

The following organisations are members of Sandwell Adult Protection Committee:



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Sandwell Adult Protection Committee

Practice Series: Working together with the criminal justice system



Learning from experience to protect Sandwell's vulnerable adults: 2005 – 2006

This leaflet is aimed at practitioners who use Sandwell's adult protection procedures.

In 2005/06 criminal justice agencies in the West Midlands made a significant contribution to public safety.

This series is an attempt to raise awareness of new matters arising in adult protection and prevention.

Organisations need to appreciate:

- a whole picture of multi-agency activity
- outcomes for victims and perpetrators
- what works well and why
- any lessons to be learned

Practitioners need to apply learning to 'working together' to prevent further harm to vulnerable adults.





Case examples to learn from

Dignity and supporting whistleblowers

An older woman in a care home who cannot make decisions for herself was subjected to degrading treatment by a care worker. Three staff witnesses were intimidated; the one who came forward made a serious suicide attempt.

Magistrates Court convicted the worker on two counts of Common Assault; the worker still denies wrong doing. The Court imposed the maximum sentence: a 300 hour Community Order and £400 costs due to 'a high level of seriousness'. The worker was dismissed and reported to the PoVA List. The victim is alive and well. The Care Home said Police support helped their staff see the matter through.

The Court and Probation Service sought the Adult Protection Coordinator's help when they learned the worker had taken a new job in care, despite being provisionally barred. The Probation Service are helping the perpetrator consider their future career. Unpaid community work was arranged that won't place vulnerable adults or children at risk. The Commission for Social Care Inspection (CSCI) is monitoring the new employer's actions.

What worked well:

- ✓ Involve the Police to determine whether a degrading act is a crime. A crime without a complainant can be successfully pursued through the courts where there is enough evidence from other sources.
- ✓ The prevention of further abuse can depend upon staff coming forward to whistleblow and appear in court. Staff can be vulnerable too, and need planned multi-agency witness support. This is well provided for.
- ✓ Criminal justice agencies took abuse and intimidation seriously, and notified Adult Services when prevention of further harm to vulnerable people was needed. Adult Services help agencies with the evidence and power to share information, and take appropriate action.



Success in Adult Protection in Sandwell

In 2005/06 Sandwell's public sector bodies responded to challenges and made a difference together to public safety and prevention of abuse, as below.

Checks on staff: preventing abuse

Factual references, Criminal Records Bureau and PoVA checks enable employers to conduct risk assessments and avoid employing risky people in care, health, housing and transport. This helps to protect vulnerable people and the public.

Working together to safeguard



West Midlands Multi-agency Public Protection Arrangements (MAPPA) safeguarded vulnerable victims of crime, the public and managed perpetrators. The adult protection system, through Sandwell's multi-agency domestic violence team, SOADA, and Multi-agency Risk Assessment Panel (MARAP) are awaiting legal outcomes for several vulnerable adult victims of domestic abuse.

Safety awareness and education

Community Safety Officers played a part in educating the public and vulnerable victims of crime about home and personal safety.



Vulnerable perpetrators

Service users with mental health conditions or learning disabilities were diverted from the criminal justice system when they harmed other service users. Health, social care and housing agencies provided care and support to both victims and perpetrators to prevent recurrence.



Case examples to learn from

Access to personal data: a passport fraud case

A residential worker with people with learning difficulties was convicted of passport fraud and sentenced to 12 months in prison. At the request of a third party, they misused their employment position to verify the identities of 17 people they never met, and some false passports were obtained.

The worker did not report the conviction to their employer, resigned before dismissal and tried to work for a regulated care agency. The Commission for Social Care Inspection asked the employer to consider making a PoVA List report. A test case was made to the Secretary of State about potential risk of abuse posed to vulnerable people by staff with access to their personal information. The creation of false identities could be used to financially or sexually abuse. The worker was not listed.



What worked well:



CRB checks by the new employer, and CSCI oversight prevented employment in the care sector.

Learning:

- This case heightened awareness of the importance of securing personalised data, and the duty of care staff in a position of trust must exercise, even in their personal life.
- The employer was unable to ascertain whether false identities were sought/obtained using identities of vulnerable adults and children, so a PoVA report was made. We can only assume that the Secretary of State established this had not occurred. The listing was not made for this reason.



Case examples to learn from

Learning:

- The running of a care home can be affected by prolonged staff stress and cover arrangements. The criminal justice system needs timely decision making to help employers to safeguard vulnerable people.
- An adult protection matter needs to be coordinated by Adult Services to its' conclusion regarding the perpetrator as well as the victim to fully prevent further harm. Clarify which agency will liaise with the Dfes once an employee is dismissed (or leaves) and needs reporting to the POVA list.
- There are legal gaps. Continued employment is not a crime until a care worker is fully confirmed on the PoVA List. This can take up to seven months, (worker's right to a fair hearing).
- Notifying the Dfes as soon as a conviction is known can speed this up. The Dfes need evidence of conviction – a dated newspaper article is sufficient.
- Employer references are important to fill legal gaps; perpetrators can still get care jobs. State the facts and data protection law won't be breached. Also inform CSCI re: a new employer.

Outcome for theft victims



A theft came to light when a social worker was helping a 91 year old man prepare for a move to a care home. Initially the Police decided that more evidence was needed prior to investigating a crime. The employer's prolonged investigation identified two victims, and the Police were re-contacted. Two elderly men lost their life savings.



The evidence from the employer and the Police caused the perpetrator to change their plea, protecting the victims from the trauma of a court appearance. A young domiciliary care worker resigned and pleaded guilty to 10 counts of theft by fraud and Internet banking.



Case examples to learn from

A Crown Court Community Order was imposed after the Judge gave the perpetrator six months to demonstrate good behaviour and genuine attempt at repayment. The media reported from court that the perpetrator now works as a volunteer for a charity. The perpetrator is on the PoVA list of barred care workers.

Both men received care, support and financial management from Adult Services, and were compensated by financial institutions in Sandwell and the court. One victim died before the perpetrator was sentenced.

What worked well:

- ✓ Both victims benefited by video interviews and effective investigations. Distress was reduced to vulnerable victims of crime, and this case led to a successful prosecution.
- ✓ Both victims were satisfied with the outcome. Support was provided by Adult Services throughout the process.
- ✓ Compensation in advance of the hearing released funds needed for essential care and the victim's needs.

Learning:

- Access to justice and redress for vulnerable victims can depend upon a timely response from employer investigations and the criminal justice system. A vulnerable victim able to consent to investigations may not have time on their side. A prosecution cannot necessarily continue when a victim dies.
- The financial institutions paid compensation in advance of the court after identifying that their own checks and balances failed, making these crimes possible. Their systems were amended to reduce risk of abuse to other vulnerable adults.
- A young worker may need to be given opportunity to demonstrate learning from mistakes by the court, but the court may also need to consider whether a perpetrator of abuse may gain access to vulnerable adults in unregulated sectors. Not all voluntary organisations or charities are regulated to prevent access. The PoVA List does not prevent this either.
- The government has now introduced a Victim's Charter, and new methods of improving the balance of rights towards those of victims.



Case examples to learn from

Link between animal cruelty and abuse

A carer found guilty in Magistrate's Court of cruelty to an animal, claimed it belonged to a resident with learning difficulties who paid for the dog's food. A fine of £700 and a ban on keeping a dog for 10 years was imposed.

The carer was removed from the Adult Placement Scheme by the Management Panel, and the resident and dog were successfully moved.

What worked well:

- ✓ Once known of, Adult Services recognised the risk of harm and abuse of a position of trust. Swift action was taken within its powers to prevent further harm.

Learning:

- The carer failed to accept responsibility for an animal the resident did not have the mental capacity to care for fully, and was inappropriately charging the resident for its' food. An inappropriate role model was being presented to a resident about animal care. This is psychological and financial abuse.
- The carer failed to report the conviction as required by this regulated service. The conviction was identified from a newspaper. The Court may not be aware that an Adult Placement Scheme is akin to a foster home, and is regulated by CSCI. The Court and RSPCA should notify Adult Services.
- Research has drawn attention to a link between animal cruelty and child abuse. There is no current research on adult abuse on this theme.

