

Call for evidence on the Disclosure (Scotland) Bill

Response from Shared Lives Plus

Shared Lives Plus welcomes the opportunity to respond to the Education and Skills Committee's Call for Evidence on the Disclosure (Scotland) Bill.

Shared Lives Plus is the UK membership organisation for Shared Lives carers, Shared Lives schemes and Homeshare organisations. All 15 Shared Lives schemes in Scotland are members of Shared Lives Plus, as are many Shared Lives carers. Last year, over 430 people in Scotland used Shared Lives, and this number is growing.

We note that, within the Bill, an "adult placement setting" is defined as "a residential establishment or accommodation occupied exclusively or mainly by individuals aged 18-35". We would wish to highlight the distinctive nature of Shared Lives as a form of Adult Placement.

Shared Lives is a unique form of care, where the care and support provision takes place in the home of a paid carer. Vulnerable adults may live with or visit the self-employed carers' home on a regular basis. Placements are frequently long-term and family life is often shared; there is a blurring of lines between paid-for and voluntary activities. This is especially true for the family of the paid carer, who may have no formal role but by virtue of living together and sharing family life are in a privileged position in relation to the vulnerable adult. Shared Lives arrangements are supervised by a registered Shared Lives scheme, delivered by a local authority or independent provider; these are in turn regulated by the Care Inspectorate, under the Adult Placement regulations.

Shared Lives Plus welcomes in principle the move to regulated roles, which trigger mandatory scheme membership, but we note that Shared Lives/Adult Placement carers are not – unlike foster carers – identified within the list of regulated roles. Paragraph 15 of Schedule 3, which ‘makes provision for self-employed individuals providing personal care services’, appears to be of particular relevance to Shared Lives carers: “Being engaged by or on behalf of a protected adult to support the protected adult to live independently, including providing personal care services, food preparation or recreational services”. Other activities within Part 2 also relevant to the role of Shared Lives carers include, but are not limited to:

- 13. Being engaged in the provision of a domestic service (including cleaning, preparing food, acting as a caretaker of premises or carrying out maintenance of premises) that is provided exclusively for protected adults in a hospital, hospice, care home or adult placement setting.
- 14. Being in charge of protected adults
- 20. Being engaged in the provision of cultural, leisure, social or recreational activities for protected adults.

While the disclosure requirements for Shared Lives carers therefore appear clear, we would call for clarity on the position regarding disclosure of other members of the Shared Lives carer’s household.

Shared Lives Plus has previously made representations on the importance of the families of Shared Lives carers being subject to at least an enhanced background check. Although not contracted to deliver care, other members of the Shared Lives carer’s household have privileged access to vulnerable people, with one-to-one contact in a private environment, and bonds of trust being developed. We have argued that the privileged position of paid carers’ family members living with the vulnerable adult means that they require a level 2 disclosure.

It is our understanding that, as the Bill currently stands, the family of Adult Placement carers would not be subject to a level 2 disclosure. There therefore appears to be an inconsistency between Shared Lives and its only analogous service within the care system: namely, foster care, where family members would be subject to a level 2 disclosure. Given that the key difference between the two services is the age of the vulnerable person, we would wish to ensure that the Bill rectifies this anomaly and that, in terms of protection, there is parity between Shared Lives and child fostering arrangements. It is worth noting that a proportion of Shared Lives carers have transitioned from being foster carers once the person they care for has reached adulthood. It would appear logical for the disclosure regime to afford vulnerable individuals the same level of protection when they reach adulthood and move from foster care to Shared Lives.

For the Committee's information, we would highlight the position in England, where DBS checks can only be carried out on a Shared Lives carer who will be carrying out a regulated activity. Members of the household who are not carrying out a Shared Lives role must not have a DBS check carried out on them by the scheme. However, if a worker from the Shared Lives scheme ticks the 'home based occupation' box on the Shared Lives carer's DBS application form, the police will disclose any relevant information to the Shared Lives scheme if a member of a household will pose a risk to a person using Shared Lives being set up in an arrangement in that household.

It should be noted that there are drawbacks to this approach, namely:

- if the Shared Lives scheme makes an online status check on the Shared Lives carer after a period of time, it will not reveal any new information on members of their household
- if a Shared Lives carer moves to another service, it will not be clear whether the 'home based occupation' box was ticked in their original online DBS application, and it is therefore only possible for the new

scheme to check the status of the main Shared Lives carer and not the rest of their household.

Despite these drawbacks, this practical approach does help provide an enhanced level of protection for vulnerable adults using Shared Lives services, and it is worth noting that this is currently lacking in Scotland.

Ultimately, however, Shared Lives Plus would call for clarity and consistency in the approach taken to providing level 2 disclosures for family members of foster carers, and family members of Shared Lives carers. We would see an amendment to the bill as being the most appropriate means of ensuring the necessary protection for vulnerable adults using Shared Lives services.