manager's decision about the approval status of the Shared Lives Carer will be made in the light of the recommendation by the Shared Lives Panel.

Appeals

The Shared Lives Carer has the right to appeal against any decision to remove approval within 5 working days of the decision letter. The appeal will be sent by letter to the Registered Manager with the reasons of the decision to appeal. The Appeal is chaired by an independent person not previously involved.

Concerns about Standards of Work

Informal Discussion

1. Any concerns about standards of work will ideally be dealt with informally in the first instance.
2. The Shared Lives Officer will meet with the Shared Lives Carer to explain the concerns. This can be done as part of a normal support visit or at a separate meeting any discussions are explained they are recorded.
3. The Shared Lives Officer will explain their concerns clearly, with concrete examples where possible. The Shared Lives Carer will be given ample opportunity to state their point of view and their view is recorded.
4. If it becomes clear that the Shared Lives Carer's conduct has contributed to their poor standard of work, then action may need to be taken under the procedure designed to maintain good standards of conduct.
5. Where there are no obvious conduct implications, the Shared Lives Officer will explore agree and write a plan with the Shared Lives Carer and outline ways in which to help the Shared Lives Carer to improve their work including learning and development requirements. The Shared Lives Officer will agree a date for review of progress and explain clearly the possible consequences of any failure to improve their standard or work.
6. A record of the meeting will be made by the Shared Lives Officer and agreed with the Shared Lives Carer. Copies will be kept by the Shared Lives service and the Shared Lives Carer.

Formal Procedure

1. Where the informal approach has not proved successful or standards of work have been so poor that implications for the person supported are serious, then a Carer Review meeting will be held.
2. The Shared Lives Registered Manager will contact the Shared Lives Carer to arrange a suitable time for the Review Meeting. The date, time and place for the Carer Review Meeting will be confirmed in a letter sent or handed to the Shared Lives Carer.

3. The letter will explain the specific concerns about the Shared Lives Carer's standard of work, as well as their right to be accompanied by a friend or representative. The letter will also say who will conduct the review meeting.
4. The Carer Review Meeting will be conducted by the Shared Lives Registered Manager.
5. At the Carer Review Meeting, the Shared Lives Registered Manager will:
 - Ensure that the Shared Lives Carer understands the standard of work that is expected.
 - Explain clearly how the standards have not been achieved, with examples.
 - State what improvement is expected.
 - Provide an opportunity for the Shared Lives Carer to state their case.
 - Identify and agree any actions to help the Shared Lives Carer to improve their standard of work.
 - Agree a date to review progress.
6. A copy of the report of the Carer Review Meeting will be sent to the Shared Lives Carer for their comment, including the expectations of the carer, the actions that will be undertaken by the service to help the carer to improve their standard of work and the date to review progress.
7. Where there is evidence at the next or subsequent Carer Review Meetings, that there has been little or no improvement in the Shared Lives Carer's standard of work and that the service has put all agreed actions in place to help the Shared Lives Carer to improve, the Shared Lives Registered Manager may recommend removal of approval.
8. A copy of the Shared Lives Registered Manager's report, including copies of the reports of the Carer Review Meetings, will be sent to the Shared Lives Carer for their comments.
9. The Shared Lives Registered Manager's report (including comments from the Shared Lives Carer), will be presented to the Approval Panel for consideration. The Shared Lives Carer has the right to be present at the Panel meeting and to be supported by a friend or representative (including a legal representative)
10. Following consideration of the Shared Lives Registered Manager's report, the Panel recommendations may include:
 - Continuing approval (where appropriate with identified help from the scheme).
 - Decreasing approval (e.g. if the Panel considers that poor standards of work was the result of over work).
 - Removal of approval.
11. The Shared Lives Registered Manager's decision about the approval status of the Shared Lives Carer will be made in the light of the recommendation by the Shared Lives Panel.
12. Only in exceptional circumstances will the Shared Lives Carer lose approval as a result of a single example of poor work. Where, however, the actual or potential consequences of the single instance of poor work are extremely serious and a warning is not appropriate, then approval may be immediately suspended prior to a report to Panel recommending removal of approval.

13. The Shared Lives Carer has the right to appeal against any decision to remove approval within 5 working days of the decision letter. The appeal will be sent by letter to the Registered Manager with the reasons of the decision to appeal. The Appeal is chaired by an independent person not previously involved.

14. A decision to remove approval can be taken to judicial review; the court will penalise organisations where there is an insufficiently transparent and equitable process in place, or where the decision is not sufficiently supported by evidence.