*OP13 De-approval of a Shared Lives Carer*

1. **Policy statement**
   1. Shared Lives South West are regulated by CQC and responsible for the safety and wellbeing of the people receiving care within the scheme. Where there are concerns about the ability of any Shared Lives Carer to support the scheme in meeting those requirements, the scheme will consider whether a Shared Lives Carer should be deapproved.
   2. Whilst Shared Lives Carers are self-employed, deapproval will effectively remove their ability to have future Shared Lives placements and may affect their ability to obtain other care work. For this reason, Shared Lives South West must approach deapproval of Shared Lives Carers with particular care and must ensure a fair and transparent process.
2. **Reason for de-approval** 
   1. Depending on the circumstances, deapproval is likely the last resort taken by Shared Lives South West, having explored all possible alternatives to rectify any issues identified. The potential reasons for de-approval are;
      * There is a proven allegation of mistreatment or abuse by a Shared Lives Carer.
      * A conclusion has been reached that a Shared Lives Carer has not adopted/cannot adopt fit or safe care practices in line with the standards of care required but has not resigned.
      * There has been a serious breach of any of the agreements under which Shared Lives Carers and placements operate.
      * It has been clearly identified that no further suitable placement can be offered to match the Shared Lives Carers’ experience, skills or living situation.
      * An individual has been removed from a carer’s household due to a Safeguarding concern about the carer.
   2. This list is not exhaustive and other situations may arise outside of this list where the organisation feels de-approval is warranted.
3. **Deapproval Process**
   1. All situations that might warrant deapproval should be presented to a Registered Manager for consideration.
   2. Depending on circumstances and the information already available, the Registered Manager will determine whether any additional investigations, witness statements or evidence is required.
   3. Where a Registered Manager feels the threshold for de-approval has been met, they should discuss the situation with at least one other Registered Manager to ensure accuracy and consistency of decision making, and then notify the Nominated Individual.
   4. The registered manager will write to the carer to notify them that they are recommending them for deapproval, along with the deapproval policy.
   5. The Registered Manager will complete a deapproval report which details the reason for recommending deapproval and any supporting evidence.
   6. The registered manager will submit the final deapproval report to the carer within two weeks of receiving the aforementioned letter. Along with the report, the registered manager should provide the carer with the opportunity to respond in writing. This response will be considered in the decision-making process.
   7. Once the registered manager has received any additional evidence from the carer, the registered manager will submit these documents to admin in preparation for the next panel meeting.
   8. The Deapproval panel will consist of up 2-3 panel members who will audit the report, and any additional information provided by the carer. Time will be allocated at the end of a scheduled panel meeting. The deapproving registered manager will attend to discuss the case and any evidence provided.
   9. The panel discussion will have a note taker who will not form the decision-making process.
   10. During the meeting the Deapproval Chair will review the deapproval report and hear any response from the registered manager. This is an opportunity for the panel members to review the evidence and ensure the correct process has been followed.
   11. The Deapproval panel will adjourn the meeting and will decide whether to uphold the recommendation from the Registered Manager to deappove the Carer.
   12. In some situations, reaching an outcome might be delayed as the matter requires further investigation. In this case the Carer will be informed of the delay and told when they can expect to be informed of the outcome.
   13. During the deapproval process, Shared Lives South West will work closely with adult social services to find alternative care and accommodation for any person being supported by a Shared Lives Carer who is being considered for deapproval, to ensure that the person is not left in an unregulated care setting at the conclusion of the deapproval process.
   14. The Deapproval Chair will consider the matter carefully and communicate the outcome to the Carer, in writing, without reasonable delay. The letter will also set out the appeals procedure.
4. **Appeal Process**
   1. The Carer has the right to appeal against the outcome of the deapproval procedure. The Carer should outline the grounds for their appeal in writing to the Nominated Individual within 10 working days of receiving the letter confirming the outcome.
   2. The Carer can appeal against the decision on the grounds that:
      * The agreed deapproval procedures were not followed
      * The Deapproval Chair materially misunderstood the substance of the evidence in the report, or failed to give the evidence due consideration
      * The application to deapprove contained significant factual errors or omissions
   3. The Carer will not be deemed to have grounds for appeal if they simply do not agree with the outcome and cannot put forward any other reason for the appeal.
   4. The Nominated Individual will then appoint an Appeal Chair to hear the appeal. Ordinarily, the appeal Chair will be a member of Shared Lives South West’s independent board members.
   5. The Deapproval Chair will ensure the Appeal Chair is provided with the original deapproval report, any responses provided by the Carer, minutes from the deapproval meeting and the appeal from the Carer.
   6. The appeal chair will review the submitted paperwork to determine if the appeal meets the threshold. If the threshold is met, the appeal chair, with support from SLSW, will arrange a meeting with the carer and the registered manager, if appropriate. The appeal meeting will be conducted via Teams, with a formal note-taker present.
   7. The Appeal Chair will adjourn the meeting and will decide whether to uphold the appeal or confirm the original deapproval decision.
   8. The Appeal Chair will consider the matter carefully and communicate the outcome to the Carer, in writing, without reasonable delay. The decision of the appeal will be final.
5. **Support to Shared Lives Carers during deapproval**
   1. Shared Lives Southwest recognise’s that the deapproval process can have negative impact on a Carer’s overall wellbeing.
   2. If appropriate, Carers will receive support from their Coordinator or from a Carer Supporter.
   3. Where the Shared Lives Carer is a member of Shared Lives Plus, they can obtain support directly from them during the deapproval process. Details of this support is currently found here;

<https://sharedlivesplus.org.uk/what-to-do-if-you-face-de-approval/>

1. **Barring referrals to DBS**
   1. Depending on the nature of the deapproval, Shared Lives South West might be required to make a barring referral to the Disclosure and Barring Service (DBS).
   2. A barring referral must be made if the Carer has been deapproved, or would have been de-approved but resigned, retired or left before that decision was taken, and the Carer has either;
      * Through action or inaction harmed a person they support, or put them at risk of harm, or;
      * A risk of harm to a person they support exists (the harm test), or;
      * Been cautioned or convicted of a relevant offence.
   3. Shared Lives South West are required to follow the guidance and instructions from the DBS on matters of barring referrals, which is currently found here;

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

1. **Deapproval of Support Carers**
   1. There may be circumstances where Shared Lives South West need to deapprove a Support Carer, terminating their Support Carer agreement, including;
      * An allegation of mistreatment or abuse has been made and the outcome indicates that it would be unsafe for the Support Carer to continue supporting people who use Shared Lives services
      * Actions relating to a non-compliance or performance issue remain outstanding and have not been resolved in a reasonable timescale
      * Where the main Carer has indicated that they are no longer happy using the Support Carer and the dispute cannot be resolved
   2. Situations that might warrant deapproval of a Support Carer should be presented to a Registered Manager for consideration, who in turn will discuss this with another Registered Manager before reaching a decision.
   3. If the Registered Manager decides to deapprove the Support Carer, this decision will be communicated to them in writing, including the opportunity to meet and discuss the reasons for the decision.
   4. If the Support Carer wishes to appeal the decision they must do so in writing to within 10 working days of receiving written confirmation of their deapproval.
   5. Ordinarily the Nominated Individual will consider the appeal, provide the Support Carer with an opportunity to meet and discuss the appeal, and reach a decision on the appeal. The decision of the appeal will be final.
2. **Review**
   1. This policy will be reviewed every two years, or earlier if required.
3. **Responsibilities**
   1. The Registered Manager has overall responsibility for the implementation of this policy.