

DASS: Court of Protection – Summary of Recommendations & Client Response

Appendix 1

Rep Ref	Recommendation	Priority Level	Clients comments	Implementation Timescale
5.2	The Director of the Department of Adult Social Services should establish and carry out all appropriate responsibilities as the designated Court of Protection Deputy. This should include processes for receiving ongoing assurance that the administration of Court of Protection cases are being carried out effectively. A decision should also be made and agreed as to whether the Director should authorise expenditure of clients' monies.	High	<p>Guidance has been sought from the Court in relation to any restriction to the Director's power to delegate actions or to any financial limits for which the Director should authorise. A further meeting will be arranged with the Director following advice from the court. The Director will specify the involvement he will wish to take and this will be documented within the procedures and followed in full by the team.</p> <p>A report will be provided to the Director on all Court of Protection cases managed by the Department, the information contained in the report and the frequency to be further determined by the Director.</p>	1 September 2012
5.3	A review of how Court of Protection cases should be managed should be carried out and formalised. Roles and responsibilities of the Financial Protection Team and those of social care should be clarified, agreed and documented to ensure that all processes are carried out efficiently and effectively.	High	<p>Meetings have already taken place with Principal Managers from Access and Assessment branch and Finance. The roles and responsibilities of Care Managers and the Financial Protection Team have been documented and are in draft form. These have been shared with the group for further comment/recommendation. The Department is exploring the possibility of a collaborative review process incorporating finance and care management for all clients for whom the Department is acting as deputy. Further consideration is required on whether Social Work involvement should remain open in cases which are complex in order that decisions can be made quickly.</p>	1 November 2012

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5.4	Each Court of Protection application should be checked and authorised by a manager prior to being submitted. The manager should ensure that the information stated is correct and, where applicable, can be substantiated by other supporting information / documentation.	Medium	<p>All forms completed by a Financial Protection Officer will be checked by a manager and the team has been informed of this instruction to take place with immediate effect.</p> <p>This will be included in the review of the procedures and formally documented.</p>	<p>Implemented</p> <p>(Subject to verification by Internal Audit)</p>
5.5	The Service Manager (Self-Directed Support) should establish a process for monitoring Court of Protection clients to ensure that all clients are made subject to regular visits and that the minimum two reviews each year are carried out, documented and kept on file. Action should be taken where non-compliance is identified.	High	<p>Schedule of visits is to be drawn up to coincide with the date that the order is granted.</p> <p>The manager will be responsible for ensuring that the schedule is adhered to and that any issues that arise as a result of the visit are documented and kept on the client file.</p>	1 November 2012
5.6	The Court of Protection referral form should be appropriately updated to ensure that the rationale for referring a client as a Court of Protection case is clear.	Medium	<p>The referral form will be updated and will contain information and advice to care management staff detailing appropriate referrals.</p> <p>This will be included in the revised Court of Protection procedures and circulated to staff.</p> <p>A training programme will be developed with assistance from legal representatives and included within the departmental training programme.</p>	1 September 2012

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5.7	<p>i) Assurances should be obtained that all items that were previously held in the storage boxes agree to the respective clients' inventory.</p> <p>ii) All items retrieved from client's properties should be stored securely in the locked room with access restricted to appropriate members of staff only.</p>	High	<p>A locked room is now available to the team and all items are securely stored.</p> <p>A review has been completed by the Department and the team can provide assurance that all items agreed to the clients inventories.</p>	<p>Implemented</p> <p>(Subject to verification by Internal Audit)</p>
5.8	A Protection of Property inventory pro-forma template should be developed, taken to each property and used to formally record all items and valuables. This should be signed by both members of staff prior to leaving. Each officer should have a copy to refer to when the final version is typed up and signing to reaffirm that that it represents a true record.	Medium	The pro-forma will be developed and used to formally record all items in the property and will be signed on site by both members of staff. This will be included in the revised procedures.	1 September 2012
5.9	<p>i) Where possible, all cash recovered during a Protection of Property search should be counted by both officers at the location. If this is not possible, the use of protective sealed bags should be considered to ensure that cash can be counted back in the office.</p> <p>ii) Separation of duties should be in place between:</p> <ul style="list-style-type: none"> - Retrieving cash and items from a Protection of Property visit and recording the details in the safe contents book. - Banking cash and verification of banking. 	High	<p>All cash recovered during a Protection of Property visit will (where possible) be counted on site. Where this is not possible due to the environment, protective sealable bags have been ordered and cash will be placed inside until it can be counted back in the office.</p> <p>Cash recovered will be counted in the office and will then be verified by an independent officer who was not present at the protection visit.</p> <p>Cash banked will be verified by an independent officer who will check that the amount banked matches the amount taken from the property.</p>	1 August 2012

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5.10	<p>i) Clients' monies recovered from Protection of Property visits should not be used as a method of payment for any purpose that does not comply with the Court of Protection or Office of the Public Guardian procedures.</p> <p>ii) A policy decision on whether the assessment of capacity charge should be levied against the client or the Council should be made and agreed. If the Department of Adult Social Services continues to charge clients for the assessment, it should be determined whether this should be agreed and detailed in the schedule of charges for the Department.</p>	High	<p>Monies recovered from a protection of property visit will not be used for any purpose until the Court order has been obtained.</p> <p>This will be included in the revised procedure.</p>	<p>Implemented</p> <p>(Subject to verification by Internal Audit)</p>
5.11	Corporate Procurement should be consulted as to whether a preferred supplier list could be established of firms available for house clearance that represent value for money whilst meeting any other specific need (e.g. houses that may need to be cleared and cleaned immediately). If a preferred supplier list cannot be compiled due to compliance with procurement requirements, it should be ensured that three quotes are obtained on each occasion where practical.	High	A meeting to be arranged with corporate procurement to progress this issue.	1 September 2012
5.12	A procedure should be developed and implemented for controlling access to online bank accounts during periods of staff absence.	High	A meeting has been arranged with HSBC bank (18 th July 2012) in order to progress this issue.	1 September 2012

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5.13	Independent and prompt reconciliations of bank statements should be carried out for all Court of Protection clients. Each Financial Protection Officer should only reconcile bank statements of clients managed by another Officer. All reconciliations should be signed and dated as evidence of when it was carried out and by whom. As an additional check, a manager should carry out a number of random spot check reconciliations each month.	High	<p>Staff have been instructed that they should not be reconciling the bank statements of their own clients. This instruction took place with immediate effect.</p> <p>The managers will carry out independent checks on a monthly basis.</p>	<p>Implemented</p> <p>(Subject to verification by Internal Audit)</p>
5.14	Comprehensive, documented procedures should be compiled and formally agreed for all systems and processes carried out by the Financial Protection Team for managing Court of Protection clients. The procedures should be made subject to annual reviews or immediately upon any changes made by the Court of Protection or the Office of the Public Guardian.	High	A full re-write of procedures is underway. The procedure, once agreed will be reviewed on an annual basis.	1 November 2012
5.15	A process should be established to ensure that the justification and reasons for payments made on behalf of clients – including new standing orders or direct debits - are reviewed, authorised by a manager and documented for probity.	High	A payment request slip is to be produced and included within the new procedure. All payments, standing orders and direct debits will be authorised by a manager on the request slip and shall be maintained on the client file.	1 September 2012

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5.16	A procedure for verifying that purchases made on behalf of clients have been received should be introduced. The procedure should take into account the type and value of items that have been purchased in determining whether verification checks are required.	High	The manager of the home will be required to verify that any purchases have been received by the client. Items will be checked during the annual review visit to ensure that they are being used for the sole benefit of the client.	1 September 2012
5.17	<p>All care homes should be required to submit personal allowance expenditure reports on a periodic basis for each client detailing how monies were spent and evidence that that the client has received the monies / items declared. Reports should be reviewed to ensure that:</p> <ul style="list-style-type: none"> i) Expenditure is appropriate for the client; ii) Action on any suspicious activity is taken; and iii) The amount of personal allowance to be paid is adjusted promptly, where appropriate. <p>Where personal allowance is taken to the care home, procedures should ensure that it is signed for by the client on the compliments slip, if they have the capacity. If this is not possible, the receipt of the personal allowance should be evidenced on the periodic expenditure report received from the care home.</p>	High	<p>A full re-write of procedures is underway. The procedure, once agreed will be reviewed on an annual basis. Records in relation to the use of personal allowance will be checked at the annual review visit and documented. The Principal Officer will further consider how timely monitoring of personal allowance spending will be carried out to ensure care homes have not accumulated excessive unspent monies. Quality Assurance Officers routinely check records as part of their monitoring inspections of homes by means of section 9 of our new monitoring framework which links to Outcome 26 of Regulation 20 of CQC's Essential Standards. Any concerns raised and/or suspicions that monies have been diverted away from the client will be raised as a safeguarding concern. Where the amount of pocket money is adjusted, this will be verified by the manager at all times and a copy of the justification will be retained on the client file.</p>	<p>Implemented</p> <p>(Subject to verification by Internal Audit)</p>

			<p>Further consideration needs to be given around monies being physically taken to the care home. Bacs payments would be the preferred method of payment as the team should not be a money delivery service. This will be reviewed and included within the rewrite of the procedures.</p>	
5.18	<p>All large payments that are to be made from client's accounts should be reported to the Office of the Public Guardian prior to being reported. Clarification on what constitutes a large payment should be ascertained from the Office of the Public Guardian so as to ensure compliance.</p>	Medium	<p>The Court has been asked to define 'large payments' and action will be taken depending on the response received by the Department. This will be included in the revised procedures.</p>	1 September 2012