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

**TRAINING MODULE**

**Adult Protection and**

**Support Order (APSO)**

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# Training module

This module contains **PowerPoint slides** and **notes** to support learning sessions for authorised officers and legal officers.

The notes also include:

* **Additional information** that may be used in addition to the essential notes
* **Key learning points**
* **Facilitators’ hints and tips** which signpost to existing good practice/ resources or suggest ways of delivering the materials.
* A range of **activities** that can be used alongside the training module.   
  The notes suggest when these could be included.
* A range of handouts that can be used alongside the training module.   
  The notes suggest when these could be included.

## Introduction

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| Aims and learning outcomes |
| This session aims to enable authorised officers and legal officers to act lawfully and in the spirit of the Act to use APSOs for the benefit of adults at risk in Wales.  It will enable you to:   * Ground the use of APSOs in the aims and principles of the Act * Develop an ethical, expert practice culture * Ensure robust understanding of law and guidance * Ensure individual responsibility for decision making in the context of appropriate support * Build a consistent approach to implementing APSOs * Identify confidence and competence in this area of practice, and additional support needs. |

### Facilitator notes

1. *This slide sets out the aims and learning outcomes for the module.*

## Content of the module

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| Content of the module |
| * Introduction * Purpose of an APSO * Use of APSOs * Role of the authorised officer * Process * Ongoing learning * Action planning |

### Facilitator notes

1. *This slide sets the content for the module.*
2. This module will cover:

* Introduction – aims; content; audience; structure
* Purpose of an APSO – letter of the law; APSOs and well-being; human rights and ethics
* Use of APSOs – situations; considerations
* Case study: alternatives
* Role of the authorised officer – responsibilities; capabilities; acting independently
* Process part 1: collect evidence – grounds; information sharing; balance sheet
* Process part 2: planning – duration, timing and giving notice; accompanying people and advocacy; minimising force and risk; safe enquiries
* Case study: making an application
* Process part 3: court – court skills; support for witnesses; post-APSO procedure
* Process part 4: using an APSO – entry and explanation; assessment
* Case study: assessment
* Process part 5: next steps
* Case study: next steps
* Ongoing learning - repeat of learning needs analysis; individual action plans.

This module builds on existing expertise. Authorised officers will be experienced practitioners, who are likely to be social workers or will work closely with social work and will be familiar with:

* **Code of Professional Practice for Social Care Professionals** (Care Council for Wales, 2015) – this includes: promote the well-being, voice and control of individuals and carers while supporting them to stay safe.
* **National Occupational Standards for Social Work** (Care Council for Wales, revised 2011) – this includes standard 13, Investigate harm or abuse:

*This standard is for social workers working with individuals, families, carers, groups and communities. Investigating harm or abuse is a complex and demanding activity which has at its heart the safe-guarding of a vulnerable adult, young person or child. It involves working closely with other disciplines and agencies; exercising professional assertiveness in situations where there may be overt or covert hostility; making difficult judgements; and developing options for action which may have far-reaching consequences. All this must be done in the context of legal, organisational and other binding requirements. The standard covers these aspects and highlights the need to maintain a focus on the person who is at risk, whatever others needs or issues may come to light during the investigation process.*

Authorised officers, and others using this training module, will need to be very familiar with the Act and with the following resources:

* Working Together to Safeguard People statutory guidance, especially Volume 4 on Adult Protection and Support Orders
* Other codes of practice and statutory guidance related to the Act
* The Information and Learning Hub’s learning resources on the Act, in particular on Safeguarding and Advocacy.

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| Facilitators’ hints and tips  Throughout the sessions we ask people to reflect on their learning needs referring back to the learning needs analysis they completed. |

## Purpose of APSOs

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| Purpose of APSOs |
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### Facilitator notes

1. *End of introduction. We will now explore the purpose of APSOs.*

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## Content of the session

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| Content |
| * The letter of the law * Well-being * Human rights and ethical considerations |

### Facilitator notes

1. *This slide sets out the content of this session.*
2. The content follows logical steps through understanding the exact detail of the law, looking at the policy context, thinking about evidence, and then understanding the implications for adults at risk, before looking at the practice implications.

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| Facilitators’ hints and tips  Participants will have carried out a learning needs analysis, based on law and guidance that asked them to score their knowledge, skills and confidence in different areas from 1 (low) to 5 (high).  The relevant areas for this session are:  *Knowledge: I understand the legal framework within which APSOs operate*  *Knowledge: I understand the human rights implications of APSOs including those arising from the Human Rights Act 1998, Equality Act 2010 and the need to respect diversity*  *Behaviour: I take a human rights approach in all my work*  *Behaviour: I maintain my professional practice and ethics, and challenge individuals and agencies appropriately*  It will be useful to ask participants to individually reflect on how they scored these questions and what their learning needs are in these areas. |

## The letter of the law

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| The letter of the law |
| |  |  | | --- | --- | | **What** | Order from a Justice of the Peace to enable private conversation, find out if person making decisions freely, assess whether an adult at risk | | **Why** | Suspicion that adult is at risk, order needed to gain access, order will not result in greater risk | | **Who** | Authorised officer, constable, others as needed | | **Where** | Specific premises | | **When** | Specific timeframe | | **How** | Guidance sets out considerations about how to use this well | | ***only to be used in exceptional circumstances*** | | |

### Facilitator notes

1. *This slide replicates the overview slide about APSOs from the learning materials for the Act.*
2. It is essential that authorised officers and legal officers know the letter of the law.

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| **Key learning point**  APSOs are only to be used in exceptional circumstances. |

### Activity – Exercise: Purpose

1. *We suggest you include this activity now.*

## Well-being

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| Well-being |
| A person exercising functions under this Act **must** seek to promote the well-being of people.  A person exercising functions under this Act **must** ascertain and have regard to the individual’s views, wishes and feelings. |

### Facilitator notes

1. *This slide highlights the well-being duty and one of the key principles in the Act.*
2. As well as knowing the letter of the law on APSOs, authorised officers and legal officers must understand how APSOs fit with the focus of the Act on well-being.
3. The Explanatory Memorandum to the Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015 by the Minister for Health and Social Services in June 2015 states that:

*“The implementation of the legislation will enable individuals who are suspected to be adults at risk to have greater voice and control over their situation.”*

Part 2 of the Act requires any persons exercising functions under the Act to seek to promote the well-being of people who need care and support, and carers who need support. This duty extends to the use of APSOs. The well-being duty is central to the whole Act. In the Act, well-being is defined as:

* 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.

1. As well as the well-being duty there are other overarching duties that are set out in Part 2 of the Act. Four of these overarching duties apply to people of all ages. The duty to:

* Ascertain and have regard to the individual’s views, wishes and feelings, in so far as is reasonably practicable.
* Have regard to the importance of promoting and respecting the dignity of the individual.
* Have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect them to the extent that it is appropriate in the circumstances, particularly where the individual’s communication is limited for any reason.
* Have regard to the characteristics, culture and beliefs of an individual, including language.

1. Two overarching duties apply specifically to adults:

* To begin with the presumption that the adult is best placed to judge their own well-being.
* To have regard to the importance of promoting their independence where possible.

1. The principals of the Mental Capacity Act 2005 apply:

* A person must be assumed to have capacity unless it is established that he lacks capacity.
* A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.
* A person is not to be treated as unable to make a decision merely because he makes an unwise decision.
* An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.
* Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action. (2 (2-6))

Additional information

APSOs are part of wider changes brought about by the Act to give a more robust statutory framework for safeguarding. These draw on learning from the review of In Safe Hands (Welsh Institute for Health and Social Care 2010, this policy is now being replaced with new guidance), including the principles identified in that review:

* People are not intrinsically vulnerable – this is contextual
* People’s views and wishes should guide how they are supported
* Safeguarding should be based on consent
* Adults with capacity should have the right to refuse intervention even if this leaves them at risk of harm
* The priority should be to stop abuse
* There is a crucial balance to be struck between autonomy and protection
* People at risk from abuse should be involved in decision-making processes
* People should be supported with strategies to keep themselves safe
* Safeguarding should be in the context of fully engaged citizenship.

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| **Key learning point**  APSOs aim to resolve a particular issue: that people who are abused or neglected may not be able to have a voice or control over what happens to them. |

### Activity – Discussion: Promoting well-being

1. *We suggest that you include this activity now.*

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| **Key learning point**  APSOs must be used in the context of a plan to promote well-being that starts before the APSO is applied for and continues after the APSO is used. |

## Human rights and ethics

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| Human rights and ethics |
| Article 8 – right to respect for private and family life, home, and correspondence  You must promote the well-being, voice and control of individuals and carers while supporting them to stay safe |

### Facilitator notes

1. *This slide sets out one of the human rights that is enshrined in the European Convention on Human Rights; and one of the standards from the Code of Professional Practice for Social Care Professionals (Care Council for Wales, 2015).*
2. The overarching duties of the Act include human rights. A person exercising functions under this Act in relation to an adult must have due regard to **the United Nations Principles for Older Persons**. These state that:

* Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including   
  full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.
* Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse.

1. A person exercising functions under this Act must also have due regard to **the United Nations Convention on the Rights of Disabled People**. This includes:

* Living independently and being included in the community (article 19)
* Freedom of expression and opinion, and access to information (article 21)
* Respect for home and the family (article 23).

1. The Code of Practice for Part 2 of the Act also points out that public authorities must not act in a way that is incompatible with rights under **the European Convention on Human Rights**. This includes:

* Article 2 – right to have life protected
* Article 3 – right not to be subjected to inhuman or degrading treatment
* Article 8 – right to respect for private and family life, home, and correspondence.

1. The APSO guidance points out some key principles:

*1.24 The use of an APSO is subject to the general principle of proportionality.*

*2.8 In preparing an APSO application, an authorised officer should consider the following: …in making the application to the justice of the peace, the ‘authorised officer’ must be able to provide evidence that alternative and less interventionist approaches have been considered, but are judged insufficient. Given the human rights implications of an APSO, they must be the last resort.*

*4.5 It is important to remember at all times that, because of their inherently intrusive nature, care must be taken to ensure that the use of the APSO is compatible with the Human Rights Act 1998. All possible measure must be taken to minimise the risk of a forced or highly confrontational entry to the premises.*

Additional information

Code of Professional Practice for Social Care Professionals (Care Council for Wales, 2015) includes:

* You must respect the views and wishes, and promote the rights and interests of individuals and carers.
* You must promote the well-being, voice and control of individuals and carers while supporting them to stay safe.
* You must respect the rights of individuals while seeking to ensure that their behaviour does not harm themselves or other people.

When planning for and using an APSO you will need to consider the rights of all those involved, including any alleged perpetrator.

In Scotland, the Adult Support and Protection Act 2007 includes the principle that the adult at risk of harm should not be treated *without justiﬁcation, any less favourably than the way in which a person who is not an “adult at risk”, would be treated in a comparable situation* (Code of Practice 2008, p12). This emphasises the importance of ensuring that value judgements do not affect people’s rights.

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| Key learning point  APSOs must be used in the context of a human rights approach. |

## Use of APSOs

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| Use of APSOs |
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### Facilitator notes

1. *End of purpose of APSOs. We will now explore the use of APSOs.*

## Content of the session

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| Content |
| * Situations where APSOs may be useful * Considerations * Alternatives to APSOs |

### Facilitator notes

1. *This slide sets out the content of this session.*
2. This session covers the law, policy and evidence around when APSOs could be used, particular considerations for using them and what alternatives there may be.

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| Facilitators’ hints and tips  Participants will have carried out a learning needs analysis that asked them to score their knowledge, skills and confidence in different areas from 1 (low) to 5 (high).  The relevant areas for this session are:  *Knowledge: I have a high level of understanding of the context of abuse, abusive situations and neglect*  *Knowledge: I am familiar with research and evidence about coercion and control, and its impact*  *Knowledge: I have a detailed understanding of the provisions of the Mental Capacity Act 2005*  *Knowledge: I have knowledge of the range of resources available within informal networks, within the wider community and through formal service provision to support adults at risk* It will be useful to ask participants to individually reflect on how they scored these questions and what their learning needs are in these areas. |

## Situations

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| Situations |
| * Premises * Limited information * Coercion and control |

### Facilitator notes

1. *This slide sets out the areas that the APSO guidance includes about where and when they can be used.*
2. Firstly, it is worth covering off what the guidance says about premises in which they can be used.

*1.14 For the purposes of this statutory guidance, ‘premises’ include:*

*a) domestic premises; b) a residential care home; c) a nursing home; d) a hospital; or e) any other building, structure, mobile home or caravan in which the person is living.*

*1.15 It is important to note that an APSO cannot be used within premises of the secure estate, prisons or youth detention accommodation (see section 185(6) of the Act).*  – This is because safeguarding is not a function for local authorities in the secure estate.

NB *1.13 A person is ‘living’ in premises if he or she resides there for a period of time either permanently or temporarily regardless of whether they have a legal or other interest in the premises.*

1. Secondly, the guidance does give some indication of when they may be useful.

*1.19 It is anticipated that APSOs will rarely be sought. Applications will only be made when other less intrusive approaches have failed or are highly likely to fail.*

*1.20 However, ‘authorised officers’ do not have to prove the need for the APSO beyond all reasonable doubt. In part, the need for the APSO is because there is insufficient information about the adult suspected of being at risk.*

1. One of the issues highlighted by the Older People’s Commissioner for Wales report in 2015 (Crimes against, and abuse of, older people in Wales: Access to support and justice: working together) was the issue of control by the perpetrator:

*“One of the biggest issues we have with domestic abuse and elderly people is the ability to get into the house to assess what is going on. Often the aggressive person is gate-keeping. They are on the door and you have no authority to go in to see the other person there and assess the situation.”* (Adult Protection Officer, page 42)

The statutory guidance on Working Together to Safeguard People: Volume 1 includes this definition of psychological abuse:

*Psychological abuse – threats of harm or abandonment, coercive control, humiliation, verbal or racial abuse, isolation or withdrawal from services or supportive networks (coercive control is an act or pattern of acts of assault, threats, humiliation, intimidation or other abuse that is used to harm, punish or frighten the victim)* (paragraph 28)

Additional information

A review of the evidence on risk assessment in social work (Scottish Executive Social Research 2007) highlighted the importance of a relationship between the social worker and adult to effectively manage risk. Where that relationship is disrupted by someone else, then it is not possible to set up spaces to discuss solutions.

Evidence from domestic abuse points to barriers to establishing communication. Women who experience domestic abuse say that they are reluctant to approach statutory agencies; are not confident that information would not be shared without their knowledge or prior approval and that seeking help might be interpreted as a sign of ‘not coping’ with implications for their parenting role. It is important to create the opportunity to build a relationship of trust. There are barriers to accessing services for people from Black Minority Ethnic and Refugee groups, rural areas, disabled women, men and people with additional needs such as alcohol users. (Welsh Government Social Research, 2014).

An important consideration is that a perpetrator of domestic abuse is at their most dangerous when their control is being challenged. For this reason, professionals need to make safe enquiries (i.e. enquiries that the alleged perpetrator cannot find out about) to avoid increasing risk of harm to the person (ADASS/LGA, 2015). Another consideration to bear in mind is that the perpetrator may also be providing caring support to the person. This is one reason why people with care and support needs may not wish to leave an abusive situation – they may feel they risk institutionalism or loss of independence.

### Handout: Coercive control

*1. We suggest that you look at this handout now.*

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| **Key learning point**  Authorised officers and those working with people experiencing abuse and neglect need to be aware of the particular barriers associated with coercion and control. |

## Considerations

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| Considerations |
| * Proportionality * Respect * Consistency * Effectiveness |

### Facilitator notes

1. *This slide highlights four considerations from the APSO guidance.*
2. Firstly, the use of APSOs must be proportionate.

*1.24 APSOs do not give a general power of entry. They are focussed on the specific purposes outlined in section 127(2) of the Act. The power cannot be continued unreasonably as some kind of deterrent. The use of an APSO is subject to the general principle of proportionality.*

1. Secondly, the use of APSOs must be respectful. They are used to find out the views of the adult. APSO guidance says that:

*The principle is that the wishes of an adult at risk should be capable of being freely expressed and that they should be respected.*

1. Thirdly, it is important that that there is consistent use of APSOs. If the principles and guidance are followed closely then the use should be consistent.
2. Finally, APSOs need to be effective. *Working Together to Safeguard People: Volume 1* says that Safeguarding Adult Boards and the National Independent Safeguarding Board will need to gather data on: *the number of adult protection and support orders which were applied for in the Safeguarding Board area, how many were made, and how effective they were.* (209)

Additional information

Interestingly, in Scotland there are orders to assess people, remove people and to ban perpetrators. However the APSO guidance emphasises that:

*Importantly, Adult Protection and Support Orders do not grant a power of removal.* (Introduction)

The National Assistance Act 1948 Section 47 had provided powers to remove people from the premises in which they are residing to hospitals or other places. During scrutiny of the bill for the Act there was limited evidence of the use of these powers and they were abolished in s129 of the Act.

In Scotland, it was found in the 2010-12 review (Ekosgen 2013) that:

*“The extent to which protection orders have been used varies for several reasons including the size and composition of the local population, the extent and reporting of harmful behaviour and the culture and ethos of the APC itself.”* (4.6)

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| **Key learning point**  APSOs need to be used proportionately, respectfully, consistently and effectively. |

## Case Study: alternatives

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| Case Study: alternatives |
| * 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? |

### Facilitator notes

1. *This slide introduces the first part of the case study.*
2. This case study runs throughout the learning materials. It 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 practise skills.
3. The case study sets out a situation. As a case study is not able to give all the factors involved in the situation, participants are invited to use their professional expertise and experience to populate the details of the situation. They then use this to explore the practice response. It is essential that participants are prepared to share their knowledge and experience. They will need to follow the principles of confidentiality and respect.

### Activity – Case study: alternatives

1. *We suggest you include this activity now.*

### Handout: Legal alternatives

1. *We suggest you look at this handout now.*

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| **Key learning point**  APSOs are a last resort. When considering alternatives it is important to seek legal advice, and to talk to other agencies including the police. Showing that an APSO is necessary includes showing that all other reasonable options have been considered. |

## The role of authorised officers

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| Role of authorised officers |
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### Facilitator notes

1. *End of use of APSOs. We will now explore the role of the authorised officer.*

## Content of the session

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| Content |
| * The responsibilities of an authorised officer * The capabilities of an authorised officer * Acting independently |

### Facilitator notes

1. *This slide sets out the content of this session.*
2. This session looks at what the law and policy says about authorised officers,   
   and evidence of how they can work well.

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| Facilitators’ hints and tips  If there are participants with other roles than authorised officers, it remains important for everyone to understand the authorised officer’s role. It will be useful for others to consider how they can support authorised officers, and for authorised officers to consider how they can work well with others.  Participants will have carried out a learning needs analysis that asked them to score their knowledge, skills and confidence in different areas from 1 (low) to 5 (high).  All the areas are relevant for this session and in particular:  *Behaviour: I continually learn and develop to improve my practice*  *Behaviour: I reflect on my work and seek support when I need this*  *Behaviour: I assert myself and use my expertise to promote well-being*  *Behaviour: I maintain my professional practice and ethics, and challenge individuals and agencies appropriately*  It will be useful to ask participants to individually reflect on how they scored these questions and what their learning needs are in these areas. Also to start to consider in this section what support they may need from others. |

## Responsibilities

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| The responsibilities of an AO |
| * Application * Preparation      * Liaison * Evidence * Implementation |

### Facilitator notes

1. *This slide sets out the role in law and policy.*
2. We have seen that the purpose of the APSO in the Act is:

*(a) to enable the authorised officer and any other person accompanying the officer to speak in private with a person suspected of being an adult at risk,*

*(b) to enable the authorised officer to ascertain whether that person is making decisions freely, and*

*(c) to enable the authorised officer properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) on what, if any, action should be taken.* (127 (2))

3. The role of the authorised officer is set out in the APSO guidance as follows:

*1.7 An ‘authorised officer’ is the person that may apply to a justice of the peace for an APSO.*

*The ‘authorised officer’ should prepare the application form (see Annex B) including the grounds for the application and the information required to be included in the order as set out at section 127(5) and (6) of the Act.*

*The role includes liaison with the local authority legal service to make the application to the court and possible attendance to give evidence about the need in particular cases.*

## Capabilities

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| The capabilities of an AO |
| * Application * Legal literacy * Risk assessment * Understanding of abuse * Understanding of mental capacity * Communication skills * Assertiveness * Use of advocacy |

### Facilitator notes

1. *This slide sets out the capabilities specified in the APSO guidance.*
2. The capabilities cover knowledge, skills and behaviours. These are reflected in the learning needs analysis you undertook.

*1.9 An ‘authorised officer’ should possess the following skill and attributes:*

* *the ability to prepare and present, with legal assistance, an APSO application clearly and confidently to a justice of the peace;*
* *an understanding of the legal framework within which APSOs operate including the implications of the Human Rights Act 1998, Equality Act 2010 and the need to respect diversity;*
* *the ability to assess any risk to the person suspected of being an adult at risk prior to making the application and, if an APSO is made, once it has been executed;*
* *a high level of understanding of the context of abuse, abusive situations   
  and neglect;*
* *an ability to identify coercive control and its effects on adults at risk;*
* *a clear understanding of the provisions of the Mental Capacity Act 2005 in relation to assessments of capacity, best interests assessment and the role   
  of the Independent Mental Capacity Advocate;*
* *effective communication skills and the ability to identify any special communication needs that the person suspected of being at risk may have and how their ability to communicate their wishes may be enhanced;*
* *an ability to be assertive and exercise control in difficult and challenging situations;*
* *an ability and willingness to challenge their own agency and other agencies when necessary; and*
* *an awareness of when an advocate is required and how to support the adult   
  to secure an advocate.*

*1.10 The above list of skills and attributes will form the basis of the training   
and assessment of ‘authorised officers’.*

Additional information

The capabilities for authorised officers are consistent with the evidence of what is needed to support safeguarding in Wales. The national inspection of safeguarding in Wales (Care and Social Services Inspectorate Wales, 2010) found that the more effective services were provided by local authorities in which there was ready availability of specialist advice and intervention or experienced practitioners. This expertise was needed to provide consistency of judgement and person-centred approaches. The Review of In Safe Hands (2010, this policy is now being replaced with new guidance) identified the need to balance autonomy and protection, and to ensure citizenship. This also emphasised the importance of advocacy.

## Acting independently

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| Acting independently |
| * An ability and willingness to challenge their own agency and other agencies when necessary |

### Facilitator notes

1. *This slide sets out the capability specified in the APSO guidance about challenging agencies.*

### Activity – Discussion: Acting independently

1. We suggest you include this activity now.

## Process parts 1 and 2

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| Process part 1 and 2 |
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### Facilitator notes

1. *End of role of the authorised officer. We will now explore the process.*

## Content of the session

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| Content of the session |
| * Process part 1 – Collect evidence * Process part 2 – Planning |

### Facilitator notes

1. *This slide sets out the content of this session.*
2. This session looks at the process as set out in guidance. It covers the first two stages of using an APSO – collecting evidence and planning.

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| Facilitators’ hints and tips  Participants will have carried out a learning needs analysis that asked them to score their knowledge, skills and confidence in different areas from 1 (low) to 5 (high).  The relevant areas for this session are:  *Skills and experience: I work constructively with other agencies to achieve outcomes*  *Skills and experience: I work constructively with advocates to achieve outcomes*  *Skills and experience: I am able to assess risk, and act to reduce or manage this as appropriate*  *Skills and experience: I am able to gather information, analyse and critically reflect on it, make a judgement and demonstrate my workings out*  It will be useful to ask participants to individually reflect on how they scored these questions and what their learning needs are in these areas. |

### Handout: Process

1. *We suggest that you look at this handout now.*

## Evidence – grounds

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| Evidence – grounds |
| *2.3 It will be for the court to then determine whether it is satisfied that there are grounds for making an APSO.* |

### Facilitator notes

1. *This slide highlights a point in the APSO guidance that the purpose of gathering evidence is to enable the courts to determine whether there are grounds to make an APSO.*
2. The grounds are set out in the law.

*The justice of the peace may make an APSO if satisfied that:*

*(a)The authorised officer has reasonable cause to suspect that the person is an adult at risk*

*(b) It is necessary for the authorised officer to gain access to the person in order properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) on what, if any, action should be taken*

*(c) Making an order is necessary to fulfil the purposes set out in subsection (2) and*

*(d) exercising the power of entry conferred will not result in the person being at greater risk of abuse or neglect.* (127 (4))

1. Annex A in the APSO guidance says:

*Relevant authorities focus on what is most relevant and necessary to provide evidence for the court to arrive at a clear understanding of the matter.*

## Evidence – information sharing

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| Evidence – information sharing |
| *2.1 Authorised officers working alongside the relevant partners and other agencies involved with individuals and their families, must co-operate and share information to both determine the need for, and support the application for, an APSO.* |

### Facilitator notes

1. *This slide highlights the point in the APSO guidance that agencies must work together to share information.*
2. Working Together to Safeguard People: Volume 1 says that:

*Practitioners must share information in accordance with the Data Protection Act 1998 and the common law duty of confidentiality. Both allow for the sharing of information and should not be automatically used as a reason for not doing so. In exceptional circumstances, personal information can be lawfully shared without consent where there is a legal requirement or the professional deems it to be in the public interest. One of the exceptional circumstances is in order to prevent abuse or serious harm to others.* (28)

1. The APSO guidance points out that there may be limited information and some steps to take:

*2.8 A particular difficulty for an authorised officer when considering applying for an APSO is that very little may be known about the adult suspected of being at risk. The lack of any reliable information on the person, coupled with concerns about their safety, will often be one of the reasons why an APSO is sought. In preparing an APSO application, an authorised officer should consider the following:*

* *wherever possible the application should be discussed by agency partners   
  in order to ensure that it will lead to a structured implementation;*
* *that the authorised officer has all the relevant information;*
* *that there is adequate preparation for any post APSO involvement;*
* *however, the authorised officer, with the assistance of the local authority’s legal team, is solely responsible for the application and implementation of the APSO;*
* *in making the application to the justice of the peace, the ‘authorised officer’ must be able to provide evidence that alternative and less interventionist approaches have been considered, but are judged insufficient. Given the human rights implications of an APSO, they must be the last resort; and*
* *agreement must be reached with the police, or any other agency in respect of accompanying officers to be specified in the APSO.*

Where another agency is involved with the adult at risk, it is less likely that an APSO would be needed as other options for conversation may exist.

1. Other aspects of Part 7 guidance relate to information sharing:

* Section 137 of the Social Services and Well-being (Wales) Act 2014 requires a person or body to comply with a request for information from a Safeguarding Board unless to do so would be incompatible with the duties of the person or body, or otherwise have an adverse effect on the exercise of the functions of the person or body.
* Section 164 of the Social Services and Well-being (Wales) Act 2014 imposes a duty on the relevant partners to co-operate with, and provide information to, the local authorities for the purpose of their social services functions unless it is not compatible with that partner’s own duties or would have an adverse effect.

Additional information

Information sharing in Wales is governed by the Welsh Accord for the Sharing of Personal Information (WASPI). The WASPI guidance states: “*Staff should not hesitate to share personal information in order to prevent abuse or serious harm, in an emergency or in life or death situations. If there are concerns relating to child or adult protection issues, the relevant local procedures must be followed …”*

There is helpful guidance about information sharing for Multi-Agency Risk Assessment Conferences (MARACs) (Department of Health 2012). *The MARAC process to be correctly implemented must comply with ALL Caldicott Principles:*

* *Formally justify the purpose – It cannot be “ethically” justified if we hold information that we know could prevent serious harm to others and yet knowingly decide not to share it.*
* *Identifiable information only when absolutely necessary – It is clearly necessary to use identifiable information to support MARAC processes.*
* *Only the minimum required should be used – Disclosures must be proportionate and based on risk and relevance.*
* *Need to know access – MARAC “needs to know” even if some agencies don’t, confidentiality maintained by representatives personally signing specific confidentiality agreement.*
* *All must understand their responsibilities – A statement should, and generally is, read out at start of each MARAC reminding participants of their ethical and legal responsibilities. Health representatives should understand and draw on this and other guidance referenced below. Caldicott Guardians as gatekeepers to the individuals information should ensure that their organisation is effectively engaged with the MARAC process.*
* *Comply with and understand the law- Caldicott Guardians should understand and authorise MARAC information sharing appropriately and where authority is delegated they should retain oversight to ensure all disclosures are “Caldicott Compliant”.*

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| **Key learning point**  Information sharing is essential where abuse or neglect is suspected. |

## Evidence – balance sheet

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| Evidence – balance sheet |
| *2.9 The ‘authorised officer’ should draw up a ‘balance sheet’ assessing the risks and implications of applying and not applying for an APSO.* |

### Facilitator notes

1. *This slide highlights the point in the APSO guidance that authorised officers should produce a balance sheet.*
2. APSO guidance states that:

*2.9 The ‘authorised officer’ should draw up a ‘balance sheet’ assessing the risks and implications of applying and not applying for an APSO. This would assist the ‘authorised officer’ in considering the application, and would be of assistance to the justice of the peace where the application is made.*

This relates back to the principle of balancing protection and autonomy.

Additional information

This is similar to the need to prepare a balance sheet for best interest decisions under the Mental Capacity Act 2005. This shows the advantages or benefits on one side, and the disadvantages or burdens on the other. It considers medical, welfare, social, emotional and ethical areas.

The balance sheet should include consideration of others who are involved as part of the planning. Guidance on working with perpetrators includes: *“if someone is abusive or neglectful and they themselves have care and support needs, make sure they have access to information and advice, assessment and support.”* (ADASS/LGA 2015, page 8).

## Planning – duration, timing and notice

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| Planning – duration, timing and notice |
| *1.25 The Act does not specify how many times the power under an APSO can be used, although the APSO must specify the period for which it is to be in force.*  *4.4…strong consideration should be given to the time  of entry*  *2.12 Consideration must be given to issuing a written notice to the occupier of the premises and the adult suspected of being at risk that an application will be made for an APSO.* |

### Facilitator notes

1. *This slide highlights considerations in the APSO guidance about the duration, timing and notice of APSOs.*
2. APSOs need to specify the period of time that they will last. Authorised officers need to consider how long they might need and how many visits. They must be proportional.

*1.27 In the absence of any specific conditions limiting the number of visits, an order could authorise any number of visits during the period the order is in force.*

The Justice of the Peace can specify the number of visits.

*1.28 If an ‘authorised officer’ believes that a longer duration or multiple visits will be required under a single APSO, then the arguments for this must be set out in the application.*

1. A condition can be attached by the Justice of the Peace about the time of entry. This needs to be considered in the application.

*4.4 Under section 127(6)(a) of the Act a condition may be attached as to the time at which the order may be exercised. Other than in cases of emergency, strong consideration should be given to the time of entry, particularly where there may be capacity issues. In the absence of a condition in the APSO as to timing, careful consideration should still be given as to the most appropriate time of entry, bearing in mind the rights and interests of those who will be directly affected.*

In cases of emergency there may be other powers or responses that are more appropriate – see Section 3.19.2.

1. Authorised officers must consider giving notice to people concerned and include whether this has been done in the application.

*2.12 Consideration must be given to issuing a written notice to the occupier of the premises and the adult suspected of being at risk that an application will be made for an APSO. A record of any such written or verbal notice should be kept and the information should be included in the APSO application, since it is open to a justice of the peace to attach to the order a condition requiring written notice to be given.*

*2.13 If the ‘authorised officer’ is concerned that giving notice to the occupier or the adult suspected of being at risk may expose the person to potential harm, this information, and the reasoning behind such a judgement, must be included in the application.*

*2.14 Consideration should be given to the need to inform other persons affected by the order, for example where there are shared living arrangements within a domestic setting such as supported accommodation.*

1. It is important to balance rights and risks when considering notice. It is possible that informing people that an application is planned could be a lever to gain access to them. If it is known or suspected that other adults at risk or with care and support needs or children are in the premises then their well-being must be fully considered.
2. Authorised officers also need to consider evidence that might be needed by the Justice of the peace to make a decision about whether to give notice if an APSO is granted.

*4.3 The justice of the peace must determine, on the basis of evidence provided* in the *application, whether the attachment of a requirement to give notice might prejudice the safety of the adult considered to be at risk. In doing so he or she must balance the rights of all occupants of the premises, including those of other persons affected by the order - for example, where there is shared living within a domestic setting such as supported accommodation.*

## Planning – accompanying people and advocacy

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| Planning – accompanying people and advocacy |
| (3) When an adult protection and support order is in force the authorised officer, a constable and any other specified person accompanying the officer in accordance with the order, may enter the premises specified in the order for the purposes set out in subsection (2). |

### Facilitator notes

1. *This slide highlights considerations from the Act about who should accompany the authorised officer, particularly advocates.*
2. The Act says that: When an adult protection and support order is in force the authorised officer, a constable and any other specified person accompanying the officer in accordance with the order, may enter the premises specified in the order for the purposes set out in subsection (2). (127 (3))
3. Considerations about the constable are covered below in minimising force. The APSO guidance gives a non-exhaustive list of who may accompany an authorised officer:

*2.15 the key worker (social worker or health care worker); domiciliary care* worker*; advocate (statutory or non-statutory); family member or close friend; best interest assessor; general practitioner; or approved mental health professional under the Mental Health Act 1983.*

1. The guidance also says that it may not be possible to identify who will be needed until after the first visit, however:

*2.16 As far as possible, such a person or persons should be identified as part of the preparation for the application.*

1. Roles will vary and the guidance says that they could include someone:

*2.18 to ensure that any interview with the person suspected of being at risk is conducted fairly; to provide expert knowledge and experience on specific matters (e.g. capacity); to advocate on behalf of the person; to share their existing knowledge of the person; to build a rapport with the person; to allow the authorised officer to jointly investigate concerns with, for example, a key worker, a police officer, health professional or Office of the Public Guardian; and to assist communication with the adult (or any other member of the household), for example, an interpreter in British Sign Language, lip speaker, Makaton communicator, deaf-blind communications interpreter or a language interpreter.*

It will be important to consider anyone who has an existing relationship with the person and may be able to support you to build a relationship of trust. Interpreters should be people who are able to express the person’s views without influencing them.

### Handout: Advocacy

*1. We suggest that you look at this handout now.*

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| **Key learning point**  Advocacy must be considered. Authorised officers will need to know how to access a range of advocates and IDVAs. |

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## Planning – minimising force and risk

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| Planning – minimising force and risk |
| *2.22…there is a delicate balancing act to be struck between the stigma that might result from the presence of police officers and the anticipated need to utilise police powers which extend beyond those conferred on the ‘authorised officer’ within the APSO.* |

### Facilitator notes

1. *This slide highlights considerations from the APSO guidance about balancing the need to protect authorised officers and others, and to minimise force in using an APSO.*
2. The Act says that:

*(7) A constable accompanying the authorised officer may use reasonable force if necessary in order to fulfil the purposes of an adult protection and support order set out in subsection (2).*

1. There should be prior agreement with the police about the presence required to avoid emergencies arising. A constable may accompany the authorised officer.

*4.6 A number of factors must be considered in deciding whether a constable is necessary. Among these are: the likelihood of resistance to entry to the premises; any known history of violence; the severity of the suspected abuse; and a judgement as to whether this might escalate the situation.*

1. Steps should be taken to minimise risk. This should include considering the authorities’ procedures to safeguard staff to assess any potential risks and measures, such as staff visiting in pairs or liaising closely with the police, where necessary.

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| **Key learning point**  Authorised officers will need to agree with the police what level of presence and input is needed. |

## Planning – safe enquiries

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| Planning – safe enquiries |
| “When working with victims of domestic violence and abuse, the first key principle to follow is to enquire safely about violence or abuse.” (ADASS/ LGA 2015) |

### Facilitator notes

1. *This slide sets out an important principle that is likely to be relevant to planning for the use of APSOs.*
2. As mentioned in consideration of domestic abuse and coercion, it is important to bear in mind that a perpetrator of domestic abuse is at their most dangerous when their control is being challenged. This must be considered both when entering the premises and as a vitally important factor in planning next steps.
3. Safe enquiry has been developed following circumstances in which women and their children have been placed at risk of serious harm (and homicide) due to perpetrators becoming aware that professionals knew about their behaviour (ADASS/LGA 2015). It is relevant to whether to give notice; consideration of when, where and how to engage in conversation with someone; consideration of who to involve; and consideration of next steps. The issue of how to make as safe as possible an enquiry needs to be considered as a fundamental part of planning.
4. Best practice includes:

* To ensure safety and confidentiality: always ensure you are alone with the person before enquiring into possible abuse; make sure that you can’t be interrupted, and that you – and the person – have sufficient time; only use professional interpreters; do not pursue an enquiry if the person lacks capacity to consent to the interview unless you have already arranged an advocate; document the person’s response.
* Ask direct questions about their circumstances, for example: Has anyone close to you made you feel frightened? Does anyone close to you bully you, control you or force you into things? Has anyone close to you ever hurt you physically, such as hit you, pushed you, slapped you, choked you, or threatened you in any way?
* Ask additional direct questions to adults with care and support needs, for example: Has anyone prevented you from getting, food, clothes, medication, glasses, hearing aids or medical care? Has anyone prevented you from being with the people you want to be with? Has anyone tried to force you to sign papers against your will? Have you been upset because someone talked to you in a way that made you feel ashamed or threatened? Has anyone taken money belonging to you?
* When abuse is disclosed or identified: be ready to proceed with assessment, referral and safety planning. (ADASS/ LGA 2015)

## Case study: making an application

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| Case Study: making an application |
| Complete the application form |

### Facilitator notes

1. *This slide introduces the second part of the case study.*

### Activity – Case study: Making an application

1. *We suggest you include this activity now.*

## Process parts 3, 4 and 5

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| Process part 3, 4 and 5 |
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### Facilitator notes

1. *We will now look at the next steps in the process.*

## Content of the session

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| Content |
| * Process part 3 – Court * Process part 4 – Using an APSO * Process part 5 – Next steps |

### Facilitator notes

1. *This slide sets out the content of this session.*
2. This session looks at the process as set out in the APSO guidance. It covers the last three stages of using an APSO – the steps that involve court (application, the hearing and aftermath), using the APSO and thinking about next steps.

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| Facilitators’ hints and tips  Participants will have carried out a learning needs analysis that asked them to score their knowledge, skills and confidence in different areas from 1 (low) to 5 (high).  All the areas are relevant for this session and in particular:  *Knowledge: I have a high level of understanding of the context of abuse, abusive situations and neglect*  *Knowledge: I am familiar with research and evidence about coercion and control, and its impact*  *Knowledge: I have a detailed understanding of the provisions of the Mental Capacity Act 2005*  *Knowledge: I have knowledge of the range of resources available within informal networks, within the wider community and through formal service provision to support adults at risk*  *Skills and experience: I am able to communicate with and build relationships with people in diverse and challenging situations so that they are fully involved*  *Skills and experience: I work constructively with other agencies to achieve outcomes*  *Skills and experience: I work constructively with advocates to achieve outcomes*  *Skills and experience: I am able to assess risk, and act to reduce or manage this as appropriate*  *Skills and experience: I am able to gather information, analyse and critically reflect on it, make a judgement and demonstrate my workings out*  It will be useful to ask participants to individually reflect on how they scored these questions and what their learning needs are in these areas. |

## Court

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| Court |
| * Court skills * Support for witnesses * Post-APSO procedure |

### Facilitator notes

1. *This slide highlights the main areas to consider around court.*
2. The authorised officer role includes: liaison with the local authority legal service to make the application to the court and possible attendance to give evidence about the need in particular cases. (APSO guidance 1.7)
3. Authorised officers can seek support to prepare for court from legal officers, and from colleagues and managers with experience of court work, including AMHPs and child protection practitioners.
4. The APSO guidance sets out some considerations around witnesses:

*2.5 The lead local authority officer in charge of the case should ensure that all the evidence and witnesses are available at the hearing, including any evidence in support of the need for the court to make an immediate APSO.*

1. The welfare and safety of any witnesses must be considered. This includes seeking to anonymise witness evidence.

*3.2 Before evidence is disclosed, the ‘authorised officer’ making the application* for the *APSO should consult the local authority or police or other agencies to ensure that all reasonable steps have been taken to support witnesses and minimise any potential risk of witness intimidation.*

1. The step-by-step process (Annex A APSO guidance) says that where an APSO is granted and notice needs to be given, *personal service should be arranged as soon as possible. In all cases service should be recorded. The local authority should ensure that a copy of the APSO is forwarded immediately to the police. Copies of the APSO should also be given to any other relevant agency.*
2. It is worth noting that there is provision for out-of-hours application. However, use of this would be exceptional:

*2.23 Because of the very nature of APSOs, it is unlikely in all but the most extreme circumstances that an application for an emergency order will be required. However, local authorities will want to ensure that arrangements are in place to enable them to secure access to Her Majesty’s Courts and Tribunal Service out of hours.*

Additional information

Evidence around the role of social workers in the family court (Research in Practice 2012) is helpful in considering the role of the authorised officer in court:

Social workers are professional witnesses whose evidence comprises both factual information and professional opinion. Social workers are not just representing the local authority – like experts, they are under a duty to be objective and even-handed in the evidence they give. Social workers need to be analytical in their presentation of information for the court. Social workers need to develop more confidence in the way they use research and professional judgement in their evidence.

Social workers provide the court with:

* Evidence of facts – this includes first hand evidence of what they experienced and ‘hearsay’ evidence – in Children Act cases, what a witness has been told is also admissible.
* Evidence of opinion – as a professional witness, the social worker will also be expected to analyse the facts to present an opinion within the remit of their own. The more closely connected the evidence is to its source, the greater the weight that the court will attach to it.

Guidance for the expert witness is clear: reports must be properly researched; gaps in research should be noted; and reports should be objective and not biased.

When giving a professional judgement it may be helpful to consider the definition of a defensible decision (Kemshall, 2003, in Nosowska and Series, 2013):

* All reasonable steps are taken.
* Reliable assessment methods are used.
* Information is collected and thoroughly evaluated.
* Decisions are recorded and carried through.
* Agency processes and procedures are followed.
* Practitioners and managers are investigative and proactive.

## Using an APSO – entry and explanation

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| Using an APSO – entry and explanation |
| * Time of entry * Use of force * Providing an explanation * Complaints |

### Facilitator notes

1. *This slide highlights the points in the APSO guidance about entry and giving an explanation.*
2. In the planning, authorised officers will have considered anything they want to raise in the application about time of entry and who will go. Justices of the Peace may attach conditions to the APSO about this.

4.5 It *is important to remember at all times that, because of their inherently intrusive nature, care must be taken to ensure that the use of the APSO is compatible with the Human Rights Act 1998. All possible measure must be taken to minimise the risk of a forced or highly confrontational entry to the premises.*

1. The Act says that the authorised officer must: *state the object of the visit, produce evidence of authorisation to enter the premises, and provide an explanation to the occupier of the premises of how to complain about how the power of entry has been exercised.* (127 (8))

A copy of the APSO should be provided along with information about ombudsman, complaints, and advice and support.

1. The APSO guidance suggests a form of words for the explanation:

*I am in possession of an Adult Protection and Support Order duly issued under section 127 of the Social Services and Well-being (Wales) Act 2014. The purpose of this order is to enable me to speak in private with a person suspected of being an adult at risk of abuse or neglect in order to ascertain whether that person is making decisions freely and to decide what, if any, action should be taken.*

*If you are dissatisfied with my actions you can formally record a complaint with the social services department.*

*If you are dissatisfied with the outcome of a complaint you make to the authority, you may then contact the Public Service Ombudsman for Wales.   
The Ombudsman has legal powers to look into complaints about public services and is independent of all government bodies*. (4.11)

1. The capability about being assertive in difficult and challenging situations is highly relevant here.

## Using an APSO – assessment

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| Using an APSO – assessment |
| * Risk * Health status * Capacity * Ability to protect him/herself * Understanding of what is happening and wishes * Undue influence |

### Facilitator notes

1. *This slide sets out the areas that assessment should cover according to the APSO guidance.*
2. The guidance says that:

*4.14 The assessment should include consideration of risk, health status, capacity and the ability of the person to protect him or herself. It will also need to include an assessment of the person’s understanding of what is happening and what their wishes are. Appropriate weight must be given to their wishes bearing in mind a consideration of the possibility of undue influence.*

These are areas that are considered in good social work assessments. Authorised officers will need to bring their knowledge, skills and values to bear on the assessment. They will need to involve others as necessary, particularly advocates.

Additional information

Ultimately the purpose of assessment is to promote well-being. And the immediate purpose in the Act is *(b) to enable the authorised officer to ascertain whether that person is making decisions freely, and (c) to enable the authorised officer properly to assess whether the person is an adult at risk and to make a decision as required by section 126(2) on what, if any, action should be taken.* (127 (2))

Due to the power imbalance, anti-oppressive practice is needed. This includes: empathy; active listening to people’s account of their circumstances; acknowledgement of the impact of power; awareness of the impact of unequal structures on the person; partnership working to understand what is happening for someone and how best to respond; a response that recognises structural inequality and seeks to combat this (Nosowska, 2014).

*Working Together to Safeguard People: Volume 1* emphasises factors that should be considered when weighing up if someone is making decisions freely:

*Practitioners should consider indicators of undue influence including:*

*Is the person allegedly exercising undue influence in a position of trust? For example, care home staff, carer or relative.*

*In cases of financial abuse, has the person been offered independent advice?*

*Is the person allegedly exercising undue influence preventing the interview in private from taking place?*

*Is the particular decision the person is taking untypical and out of character based on what the authorised officers and those accompanying him or her know or have been told about them?* (56)

APSO guidance says that authorised officers need to have: *effective communication skills and the ability to identify any special communication needs that the person suspected of being at risk may have and how their ability to communicate their wishes may be enhanced.* (1.9)

Again, advocacy and interpreters are emphasised as ways of ensuring the person has a genuine voice.

Professional judgement around risk can draw on tools that support good risk assessment. For example, the Domestic Abuse, Stalking and Honour Based Violence Risk Identification Checklist (DASH-RIC) is an evidence-based list of 24 questions about what factors are present in a domestic abuse situation, and usually carried out with the victim. The exercise of professional judgement is essential when considering the points score from the DASH-RIC (or similar systems), especially where it has resulted in a lower score than expected. Some practitioners have found this to be the case where the person experiencing domestic abuse is also an adult with care and support needs. The DASH-RIC risk assessment is predisposed to assess risks for women with children and is known to have limitations for identification of the risk factors experienced by disabled and older people and therefore your professional judgement will be key (ADASS/LGA, 2015).

Factors in good risk assessment include to:

* understand how coercive and controlling behaviours may inhibit people disclosing or revealing the extent of domestic abuse;
* understand local policies and procedures for safeguarding and risk assessments;
* listen to and communicate respect towards the adult with care and support needs who is experiencing domestic abuse;
* be aware of and vigilant against the potential of ‘the rule of optimism’, when professionals may place undue confidence in the capacity of families to care effectively and safely;
* take any immediate protective measures that are needed;
* understand how your local arrangements work in relation to safeguarding and Multi-Agency Risk Assessment Conferences;
* use risk assessment forms as tools to aid professional judgement, not as ends in themselves;
* using safe enquiry, work with the person at risk to ensure their experiences are central to your risk assessment;
* collate information about static risk factors, as they are the most reliable indication of long-term risk;
* use professional judgement in risk assessment as everybody’s circumstances are different;
* gain support from local specialist domestic abuse agencies; they are experts in risk assessment and management (ADASS/ LGA, 2015).

When going into talk to the person, it will be important to have considered possible next steps including: having information about services; being ready to do safety planning about protective factors.

## Case Study: assessment

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| Case Study: assessment |
| * Write key considerations for communication with Mrs Evans * Ask key questions about her situation |

### Facilitator notes

1. *This slide introduces the third part of the case study.*

### Activity – Case study: Assessment

1. *We suggest that you include this activity now.*

## Next steps

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| Next steps |
| *4.15 It will be important to have developed an exit strategy so the ‘authorised officer’ is able to clearly explain, both to the adult at risk and to other occupants, what happens after the visit has taken place, any follow up actions that are proposed, and any sources of support that are available to them.* |

### Facilitator notes

1. *This slide highlights considerations from the APSO guidance about the last part   
   of the process – next steps.*
2. The guidance states that:

*4.15 It will be important to have developed an exit strategy so the ‘authorised officer’ is able to clearly explain, both to the adult at risk and to other occupants, what happens after the visit has taken place, any follow up actions that are proposed, and any sources of support that are available to them.*

The exit strategy should arise from the process so far. The authorised officer should already have a clear idea of what will happen next which should be made possible within the conditions of the APSO. The major considerations are:

* How to ensure that the person’s well-being is maintained
* How to continue and achieve the purpose of the APSO if this is not done
* How to act on what is found through using the APSO.

This needs to be clear to the person who is the subject of the APSO. Reassurance is likely to be needed. Further visits may well be needed with or without others. An APSO discussion should lead to a decision under the Act: as required by Section 126 (2) on what, if any, action should be taken.

An important consideration is that the person who is abusing or neglecting the adult may be providing care. If care and support needs are identified, then it will be necessary to make arrangements for these to be met. Where the person causing harm has care and support needs it is best practice for these to be assessed and provided for separately to services for the adult who has care and support needs (ADASS/LGA, 2015).

1. The guidance raises a further practicality:

*4.16 In the event that forced entry has been required, the local authority will be responsible for ensuring that the property is secured.*

Additional information

If there is an ongoing risk of abuse then a safety plan should be made to cover the period of time until the next contact. Safety planning is about helping someone to plan how to stay as safe as possible (ADASS/LGA, 2015). Some considerations for this are:

* Use of specialist services
* Health and social care services as part of a ‘package’ to maintain safety and support emotional recovery
* Involvement of MARAC
* Involvement of a IDVA
* Consideration of a DVPO
* Options for leaving if the person wishes to do this
* A way for the person at risk to inform professionals if risk increases. (ADASS/LGA, 2015)

## Case study: next steps

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| Case Study: next steps |
| Identify how you will:   * Ensure that Mrs Evans’ well-being is maintained * Continue and achieve the purpose of the APSO * Act on what is found through using the APSO |

### Facilitator notes

1. *This slide introduces the final part of the case study.*

### Activity – Case study: Next steps

1. *We suggest you include this activity now.*

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| **Key learning point**  Contingencies and next steps after the APSO is used should be considered from the start and built into planning. |

## Ongoing learning

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| Ongoing learning |
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### Facilitator notes

1. *We will now look at what you have learned and your ongoing learning needs.*

## Content of the session

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| Content |
| * Repeat of learning needs analysis * Action plan |

### Facilitator notes

1. *This slide sets out the content of this session.*
2. This session will enable you to identify what you have learned and to plan how you will meet your ongoing learning needs. Given that it is unlikely you will use APSOs often and that this is a highly skilled area of practice, it is important that you identify how you will continue your learning and development. This will include continuing to develop capabilities, refreshing knowledge and skills, and how you will contribute to the community of authorised officers.

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| Facilitators’ hints and tips  Participants will have carried out a learning needs analysis that asked them to score their knowledge, skills and confidence in different areas from 1 (low) to 5 (high).  All the areas are relevant for this session and in particular:  *Behaviour: I continually learn and develop to improve my practice*  *Behaviour: I reflect on my work and seek support when I need this*  The activities in this session aim to support transfer of learning into practice:   * LNA – this supports ongoing motivation and activity around individual learning and development – to develop knowledge, skills and value-based behaviours * Action plan – this adds to the LNA by specifying SMART targets for learning and development, and allowing consideration of support needed for this. |

### Activity – Follow-up learning needs analysis and action planning

1. *We suggest you include this activity now.*

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| **Key learning point**  Since APSOs will be used very infrequently, authorised officers will need to ensure they maintain their practice readiness. They should use continuing professional development and appraisal to support them in this.  Authorised officers are a resource for one another and may be called upon by other local authorities. |

## Conclusion

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| Conclusion |
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### Facilitator notes

1. *This leads to the final slide about additional support*

## Additional support

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| Additional support |
| * References * Care Council for Wales Information and  Learning Hub * Your own supervision and CPD |

### Facilitator notes

1. *This slide highlights other useful support*
2. The module includes references to useful material. There is a wealth of information and resources on the Act available on the Care Council for Wales Information and Learning Hub. You can also share your learning needs assessment and action plan during your own supervision and use this for continuing professional development.

# Links to Regulations and Codes of Practice or Statutory Guidance

[Social Services and Well-being (Wales) Act 2014](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf)

[Social Services and Well-being (Wales) Act 2014 Codes of Practice and Statutory Guidance](http://www.ccwales.org.uk/codes-of-practice-and-statutory-guidance/)

This includes:

*Working Together to Safeguard People: Volume 1– Introduction and Overview*

*Working Together to Safeguard People: Volume 4 – Adult Protection and Support Orders*

*Part 10 Code of Practice (Advocacy)*

NB This will include a compendium of guidance for *Working Together to Safeguard People,* which will replace *In Safe Hands* and *Working Together to Safeguard Children*

[The Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015](http://www.legislation.gov.uk/wsi/2015/1465/pdfs/wsi_20151465_mi.pdf)

[Information and Learning Hub learning resources on the Social Services and Well-being (Wales) Act 2014](http://www.ccwales.org.uk/learning-resources-1/)

[Mental Capacity Act 2005](http://www.legislation.gov.uk/ukpga/2005/9/pdfs/ukpga_20050009_en.pdf)

[United Nations Principles for Older Persons](http://www.olderpeoplewales.com/en/about/UN-principles.aspx)

[United Nations Convention on the Rights of Persons with Disabilities (CRPD)](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html)

[European Convention on Human Rights](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

[Welsh Accord for the Sharing of Personal Information (WASPI)](http://www.waspi.org/)

[UK Government guidance on Domestic violence and abuse](https://www.gov.uk/guidance/domestic-violence-and-abuse)

A guide for Wales is currently being developed and will be published in due course.

[The Active Offer](http://www.ccwales.org.uk/learning-resources-1/?search=the-active-offer)

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