

PSS Shared Lives Guidance

Financial recording guidance for Shared Lives schemes and Shared Lives carers

2019

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Introduction

In order to protect people in Shared Lives from financial abuse or the mishandling of their money and to protect Shared Lives carers from allegations of misconduct and abuse, it is important that appropriate procedures are followed and records are kept by both Shared Lives carers and schemes. Flexibility is a key part of Shared Lives generally but safeguards should not be sacrificed in order to gain this when looking at financial recording. A good balance between the safety of the individual using Shared Lives and the restrictions on the Shared Lives carer should be aimed for.

Types of financial support in Shared Lives

Shared Lives carers will not be able to support the person in Shared Lives with their finances unless this has been agreed and written into the individual's Support Plan. The kinds of support could include things like:

- recognising different coins or notes or understanding the value of money
- helping the person to shop
- accessing information about the person's money
- completing welfare benefits forms or replying to correspondence about this
- supporting someone to go to the bank/use online banking
- supporting someone to open an account and/or access their money
- learning how to budget
- saving for something special, such as a holiday
- reminding the person to pay their regular bills

For more information on managing day-to-day finances, providing support with someone's finances and supporting someone to manage their benefits, please see the Banking for People in Shared Lives Guidance (8.02) and/or the Appointees and other options for managing the money of people using Shared Lives guidance (8.01).

Regulatory recording requirements

The Care Inspectorate, or more formally Social Care and Social Working Improvement **Scotland** (SCSWIS), is the independent regulator which judges the quality of care based

on the [Health and Social Care Standards](#), which were published by the Scottish Government in June 2017 and were in use from April 2018.

Care Inspectorate Wales (CIW) register, inspect and take action to improve the quality and safety of services for the well-being of the people of Wales. Regulation and Inspection of Social Care (Wales) Act 2016 - this Act supports the aims of the Social Services and Well-being (Wales) Act 2014 which enshrines the rights of people using care and support services into law. For Adult Placement (Shared Lives) services, new regulations will not come in until April 2019. <https://gov.wales/topics/health/socialcare/regulation/?lang=en>

The Regulation and Quality Improvement Authority (RQIA) is responsible for inspecting the availability and quality of health and social **care** services in **Northern Ireland**. The legislation under which RQIA was established is The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 and The Adult Placement Agencies Regulations (Northern Ireland) 2007 also governs their work.

England - Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 - Regulation 17 - Care Quality Commission (CQC) - Good Governance

‘The intention of this regulation is to make sure that providers have systems and processes that ensure that they are able to meet other requirements in this part of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Regulations 4 to 20A). To meet this regulation; providers must have effective governance, including assurance and auditing systems or processes. These must assess, monitor and drive improvement in the quality and safety of the services provided, including the quality of the experience for people using the service. The systems and processes must also assess, monitor and mitigate any risks relating to the health, safety and welfare of people using services and others. Providers must continually evaluate and seek to improve their governance and auditing practice. In addition, providers must securely maintain accurate, complete and detailed records in respect of each person using the service and records relating to the employment of staff and the overall management of the regulated activity.’

As the Shared Lives sector’s regulator and provider of inspections in England, CQC are looking at whether a Shared Lives service is Safe, Effective, Caring, Responsive and Well-Led using prompts under these Key Lines of Enquiry. Under the ‘Is the service Safe? (this includes protection from financial abuse) Key Line of Enquiry, CQC will be asking these questions –

- How do systems, processes and practices protect people from abuse, neglect, harassment and breaches of their dignity and respect? How are these monitored and improved?
- How are people protected from discrimination, which might amount to abuse or cause psychological harm?
- How are people supported to understand what keeping safe means, and how are they encouraged and empowered to raise any concerns they may have about this?
- What arrangements are there to manage risks appropriately, and to make sure that people are involved in decisions about any risks they may take?

- How do risk management policies and procedures minimise restrictions on people's freedom, choice and control, in particular for people who lack mental capacity?
- Are people's records accurate, complete, legible, up-to-date, securely stored and available to relevant staff so that they support people to stay safe?

It is the Shared Lives schemes' task to provide the evidence to show they are answering these questions in relation to how a person is supported to manage their finances, both on a day to day basis and as a whole.

CQC state that - 'Feedback from people about the impact of the service on their lives and the outcomes they experience are the most important sources of evidence when answering the key questions.' So, this should be taken into account when considering the risk management aspects of how people in Shared Lives and their Shared Lives carers manage their money.

People's assessments, support plans, risk management plans and the local policies relating to these can all be used as evidence for a CQC inspection in relation to financial affairs. However, CQC also caution - 'You will need to make judgements about the meaning and impact of conflicting evidence and feedback in the light of the totality of the evidence you gather and authoritative good practice guidance'. This means that decisions on what constitutes best practice, financially, may vary according to what is available in terms of support, resources and the risks involved in each case.

https://www.legislation.gov.uk/ukdsi/2014/9780111117613/pdfs/ukdsi_9780111117613_en.pdf

Disclosure and Barring Service (DBS) – England, Wales and Northern Ireland

The Protection and Freedoms Act 2012 amended the Safeguarding and Vulnerable Groups Act 2006 to set out a new definition of Regulated Activity for work with adults and children. This includes 'personal care' which covers most Shared Lives carers, however, it also covers 'assistance to a person with cash, bills and/or shopping' (not applicable in Northern Ireland) and 'assistance in the conduct of a person's own affairs'. So, if a Shared Lives carer's role includes this type of financial support, even if it does not cover personal care then the Shared Lives carer needs to have an Enhanced Disclosure and Barring check with barred list information, in order to provide this regulated activity.

(Although the DBS decisions cover Northern Ireland, requests for Criminal Record checks are processed by AccessNI). **Disclosure Scotland** has regulated activities under the PVG - Protecting Vulnerable Adults Scheme but it is not as specific to the type of activity as the other nations. Financial support would come under 'personal services to a protected adult', rather than 'caring responsibilities' or 'unsupervised contact with protected adults' which would usually cover Shared Lives.

General Data Protection Regulation GDPR 2018

With the implementation of the GDPR (General Data Protection Regulation) in May 2018, it is more important than ever that Shared Lives schemes obtain consent to have and

process personal data about the people using Shared Lives and this includes their financial records. Processing covers a wide range of operations performed on personal data, including manual or electronic. It includes the **collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination** or otherwise making available, **alignment or combination, restriction, or destruction** of personal data.

Some things to remember are –

- personal data must be processed in a lawful and transparent manner, ensuring fairness towards the individuals whose personal data Shared Lives schemes are processing ('lawfulness, fairness and transparency').
- Shared Lives schemes must have specific purposes for processing the data and must indicate those purposes to individuals when collecting their personal data. You can't simply collect personal data for undefined purposes ('purpose limitation').
- Shared Lives schemes must collect and process only the personal data that is necessary to fulfil that purpose ('data minimisation').
- Shared Lives schemes must ensure the personal data is accurate and up-to-date, having regard to the purposes for which it's processed and correct it if not ('accuracy').
- Shared Lives schemes can't further use the personal data for other purposes that aren't compatible with the original purpose of collection.
- Shared Lives schemes must ensure that personal data is stored for no longer than necessary for the purposes for which it was collected ('storage limitation').
- Shared Lives schemes must install appropriate technical and organisational safeguards that ensure the security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technology ('integrity and confidentiality').

These are the general principles of the GDPR and should not be interpreted as advice or guidance from Shared Lives Plus which we are not allowed to give. For more information on these principles please see - <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

Shared Lives schemes can also contact the Data Lead for their organisation or their Local Authority for more information. It is also possible to contact the Information Commissioners Office (ICO) for England on 0303 123 1113 or registration@ico.org.uk, Wales on 029 2067 8400 or wales@ico.org.uk and Northern Ireland on 028 9027 8757 / 0303 123 1114 or ni@ico.org.uk. In Scotland it is the Information Commissioner on 01334 464610 or enquiries@itpublicknowledge.info. Shared Lives carers should contact their Shared Lives scheme with any queries or concerns around the GDPR and its implications to their role.

Confidentiality and access to the financial records of people in Shared Lives

If the person in Shared Lives has mental capacity and no assessed need has been identified for support with their finances, the person in Shared Lives is not obliged to share

their financial records with either the Shared Lives carer or the Shared Lives scheme. Financial records include bank statements, account and card details, benefit letters and receipts. In these cases, if an issue arises, for example, someone getting into debt, support can then be put in place and permission gained to view their statements and accounts. A review of the individual's Social Care Assessment would be carried out by the Care Management/Social Work team in conjunction with the Shared Lives scheme, Shared Lives carer and the person in Shared Lives. This would identify any change in support needs and any new support needs. The Shared Lives support plan could then be adjusted as a result and the appropriate support discussed with the person and their Shared Lives carers and provided between the Social Work team and the Shared Lives scheme.

If the person in Shared Lives has mental capacity and there is an assessed need for support with their finances or they have asked for this support, this should be explained to the person in Shared Lives and details provided on how this support will be given. Then their permission can be gained for their Shared Lives carers and Shared Lives scheme to view their statements and records as part of this support.

If the person in Shared Lives has been assessed as not having mental capacity to manage their finances, access to their financial records could only occur where the Shared Lives carer is the DWP appointee. Otherwise their financial records would be handled by the DWP appointee, the Lasting or Continuing Power of Attorney or the Court appointed deputy or guardian and any information required would need to be gained from them.

The more control the Shared Lives carer has over the finances of the person they support, the closer the scrutiny and the more careful the recording must be. The person in Shared Lives should be supported to manage their money, allowing them to have as much independence as possible, whether this is paying for something in a shop or café, managing £10 a day to buy lunch or a favourite magazine or managing a bank account and using a chip and PIN card or alternative. The person can develop confidence with their own level of independence and then be supported to develop this to the next level and build on their skills. Some people will never be able to be completely independent with their finances but should be encouraged to do as much as they can.

Where someone is independent in an aspect of their financial independence, e.g. having £50 a week to spend on sundries, this will not need to be monitored and recorded, unless an issue arises, as it has been decided that the person is able to manage this amount independently and therefore can choose how and where they spend their money. This does not mean that the Shared Lives carers and scheme do not support that person in making choices and decisions but rather respect their choice to make their own decisions with a recorded, set amount of money.

Training for Shared Lives carers and Shared Lives schemes

Before starting any Shared Lives arrangements, Shared Lives carers will receive information on the person and their support needs around finances, as well as more general information and resources, as part of their Shared Lives carer induction and/or handbook to help them support the person and develop their independence skills. There

should also be an element of training so that the Shared Lives carers understand how to support the person living in the Shared Lives arrangement in doing as much as possible for themselves and their role and responsibilities as a Shared Lives carer, in regard to the monitoring and recording of the finances, depending on the needs of the person. They should also learn how to manage risk and safeguard the person and themselves, if the person requires support with budgeting, saving, shopping or other financial matters, particularly if they are deemed not to have mental capacity.

For more information on the types of Appointeeship and what happens if someone does not have mental capacity around their finances and protecting Shared Lives carers and people in Shared Lives, please see the Appointees and other options for managing the money of people using Shared Lives (8.01) and the Financial Abuse Guidance (8.03).

Financial recording and monitoring in Shared Lives arrangements

It is important that it is explained to the person in Shared Lives why they are being supported to manage their finances and why their Shared Lives carers are monitored for the support and management of those finances. Their wishes as to what support they need should be taken into account and the way this is carried out should be suited to the individual and their capabilities. These details should be recorded in their Support Plan, including any capacity assessments and their outcomes. What financial arrangements are in place and what support is given should also be included in the Arrangement Agreement, so it is clear to all involved. The financial arrangements should be reviewed regularly, along with the rest of the Support Plan and any changes recorded. The **‘Who should pay for what? Guidance document 2.22** should help with the finer detail to go into the agreements.

The person’s risk assessment, if they have one, or their current Support Plan, should take account of the person’s needs, temperament, history (including any history of previous allegations of abuse) and current relationships in relation to their finances. If it does not, an effort should be made to find out this information from the social work team, past providers and friends or family. Risk assessment and management is not a static or one-off task. There should be continuous review of the financial risks in the light of experience gained in the Shared Lives Arrangement. The Shared Lives scheme should ensure that the Shared Lives carer has the skills and knowledge necessary to identify any new risk factor as it arises, and to understand when to respond to that identified risk themselves and when to seek guidance from the Shared Lives scheme.

Shared Lives carers should always keep their own money separate from that of the people living with them. If they pay any of the person’s money in to an account, this must be an account in the person’s own name. Even if the Shared Lives carer is the appointee, the person’s name should be on the account. If there are two or three people living in a

Shared Lives household, then each person's money must be kept separate, in separate bank accounts.

If the person brings money with them when they visit their Shared Lives carers and asks the Shared Lives carers to look after it for them, the Shared Lives carers will keep a written record of the amount, what it is for (when applicable) and the date they gave it back to the person. They will also keep receipts and/or records of what the money was spent on, if it has been agreed that they should spend it on the person's behalf and/or when this is required as part of the person's Support Plan. If the individual asks their Shared Lives carer to look after any valuable items for them, the Shared Lives carer will keep a record of the date the person brought them; what the items are; and when they are returned to the person.

The aim for the Shared Lives scheme is to provide robust and meaningful financial monitoring, where required, that is not onerous on the Shared Lives scheme, the Shared Lives carer or the person themselves. This requires the ability to balance what is legally and legislatively required, against best and safe practice, without losing the family life ethos of Shared Lives. Merely the fact that finances need to be recorded and monitored for most people in Shared Lives, will set up a level of expectation amongst Shared Lives carers and then if the process is written into the policies and procedures and carried out regularly, as directed, then this follows through the expectations of the Shared Lives scheme.

Any financial monitoring should –

- Check that appropriate financial records are being kept and they are up-to-date.
- Check the income and expenditure of the individual using Shared Lives, using bank statements and receipts to cross-reference costs.
- Check to ensure that money is being spent appropriately and to see if there any issues or concerns i.e. debts or key expenditure not being paid such as rent.
- Discuss any potential issues or concerns which have arisen i.e. is an individual having difficulty accessing their money, are they struggling to use cash machines, are they not paying key items such as their rent?
- Check that people using Shared Lives are as involved in decisions about their finances as they can be and that there is evidence that their wishes, views and interests are taken into consideration when providing support.
- Check with the Shared Lives carer about their understanding of their role regarding finances and that they are able and happy to continue in that role, i.e. alternative arrangements are not required.

The Shared Lives scheme should provide guidance, templates, forms and/or folders for their Shared Lives carers to maintain, record and keep all the financial recording in one place. This will enable Shared Lives carers to follow the Shared Lives scheme policies and procedures around financial management more closely and for the scheme to carry out their monitoring more easily. These forms and templates should be able to cover all eventualities in regard to the type of support that a person requires. This should include a Shared Lives carer's recording preference i.e. paper or electronic recording. The scheme should state in their policies and guidance, according to the person's level of support need, how and when receipts will be recorded and kept in conjunction with the other records. For example, is the person in Shared Lives able to manage smaller amounts of

money, so only larger purchases need to be discussed and recorded? Or are all receipts kept and monitored? Or only those over a specified amount such as £50 or £200, depending on the individual's ability and income?

Although Shared Lives carers would not normally be encouraged to act as the person's appointee for claiming welfare benefits or managing the person's finances, there are situations where this may be the best option. So, where a Shared Lives carer is the DWP (Department of Work and Pensions) appointee for the person they support, decisions need to be made and recorded around amounts of spending, recording spending and the support provided, both between the Shared Lives carer and the scheme but also with the Local Authority. Patterns of spending can be monitored and recorded and then this ensures the average weekly and monthly amounts then cover all the usual purchases and outgoings. Someone in Shared Lives might be able to manage their everyday money when out and about but needs support to manage their bills, budgeting or larger purchases. This needs to be clearly stated, so as to protect the person in Shared Lives, the Shared Lives carer and the Shared Lives scheme but also to enable the person to have some independence and autonomy over their finances. Where a Shared Lives carer is the appointee, regular monitoring of bank accounts to look for anomalies and for Shared Lives carers to know this is being monitored, will help facilitate good financial habits and regular recording.

Monitoring and support visits are usually carried out at least quarterly by Shared Lives schemes. Whether financial records are checked as regularly, will depend on how much financial management the Shared Lives carer is expected to do but it is a good rule of thumb. If the Shared Lives carer is the DWP appointee, leaving more than three months between checks will make it a long and complicated task, with it being harder to pick up on or rectify any errors. Someone who has regular short breaks with a Shared Lives carer, brings a small amount of money that they mostly manage themselves; could be monitored every 6 months or even at the yearly review, if felt appropriate. All checks and records should be signed and dated by the Shared Lives carers and the Shared Lives scheme, for when audits take place.

The Shared Lives scheme should be seeing what is recorded in the financial records reflected in the person. For example, if there are records of regular clothing spends, haircuts, manicures, new gadgets etc., these can be seen when meeting the person and talking to them about their Shared Lives arrangement and life in general. If their accounts say they are going out and about and having a good time, is this reflected by the person that you meet and speak to, are they happy? If the person has mental capacity, they can be supported to understand the consequences and implications of a large spend but ultimately it is their decision to make, about their money, even if it would be considered an unwise decision. It is important that the Shared Lives carer and scheme ensures that the individual is facilitated to make decisions which are right for them and they as providers are not making the decisions for them, or that the person is just agreeing with suggestions. Shared Lives carers need to be sensitive to their potential power to persuade a person to take a particular course of action.

For more information on Financial Abuse and protecting Shared Lives carers and people in Shared Lives, please see the Financial Abuse Guidance (8.03).

If you have any questions or queries about this Guidance, please contact your local office