

Case Study E

An adult where there is reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there)— (a) has needs for care and support (whether or not the authority is meeting any of those needs), (b) is experiencing, or is at risk of, abuse or neglect.

Making safeguarding personal means it should be person-led and outcome-focused. It engages the person in a conversation about how best to respond to their safeguarding situation in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. 14.15 Care Act Statutory Guidance 2020

Alan is an 88-year-old man living with dementia who lives in a residential home. He can make a lot of decisions for himself but finds making complex decisions (particularly those involving his finances) quite challenging. Alan raised concerns about his son repeatedly asking him for money and made it clear he wanted to have a greater understanding of his financial situation and more control over it.

Alan is living with dementia and has difficulties with his comprehension and memory. His son managed his finances and was demanding money from him. Alan disclosed that his son had his bank card and PIN number and he trusted his son to do what was right with his money.

A safeguarding concern was raised and the local authority had reasonable cause to believe that the concerns met the S42 (1) criteria and a S42 (2) enquiry was triggered.

Whilst there was no evidence to suggest Alan's son had acted fraudulently, some additional checks were carried out to ensure his financial position was not at risk. Both Alan and the social worker agreed together that he needed to obtain a greater understanding of his own finances. The social worker investigated whether Alan's assessed care contribution was being paid, and subsequently discovered Alan owed money to the local authority which amounted to thousands of pounds.

It was important that Alan was not placed at continuing risk of abuse and the required actions completed in a timely manner. From reading the recordings on Alan's file it appeared that another member of Alan's family, his daughter, had a Lasting Power of Attorney (LPA). However, on contacting Alan's daughter she had recently had a stroke and was finding the situation with her dad and her brother very stressful.

She refused to register the LPA and was worried about creating additional tension within the family. However, she wanted the local authority to manage Alan's finances and wanted the police involved because she believed that her brother was abusing Alan. There appeared to be conflict within the family and the social worker was conscious not to create more conflict because of further enquiries. There was evidence to suggest that Alan's finances were being mismanaged by his son, yet the fact remained that his son still visited regularly and provided social and emotional support. The exact nature of their relationship was called into question by Alan's daughter who believed that what the son was doing amounted to coercion. She believed he would visit regularly to keep Alan happy while behind the scenes he was using Alan's income like it was his own.

At this stage Alan had not been made aware of the debt he owed to the local authority and the social worker wanted to ensure he was aware of his own financial circumstances. After speaking to Alan about the debt he was in, he was visibly distressed. Together a decision was made to write a letter to his bank requesting copies of his bank statements to be sent directly to the address of his residential home. Alan understood this would grant him access to additional information about his finances. Once the bank statements arrived Alan and his social worker went through his transactions and identified Alan's son was using his money like it was his own. Alan wished for further action to be taken in respect of this and an agreement was made to work with him to make his finances safe. However, Alan also wanted to give his son another chance to do right by him.

Given the financial mismanagement taking place and Alan's capacity to make decisions about his financial arrangements, the social worker was keen for a mental capacity assessment to be completed. The purpose of this was to determine his capacity to make the decision regarding whether he wanted his son to continue to manage his finances on his behalf. Alan was unable to understand the salient information required to make the decision and as a result Alan was unable to weigh this up as part of the decision making process. However, on both occasions Alan appeared somewhat shocked and upset when informed he was in debt because of his son mismanaging his finances. Due to Alan lacking capacity, and the conflict between his son and his daughter it was decided it was appropriate for Alan to have some impartial representation and advocacy with regard to the decision in question and a referral was made to an Independent Mental Capacity Advocate (IMCA) service. Alan agreed that the police should be informed about these safeguarding matters. At this stage, Alan's son had not been involved in the process, to avoid jeopardising any police investigations.

The police were part of the safeguarding strategy discussion and investigated further by contacting the son. They decided not to charge him as the action taken was deemed sufficient to achieve the outcomes Alan wanted. These were to make his finances more secure and to give his son another chance to maintain the relationship. Police action is an option to consider in the future should concerns arise again and there will be a police log of this first concern raised with them.

The Independent Mental Capacity Advocates (IMCA) report for Alan stated that to prevent Alan's finances from further risk of misuse the local authority should support him with his financial management and make decisions in his best interests. The appointeeship team were involved to take over responsibility of Alan's finances and displace Alan's son. Alan was very pleased with the outcome; he was happy that his money was safe and that he still got to see his son. It was positive to know that Alan's son, even though he no longer managed his father's finances, continued to see Alan regularly and maintained a positive relationship with him¹. As a result of the safeguarding decisions, Alan's finances were better managed and he continued to see his son regularly and maintained a positive relationship with him. This case reflects the importance of reasoned judgement; empowering Alan to make decisions independently.

¹ [Making Safeguarding Personal 2018/19 Case Studies](#)