



**Safeguarding Adult Review of Daniel**

**Presented to the West of Berkshire Safeguarding Adults Board**

**On**

**20<sup>th</sup> June 2019**

## **1. Introduction**

1.1 The West of Berkshire Safeguarding Adult's Board made the decision to commission a Safeguarding Adult Review under Section 44 of the Care Act (2014). It was considered possible that there were missed opportunities with the management of concerns regarding potential financial abuse relating to Daniel.

1.2 This review focuses on the issues regarding financial abuse only. However, where there have been events that occur that may have impacted on the way in which the case was dealt with, this information has been included.

1.3 This report will be published on the Board's website and the Board will consider how to implement learning identified in this review.

## **2. Summary of the case**

### **2.1 Details of the person subject to the Safeguarding Adult Review**

Name: Daniel (pseudonym)

### **2.2 Family composition**

Daniel is estranged from his family. Daniel's Independent Care Act Advocate has contributed towards the SAR process.

### **2.3 Timeframe**

Period of time the Safeguarding Adult Review considered is from February 2013 until September 2018 as this is when concerns regarding financial abuse were highlighted.

### **2.3 Evidence used for review**

Relevant agencies were requested to supply the following information:

- Local Authority (LA), Individual Management Review
- Police, General Report
- Care Act Advocate, Chronology of involvement

This information was used to provide an overview of the case and to identify the missed opportunities.

The SAR was written purely based on written information supplied; no one involved in the case was interviewed during this process.

The Police confirmed that a case in relation to fraud has been submitted to the Crown Prosecution Service.

## **3. Overview of the Case**

Daniel is a 76 year old man with cognitive difficulties and significant physical disabilities and relies on a wheelchair to mobilise. Daniel smoked cigarettes in his home and would have been unable to leave unassisted if there was a fire.

Daniel has been known to Adult Social Care since 2012. He was admitted to hospital in December 2012 following a fall and stroke. Daniel was discharged from hospital with a package of care. Prior to his hospital admission Daniel had lived independently with support from a female called Ellen. Due

to a further hospital admission back in 2013 and a stay in a respite unit, Daniel was assessed as requiring residential care. Daniel was deemed to be a self-funder as he owned a property.

In February 2013, whilst still living at home, safeguarding concerns were raised about possible financial abuse and concerns about Daniel's welfare from Carers supporting Daniel. A visit was carried out by Social Worker (1) during which no Mental Capacity Assessment (MCA) was carried out and Daniel's finances were not thoroughly explored. The safeguarding enquiry was closed with no outcome or action plans, the Police were not contacted about these concerns and it doesn't appear that Daniel was spoken to without Ellen being present.

Ellen had stated that she was Daniel's niece, however checks identified and Daniel confirmed that Ellen was not his niece but a friend. Ellen was referred to as Daniel's next of kin on social care case notes. Ellen was abrupt and aggressive with Social Worker (1) when she was made aware that the social worker had contacted Daniel's GP without her consent.

In April 2013 Daniel had a fall and was taken to hospital. He was not admitted and went home. Daniel's carer raised issues regarding Daniel's hot water and heating. The Social Worker (2) allocated contacted Ellen about the issues, who advised that she would visit Daniel and get repairs if needed. The case was re-allocated and the Case Worker (3) called the care provider who reported that Daniel was not engaging with support, and that Ellen manages Daniel's finances. The provider then reported that there was no bread or butter (Daniel's preferred breakfast) at the property, he continued not to engage with support and there is no entertainment (TV, Radio) at his home which they raised with Ellen.

In May 2013, Daniel had a fall to which an ambulance was called; Daniel was not taken to hospital. The provider raised concerns that there was no hot water, the toilet remained broken and the washing machine was not working. Case Worker (3) visited Daniel with the Care Provider and Ellen present. Plans made were to:

- Put the emersion heater on overnight to heat the water, but not to tell Daniel as he might object
- Ellen will support with washing and shopping
- Ellen to contact Daniel's GP regarding medication
- Ellen and Daniel stated there was no issue regarding entertainment as Daniel preferred to listen to a radio
- Carers not to ask Daniel about the tasks as he is unlikely to agree, just get on with them.

In June 2013 Daniel was found by a Carer on the floor on both the morning and evening calls, Daniel refused for an ambulance or on call GP to be contacted and was able to get up with the aid of a stool. During the evening call, the carer noted some bruising on Daniel and sought medical advice. A visit with the Case Worker (3) and falls team was arranged.

In July 2013 the Care Provider raised 'grave' concerns for Daniel's welfare. Issues regarding incontinence and clean clothes were raised and Daniel had sores on his body. The toilet was still broken and the bath could not be used due to items being stored in it. Case worker (3) made a referral for a riser recliner for Daniel and contacted Ellen who agreed to purchase more clothes and some continence pads for Daniel and to get the toilet fixed.

Case worker (3) carried out a joint visit with Daniel's GP, and Daniel agreed to be admitted to hospital. A safeguarding concern was raised by health staff due to concerns of neglect regarding shopping, as Daniel said, that he gives Ellen money, but she does not visit often. The concern was not accepted as a safeguarding concern by the local authorities Safeguarding Adult Team (SAT). As

Caseworker (3) was aware of the concerns and was working with Ellen and there have been no reports regarding little or no food, which was incorrect. This decision was challenged by the person who raised the concern, who advised the SAT that Ellen is not a relation of Daniel and that she was very concerned about Ellen's involvement. A safeguarding concern should have been opened but was not.

In August 2013 the LA finance worker was contacted by Ellen who stated that she was applying to the Court of Protection <sup>1</sup> (CoP). When asked, Ellen couldn't give a date to when she applied and stated that the application was being managed by the solicitors she works for and it could take up to 20 weeks. The finance worker explained what the 12 Week Property Disregard <sup>2</sup> was to Ellen. Ellen was chased for finance information from the LA. Caseworker (3) chased this up with her and Ellen agreed to contact the appropriate person in the LA regarding this.

In September 2013, the LA was made aware that Daniel was not up to date with his lease payments.

Daniel did not return home after his admission to hospital in July 2013 and moved into a residential placement in December 2013. Daniel was assessed as not having capacity to make informed decisions about his long term care needs. The LA was paying the care fees by deferred payment <sup>3</sup>, and liaised with Ellen regarding the selling of Daniel's property. Ellen stated in November 2013 that the property was on the market; however checks identified that it was not. When Ellen was challenged, she confirmed that the property required updating before it can be sold; this continued until February 2015 (2 years).

In February 2015, a safeguarding concern was raised by a LA Finance Officer regarding possible financial abuse by Ellen. At the time of this concern Daniel did not have an allocated case worker, the Case Worker (3), previously assigned to Daniel did not want to be reallocated to case, as it was complex and it was given to a Social Worker (4).

A review was arranged with Daniel in June 2015, this was arranged with Ellen who will act as Daniel's advocate and the review was held on the 11<sup>th</sup> June 2015. None of the safeguarding concerns were addressed during this review and Daniel's mental capacity regarding management of finances was not considered.

Ellen was contacted via telephone on the 24<sup>th</sup> June 2015 to arrange a meeting about the safeguarding concerns raised in February 2015. Ellen was not happy to meet with the Social Worker (4) without Daniel being present. Ellen stated that she doesn't deal with Daniel's finances at all and it is currently with solicitors to manage the applications of the CoP; Ellen did not provide the name of the solicitors when asked but stated she worked for them.

Ellen referred the social worker to Daniel's daughter, who Ellen claimed was, Fay, a Police Superintendent. The Social Worker (4) contacted Fay in August. It transpired that Fay was not Daniel's daughter. Fay requested that the Social Worker (4) reported this to the police; this does not appear to have happened.

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<sup>1</sup> Make decisions on financial or welfare matters for people who can't make decisions at the time they need to be made (they 'lack mental capacity').

<sup>2</sup> The LA must disregard property for all residents for the first 12 weeks of being a permanent resident in a care home funded by the LA.

<sup>3</sup> LA pay care fees whilst service users monies is tied up, for example in property, this is then paid back when the monies is realised.

Daniel was provided with an advocate, under the Care Act, in July 2015, to support him through the safeguarding process. At the time there were organisational safeguarding concerns about the care home Daniel lived in. It is not clear if the advocate was brought in to support Daniel with his individual safeguarding concerns, the organisational safeguarding concerns or both. A strategy meeting took place without the Police or Daniel's advocate in August 2015.

An outcome of the meeting was for the Police to be notified of these concerns. The LA has records to state that they contacted the Police but the Police do not have a record. Therefore a judgement cannot be made on whether or not this call occurred. The LA had noted that the advice given by Police was that it was not a police matter but the Police provided the Social Worker (4) with advice. There is no evidence that this advice was followed up. The CoP process started, in September 2015, the CoP request more evidence from the LA, and an interim<sup>4</sup> deputyship was awarded in August 2017 to the LA.

In October 2015 Ellen tried to make contact with Daniel's advocate but used a different surname.

In November 2015, the case was closed to the current Social Worker (4). The closing case notes state that there were still concerns regarding possible financial abuse, from Ellen who Daniel identified as a friend but Ellen identified as being his niece. Concerns are noted that if Daniel and Ellen's relationship is verbally or emotionally abusive, steps will need to be taken to restrict visits. Daniel's home is being occupied by other people; Daniel is in debt to the LA for care fees. Actions were set which were to: Follow up on CoP, hold a Best Interests Meeting regarding finances and property, ensure Daniel has access to litigation to evict possible squatters in his home. Daniel had consistently stated that he did not want Ellen involved in managing his finances or the selling of his home and was noted to be agitated when this was discussed with him.

Daniel's advocate chased the LA on 5 occasions to request an update on the CoP and Daniel's new allocated worker, Social Worker (5) was allocated to Daniel's case in February 2016. Social Worker (5) discussed with Daniel's advocate that a Deprivation of Liberty<sup>5</sup> (DoLs) assessor visited Daniel the previous day and Ellen was present who referred to herself as niece, granddaughter and cousin. The Social Worker (5) advised Daniel's advocate that LA were carrying out a separate legal enquiry into Daniel's property and who is living there.

Social Worker (6) visited Daniel's property in November 2016, there was no answer but a neighbour advised that the flat had been occupied since Daniel moved out.

In June 2017 Daniel is provided with a new advocate, who contacts the LA to advise that they have had contact with Ellen who still claims to be Daniel's niece and has submitted a CoP application with her cousin. Ellen states that she works with paramedics in outside of Berkshire. Ellen declined attempts of meeting with Daniel's advocate, who advised the LA that it is clear that there is potential financial abuse occurring. Daniel's advocate has concerns about the delay in the CoP (two years) and that there had been no plans in place to mitigate the concerns regarding the suspected financial abuse. A visit to Daniel identified that Ellen was in control of all of Daniel's finances.

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<sup>4</sup> An application can be made to the CoP to get an urgent or emergency court order in certain circumstances, for example when someone's life or welfare is at risk and a decision has to be made without delay.

<sup>5</sup> The Deprivation of Liberty Safeguards is the procedure prescribed in law when it is necessary to deprive of their liberty a resident or patient who lacks capacity to consent to their care and treatment in order to keep them safe from harm.

These concerns were reported to the Police on the 16<sup>th</sup> June 2017. An appointment was arranged for the 25<sup>th</sup> June 2017, for Daniel's Advocate to discuss the situation with a uniformed Police Officer. Whilst waiting for this appointment, a 'skeleton' occurrence was created by the call taker which was listed as an "Adult Protection". The uniformed Police Officer correctly identified in her review of the case that this was an investigation that needed progression. When this was reviewed by the officers Sergeant, the Sergeant filled the case in error; this appears to be an oversight from the Sergeant.

Daniel's advocate continues to chase the LA for an update on the CoP, the Social Worker (6) involved in the case explained that the court is in backlog and the case will not be heard until July 2017. The Social Worker (6) also explained that Daniel was fully aware that Ellen was not his relative and was his girlfriend.

In July 2017 Daniel's advocate raised concerns with his Social Worker (6) after a call with Ellen which further contributed to his concerns that Daniel was being seriously abused. An interim deputyship to the LA was granted pending a hearing in October 2017. Daniel's estranged son attended the hearing. He stated that he doesn't want to be involved but doesn't want to see his father's money being stolen. He also confirmed that Ellen is not who she says she is. An order was granted at the CoP hearing for panel deputy to be appointed and the LA will continue to manage his matters until one is appointed.

Daniel's advocate visited Daniel, a few days after the concerns were reported to the Police. Daniel was found to have no bank cards with him. The LA was informed that a police investigation was going to be opened. Daniel's advocate contacted the Police 10 days after the case was incorrectly filed, the error was identified, the case was reopened and a new Police Officer was allocated, where the case was progressed and passed to the Criminal Investigation Department.

Daniel's advocate continued to liaise with the Police during their investigation and in November 2017 raised concerns about the absence of Daniel's social worker and the lack of oversight the LA will have as a result. A new social worker (7) is allocated. Daniel's advocate raises concerns with the LA DASS regarding the way in which the case has been handled in March 2018. Daniel's advocate then makes a Safeguarding Adults Review (SAR) referral which was discussed at the West of Berkshire SAR Panel in May 2018.

In January 2018 Ellen was arrested and released pending investigation. Update from the Police January 2019, the Crown Prosecution Service, declined to charge Ellen due to lack of evidence; this is being challenged by the Police.

#### **4. Observations of Good Practice**

- The support provided from Daniel from his advocate, who fought to ensure that the safeguarding concerns were acted upon.
- Persistence from Daniel's advocate led to the suspect being arrested. It is the opinion of the Police that if this had not happened, the suspect may have not been arrested.
- Daniel's advocate had a good understanding of police investigation
- Safeguarding concerns are being raised with the SAT however if procedures are not followed correctly by the SAT then this may deter people from raising concerns in the future.

#### **5. Observations of Poor Practice**

The SAB Safeguarding Policies and Procedures can be found here:

<https://www.berkshiresafeguardingadults.co.uk/>

- Safeguarding concerns were raised but safeguarding procedures were not followed, examples of this were:
  - Safeguarding enquiries were closed with no outcomes or action plans.
  - Safeguarding concerns were discussed with Daniel with the alleged perpetrator in attendance.
  - The Police were not contacted in a timely manner regarding financial abuse concerns.
  - It was made clear on seven occasions that Ellen was not who she said she was, this was not challenged, even when Daniel had made it clear he did not want Ellen to have anything to do with his finances.
  - On 14 occasions concerns were raised with the LA by other agencies about Ellen. The response from the LA was inadequate, including liaising with Ellen directly about these concerns.
  - SAT failed to open safeguarding concerns, on the social care system, when concerns were raised by a health professional.
  - A safeguarding concern regarding financial abuse was raised in February 2015, a review meeting was held with Daniel in June 2015 and Ellen was present, the concerns were not discussed with Daniel. Ellen was contacted by the Social Worker in June 2015 to ask questions about Daniel's finances.
  - A strategy meeting took place without the Police or Daniel's advocate being present.
- When a support plan was drawn up in response to Daniel not engaging with support, part of the plan was not to inform Daniel of what tasks were going to be carried out. As it was assumed he would be less likely to refuse the support. This shows a lack of respect towards Daniel.
- Daniel was assessed as not having capacity to make decisions about his long term care needs, his decisions regarding his finances were not explored and Ellen was left in charge of his finances.
- In June 2015 Ellen stated that she didn't deal with Daniel's finances, however there was a lot of evidence to support that she did, Ellen was not challenged on this.
- Ellen's narrative (job, relationship to Daniel, name, daughter's name) kept changing; this wasn't explored in full in a timely manner.
- The LA did not comply with Data Protection in as they shared sensitive information with Ellen.
- In November 2016, the LA was aware that Daniel's home was being occupied; it is not clear who was occupying the property or what action was taken.
- It took 2 years from the initial safeguarding concern regarding Daniel's finances for the LA to go to the CoP.
- Took nearly 2 years for the CoP to award an interim deputyship to the LA.
- 7 Social Workers/Case Workers were allocated to Daniel's case during the period of review. The lack of consistency enabled the concerns regarding Daniel and his relationship with Ellen to become diluted.
- There was no follow up and/or challenge to the advice given by the Police.
- A reference number was not obtained when calling the Police.

- The Police note that there was a considerable amount of time lost between initial report and the allegation being investigated (June 2017- October2017), due to an unfortunate oversight. Feedback has been given to the officers involved in this case.
- Delay in the LA allocating a social worker to a case with ongoing financial abuse concerns
- There was a lack of management oversight in this case.

## **5. Learning**

- The LA did not comply with Section 42 of the Care Act or the Mental Capacity Act 2005 and need to ensure that they are satisfied that all staff are familiar with the Care Act, Section 42 enquires and the appropriate use of the Metal Capacity Act 2005 and subsequent actions when a person is assessed as lacking capacity
- There was significant lack in professional curiosity. Staff did not have the confidence to challenge a person, such as Ellen, who at time did not appear to be acting in Daniel's best interests.
- Information provided was taken at face value. There was no additional verification by workers 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.
- Allocated workers did not listen to Daniel; Making Safeguarding Personal principles were not applied.
- The SAR Panel review discussions identified that there is a lack of confidence across the partnership in dealing with complex financial situations, the workforce needs to be equipped to challenge and ensure that the service user's best interests is key to any decisions being made.
- Support should be provided to the key agencies on identifying and responding to suspected financial abuse in both civil and criminal cases.
- Advocacy support ensured that abuse was acted upon; this supports the need to for the Board to continue to promote the use of advocacy.
- The partnership require support regarding what being someone's Next of Kin means and what legal rights this gives or doesn't give that person.
- The SAR Panel review discussions identified that each LA in the partnership does not have confidence in their management of Financial Abuse.
- The partnership to ensure that the workforce receives appropriate support and guidance in the management of complex cases.



**Lynne Mason**

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**West of Berkshire Safeguarding Adults Partnership Boards Response to this SAR**

**Safeguarding Adults Partnership Board Action Plan in response to the SAR**

<b>Action</b>	<b>Deadline</b>	<b>Progress update (August 2019)</b>
It is a SAB priority for 2019-20: We will understand the main risks to our local population in regards to Targeted Exploitation and agree how best to equip the partnership to Safeguard vulnerable people against these risks.	March 2020	Specific actions for the board to address this priority have been set in the Boards 2019/20 Business Plan.
A Board meeting will focus of targeted exploitation, including presentations from Local Authorities on how they have responded to the issues raised in this SAR and a presentation from the Police on its response to financial abuse.	September 2019	Meeting scheduled for September 2019.
Bite sized multiagency learning events on Financial Abuse to take place.	March 2020	Allocated to the Boards Learning and Development Subgroup
Learning from this SAR has been added to the Board's Learning from SAR/Audit Implementation plan.	September 2019	Completed
The Local Authority involved in this SAR has a service wide improvement plan in place which will respond to the themes around professional curiosity and financial abuse.	September 2019	Completed
The Local Authority involved in this SAR will write to Daniel and Daniel's advocate under duty of candour.	September 2019	Completed
A practice note to be published to support professionals with learning from this SAR.	August 2019	Completed
Commission specialist financial abuse training for safeguarding champions across the partnership.	September 2019	In progress
Review and update safeguarding training across the partnership.	December 2019	In progress

**Glossary**

<b>ASC</b>	Adult Social Care
<b>CoP</b>	Court of Protection
<b>DoL</b>	Deprivation of Liberty
<b>LA</b>	Local Authority
<b>MCA</b>	Mental Capacity Assessment
<b>SAR</b>	Safeguarding Adults Review
<b>SAT</b>	LA Safeguarding Adults Team

Thankyou for taking the time to read this SAR. If you would like to provide any feedback or have any questions regarding the Board please contact: [Lynne.Mason@Reading.gov.uk](mailto:Lynne.Mason@Reading.gov.uk)