

Adult Social Care Scrutiny Review Protection of Property (not including pets).

Legal definitions interpretation

Legal definition Section 47 Care Act 2014 applies where:

- The council has a duty under section 47 Care Act 2014 to protect movable property where statutory conditions are met
- An adult with care and support needs are being met in accommodation arranged under the Care Act, or the adult has been admitted to hospital or a care home
- There is a danger of loss or damage to the adult's movable property
- The adult is unable either temporarily or permanently to protect or deal with the property.
- No suitable arrangements have been made by others to safeguard the property.

Reasonable steps

The act does not define reasonable steps. In practise, this means proportionate actions necessary to prevent foreseeable loss or damage.

Examples may include the team:

- Securing doors and windows.
- Removing valuables and important documents to safe storage.
- Arranging disposal of perishable items.
- Ensuring utility issues or obvious hazards are addressed.
- Liaising with family attorneys' deputies or landlords.

Section 47 permits actions that are reasonably necessary to prevent or mitigate loss or damage.

Movable property

Although not specifically defined within the Care Act, guidance provided to staff involves possessions that can be moved and are not part of the land or building.

Examples include removal of:

- Money and financial documents.
- Jewellery, medals and watches.
- Furniture and personal belongings.
- Legal documents such as wills and funeral plans.
- Household contents.

The Visiting officer provide intervention necessary to protect the individual's interests.

The visiting officers are provided with guidance on what actions should be taken, however some items the visiting officer need to make a judgement on what is valuable.

Identification of eligible individuals

Referrals are mainly from adult social work teams and occasionally Health Partners.

Eligibility depends on property risk and absence of other alternative suitable arrangements.

An individual may fall within sections 47 where:

- They have been admitted to hospital and cannot manage their home
- They have moved permanently or temporarily into residential or nursing care they lack capacity or are otherwise unable to decide themselves, there is no family member, attorney, deputy or other representative able and willing to protect the property.

Eligibility is therefore determined by the presence of property risk and the absence of suitable alternative arrangements.

Support provided

- The council will arrange to gain authorised access to the property.
- They will ensure keys are secured and locks may be changed where necessary.
- Initial visits are undertaken to take inventories and photographs of the property.
- They will check maintenance of property and take photos (damp or holes).
- They will identify any risks to the property.
- The team will address any repairs.
- Valuables and documents are removed and stored securely in designated safe.
- The visiting officers will record all actions for audit purposes, (There is no system to capture this work, therefore folders on word documents, desktops and spreadsheets are utilised).
- Where possible they will try to obtain consent when possessions have been removed and try to seek authorization to liaise with family members regarding disposal of remaining contents.
- The team will transfer items to executors or next of kin following death.

How long does the support continue

The legislation does not specify time scales.

The involvement would normally continue until one of the following occurs:

- The adult resumes responsibility for their affairs.
- Family, attorney or deputies' takeover arrangements.
- The property is emptied or disposed of appropriately.
- The person dies and items are transferred to their estate.
- Risk of loss or damage no longer exists.

ASCFS capacity

The team covers a wide range of work including, management of appointee, court appointed deputy, deceased estates and public funerals.

The team consists of full-time equivalents:

- Team Lead 1
- Clerks 2.5
- Finance officer 0.8
- Social care officers 1.5
- visiting officers 2

The team currently manages:

- 17 unoccupied properties
- 8 rented properties

Data on costs associated with this support.

Will be provided at next scrutiny review.

How does the Council promote / raise awareness of this duty?

- Council promotes awareness of its duty under section 47 of the Care Act 2014 through a combination of operational practise, professional networks, and staff development activities. Referrals are primarily received from adult social care teams and health partners including hospital staff who are made aware of the service to established referral pathways and day-to-day partnership working.
- Awareness is raised internally through staff training professional guidance and learning events including sessions delivered as part of the festival of learning. The services also supported by adult social care policies and procedures, which provide guidance to practitioners on when referrals should be made.
- The service benefits from close working relationships with hospital discharge teams social workers and other professionals who may identify individuals requiring support to protect their property information is shared to case discussions safeguarding and operational forums, and practitioner networks to ensure staff understand the council's responsibilities and referral arrangements. This helps ensure whether vulnerable adults who meet the criteria identified at the earliest opportunity.
- As part of the review of adult social care policies and procedures, the council is considering opportunities to further strengthen awareness of this service, including refresh guidance, communication materials, and engagement with key organisations.

Service evaluation – has it developed over time, is feedback sought from those whose property has been protected?

- The service has developed over time in response to increasing number of cases and the need to ensure compliance with section 47 of the Care Act 2014. Process have been strengthened to include detailed inventories, photographic records, secure storage arrangements for valuables and clear audit trails of action taken. The service also works closely with social work teams, Health Partners, attorneys, deputies, executives and family members where appropriate
- At present formal feedback from individuals who properties have been protected is limited, as many people receiving the service may lack capacity, be in hospital, moving to long term care, or be deceased before the intervention is completed. Informal feedback is received from people who use this service, family members, legal representatives and professionals involved in cases. The service recognises the value of capturing feedback more systematically and will consider opportunities to develop a proportionate service evaluation process as part of the ongoing review of policies and procedures.