(31) Supporting Adults to have Safe Friendships and Relationships

Kent Shared Lives recognises the importance that friendships and relationships have to all of us. Shared Lives is committed to ensuring that people in Shared Lives placements have the same opportunity as any other member of the community to develop a range of valued friendships and relationships including intimate relationships.

One of the most important roles of a Shared Lives host is to support the people placed with them to make friends, develop and keep relationships and maintain family links.

This policy covers the Shared Lives hosts responsibility in this area as well as Shared Lives responsibility to ensure that Shared Lives hosts have the skills and knowledge to carry out their role sensitively, effectively and safely. Shared Lives is also responsible for ensuring that Shared Lives hosts understand the complex legislative framework within which they are working and their role in protecting adults from exploitation and abuse.

Underlying Principles

One of the key aims of any Shared Lives placement is to support the person in the placement to live as ordinary a life as possible. People in Shared Lives placements should be encouraged and given the opportunity to form friendships and relationships with a range of other people. These friendships and relationships will develop through their day-to-day contact with people in different settings.

The vulnerability of some of the adult living in Shared Lives places a responsibility on Shared Lives hosts to try and ensure that these relationships are safe and free from possible exploitation. In order to achieve this, Shared Lives hosts will be expected to be alert to any potential risks involved for the adult when seeing particular friends/family members and take steps to support the adult to minimise these risks. This will often be done with close advice and guidance from the care manager of the adult who, wherever possible, should identify any risks in the adult’s needs assessment/care and support plan. Agreed decisions regarding the management of these risks in the Shared Lives placement should be recorded in the care and support plan.

This should not be done in a way that breaches the adult’s right to privacy and respect and should, where possible, involve the adult in considering the degree of risk their friendships and relationships could pose.

Shared Lives hosts and care/case managers must ensure adults have the information and guidance they need to make choices about their relationships.

However, even with this information some adults may choose to have contact with friends and family about which hosts may feel uncomfortable.
Legislative Context
People have the right to form a friendship with whomever they please. There are very few legal powers to prevent a friendship between an adult and another person. There is however recent legislation which both Shared Lives and the hosts need to take account of which is intended to give greater protection to adults from sexual exploitation and abuse.

The Sexual Offences Act 2003 sections 30-44 aims to:
1) Assert the right of all people with learning disabilities or mental health problems who have the capacity to consent to lead a full active life, including a sexual life; to afford them the same legal protection as anyone else in instances of non-consensual sexual acts such as rape and sexual assault.

2) Protect the legal rights of those adults who are at risk of sexual exploitation and/or abuse, because their learning disabilities or mental health difficulties impede their ability to make choices.

3) Protect all adults with learning disabilities or mental health difficulties from sexual exploitation as a result of threats, deception or inducements.

4) Make illegal any sexual activity between an adult with a learning disability or mental health problem (whether or not the person has the capacity to consent) and someone who is providing the support the individual needs as a result of their learning disability or mental health difficulties (unless there is a marital relationship or the sexual relationship pre-dates the host relationship).

Section 30-33 of the Sexual Offences Act say that if an individual is unable to refuse because of, or for a reason related to their learning disability or mental health difficulties, it is illegal to:
- Touch the individual sexually. This includes sexual touching of any part of their body, clothed or unclothed, either with your body or an item;
- Cause or incite the person to engage in sexual activity;
- Intentionally engage in sexual activity when you know you can be seen by the person for your own sexual gratification;
- Intentionally cause the person to watch someone else taking part in sexual activity – including looking at books and videos for your own sexual gratification.

Recognising the potential vulnerability of some people with learning disabilities or mental health problems Section 34-37 also makes it an offence for anyone to use threats inducements or deception in order to obtain the agreement of an adult with a learning disability or mental health difficulties to engage in any form of sexual activity.
It is important to note that in the case of care workers (which in terms of the Act includes Shared Lives hosts) who provide support and/or care for individuals with a learning disability or mental health difficulties, Section 38-42 of the Sexual Offences Act states that **the issue of whether the adult consents or not does not apply.** Shared Lives host will be liable for prosecution for any of the actions detailed in Sections 30-33.

Although intended to protect adults, there are likely to be concerns both among adults and among Shared Lives hosts about some aspects of the Sexual Offences Act 2003. Adults wanting to engage in a sexual relationship with another person may feel worried that both partners have to ‘prove’ that they have consented. Hosts may have anxieties both about the physical contact they have with someone they support (particularly if they provide personal care), what types of ‘touching’ are likely to be interpreted as ‘sexual’ and whether supporting the adult’s choice to have a sexual life could be viewed as causing or inciting sexual activity”.

Organisations with and for people with learning disabilities and mental health difficulties have gained some reassurance that the Act is definitely not intended to put blocks in the way of people choosing to have sexual relationships.

Shared Lives is committed to enabling adults to have the opportunity to lead a normal life, and will support the right of adults to make informed choices about their own lives. Shared Lives also recognises the vulnerability of Shared Lives hosts in operating as ‘lone workers. Shared Lives will seek to provide the training and support needed to enable Shared Lives hosts both to have ‘safe’ relationships with adults and to be competent in fulfilling the important Shared Lives host role they have in supporting adults to be able to develop the friendships and relationships that will enable them to give and to be valued.

**Procedure**

1. Shared Lives will ensure, through training and explanation that the Shared Lives host, understands their role in supporting the people placed with them to have friendships and relationships and the complex legislative framework within which they are working.

2. Shared Lives will ensure that the individual care and support plan gives guidance to the Shared Lives host on the support that they are expected to give to the person placed with them to enable them to maintain family links and have a range of friendships and relationships.

3. Shared Lives will ensure that the Shared Lives host understands the steps that they should take if they have concerns about a relationship that the person placed with them has developed. These are:

   3.1 The Shared Lives host should talk to the person placed with them and explain their concerns. This is a difficult balancing act as the Shared Lives host has a duty to protect the person placed with them from exploitation or abuse but must also bear in mind the right of the individual to have friendships and relationships of their choice. The Shared Lives host should be careful not to put undue or unfair
pressure on the person to end that relationship. The Human Rights Act 1998 protects the right to privacy and respect for family life, home and correspondence and to freedom of association with others.

3.2 If the Shared Lives host continues to have concerns, he/she should explain that to the adult. The Shared Lives host should discuss continuing concerns with the Shared Lives worker in order to understand their basis and agree a strategy.

3.3 If necessary the Shared Lives worker and host should consult the care manager/care coordinator who may decide the matter should be properly considered at a formal review involving the adult and his/her representative. The meeting will consider the concerns and agree a way forward. This may involve a risk assessment and the agreement of a formal risk management strategy. The care and support plan should if necessary be amended so that the Shared Lives host has clear instructions about their role and what they should be doing to support and safeguard the adult.

3.4 If at any time a Shared Lives host is concerned that an adult is involved in an abusive friendship or relationship they should immediately inform the Shared Lives worker. Shared Lives will then follow the procedure for adult protection and prevention from abuse.