**SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014**

**ACTIVITY**

## Adult Protection and Support Orders (APSOs)

## Case study: alternatives

The case study draws on research and evidence from lived experiences of safeguarding to give a true-to-life situation where an adult at risk is reported to a local authority. The case study goes through the process of considering, applying for and using an APSO. At each step it invites consideration of good practice and the opportunity to reflect, discuss and to practise skills.

Please read the information below.

*Mrs Evans is 73 years old. She lives with her daughter in a home that she owns in a small town. Mrs Evans is a widow. She is white British and her first language is Welsh.*

*Mrs Evans was referred to the local authority 10 months ago by a neighbour, Miss Lewis, who reported there was shouting in the house and that the next day she saw Mrs Evans with a bruise on her face. She said Mrs Evans had seemed confused and had been hovering on the side of the road. The neighbour said that when she put her hand on Mrs Evan’s arm to help her Mrs Evans flinched. She said she needed to get home and had hurried off. Miss Lewis reported that Mrs Evans walks with a stick and her daughter does all the shopping. She also said that Mrs Evans’s daughter, Mrs Hughes, drank heavily and had her children “taken away by the council” some years ago. Miss Lewis also said that Mrs Evans sometimes didn’t seem “quite with it.”*

*The social worker spoke to Mrs Evans and to her daughter on the telephone. Both said that everything was fine. Mrs Evans said she did not want a visit from the worker. The case was closed.*

*Miss Lewis has telephoned the local authority again and said that she has not seen Mrs Evans for three months or so and is a bit worried. Miss Lewis had also spoken with Mrs Wright at the WI. Mrs Wright said Mrs Evans had stopped coming to meetings and events about a year ago. Mrs Wright tried to visit a few times but Mrs Hughes always answered the door and said Mrs Evans was busy. The neighbour had not told Mrs Evans about either referral.*

*A different social worker was allocated the case and went to the house. There was no answer. The social worker phoned, and Mrs Hughes answered the phone and said that everything was fine and her mother did not want a visit.*

*The social worker who has the case has found out that Mrs Evans is known to her GP who last saw her 14 months ago. Mrs Evans takes statins to maintain low cholesterol levels. Her last visit was for routine screening and her daughter came with her. The GP recalls that Mrs Evans seemed quite anxious, however she didn’t say anything. Mrs Evans’s husband died 10 years ago. No other family is known. Mrs Evans was invited to an annual check-up two months ago but there was no reply to the letter or to a phone call. The police have one record of Mrs Evans calling 999 10 months ago. She told the call handler that she was scared and that her daughter was not letting her out of the house and was forcing her to sleep in her chair. However, once the call had been put through Mrs Evans said she had made a mistake. When officers attended she repeated this. Mrs Evans’ pension is paid into a bank account and she has no other benefits.*

Use your professional experience and expertise to identify:

What are the detailed factors that would lead you to start to consider an APSO in this situation?

What alternatives to an application for an APSO are there?

What knowledge, skills and values did you draw on to identify these alternatives?

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| Suggested answer:This situation draws on a real case of an older woman who was abused by her daughter.There are some important questions related to:* Is Mrs Evans an adult at risk?
* What alternatives should we be considering?

Mrs Evans appears to be an adult at risk:* Is experiencing or is at risk of abuse or neglect
* Has needs for care and support (whether or not the local authority is meeting any of those needs)
* As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

Her well-being appears to be affected, particularly in terms of:* Physical and mental health, and emotional well-being
* Protection from abuse and neglect
* Domestic, family and personal relationships
* Control over day–to-day life.

This is not an untypical situation. The issues which would lead to consideration of an APSO are based on its purpose. Key questions are:* Can Mrs Evans speak in private with someone?
* Is Mrs Evans making decisions freely?
* Is a proper assessment possible that will enable a decision to be made about any action that might be needed?

There are factors that lead to consideration of an APSO. These relate to:* Mrs Evans not being seen or spoken to
* The possibility of coercion.

Not much is known about the situation at this stage. Much more work needs to be done to establish if an APSO is needed. Participants may have added more detail. There are two main areas to consider to establish if there are alternatives to an APSO.Relationship-based alternatives:* It may be possible to build a relationship and gain access to Mrs Evans in another way. Have you tried repeatedly to gain entry? Is she ever alone? Are you able to contact her in another way? Does she ever go out? Does she have contact with anyone else, e.g. prescription delivery? Could the GP make a home visit? Could the police do a welfare check? Could someone else make a home visit?
* As domestic abuse may be occurring, consider involving specialist domestic abuse services for advice and approaches.
* One way of supporting better multi-agency work is to use adult safeguarding procedures alongside a MARAC (Multi-Agency Risk Assessment Conference) process.
* It may be possible to build a relationship with Mrs Evans’s daughter. There may be a service or individual in contact with her. Her potential needs, particularly as a possible carer, should be considered.

It will be important throughout to consider how to ensure that Mrs Evans, a Welsh speaker, is able to communicate and engage in the language of her choice.APSO guidance says that:*1.22 APSOs are designed to enable adults at risk to express their views independently to an ‘authorised officer’ where there is reason to believe they are at risk of abuse or neglect. However, an APSO may not be appropriate if:* * *the granting of an APSO might leave the individual at greater risk;*
* *other less interventionist approaches have not been considered; and*
* *the use of a Domestic Violence Protection Order where the wrong-doer may be removed from the property may provide better protection for the victim.*

Legal alternatives:There are other legal options for particular situations that participants may want to consider (see Handout: Legal alternatives). These may not be reasonable options.Additional informationEvidence about supporting people who self-neglect and do not welcome intervention points to the need to share information and responsibility with other agencies, to share risk management, and to work in a long-term relationship-based way. It is important to understand the motivations of people so that you can work on possible solutions. It is essential to be considering capacity throughout. Strategies include finding the right person – someone who is already placed to build a relationship, and going at the person’s pace (Braye, Orr and Preston-Shoot, 2015).The discussion about knowledge, skills and values may identify additional learning needs or strengths that can inform the learning needs analysis. |

## Case study: making an application

1. Use your notes about Mrs Evans’s situation. Assume that all reasonable alternatives have been unsuccessful.
2. Use your professional experience and expertise to:

Complete the application form – sections in yellow italics.

**Application form for an Adult Protection and Support Order**

Application by complaint for Adult Protection and Support Order (Social Services and Well-being (Wales) Act 2014, Section 127

Magistrates’ Court (Code): ........................................................................................................

Date: **XXXX**...................................................................................................................

Subject of the Order: **Mrs Gwen Evans**

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Address: **XXXX**

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Applicant Authority: **XXXX**

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And it is alleged:

(a) that......**Mrs Gwen Evans**.........................................................is experiencing or is at risk of abuse or neglect, has needs for care or support and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it; and

(b) that an Adult Protection and Support Order is necessary for the authorised officer to gain access to the person named above, in order properly to assess whether the person is an adult at risk and to make a decision on what, if any, action should be taken; and

(c) making an order is necessary to fulfil the purposes set out in section 127(2) of the Social Services and Well-being (Wales) Act 2014; and

(d) exercising the power of entry conferred by the order will not result in the person named above being at greater risk of abuse or neglect.

*Short description of grounds for the application:*

*(a)..................................................................................................................................*

*(b)..................................................................................................................................*

*(c)...................................................................................................................................*

*(d)..................................................................................................................................*

*I believe it is appropriate for the following person(s) to accompany me when exercising the order (in accordance with s.127(6)(b) of the Act):*

*(a)..................................................................................................................................*

*(b)..................................................................................................................................*

*(c)...................................................................................................................................*

*(d)..................................................................................................................................*

*Do you wish this application to be heard:*

*i) without notice being given to the defendant; or ii) with notice being given to the defendant.*

*If you wish the application to be heard without notice state reasons:*

*.......................................................................................................................................*

*.......................................................................................................................................*

*.......................................................................................................................................*

*Do you wish an order to be granted with or without a requirement to give notice to the occupier of the premises and to the person suspected of being an adult at risk? State reasons:*

*.......................................................................................................................................*

*.......................................................................................................................................*

*.......................................................................................................................................*

*The order must specify the period for which it is in force. Are there any matters you wish to raise which are pertinent to this question?*

*…………………………………………………………………………………………………*

*…………………………………………………………………………………………………*

*…………………………………………………………………………………………………*

Name of Applicant Authority: **XXXX**

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Address of Applicant Authority: **XXXX**

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Who states that the particulars above are a true and accurate description of the grounds upon which this complaint is made: **XXXX**

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Taken before me Justice of the Peace [By order of the clerk of the court]

*Please provide any additional information you consider pertinent to this application:*

*…………………………………………………………………………………………………*

*…………………………………………………………………………………………………*

*…… ………………………………………………………………………………………*

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| Suggested answer:The grounds for the application should arise from the initial discussions. They need to cover:* What abuse or neglect Mrs Evans is experiencing or at risk of;
* Why the APSO is necessary to gain access, assess risk and make a decision on action;
* What else has been considered or tried to gain access;
* Why it will not result in Mrs Evans being at greater risk of abuse or neglect – this includes consideration of how the APSO will be used, contingency planning and next steps.

The evidence needs to be clearly set out. A chronology of what has been done and the results may be useful. It may be useful to include a balance sheet here. This would set out the risks and benefits of having the APSO or not having the APSO. It will be helpful to identify how you will reduce or manage the risks from having an APSO. This would feed into your planning for the assessment and next steps. There will need to be good safety planning for Mrs Evans.It is likely that some people will need to accompany the authorised officer unless the authorised officer can do this:* A Welsh interpreter, who has specialist knowledge of safeguarding
* Someone to advise on capacity.

A health professional may be needed. An advocate is likely to be needed. Consider involving an Independent Domestic Violence Advisor. Consideration should be given to the safety of the authorised officer as there is evidence that Mrs Evans’s daughter may have been violent in the past. There may be information from previous involvement.It may be useful to draw up a balance sheet of risks and benefits for giving notice and not giving notice. You will need to be clear about the contingencies for any risk. The key question is what impact would there be on Mrs Evans for giving or not giving notice. It is likely that giving notice would result in risk if there is an element of coercion. You will also need to think about any risk to others involved that might arise from: giving notice; having witnesses give written or verbal testimony; or getting the order itself. Mrs Evans’s neighbour or others may need to give evidence and so you would need to consider the APSO guidance around ensuring the availability of witnesses, and their welfare and safety. You may need to anonymise evidence. You should consult the local authority or police or other agencies about this. You may want to carry out the first visit quickly as risk may increase if you delay. There may be a particular time of day that is best for the visit. It is possible that more than one visit will be needed to build trust as Mrs Evans has previously said that everything was fine when she was visited. Other information that might be pertinent could include written evidence from other people or agencies, including the neighbour, children’s services, health, the police and housing about the situation. This could lead to particular considerations around risk, when to use the APSO (what time of day), who is best placed to attend, etc. |

## Case study: assessment

1. Use your notes about Mrs Evans’s situation. Assume that the APSO has been granted as a last resort.
2. In groups of three, use your professional experience and expertise to:

Write some key considerations for communication with Mrs Evans using the evidence you have gathered

Write some key questions that you want to cover in assessment with Mrs Evans.

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| Suggested answer:Key considerations for communication with Mrs Evans are:* Her communication and language needs
* Her health needs
* Her understanding of the situation
* The emotional impact of the situation
* The ethics of using a court order
* How to ensure privacy and non-interruption
* Her capacity to make a decision generally and in these circumstances.

All these will impact on how you talk to her and for how long. You will have gathered information about this before you attend e.g. from the GP. You may have decided that you will go in with an interpreter, advocate or other specialist. To avoid having lots of people on the visit, you may want to have some specified people standing by.The Social Care Institute for Excellence (2015) has published useful guidance on good practice in social care for refugees and asylum seekers. This includes helpful advice on using an interpreter:* Develop a good relationship between the interpreting service and the service provider.
* Ensure that interpreters understand the situation and the context for service delivery.
* Secure the help of the most appropriate bilingual co-worker in liaison with the interpreting agency.
* Negotiate and clarify roles so that practitioners and interpreters work well together.
* Brief and debrief the interpreter in order to clarify any issues and develop a better understanding of an individual’s needs.
* Maintain continuity of bilingual co-workers.

Mrs Evans may have mixed feelings about her relationship with her daughter. It will be essential to understand, respect, work with and possibly to challenge her understanding, wishes and the outcomes that she wants. It is essential not to undermine Mrs Evans’s rights and autonomy. Key questions for Mrs Evans go back to the purpose of the APSO:* Is she at risk?
* Is she making decisions freely?
* What does she want?

Questions are likely to relate to the areas of benefit and burden that were in your balance sheet: medical, welfare, social, emotional and ethical areas.In a safeguarding enquiry, the key questions are:* What abuse or neglect Mrs Evans is experiencing or at risk of?
* What the impact is on her?
* What outcomes are important to and for her?
* How to achieve the outcomes – this will include consideration of duties under the Act, and of safety planning.
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## Case study: next steps

1. Use your notes about Mrs Evans’s situation. Assume you have used the APSO
to have a conversation with her.
2. Use your professional experience and expertise to identify how you will:
* Ensure that her well-being is maintained
* Continue and achieve the purpose of the APSO
* Act on what is found through using the APSO.
1. Write a plan.

|  |  |  |  |
| --- | --- | --- | --- |
| **Outcome** | **Action(s)** | **Support needed** | **How I will know I have done this** |
| Ensure that well-being is maintained |  |  |  |
| Continue and achieve the purpose of the APSO  |  |  |  |
| Act on what is found through using the APSO |  |  |  |

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| Suggested answer:Before you go in, you will have considered a range of possibilities and contingencies for these.Mrs Evans’s well-being will include the areas that are covered in the Act:* physical and mental health, and emotional well-being
* protection from abuse and neglect
* education, training and recreation
* domestic, family and personal relationships
* contribution made to society
* securing rights and entitlements
* social and economic well-being
* suitability of living accommodation
* control over day-to-day life
* participation in work.

Mrs Evans’s safety and relationship with her daughter are likely to be key considerations.Achieving the purpose of the APSO requires you to get to a position where you can make a judgement about action. This may require additional visits, input from other professionals or assessment, such as assessment of capacity to make a particular decision.Through meeting Mrs Evans you may have identified immediate needs to support her well-being. In particular:* Protection from abuse and neglect
* Health or other interventions
* Specific activities of daily living that she needs support with.

The authorised officer is not the case worker. The case worker should have prepared for potential situations. For example: you may need to involve the police or other agencies to meet immediate needs; you may need a place of safety; you may need to arrange care and support. The case worker should have established what is available and how this would be agreed before you go out.As well as a care and support plan, you may need a safety plan that sets out how Mrs Evans and others will manage potential risks. You may need to carry out further safeguarding enquiries.It is possible that you will find that other people have needs or are facing difficulties that affect their well-being, for example Mrs Evans’s daughter may need an assessment in her own right or as a carer.Mrs Evans may want her daughter to leave so you will need to have considered how you could facilitate this. Both parties may need support.You will need to consider consent and also how you ensure that Mrs Evans and other stakeholders are informed and involved in what happens next. Throughout, you will need to bear in mind the active offer of providing services in the Welsh language.You may need to do some further work following the use of the APSO to repair Mrs Evans’s or others’ trust in social services.You or others may need to de-brief following the visit. It is important to consider how you will know whether the APSO has been effective. This will depend on whether it achieved its purpose. Safeguarding Adults Boards will need to be able to collect data on the effectiveness of APSOs. |