

# Gloucestershire Shared Lives Policy

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## 1. Introduction

1.1 Gloucestershire County Council (the Council) operates a Shared Lives Scheme known as Gloucestershire Shared Lives (we / GSL). GSL:

- is registered with the Care Quality Commission (CQC)
- is a member of Shared Lives Plus, a network of shared lives service providers and carers
- has its own website at <https://www.gloucestershire.gov.uk/shared-lives/>

1.2 GSL is an alternative to traditional social care or health services. It is a service where someone aged 18 and over with an assessed eligible health or social care need can be supported for a few hours, a few days or live on a long-term basis with a GSL carer in their home as part of their family.

1.3 When someone is receiving GSL services:

- Referrers (e.g. the Council's Adult Social Care service, other Local Authorities, Health services) remain responsible for ensuring that the person's care needs are assessed and reviewed and that they have access to appropriate services to meet their needs.
- GSL is responsible for the GSL care arrangement and for the quality of care provided. This includes:
  - recruiting, vetting, training and approving carers
  - matching people who need care with approved carers
  - monitoring the quality of GSL arrangements and enabling carers to provide the best possible care and support for people using GSL services.

1.4 The terms 'person' or 'people' in this policy mean anyone in a GSL arrangement but may also include anyone who is representing the person, for example a family member or an advocate. See appendix 1 for definitions of other terms used in this policy.

## 2. About this policy

2.1 This policy sets out what GSL will do to provide person-centred, safe and effective care and support for people in GSL arrangements.

## 3. Who this policy applies to

3.1 This policy applies to:

- people using or considering using GSL services
- GSL officers and carers

#### 4. Legal context

##### 4.1 Legislation relevant to GSL services includes but is not limited to:

- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Care Quality Commission (Registration) Regulations 2009
- The Care Act 2014
- The Data Protection Act 2018
- The Equality Act 2010
- The Human Rights Act 1998
- The Mental Capacity Act 2005
- The Mental Capacity Amendment Act 2019
- The Mental Health Acts 1983 and 2007

### GSL arrangements

#### 5. Respecting the rights of people using GSL services

##### *Code of conduct and practice*

##### 5.1 GSL officers and carers will follow the GSL code of conduct and practice to provide person centred care for people using GSL services. In particular, officers and carers will:

- treat people with dignity, courtesy and respect
- promote their health, safety and wellbeing
- respect their human rights, cultures and values
- explain and discuss their care with them
- respond positively to behaviours that challenge.

##### *Mental capacity*

##### 5.2 GSL will presume that people have capacity to make their own decisions until it is established that they do not. We will follow the Gloucestershire Multi Agency Mental Capacity Act policy and guidance where capacity is in doubt.

##### 5.3 When a proposed GSL arrangement amounts to deprivation of liberty, GSL will:

- ensure that there is the least possible restriction on the person's rights and freedoms of action, and
- work with the Council's Adult Social Care service to ensure that any deprivation of liberty is authorised as required by law.

### *Supporting independence*

5.4 GSL will support people to be as independent as is possible and will encourage and support people to learn new skills, understand their rights and make their own informed decisions including about their care.

5.5 GSL will provide people who need information in a particular format or support to communicate because of a disability or sensory loss with:

- information in a form they can understand
- support to communicate their views and wishes if they need it.

Please see also the Council's Adult Social Care Accessible Information policy.

5.6 Support may include arranging an independent advocate where the person would experience substantial difficulty in being involved in decisions about their care and has no appropriate person to help them. Please see also the Council's Adult Social Care Independent Advocacy policy.

### *Managing finances*

5.7 Wherever possible, GSL will support and encourage people to manage their own financial affairs.

5.8 GSL officers and carers are not permitted to benefit financially from anyone using GSL services. They may not:

- influence how the person spends their money in order to benefit from it
- borrow money from or lend money to the person
- benefit from the person's will or influence what is included in their will
- use the person's property for personal use
- sell or otherwise dispose of the person's property for personal gain
- act as an appointee or accept money or gifts from the person or their family unless declared to and approved by the GSL Registered Manager or appointed deputy.

Failure to meet these requirements may result in:

- an officer being deemed unsuitable to continue to work for the GSL scheme
- loss of carer approval status.

### *Managing medication*

5.9 Wherever possible, GSL will support and encourage people to manage their own medications. Please see also the Gloucestershire Shared Lives Medication Administration policy.

### *Privacy and confidentiality*

5.10 GSL will respect people's rights to privacy and confidentiality. There may be instances where there is a lawful basis to share information, such as to safeguard someone from harm. Carers should seek advice from GSL before sharing personal data. Please see the Council's website for the Council's Data Protection policy and the GSL privacy notices for carers and service users.

### *Safeguarding*

5.11 GSL will follow Gloucestershire's multi agency safeguarding procedures where there are concerns that someone using a GSL service may be subject to or at risk of abuse or neglect.

### Duty of candour

5.12 GSL will promote a culture of candour and transparency throughout its services. This includes but is not limited to supporting officers and carers to be open and honest with people using its services and to offer an apology if something goes wrong with their care.

5.13 GSL will be open and honest with people using its services when things go wrong. We will tell them about any notifiable incident and the outcomes of investigations into the incident.

## **6. Referral**

6.1 GSL will consider referrals for people aged 18 and over from the Council's Adult Social Care services, other local authorities and Health Services where the referrer has confirmed that a GSL arrangement is the most appropriate option for meeting eligible needs for:

- care and support under the Care Act 2014
- aftercare provided under s117 Mental Health Act 1983
- NHS continuing healthcare (CHC)

6.2 GSL may consider other referrals for adults.

6.3 GSL will consider referrals for people aged under 18 for whom a GSL arrangement is likely to be the most appropriate option for meeting their eligible needs (see paragraph 6.1 above) when they turn 18.

Referrals should be made well in advance of the person's 18<sup>th</sup> birthday because GSL is only able to offer an arrangement when there is an appropriate carer to meet the person's needs - see also section 7.

Please see section 18 if the person is currently living with an approved Children's Service foster carer and both wish to continue existing care arrangements through GSL when the person turns 18.

6.4 GSL:

- reserves the right to decline referrals:
  - which do not include all the information GSL requires to consider the referral. This includes referrals for emergency placements - see section 9.
  - for people who are ordinarily resident in other local authority areas - see also section 17.
- will discuss funding arrangements with referrers at referral stage.

**7. Matching people with appropriate carers**

7.1 Matching the person who needs care with the right GSL carer is the key to making a successful arrangement.

7.2 All arrangements will be subject to the availability of an appropriate carer who is able to meet the person's needs.

7.3 Matching processes for emergency arrangements may of necessity be limited - see also section 9.

7.4 Under usual circumstances, when a referral is accepted GSL will:

- share anonymised information about the person who needs care with potential GSL carers
- share details of appropriate carers who have expressed an interest in providing a GSL arrangement with the referrer so that they can discuss options with the person.
- arrange an introductory visit(s) between the person and their preferred carer(s)
- make a GSL arrangement where both the person and the carer wish to proceed.

**8. Making an arrangement**

8.1 When all parties agree to proceed with a proposed arrangement, details will be confirmed in an arrangement agreement signed by:

- GSL
- the person using the service (or their legally appointed representative)
- the carer(s)
- the funding authority (where relevant).

8.2 Where appropriate, the person (or their legally appointed representative) will also enter into a Licence agreement with the carer. This sets out the conditions under which the person lives in the carer's home.

8.3 GSL will complete a risk assessment and develop a 'My Shared Lives Plan' for the person within:

- 5 working days of the start of a short term arrangement, or
- 10 working days of the start of a long term arrangement.

8.4 GSL will provide the person and the carer(s) with any written information needed to support the arrangement.

## 9. **Emergency arrangements**

9.1 Emergency arrangements are not intended to exceed 3 months and are subject to approval by the GSL Registered Manager or appointed deputy.

9.2 Referrers are responsible for finding alternative options for meeting the person's needs when an emergency arrangement ends. This includes when an emergency arrangement cannot continue for as long as originally planned.

### *Agreeing an emergency arrangement*

9.3 GSL may agree to make an emergency arrangement based on limited matching (see section 7) provided that:

- the referrer has provided all information required by GSL and agrees to be involved in monitoring for as long as the emergency arrangement continues - see paragraph 9.4.
- an appropriate carer approved to deliver emergency care is available
- both the person and the carer(s) wish to enter into the arrangement
- funding arrangements are agreed
- the GSL Registered Manager or appointed deputy agrees that the arrangement may proceed

### *Monitoring an emergency arrangement*

9.4 Monitoring will include the person using the service, the GSL carer, a GSL officer and the referrer. As a minimum this will involve:

- a planning meeting within 10 working days of the start of the arrangement to decide whether or not the arrangement should continue and if so, for how long and whether any additional services are needed.
- 4 weekly reviews of any continuing emergency arrangement. Reviews will initially be face to face meetings.

## 10. Supporting and monitoring the quality of arrangements

### 10.1. GSL officers are responsible for:

- monitoring the quality of arrangements through telephone contact and regular visits. Monitoring may involve contact with other people involved in the life of the person using GSL services.
- enabling carers to provide the best possible care for people living in GSL arrangements.

### 10.2 Any GSL officer who knows an approved carer or the person using the service in any capacity outside of the GSL scheme will:

- be expected to advise the GSL Registered Manager
- not be the officer allocated to support and monitor the arrangement.

Failure to disclose a potential conflict of interest will be dealt with in accordance with the GSL performance capability procedure.

### 10.3 Please see paragraph 9.4 for monitoring requirements for emergency arrangements.

### 10.4 Under usual circumstances, GSL officers will:

- carry out an initial review of the arrangement within 6 weeks of the start date. This initial review may be by telephone.
- make a minimum of 2 visits to the carer's home in any 12 month period. Visits may be pre-arranged or unannounced. An annual review of the arrangement and a health and safety check will be carried out as part of this routine monitoring programme.
- support the carer to provide the best possible care and support for the person - see also section 21.

## 11. Risk management in arrangements

### 11.1 Carers are required to follow GSL risk management processes, for example:

- to work to GSL risk assessments and risk management plans and alert GSL without delay if they become aware of any new or additional risks
- to follow the Herbert Protocol (see section 12) if they believe that the person is missing
- to immediately report to GSL any concerns about the wellbeing of people using GSL services, any suspected safeguarding concerns and other potential / actual risks, including medication errors, accidents, incidents and 'near misses'.

- to follow GSL Whistleblowing procedures if they are concerned about the conduct or practice of another GSL carer, a GSL officer, team leader or volunteer, or about the way in which GSL operates.

11.2 GSL will investigate and keep track of accidents, incidents, near misses, medication errors, complaints and other concerns.

11.3 Where risks cannot be managed, GSL will immediately end an arrangement and move the person to a place of safety - see paragraph 15.1.

11.4 GSL will notify:

- the GSL Approval Panel of:
  - any serious incidents, accidents, medication errors and complaints that have been investigated
  - anything which may affect a carer's approval status.
- referrers
  - if it believes that the person's needs have changed
  - of any concerns about the person's health, safety, welfare and wellbeing.
- Children's Services of any concerns about a GSL carer who is also approved to provide foster care.
- CQC of all **notifiable incidents**.

## 12. Missing Person ([Herbert protocol](#))

12.1 Carers will:

- retain a Herbert protocol person profile of essential information about any person they support
- follow the Herbert protocol if they are unable to locate the person and believe that they are missing
- inform the Police if the person is likely to be at risk of harm and provide the Police with the Herbert protocol person profile
- advise GSL of the actions they have taken as soon as is practicable.

12.2 GSL will inform CQC of all incidents advised to the Police.

### **13. End of life care**

13.1 When someone requires end of life care, GSL will review the My Shared Lives Plan to reflect the person's wishes for palliative care, end of life care and planning, other wishes and medical recommendations.

If the person lacks capacity to make these decisions or capacity is in doubt, GSL will follow the Gloucestershire Multi Agency Mental Capacity Act policy and guidance.

13.2 Carers have the right to withdraw from an arrangement if they do not wish to be involved in end of life care.

### **14. Moving between GSL arrangements**

14.1 GSL will discuss any potential move between GSL arrangements with referrers.

14.2 When a move is agreed, matching processes will begin again - see section 7.

### **15. Notice periods for ending a GSL arrangement**

15.1 GSL will end any arrangement with or without notice where:

- there is reason to believe that the person using the service or any other person is or is likely to be subject to significant risk, or
- the carer's approval status is withdrawn.

Where risks cannot be managed, GSL will end the arrangement immediately and will move the person to a place of safety.

15.2 Under usual circumstances, the following notice is required to end a GSL arrangement:

- 28 days' notice for a full time arrangement
- 7 days for a short break
- 7 days' notice for an outreach service

GSL may charge a cancellation fee if the full amount of required notice is not provided.

## 16. Charges

16.1 Charges apply to all GSL arrangements and are set and reviewed by the Council. Charges:

- are dependent on the type and level of care and support required
- for long term arrangements include an annual respite care allowance to enable the main carer to take a break from their caring role.

GSL may make an additional charge to cover the cost of breaks away from the main carer which are not part of the annual allowance, for example if the person takes a holiday.

16.2 The person using the GSL service is responsible for payment of charges except where some or all charges will be met by a funding authority.

16.3 When the person using the GSL service is responsible for payment of charges, charges will be subject to financial assessment (means testing) so that no-one has to pay more than they can reasonably afford.

16.4 GSL will apply a management fee to arrangements for people who are ordinarily resident in other local authority areas - see also section 17.

16.5 GSL charges and responsibilities for payment will be confirmed in the arrangement agreement. The agreement will include responsibilities for costs such as transport costs or activity fees which are not included in GSL charges.

## 17. Out of County arrangements

17.1 Except in exceptional circumstances, GSL will have no involvement other than in an advisory capacity where Gloucestershire residents are placed in shared lives schemes outside Gloucestershire.

17.2 GSL carers may not provide services for people who are ordinarily resident in another county without the prior agreement of GSL.

### 17.3. GSL:

- reserves the right to decline referrals for arrangements for people who are ordinarily resident in another county.
- will not make an arrangement for another local authority until the placing authority:
  - has provided in writing all the information GSL requires to assess and manage potential risks and to support the arrangement
  - has reached written agreement with GSL about the terms and conditions of the arrangement including how the arrangement will be funded. A management fee will be applied to out of county arrangements - see section 16.

## GSL Carers

### 18. Carer assessment

18.1 Any GSL officer who knows an applicant in any capacity outside of the GSL scheme will:

- be expected to advise the GSL Registered Manager
- not be involved in the applicant's assessment.

Failure to disclose a potential conflict of interest will be dealt with in accordance with the GSL performance capability procedure.

18.2 Carer assessment will be based on:

- the Gloucestershire Safer Recruitment Good Practice Guidance and
- the 15 Care Certificate standards

18.3 GSL will use a staged application and assessment process. This means that applicants must satisfactorily complete each stage before proceeding to the next. Applicants may decide not to proceed further or may be screened out of the process by GSL, at any stage.

18.4 Processes will include but will not necessarily be limited to:

- completion of an application form
- attending a pre-assessment meeting
- referee screening, including medical reference
- Disclosure and Barring Service (DBS) checks
- a visit by a GSL officer to the applicant's home to assess the suitability of accommodation for provision of GSL services
- completion of mandatory training and workbooks
- observations by GSL officers of the applicant interacting with adults who have care and support needs. A minimum of two observations will be required.
- a pre - panel (see section 19) visit by the GSL Registered Manager or appointed deputy.

18.5 GSL may agree to a modified assessment process for an approved Children's Services foster carer where:

- a GSL arrangement is likely to be the most appropriate option for meeting the young person's eligible needs when they turn 18, and
- the young person and their carer(s) wish to continue existing care arrangements as a GSL arrangement.

Foster carers should apply for approval as a GSL carer well in advance of the young person's 18<sup>th</sup> birthday to avoid delays in approval and consequent disruption to caring arrangements.

**19. Approval and the GSL Approval Panel**

19.1 When an applicant has completed all assessment requirements, the Registered Manager will make a recommendation to the GSL Approval Panel.

19.2 The Approval Panel is a group of suitably skilled and experienced people appointed by GSL to provide independent scrutiny of and quality assurance for carer approval processes.

19.3 The Approval Panel will review the application and will decide whether the application will be:

- approved
- approved with conditions
- decision deferred (for example until further information is provided)
- declined

19.4 A certificate of approval will be issued to approved GSL carers.

19.5 Applicants who disagree with an approval decision have the right to appeal the decision through the Approval Panel review process.

**20. Agreements**

*Carer agreement*

20.1 Approved GSL carers will be required to enter into a Carer agreement with GSL. This does not guarantee that GSL will make any arrangement with the carer as all arrangements are dependent on successful matching - see also section 7.

20.2 GSL carers:

- are self-employed. They are not employees of the County Council but will be covered by the County Council's public liability insurance.
- will be restricted to a maximum of the equivalent of 3 full time arrangements at any one time.
- may not accept arrangements from any source other than GSL without the prior agreement of GSL.

### *Arrangement agreement*

20.3 Terms and conditions specific to an individual arrangement will be set out in an arrangement agreement between:

- the carer
- the person using the service (or their legally appointed representative)
- GSL
- the funding authority (where relevant)

### *Licence Agreement*

20.4 Where appropriate, carers will enter into a Licence agreement with the person living in their home. This sets out the conditions under which the person lives in the carer's home.

## **21. Training and support for approved carers**

21.1 GSL will provide information and training so that carers understand and can fulfil their legal responsibilities, follow safe working practices and support people effectively, promoting their independence and positive risk taking.

21.2 GSL will provide:

- support to enable carers to provide the best possible care for people living in a GSL arrangement - see also section 10
- a mandatory training programme for carers and may provide additional optional training
- Carers Awareness sessions and may provide other opportunities for carer engagement. Carers will be required to attend at least two Carers Awareness sessions each year but are encouraged to attend more.

21.3 The main carer(s) supporting a long term arrangement will be entitled to an annual respite care allowance so that they can take a break from the caring role.

## **22. Monitoring approval status**

22.1 GSL officers will keep the quality of care under review, for example by:

- monitoring and reviewing carers' work at least quarterly and
- agreeing an individual learning and development plan where appropriate
- reviewing carer approval status after 12 months and following any significant events and / or changes to the carer's household.

22.2 GSL will repeat Disclosure and Barring Services (DBS) checks for approved carers at three yearly intervals.

22.3. Regardless of whether or not the carer is involved in a GSL arrangement, carers must advise GSL as soon as possible about anything which may affect an arrangement or their approval status, for example:

- if the carer is not coping and needs additional support
- any charges or criminal or civil convictions that have occurred since the carer's last DBS check
- a proposed change of address or of accommodation
- changes to the people who live in the carer's household
- changes in personal circumstances that may affect the carer's ability to provide care and support
- if the carer wishes to take up new employment or to change the hours or days they currently work
- proposals to have time away from the caring role

## 23. Withdrawal of approval status

23.1 Where carer approval status is withdrawn, GSL will:

- advise the carer in writing of the reason for the decision, and
- provide information about how to appeal the decision through the Panel appeal process.

## 24. Funding

24.1 GSL will not fund introductory visits by people considering using GSL services.

24.2 GSL carers will be funded as set out in the arrangement agreement.

24.3 If the person is in hospital for more than 4 consecutive weeks, GSL will review payments to the carer and depending on the circumstances may reduce payments. GSL will review the arrangement if it appears that accommodation is no longer required.

24.4 When someone dies whilst living in a GSL arrangement, the final payment will include the 3 days following the date of death.

## General policy provisions

### 25. Emergency preparedness

25.1 GSL will have contingency plans in place for emergencies. In the event of an ongoing emergency situation such as the Covid-19 pandemic of 2020, GSL will follow relevant statutory guidance.

## **26. Implementation**

26.1 GSL will publish this policy on the Council's website and draw it to the attention of GSL officers and carers.

## **27. Quality Assurance**

27.1 The GSL Registered Manager is legally responsible for the quality and safety of GSL care.

27.2 Service quality and safety will be monitored through routine quality assurance processes.

27.3. GSL officers and carers are expected to follow whistleblowing procedures if they are concerned about the conduct or practice of any person involved in providing, monitoring or managing GSL services or about the way in which GSL operates.

27.4 People using GSL services, GSL officers and carers have the right to inform CQC of any concerns about the GSL service.

## **28. Concerns and complaints**

28.1. In the first instance, people using GSL services and GSL carers should raise concerns with:

- their GSL officer/another member of the GSL team, or
- the GSL Registered Manager if the concern is about a GSL officer

28.2 If the person / carer is not satisfied with the response, they can then:

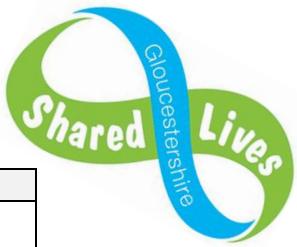
- make a complaint to the GSL Registered Manager if the concern is about GSL, or
- raise the concern through the corporate complaints and feedback procedure if the concern is about another area of the Council or about the GSL Registered Manager.

28.3 If this does not resolve the concern, people / carers can make a complaint through the corporate complaints and feedback procedure. Where the complaints procedure has been exhausted and the person / carer is not satisfied with the response, they have the right to ask the Local Government and Social Care Ombudsman to review their complaint.

## **29. Review**

29.1 This policy will be reviewed by August 2023.

## Appendix 1 - Definitions



Term	Definition
<b>Care Certificate</b>	<p>The <b>Care Certificate</b> is a nationally recognised qualification for Health Care Support workers and Adult Social Care workers. It was developed jointly by <a href="#">Skills for Care</a>, Health Education England and Skills for Health.</p> <p>GSL bases its carer assessment and monitoring procedures on the 15 Care Certificate standards.</p>
<b>Care Quality Commission (CQC)</b>	<p><b>CQC</b> is the government regulatory body which is responsible for monitoring and inspecting Shared Lives Schemes.</p>
<i>Registered Manager</i>	<p>The <b>Registered Manager</b> for Gloucestershire Shared Lives is legally responsible for how the service is run and for the quality and safety of the care provided. There is a link to our CQC report on the GSL website at:</p>
	<p><a href="https://www.gloucestershire.gov.uk/shared-lives/">https://www.gloucestershire.gov.uk/shared-lives/</a></p>
<i>Notifiable incidents</i>	<p>The Registered Manager must report any <b>notifiable incident</b> to CQC. These are serious and unintended or unexpected incidents that a health care professional believes have resulted in (or require treatment from a health care professional to prevent):</p> <ul style="list-style-type: none"> <li>• death</li> <li>• impairment of sensory, motor or intellectual functions that has lasted or is likely to last for at least 28 consecutive days</li> <li>• changes to the structure of the body</li> <li>• experiencing prolonged pain or psychological harm</li> <li>• shortening life expectancy</li> </ul>
<i>Duty of candour</i>	<p>GSL has a <b>duty of candour</b> to be open and honest when a notifiable incident occurs. This means that we will:</p>
	<ul style="list-style-type: none"> <li>• tell the person without delay and in person what has happened and provide support</li> <li>• provide all the known facts, explain what further enquiries are appropriate and offer an apology</li> <li>• provide the same information in writing and update the person on enquiries into the incident.</li> <li>• keep written records of all communication with the person.</li> </ul>
<b>Deprivation of liberty</b>	<p>Deprivation of liberty means that someone without capacity is not free to leave the GSL arrangement and must be under continuous supervision and control.</p>
	<p><a href="#">Deprivation of liberty safeguards (DoLS) policy   Safeguarding Adults in Gloucestershire</a></p>
<b>GSL arrangement</b>	<p>An <b>arrangement</b> is when someone aged 18 or over with assessed needs is supported by a GSL carer. Support can be for a few hours, a few days or the person may live on a long-term basis in the GSL carer's home as part of their family.</p>
<b>GSL carer</b>	<p><b>GSL carers</b> are approved by GSL to provide personal care and support in GSL arrangements. Some experienced carers are approved to provide emergency care.</p>
<b>GSL officers</b>	<p><b>GSL officers</b> are employed by GSL to:</p> <ul style="list-style-type: none"> <li>• recruit, approve and train GSL carers</li> <li>• set up, support, monitor and review GSL arrangements.</li> </ul>
<b>Legally appointed representative</b>	<p>Someone who is authorised under the Mental Capacity Act to make personal welfare decisions on behalf of an adult who lacks capacity i.e:</p> <ul style="list-style-type: none"> <li>• someone who holds a lasting / enduring power of attorney given to them by the person before they lost capacity, or</li> </ul>

	• a deputy appointed by the Court of Protection
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