



**Diogelu Gwent
Gwent Safeguarding**

**Gwent
Adult Protection
Support Order Protocol**



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PURPOSE AND SCOPE

The Social Services and Well-being Wales Act (2014), Part 7 Section 127 introduces the new Adult Protection and Support Order (APSO). This order provides a legislative framework to permit an Authorised Officer (see requirements for AO below) of the Local Authority to make an application to the Magistrates court to do the following;

- 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;
- To enable the Authorised Officer to ascertain whether that person is making decisions freely; and
- To enable the Authorised Officer to properly assess whether the person is an adult at risk and to make a decision as required by section 126(2) of the Social Services and Well-being (Wales) Act 2014 on what, if any, action should be taken.

Welsh Government guidance for Adult Protection Support Orders can be found via the following hyperlink: <https://www.gwentsafeguarding.org.uk/Documents-en/Adults/Protocols-and-Procedures/National-Documents/Social-Services-and-Well-Being-Wales-Act-2014-Working-Together-to-Safeguard-People-Volume-4.pdf>

APSOs are designed to enable vulnerable adults to express their views independently to an Authorised Officer where there is reason to believe they are at risk of abuse or neglect. However, an APSO may not be appropriate if:

- the granting of an APSO might leave the individual at greater risk;
- other less interventionist approaches have not been considered; and
- the use of a Domestic Violence Protection Order (where the wrong-doer may be removed from the property) or other measure may provide better protection for the victim. See attached Police Rationale document (Appendix 2) for range of other measures that may be used

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.

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.

An adult protection and support order can only be granted if the court is satisfied that:

- a) the Authorised Officer has reasonable cause to suspect that a 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 in order to fulfil the purposes set out in Section 127(2) Social Services and Wellbeing Act, and
- d) exercising the power of entry conferred by the order will not result in the person being at greater risk of abuse or neglect.

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).

Statutory guidance in relation to Adult Protection and Support Orders has been issued under the powers in section 131 and 139 of the 2014 Act, see Working Together to Safeguarding People: Volume 1 – Introduction and Overview. A copy of which can be found on Gwent Safeguarding website: <https://www.gwentsafeguarding.org.uk/en/Adults/Protocols-and-Procedures/National-Documents/National-Documents.aspx>

This protocol should be read on conjunction with Working Together to Safeguard People: Volume 4. A copy can be found on Gwent Safeguarding website: <https://www.gwentsafeguarding.org.uk/Documents-en/Adults/Protocols-and-Procedures/National-Documents/Social-Services-and-Well-Being-Wales-Act-2014-Working-Together-to-Safeguard-People-Volume-4.pdf>

This protocol specifically addresses the practicalities for a request for APSO intervention for adults at risk who lives in Gwent and does not replace the above guidance.

The use of an APSO is subject to the general principle of proportionality. This applies to the number of visits and the number of people who accompany the Authorised Officer.

The Wales Safeguarding Procedures includes information on APSO, in line with powers issued in section 131 and 139 of the 2014 Act.

AUTHORISED OFFICERS

Applications for APSO may be made by an Authorised Officer of a local authority where authorisation has been given by a local authority to perform functions under this section.

The regulations provide for an officer of the local authority where the adult at risk resides to act as an Authorised Officer. However, where this is not practical the Authorised Officer should be an officer from a local authority in the safeguarding board area. If this is not practical, an Authorised Officer must be an officer from a local authority in Wales.

Local authorities need to be clear as to who has responsibility to act on behalf of the authority and be able to provide evidence of authorisation – see *Appointment of Authorised Officers Form* in Appendix 3.

Regulations place restrictions on who may be authorised under this section, for example, by requiring particular qualifications or experience. An Authorised Officer requires a complex set of skills. Authorised Officers must have undertaken a specialist training programme and are required to keep their skills up to date. It is essential that the Authorised Officer has a degree of autonomy from his or her employer and is able to perform the functions independently of the day-to-day management of the particular case.

Further details of the skills, attributes, training and assessment for an authorised officer can be found in Working Together to Safeguard People Volume 4 – refer to hyperlink on page 2.

RESPONSIBILITIES OF THE AUTHORISED OFFICER

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 (Appendix 2) 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.

If an APSO is made to the court, it must:

- specify the premises to which it relates.
- provide that the Authorised Officer may be accompanied by a constable; and
- specify the period for which the order is to be in force.
- the court may also attach conditions which may, for example:
 - specify restrictions on the time at which the power of entry conferred by the order may be exercised;
- provide for the Authorised Officer to be accompanied by another specified person; and
- require notice of the order to be given to the occupier of the premises and to the person suspected of being an adult at risk.

When an adult protection and support order is in force the Authorised Officer, a police constable (if considered necessary) and any other person specified in the order has the power to enter the premises where the suspected adult at risk is living, for the purposes of the order. The constable may use reasonable force (for example, to gain access to the premises where the adult at risk lives) if such force is necessary to enable the purposes of the order to be fulfilled.

INITIATING A REQUEST FOR APSO

It is expected that enquiries regarding the need for an APSO application will usually be generated via the safeguarding process. If an APSO is identified during the safeguarding process, the Lead Coordinator (with responsibility for arranging and chairing strategy meetings/ discussions) for the case will contact the relevant Authorised Officer. If they are not available, the Lead Coordinator will refer to the senior manager with responsibility for safeguarding.

Consideration should be given to notifying the safeguarding teams in key agencies (e.g. Health, social care agencies, Welsh Ambulance Service) that an APSO may be initiated. In all cases the Health Board Corporate Safeguarding Team should be included. This is to ensure appropriate representation at subsequent strategy meetings. It is vital people with the appropriate level of decision making participate in strategy discussions/ meetings.

It is essential that the police are involved throughout the process, as their involvement will often be necessary to support the execution of the support order. The police should always be invited to attend. If a strategy discussion/meeting has previously been held, then this will need to be re-convened in order to facilitate the attendance of the Authorised Officer, legal representative and police.

In the first instance the Authorised Officer and a legal representative from the local authority legal department will attend the strategy meeting to gather all relevant information in order to assess whether an application needs to be made.

In the strategy meeting, the Authorised Officer will ensure that all actions have been undertaken in order to engage with the adult at risk; this is essential in providing evidence to the court should an application be made, as the Authorised Officer will need to demonstrate that alternatives to an APSO have been fully explored. The APSO is an order of last resort. The Authorised Officer may make further recommendations prior to making the application and will advise of these throughout the safeguarding process.

'It is anticipated that APSOs will rarely be sought....applications should only be made as a last resort, they should only be considered when other less intrusive approaches have failed or are highly likely to fail. The actual or likely failure of these other approaches should be recorded' (Working Together to Safeguard People: Volume 4 – Adult Protection and Support Orders, p8).

The Authorised Officer, with the assistance of the local authority's legal team, is solely responsible for the application and implementation of the APSO.

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.

The Authorised Officer should draw up a 'balance sheet' to assist analysing the risks and implications of applying and not applying for an APSO. This will assist the Authorised Officer when considering/ completing the application and will also assist the justice of the peace where an application is made.

Appendix 1 includes a Decision Making Tool which can be used when considering an APSO application.

PREPARING AN APSO APPLICATION

If an APSO application is to be made, the Authorised Officer will make the appropriate arrangements to secure the APSO and will do so following the step by step approach laid out in the statutory guidance. This includes:

- Collecting evidence
- Completing Appendix 2: Application form for an Adult Protection and

- Support Order
- In consultation with legal services complete witness statements
- Consider who needs to attend the hearing with the Authorised Officer to provide information to the Magistrates Court
- Ensure arrangements are in place for payment of the court fee

Where an APSO is to be used, extensive planning and preparation will need to be undertaken with partner agencies.

PLANNING AND PREPARATION

The Authorised Officer must ensure that they plan effectively with the Lead Coordinator and Lead Practitioner for the order to be executed, including planning an exit strategy which will identify appropriate support for the adult at risk. This is essential to ensure the ongoing protection, care, and support for the individual. This will need to be planned effectively within the strategy meeting process and will need to be evidenced to the court in the application, including who should be present, e.g. an advocate, WAST if potential mobility issues etc.

In order for the application to be heard in court, and during the execution of the order, the Authorised Officer will require proof of accreditation and appointment as the Authorised Officer – see Appointment Form in Appendix 2. They will have to provide evidence of their authority to act, along with the reasons why they are attending to the adult at risk.

The application must be discussed by/ with partner agencies in order to ensure that it will lead to a structured implementation. This is so that:

- the Authorised Officer has all the relevant information
- relevant involvement of partner agencies is identified for each stage
- there is adequate preparation for any post APSO involvement

Section 127(6) (b) of the Act states that an APSO may include a condition providing for the Authorised Officer to be accompanied by other specified persons. A list of people who may accompany the Authorised Officer is included in the application form (in Appendix 2).

When seeking to include a condition as to who should accompany the authorised officer, including a police officer, the rationale for their inclusion must be provided in the application, so that it may be specified in the order.

Additional information on the roles of those who accompany the authorised officer may play and consideration of involvement of an advocate can be found in Working Together to Safeguard People: Volume 4 – Adult Protection and Support Orders (see page 3 for hyperlink).

Additional information in relation to the following can also be found in Volume 4 (see hyperlink on page 2)

- Standard of proof
- Disclosure
- Witness support
- Court fees

NOTICE OF AN APPLICATION FOR AN APSO

Consideration must be given to issuing written notices to relevant individuals on the premises including the adult suspected of being at risk that an application will be made for an APSO.

A record should be kept of any written or verbal notices issued and details 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.

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.

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.

See Appendix 5 for information leaflet that may be used to provide written notice to relevant people on the premises.

POST APSO PROCEDURE

Once the Authorised Officer is in possession of the APSO, a multi-agency strategy meeting must be reconvened to share information and effectively plan the execution of the warrant with all persons who are to attend. Where possible this should be within 24 hrs. AS a minimum the Health Board Corporate Safeguarding Team should attend.

During this strategy meeting, agencies must ensure consideration is given to aspects set out below, details of which can be found in Working Together to Safeguard People: Vol 4 (See hyperlink on page 2)

- Condition of Notice attached to an APSO
- Timing of the use of the APSO
- Entering the premises
- The assessment
- Exit strategy
- Information sharing
- Monitoring and recording

The assessment must include reference to the Mental Capacity Act.

After execution of the APSO a further strategy meeting to discuss the need for additional interventions should be held.

FOLLOWING EXECUTION OF POST APSO PROCEDURE

Following the execution of the APSO, the Authorised Officer should arrange a briefing session with all those involved.

In addition, the Authorised Officer will provide a summary to Gwent Adult Safeguarding Board. They should also arrange a briefing session for other Authorised Officers in the

Gwent region, along with Group Safeguarding Managers and Heads of Adult Services in order to share learning.

Gwent Safeguarding Business Unit will keep a database of all APSO applications made.

AUTHORISED OFFICER TRAINING

At the time of writing this protocol Welsh Government have previously (albeit some years ago) provided training for two officers from each local authority in Wales. Welsh Government have indicated it intends to maintain a list of Authorised Officers and any local authority requiring details of Authorised Officers in other areas of Wales should direct email enquiries to Welsh Government Safeguarding and Advocacy Team:
safeguardingandadvocacy@gov.wales

Welsh Government has indicated there are currently no plans to run additional Authorised Officer training.

Authorised Officers have an important role to play in scrutinising the decision making process in advance of applying/ using an APSO. Frequently the role of the AO will involve working behind the scenes, offering advice to practitioners involved in a case, where appropriate advising against use of APSO supporting identifying where other action can and should be taken.

Where use of an APSO is being considered, local authorities can use the attached APSO Appointment Form (Appendix 2) to authorise a suitably qualified Authorised Officer from either their own, or another local authority area to act on their behalf.

The form can also be used by a local authority to appoint newly qualified or existing AO's within their own organisation, outside of any specific APSO process (in readiness).

A signed copy of the Appointment Form will need to be available upon application to the court for an APSO.

Authorised Officer training resources are available via Social Care Wales Learning Hub.

<https://socialcare.wales/hub/hub-resource-sub-categories/adult-protection-and-support-orders>

Alternatively, Gwent Safeguarding Business Unit has details. These training resources reflect legislation developed as part of the Social Services and Well-Being (Wales) Act 2014, and have been designed to support Authorised Officers to utilise APSOs effectively and appropriately.

APSO process at a glance



Use an APSO	Don't use an APSO
Risks:	Risks:
Benefits:	Benefits:
Conclusion and comments:	

Appendix 2

Adult Protection Support Orders

Police Rationale

Officers name:

Rank: (Must be at least the rank of Detective Sergeant)

Station:

Niche Reference:

Summary of known circumstances:

Prove a case summary of the circumstances that are known and the risks that are outlined.

Legislation that has been considered:

Please consider all legislation including Coercive Control, Domestic Violence Protection Orders & the use of Police Bail / PACE.

Rationale as to why that legislation is inappropriate or ineffective:

This rationale will be presented to a Court and is likely to be examined / considered by a Magistrate / Judge please seek advice if you are unsure.

Signature:

Date:

Appendix 3

Source: Social Services and Wellbeing Act, Working Together To Safeguard People, Volume 4, Adult Protection Support Orders, Annex B, p16

Application form for an Adult Protection and Support Order

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

Magistrates' Court (Code):

.....

Date:

.....

Subject of the Order:

.....

Address:

.....

.....

Applicant Authority:

.....

And it is alleged:

- a) that.....is experiencing or is at risk of abuse or neglect, has needs for care or support and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it; and
- b) that an Adult Protection and Support Order is necessary for the authorised officer to gain access to the person named above, in order properly to assess whether the person is an adult at risk and to make a decision on what, if any, action should be taken; and
- c) making an order is necessary to fulfil the purposes set out in section 127(2) of the Social Services and Well-being (Wales) Act 2014; and
- d) exercising the power of entry conferred by the order will not result in the person named above being at greater risk of abuse or neglect.

Short description of the grounds of the application:

- (a).....
- (b).....
- (c).....
- (d).....

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

- (a).....
- (b).....
- (c).....
- (d).....

Do you wish this application to be heard:

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

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

.....

.....

.....

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

State reasons:

.....

.....

.....

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

.....
.....
.....

Name of Applicant Authority

.....

Address of Applicant Authority

.....
.....

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

.....
.....
.....

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

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

.....
.....
.....

Examples of such a person who might accompany an authorised officer:

- 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.

Appendix 4

Appointment of Authorised Officers

All local authorities in Gwent should have their own register of Authorised Officers which includes details of the training that officers have undertaken. Where a local authority does not have a qualified Authorised Officer, APSO regulations provide that an Authorised Officer from within the safeguarding board area can be appointed, or failing that of a local authority in Wales.

For further information see Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015 (S.I. 2015/1465) and Working Together to Safeguard People Volume 4 <http://gov.wales/docs/dhss/publications/160909safeguarden.pdf>

Appointment of Authorised Officer (APSO) Form

NAME OF AUTHORITY:

NAME OF EMPLOYEE:

WORKPLACE ADDRESS:

Local authority to select a, b, or c as appropriate:

a) Appointment of Authorised Officer (own staff)

I confirm meets the requirements of Regulation 3 (1) of The Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015 in that they have:

- Has relevant experience
- Has completed appropriate training
- Is an officer of this local authority

Confirmation of completion of Adult Protection and Support Order Authorised Officer Training:

Name of Course:

Course Provider:

Date of Completed:

I hereby appoint the aforementioned to undertake the role of Authorised Officer under Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015 (S.I. 2015/1465)

Authorisation will take effect from for a period of

The Authorised Officer will have regard to and comply with the requirements as set out in the above regulations and will inform the Head of Adult Services should they cease to meet the requirements as set out in the regulations.

Signed:

Designation:

Date:

Signed (appointed Authorised Officer):

Date:

OR (see b, c)

b) Appointment of Authorised Officer (from another Gwent Local Authority)

I confirmmeets the requirements of Regulation 3 (2) of The Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015 in that they have:

- Have relevant experience
- Have completed appropriate training
- Is an officer of a local authority within Gwent Adult safeguarding Board area (GWASB)

Confirmation of completion of Adult Protection and Support Order Authorised Officer Training:

Name of Course:

Course Provider:

Date of Completed:

I hereby appoint the aforementioned to undertake the role of Authorised Officer under Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015 (S.I. 2015/1465)

Authorisation will take effect from for a period of

The Authorised Officer will have regard to and comply with the requirements as set out in the above regulations and will inform the Head of Adult Services should they cease to meet the requirements as set out in the regulations.

Signed:

Designation:

Date:

Signed (appointed Authorised Officer):

Date:

OR (see c)

c) Appointment of Authorised Officer (from another Local Authority in Wales)

I confirm that it is not practicable for an officer who satisfies Regulation 3 paragraph 1 or 2 to act and therefore:

I therefore appoint who is an officer of (insert name of local authority)and meets the requirements of Regulation 3 (3) of The Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015

Confirmation of completion of Adult Protection and Support Order Authorised Officer Training:

Name of Course:

Course Provider:

Date of Completed:

Authorisation will take effect from for a period of

The Authorised Officer will have regard to and comply with the requirements as set out in the above regulations and will inform the Head of Adult Services should they cease to meet the requirements as set out in the regulations.

Signed:
Designation:
Date:

Signed (appointed Authorised Officer):
Date:



Adult Protection Support Order

Information Leaflet

Summary of Powers under the Social Services and Wellbeing (Wales) Act 2014 to utilise an Adult Protection Support Order and the rights of those involved

Introduction

Adult Protection Support Orders are designed to enable vulnerable adults to express their views independently to an Authorised Officer where there is reason to believe they are at risk of abuse or neglect.

Use of an APSO would have been considered as part of the local authorities safeguarding process. An Adult Protection Support Order allows an Authorised Officer from the local authority to exercise the power of entry to gain access to a person suspected of being at risk so that they can.

- Speak in private to the person suspected of being at risk.
- Enable the Authorised Officer to ascertain whether that person is making decisions freely; and
- Enable the Authorised Officer to properly assess whether the person is an adult at risk and to make a decision on what, if any, action should be taken

Applications for an Adult Protection Support Order will only be made when other less intrusive approaches have failed or are highly likely to fail.

The name of your Authorised Officer is:

Their address and telephone number is:

Statutory Powers

Only a Magistrates Court can grant use of an APSO. Part 7 of the Social Services and Well-being Wales Act (2014) allows an Authorised Officer from the Local Authority to make an application to their local Magistrates Court. APSO's are only granted where the court is satisfied.

- the Authorised Officer has reasonable cause to suspect that a person is an adult at risk,

- it is necessary for the Authorised Officer to gain access to the person in order to properly assess whether the person is an adult at risk and to make a decision on what, if any, action should be taken,
- making an order is necessary in order to fulfil the purposes set out in Section 127(2) Social Services and Wellbeing Act, and
- exercising the power of entry conferred by the order will not result in the person being at greater risk of abuse or neglect

Visits with Adult Protection Support Orders

An APSO is valid for a specified amount of time and for a specific purpose.

Section 127(6) (b) of the Act allows other specified people to accompany the Authorised Officer. Examples of people who might accompany an authorised officer include:

- police officer/s.
- 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.

The use of an APSO is a last resort. Where an APSO is to be used, consideration will always be given to restrict the number of visits and the number of people who accompany the Authorised Officer to the minimum needed to complete the assessment for the person suspected of being at risk.

What happens if the person suspected of being at risk is found to be in need of additional care and/ or support?

If the person suspected of being at risk is found to be in need of additional care and/ or support the local authority will take steps to ensure that appropriate care and support is put in place. Once additional care and support has been arranged the situation and ongoing care and support needs will be regularly reviewed.

What happens if the person suspected of being at risk does not want any additional care and/ or support?

The adult at risk may decline to engage or share information with the Authorised Officer and may indicate they do not want any additional care or support. If that is the case the local authority will need to consider the following;

- Does the Adult at Risk have capacity to make the relevant decision even if this is an unwise decision
- Is the person being subject to coercive control or any other form of abuse or neglect,
- Are there concerns for the safety of other Adults at Risk,
- Are there concerns for the safety of children and or the public

If there are no concerns in relation to the above, then it is possible no further action will be taken. The Authorised Officer will be able to advise if this is the case.

However, if there are concerns in relation to any of the above, additional measures are likely to be taken to safeguard any adult or children determined to be at risk as part of the local authorities safeguarding process, this is in partnership with other relevant agencies.

Where can I find more information about Adult Protection Support Orders?

If you require more information about Adult Protection Support Orders the Authorised Officer named overleaf will be able to assist with this.

Who can I contact to discuss use of an Adult Protection Support Orders?

If you wish to discuss use of an Adult Protection Support Order you should contact the Authorised Officer identified overleaf.

If you wish to complain about use of an Adult Protection Support Order you should talk to the Authorised Officer named overleaf in the first instance, who will be able to advise you on the appropriate course of action and who else you may need to contact.

Appendix 6

Information for Practitioners: Coercive Control

Individuals can experience coercive control from the beginning of a relationship and can experience it for decades either within an intimate relationship or at the hands of a family member. Practitioners need to remain 'professionally curious' and alert to the possibility that someone is being coercively controlled.

'Controlling behaviour is a range of acts designed to make a person subordinate and/ or dependant by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour'

Wydell et al 2020

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim

Wydell et al 2020

Perpetrators using coercive controlling behaviours can affect all areas of an individual's life. For those experiencing this form of abuse, they can experience a significant impact on their sense of self identify and confidence in their ability to make decisions (Wydell et al 2020). For these individuals, factors such as health conditions, disability, care needs and levels of social contact can be manipulated by an abusive partner and/ or family member to increase their control and the victim's dependency on them. Where there is the threat of violence, levels of fear and control increases.

The term '*gas lighting*' describes the psychological tactics an abusive partner/ family member will use to cause the victim to doubt their own sanity and mental capacity.

When practitioners are concerned that someone is not accessing the health, and other care and support services available to them, and it is possible someone could be using coercive controlling behaviours, practitioners should seek to discuss with others as soon as possible, including the local authority safeguarding team. Contact details can be found via www.gwentsafeguarding.org.uk.

Helpful resources

- Statutory Guidance on coercive control is available via this link:
<https://www.gov.uk/government/publications/statutory-guidance-framework-controlling-or-coercive-behaviour-in-an-intimate-or-family-relationship>
- <https://gov.wales/this-is-control>
- <https://www.welshwomensaid.org.uk/information-and-support/what-is-coercive-control/>
- AVA Project video - How to ask and respond to disclosures of domestic violence and abuse
<https://youtu.be/uEwNg0pFAI>
- Live Fear Free Helpline is a 24 hour helpline for anyone experiencing domestic abuse, sexual violence, or other forms of violence against women.: Call: 0808 80 10 800, Text: 07860077333, Email info@livefearfreehelpline.wales

References: Wydell et al (2020), Transforming the Response to Domestic Abuse in Later Life: Practitioner Guidance, The Centre for Age, Gender and Social Justice Aberystwyth University.



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**Gwent Adult Protection Support Order
(APSO)**

Information Leaflet for Families

**Welsh Government guidance for Adult
Protection Support Orders can be
found via**

www.gwentsafeguarding.org.uk

Or request a copy from

gwentsafeguarding@caerphilly.gov.uk



<p>What is an APSO?</p> <p>An Adult Protection and Support Order (APSO) helps to ensure that people who may be being abused or neglected may not be able to have a voice or control over what happens to them.</p> <p>APSOs allow an ‘authorised officer’ from a local authority to get an order from the magistrates court which will allow them to come into particular premises. Premises include:</p> <p>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.</p> <p>An APSO may be used if this is the only way that social services believe they can speak in private with a person who may be experiencing abuse. The order will help to allow the ‘authorised officer’ to decide if they are at risk and if any action is required to help them.</p> <p>The authorised officer (and any other professionals in attendance) will need to look at whether the person is making decisions freely. for example, “is the</p>	<p>decision the person is taking untypical and out of character based on what the authorised officer [and/or] those accompanying him or her know or have been told” about the person thought to be at risk.</p> <p>Who else may attend with an authorised officer?</p> <p>Depending on the individual circumstances of the case, other specified people may be able to attend the premises, alongside the authorised officer (and police officer if they are also attending).</p> <p>These could include:</p> <ul style="list-style-type: none"> • a social worker, • domiciliary care worker, • GP or other NHS professional; • an advocate (• a family member or friend; • a best interests assessor (this relates to assessments about a person’s mental capacity) or • an “approved mental health professional under the Mental Health Act 1983” 	<p>The purpose of the APSO in the Act is:</p> <p>(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,</p> <p>(b) to enable the authorised officer to ascertain whether that person is making decisions freely, and</p> <p>(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.</p> <p>An application for an APSO will only be made when all other approaches have failed or are highly likely to fail. An ‘authorised officer’ does not have to prove the need for the APSO beyond all reasonable doubt. It may be that the need for the APSO is because there is not enough information about the adult suspected of being at risk.</p>
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Appendix 8

**IN Anytown MAGISTRATES COURT
IN THE APPLICATION FOR AN ADULT PROTECTION AND
SUPPORT ORDER**

CASE NO:

BETWEEN:

******* COUNTY BOROUGH COUNCIL**

APPLICANT

-AND

Jane Doe

RESPONDENT

WITNESS STATEMENT OF

I, am an authorised officer for the purpose of applying for an Adult Protection and Support Order (APSO) and I am employed by County Borough Council

1. I make this witness statement as Authorised Officer and in support of the Application for an Adult Protection and Support Order (APSO) pursuant to **s.127 Social Services and Wellbeing (Wales) Act 2014**. I refer to **s.127 Social Services and Wellbeing (Wales) Act 2014** as exhibit AT1. The purpose of this Order is to enable an Authorised Officer (and other professionals) to speak to an adult suspected of being at risk of abuse or neglect in private to establish whether the adult can make decisions freely, to assess whether the person is an adult at risk and to establish if any action should be taken. Whilst considering the appropriateness of the Application I have followed the **Social Services and Well-**

**being (Wales) Act 2014, Working Together to Safeguard People Volume 4
Adult Protection and Support Orders Welsh Government Guidance.**

2. I have worked for County Borough Council since May 2018. I undertook training to become an Authorised Officer for Adult Protection and Support Orders on the 16th of October 2016 in accordance with **The Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015, 2015 No. 1465 (W.159)**. I have since been authorised by County Borough Council to undertake the role of Authorised Officer for Adult Protection and Support Orders. I refer to my authorisation as AT2. I understand that I must perform these functions independently of the day to day management of this case
3. The subject of the APSO is Jane Doe who lives at 1 street, this address is within the area and Borough of County Borough Council. Her date of birth is

Background

4. The Respondent has a diagnosis of diabetes, back and leg pain, anxiety and depression and has been described as having a learning difficulty. She moved to from in 2000 and was in receipt of low-level support from Social Services. She moved into Street to live with her partner AA in 2004. Within a couple of weeks concerns were raised about his controlling behaviour and an adult protection referral was made by the social worker. A total of six adult protection referrals have been raised since their relationship started. On each occasion, professionals have had an opportunity to speak with the Respondent alone and she has been deemed to have mental capacity and to be in a consenting relationship. The Respondent has had no ongoing support from Social Services since her relationship with AA started, though she had one period of short-term support in the past to support her to access the community, intervention which she ended.
5. In June 2017, a GP raised concerns again about AA's control of the Respondent's medical care and the case was referred to safeguarding, with BB allocated as the Lead Coordinator. A welfare visit was undertaken by two social workers on 19th July 2017. AA was very hostile and rude about social workers. He did shout up the stairs to her to state that there were two social workers downstairs and did she wish to see them, to which she replied 'no'. The couple were in the process of

changing GP surgeries at the time, and other professionals were visiting (an Occupational Therapist from Housing Association and Physiotherapists), the outcome of these visits was that a level access shower should be installed in the property. A level access shower doesn't have any steps or lip into the shower area, and as the Respondent's mobility was declining, she was deemed eligible for this provision. It was decided to engage with the Respondent once this was completed.

6. Once the level access shower was installed, CC, Occupational Therapist (OT) from Housing Association, visited the Respondent on 18th October 2017 to see how she was managing with it. She advised that she had not used it as she was nervous and agreed a referral for reablement support to help her gain confidence and skills to be able to shower herself independently. During this visit the OT mentioned Social Services, at which point AA became very agitated, and made derogatory comments about social workers for example 'the only good social worker is a dead one'. He stated that he would never allow a Social Worker into the house.
7. On 6th November 2017, two members of the Community Resource Team (CRT) visited the property to offer reablement support to the Respondent, one male and one female. AA was described as being very abrupt and would not let them over the doorstep or speak to her, he started speaking negatively about the Housing Association. He later rang duty desk to complain about '2 males' attending and that he would sort physio for the Respondent through the GP.
8. CC, OT tried to make contact with the Respondent to discuss the situation. As no one answered the phone, she sent a letter to the couple requesting a call back. On the 9th November 2017, AA rang sounding very irate and aggravated, stating that he did not want OT involved any more as she is interfering, and 'they' just want to be left alone. He refused to pass the phone to the Respondent despite the OT making several such requests.
9. On the 1st December 2017, a letter from the CRT was sent to the Respondent offering reablement support and requesting that she ring to arrange a visit. No contact was made, so on 9th January 2018 CRT were asked to make further

contact by BB, Lead Practitioner, as the Respondent herself had not refused the support but her partner AA had denied them access.

10. On 7th February 2018, two OTs from CRT visited the property unannounced. Whilst they were on the doorstep explaining the reason for the visit, AA started to talk loudly over them, and told them that he did not want to see them as they had 'taken too long'. They requested to speak to the Respondent, but AA refused and said loudly that she would say the same as him. He continued to talk over them in a loud voice and said that he would be making a complaint to their 'big boss' and slammed the door.
11. Due to the concerns about the Respondent's welfare, a strategy meeting was arranged by BB and held on the 28th February 2018 under the Wales Safeguarding Procedures with a variety of professionals to discuss the increasing concerns that AA seems to be exerting increasing control over who the Respondent has contact with, and that she has not been spoken to by a professional since the OT visit in October 2017. In attendance at this meeting was The action points from that meeting were to ask the GP to contact the Respondent to arrange a medical review, and if this approach failed then a welfare visit by social workers but with police support. I refer to the Minutes of the Strategy Meeting as AT3.
12. As a consequence of the meeting the GP invited the Respondent to the surgery for a medication review. However, AA rang to say she could not go to the surgery. The GP then sent a letter advising that the District Nursing team would visit on the 7th of March 2018, and that the GP would undertake a home visit on the 8th March 2018. There was no response at the door for either visit.
13. On the 9th March 2018, an urgent welfare visit was arranged with two social workers (DD and EE), and police support. AA was extremely hostile and agitated, advised that the Respondent was not 'under the patio yet', and made threats to kill social workers. He said that social workers have ruined his family's lives and the best social workers are dead social workers and that he will kill one day. A witness statement has been provided by social worker EE, providing more information about the visit. Having refused access to the social workers, he allowed the police officer into the house, shut the door, and spoke to her

briefly but became increasingly agitated. He came back outside to where the social workers were outside the door, and with a threatening demeanour, shouted and swore at them to leave his property. Whilst AA was outside removing the social workers from the property, the police officer went upstairs and saw the Respondent. PC only had the opportunity to ask her how she was to which she stated that her health was not good. There was no opportunity for anything further to be said as at this point AA came upstairs screaming for the police officer to leave the property also, she describes that he chased her down the stairs and out of the property screaming in her ear 'get out, get out'.

14. Later that day a support worker from the District Nursing Team visited to take bloods from the Respondent. AA was very hostile about the GP surgery and social workers on the doorstep, but the support worker managed to gain entry by telling him that she was nothing to do with them. She did manage to gain consent and take bloods from the Respondent but had no conversation with her as she said AA made her feel very uncomfortable. The Support Worker said that the Respondent was in a dishevelled state, and upstairs was neglected with a strong smell.
15. AA went to the GP surgery later on the same day to collect the Respondent's prescription and claimed that he did not get the letter advising of the GP visit 'in time' due to the disruption caused by the snow even though the roads were cleared by the 5th of March
16. On the 14th of March 2018 a further strategy meeting was held with relevant professionals. Those in attendance were It was agreed that whilst the risk to the Respondent was unknown at this time, this was because no one has been able to speak with her. AA's presentation with all professionals raises serious concerns about the Respondent's welfare. The outcome of that meeting was that many visits had been attempted by a number of different professionals, but that no one had been able to speak in private with the Respondent, and now the only recourse left to professionals was to apply to the Magistrates Court for an Adult Protection and Support Order. I refer to the Minutes of the strategy meeting as AT4 for the detail of this summary.

17. Following that meeting, the GP did continue to make contact to undertake a home visit. A further letter was sent to the Respondent advising her of a planned home visit on Thursday 22nd March. AA rang into the GP surgery and refused to have the GP identified in the letter come to the house but said that he would allow a different GP to visit. Therefore, another GP visited on 22nd March and was allowed access. He has advised that he did see the Respondent and was able to discuss her health with her. AA was present throughout the consultation. His opinion (which he stressed was subjective) was that the house was tidy, but that the Respondent herself was looking somewhat neglected.
18. As the Authorised Officer for Adult Protection and Support Orders, all attempts to speak with the Respondent in private have been exhausted and have not been successful due to the coercive and controlling behaviour of AA. I believe that the grounds under **section 127(4) of the Social Services and Wellbeing (Wales) Act 2014 and in The Magistrates' Courts (Adult Protection and Support Orders) Rules 2017 (I refer to these rules as AT5)** are made out. In order to explain why the Order is needed I have set out the reasons in accordance with s.127(4).

s.127(4) of the Social Services and Wellbeing (Wales) Act 2014.

19. S.127(4)(a) - the authorised officer has reasonable cause to suspect that a person is an adult at risk

I believe that in light of the information detailed above, there is reasonable cause to suspect that Jane Doe is an adult at risk. Her partner has denied professionals' access to her, despite her own request for support to help with using the level access shower. She identified to the police officer that she felt her health was poor, yet her partner had not supported her with either a visit to the GP surgery or a home visit from the GP, although more recently one GP has been able to gain access. She was described by the support worker from the District Nursing team as being in a dishevelled state, with the upstairs of the property being neglected and smelly. In addition to this, the behaviour of AA towards every professional has raised concerns about his volatile behaviour and the speed with which he can become agitated when things are not the way he wants them to be. Although there is no known history of domestic violence,

there is a clear level of coercive control. Whilst much is unknown of how he exerts control; she is currently being isolated from potential sources of support.

20. S.127(4)(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

Without being able to speak with the Respondent I will not be able to assess whether she is an adult at risk, or make a decision about what action, if any, should be taken. No other professional has been able to speak with the Respondent in private since October 2017 to ascertain her views and whether she is in agreement with the decisions made by AA over the past few months to deny access to professionals who are willing to support her to achieve the outcomes that she has identified. She has said that she wants support to be able to use the shower confidently and has also identified that her health is poor.

21. S.127(4)(c) - making an order is necessary in order to fulfil the purposes set out in subsection (2)

At this point it is essential to gain access to the Respondent for the purpose of speaking with her in private (s.127(2)(a)); to establish whether she can make decisions freely (s.127(2)(b)); and to assess whether she is an adult at risk, and to establish from that as to what action should be taken (s.127(2)(c)).

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

I do not believe that the power of entry conferred by the order will result in the Respondent being at greater risk of abuse and neglect. At the moment there is a great deal that is not known about the situation but if the Respondent has the opportunity to speak in private about her situation, then there should be no greater risk to her. The main risk at present is in doing nothing, as we are

aware that her health is declining, and she is being denied access to medical attention.

23. Whilst I appreciate that the Respondent and AA should be given notice, I am of the opinion that it may expose the Respondent to potential harm, may provide AA a further opportunity to disrupt attempts to access Jane Doe both physically and emotionally; for example, could be put under pressure by AA to say nothing at all to professionals, or to say that everything is fine. Furthermore, the act of giving notice will delay the process of making contact. As such, I am requesting that there is no notice of the order is given. This was discussed at the strategy meeting of 14th March 2018, as shown in the Minutes at AT4.
24. I would request a condition to be added to the Order stating who can accompany me. This should include the Social Worker in the case, in order to complete the assessment of needs for care and support, to determine if Mental Capacity Act is to be applied and to establish if JD is an Adult at Risk as per the SSWBA definition. General Practitioner, given that there are potential imminent health related concerns, and two police officers given there is reasonable cause to suspect that AA will attempt to physically prevent access to the property/JD.
25. I have weighed the risks and implications of applying for, or not applying for, an APSO. It is recognised good practice as at **paragraph 2.9** of the **Social Services and Well-being (Wales) Act 2014, Working Together to Safeguard People Volume 4 Adult Protection and Support Orders** to draw up a balance sheet assessing the risks and implications as below. For ease of reference JD is the Respondent and AA is her partner.

Applying for an APSO	Not applying for an APSO
<p><u>Risks</u></p> <ul style="list-style-type: none"> • Alienating AA further • JD being traumatised by such a forceful approach 	<p><u>Risks</u></p> <ul style="list-style-type: none"> • That JD remains ‘at risk’ of abuse or neglect • That her physical health continues to deteriorate • She continues to have no access to social opportunities • That she remains in a ‘dishevelled state’ unable to access her own shower

	<ul style="list-style-type: none"> • That AA continues to speak on her behalf • That JD feels 'let down' by professionals, as nothing is done to talk with her
<u>Benefits</u> <ul style="list-style-type: none"> • that JD's voice is heard • that professionals understand what outcomes she wishes to achieve • she has the opportunity to have her health assessed • she has the opportunity to make unfettered decisions about her future 	<u>Benefits</u> <ul style="list-style-type: none"> • AA won't be agitated with professionals

Conclusion

26. I am satisfied that the balance sheet above indicates clearly the risks in either applying for or not applying for the APSO. This Application is a last resort and other attempts at contact have meant that Social Workers and other professionals have been unable to ascertain the Well-being of the Respondent.
27. This application would serve to permit access to the following professionals to accompany me;
- a. Social Worker; for the purpose of assessing if JD is an adult at risk as per the SSWBA definition.
 - b. GP for the purpose of assessing JD's imminent health needs
 - c. 2 x Police officer for the purpose of supporting professional's safe access to the property and removal of AA from the property.
28. This application requests access to the property/JD on **/**/** and the opportunity for a further visit on **/**/** in the event that further rapport building, assessment and input is required in order to complete this enquiry.

I believe the contents of this statement to be true to the best of my knowledge and belief.

Signed