

Safeguarding Adults Review

7 Minute Learning Summary

Daniel

Daniel is a man in his 70's, who owned his own home. Daniel has cognitive difficulties and significant physical disabilities. Daniel is estranged from his immediate family, but had support from a lady called Ellen, who referred to herself as a family member and Daniel's next of kin. No checks were made around Ellen's claims. Professionals supporting Daniel were made aware on seven occasions, that Ellen was not who she said she was, and they did not investigate this further.

When concerns were discussed with Daniel these were discussed with Ellen present.

14 Safeguarding concerns were raised from numerous agencies, over a five year period, about the possible financial abuse of Daniel by Ellen. The Local Authority did not comply with Section 42 of the Care Act or the Mental Capacity Act 2005, and as a result Daniel was failed by the agencies that were supporting him.

Lessons

- The importance of independent advocacy to support a person lacking capacity.
- A significant lack of professional curiosity, professionals did not have the confidence to challenge a person, who at the time did not appear to be acting in the vulnerable persons best interests.
- Information taken at face value, there was no additional verification by professionals involved.
- Reallocation of support workers in such complex cases should be kept at a minimum. A more consistent approach to Care Management will help to identify any contradictory information.
- Professionals did not listen to Daniel, Making Safeguarding Personal principles were not followed.
- There is a lack of confidence across the workforce in dealing with complex financial situations. The workforce needs to be equipped to challenge and ensure that service user's best interests is key to any decision being made.
- There was a lack of management oversight in this case.

Thankyou for taking the time to read this practice note. The full SAR Report can be found here: <http://www.sabberkshirewest.co.uk/practitioners/safeguarding-adults-reviews/>
If you would like to provide any feedback or have any questions regarding the Board please contact: Lynne.Mason@Reading.gov.uk

7-minute Learning Summary

Safeguarding Adults Review Daniel

Court of Protection (CoP)

Make decisions on financial or welfare matters for people that lack capacity to make those decisions and they have no registered lasting power of attorney (LPA).

The CoP are responsible for:

- Deciding if the person has the Mental Capacity to make particular decisions for themselves.
- Appointing deputies to make ongoing decisions for people that lack capacity.
- Giving permission for people to make one off decisions for a person that lacks capacity.
- Handling emergency applications
- Consider objections to a LPA registration
- Consider applications to make statutory wills or gifts
- Making decisions about when someone can be deprived of their liberty under the Mental Capacity Act

Further information on the CoP can be Found [here](#).

What is a Next of Kin (NoK) and what are their decision making powers?

- Ellen claimed to be Daniel's NoK this was not clarified with Daniel when Ellen wasn't present.
- A person can choose their NoK, it does not need to be a blood relative.
- A Person can choose more than one NoK.
- A NoK is not given any legal right or responsibility to make decisions on behalf of a patient who cannot do so for themselves.
- For someone to make decisions on a persons behalf regarding health and welfare and/or property and financial affairs, when that person lacks capacity, they must have power of attorney (LPA).
- LPA's must be registered with the Office of the Public Guardian and can only be done when a person has the capacity to appoint a LPA.
- There are two types of LPA
 - Health and Welfare
 - Property and Financial

Both have to be registered with the Office of the Public Guardian.

Further information on LPA can be found [here](#).

Advocacy

Local authorities have a duty under the Care Act 2014 to provide independent advocacy, when someone has substantial difficulty being involved in the process of care and does not have an appropriate individual to support them.

Local authorities are required to consider whether there is an appropriate individual to facilitate a persons involvement in the planning around their care.

An appropriate individual cannot be:

- Someone who is being paid to provide care or treatment to the person.
- Someone who doesn't want to support them
- Someone who is unlikely to be able or available to support them
- Someone who is implicated in a concern in regards to abuse or neglect, or have been judged by a SAR to have failed to prevent abuse or neglect

Safeguarding Berkshire procedures for advocacy can be found [here](#).

Discussing concerns with the person at risk

Every effort must be made to speak to the person at risk to understand their views on the presenting situation. Regardless of their capacity, unless this would have a detrimental impact on that person.

All conversations or decisions not to have conversations with the person must be recorded.

Investigating officers must consider carefully before discussing concerns with other individuals as they may be implicated in the safeguarding enquiry and these discussions may put the person at greater risk.

Daniel was spoken to about safeguarding concerns, with Ellen the alleged perpetrator present.

Professional curiosity

Is the capacity and communication skill to explore and understand what is happening within a situation rather than making assumptions or accepting things at face value.

Professionals should ensure that they receive a detailed handover when allocated a new case.

Professionals should spend time reviewing case notes in order to ensure a better understanding of the case.

Questions should be asked of those that are supporting the vulnerable person, to validate information.

A professionals duty is to the vulnerable person not to their family.

Professionals who feel intimidated by a vulnerable person and/or their family, should speak to their line manager for support on how to manage the case.

They may be purposely intimidating professionals in order to hide something.

