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### Context

An Adult Practice Review was published in August 2021 and a key learning theme was:

*Practitioners should be aware of when the “inherent jurisdiction” of the court may be helpful.*

Please find the full report here: [Extended Adult Practice Review - GWASB 3/2019 \(gwentsafeguarding.org.uk\)](https://www.gwentsafeguarding.org.uk/gwasb3/2019-extended-adult-practice-review).



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# Inherent Jurisdiction

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### What is Inherent Jurisdiction?

Inherent jurisdiction is a doctrine of the English common law that a superior court has the jurisdiction to hear any matter that comes before it, unless a statute or rule limit that authority or grants exclusive jurisdiction to some other court or tribunal.

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### Case Example

P had multiple health problems. After P’s wife died the local authority were concerned that P’s son who also lived with him, was preventing him from receiving necessary care and treatment resulting in him living in a poor environment. P’s son also had drug and alcohol problems and presented with challenging behaviour. Using inherent jurisdiction the court ordered a lawful authorised temporary removal of P to a care home and then to return to his own home but not to live with his son.

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### When can Inherent Jurisdiction be granted?

Inherent jurisdiction can be granted as a last resort when all other means of collaborative working have been exhausted.



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### Key Points

For an order under the inherent jurisdiction, what it is important to ascertain is whether the person’s decision making is being compromised by the undue influence, abuse, or coercion by another person; the ‘inherent jurisdiction is only concerned with individuals who are vulnerable to influences that render them unable to make their own free choice, and are unable to protect themselves

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### Key Points

The inherent jurisdiction should be used in situations where a person has mental capacity under the Mental Capacity Act, but is ‘vulnerable’ because their decision-making is somehow impaired because of abuse, undue influence, or coercion by another person

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### Key Points

In recent years the inherent jurisdiction has been used most often as a means of safeguarding a ‘vulnerable’ adult where they are being abused, or subject to some sort of coercion or undue influence, but where they have mental capacity.