



Office of the
Public Guardian

Safeguarding Policy

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OFFICE OF THE PUBLIC GUARDIAN SAFEGUARDING POLICY

1. Office of the Public Guardian

- 1.1 The Office of the Public Guardian (OPG) was established in October 2007 by the Mental Capacity Act 2005 (MCA). It is an executive agency of the Ministry of Justice, with responsibilities that extend across England and Wales (separate arrangements exist for Scotland and for Northern Ireland).
- 1.2 The OPG's remit is to support and enable people to plan ahead to prepare for their health, welfare and finances to be looked after should they lose mental capacity in future, and to safeguard the interests of people who may lack the mental capacity to make certain decisions for themselves.

2. Background and Principles

- 2.1 The Mental Capacity Act 2005 established the role of Public Guardian. It introduced a statutory duty for the Public Guardian (supported by the OPG) to supervise deputies appointed by the Court of Protection, and investigate complaints or concerns about the actions of deputies, registered attorneys and people acting under an order of the Court of Protection.
- 2.2 This policy supports the Public Guardian's role in safeguarding. It states how the OPG will work in conjunction with other agencies to recognise and manage suspicions, allegations and findings of abuse of adults and children at risk who come within the Public Guardian's remit.
- 2.3 The OPG is committed to the following principles in all aspects of its safeguarding work:
- **Empowerment** – taking a person-centred approach, whereby people who lack mental capacity feel involved and informed.
 - **Protection** – delivering support to victims to allow them to take action.
 - **Prevention** – responding quickly to suspected cases.
 - **Proportionality** – ensuring outcomes are appropriate for the individual.

- **Partnership** – information is shared appropriately and the individual is involved.
- **Accountability** – ensuring all agencies have a clear role.

3. England and Wales – draft legislation

- 3.1 Proposals in the Care and Support Bill (England) and the Social Services and well-being (Wales) Bill will change the way safeguarding is administered and will introduce new duties and responsibilities on local authority Adult Social Services as the lead agencies in protection of adults at risk. Public services and Government will have a clear responsibility to ensure that people in the most vulnerable situations are safe from abuse or neglect.
- 3.2 The OPG subscribes to the principles in the draft legislation, namely that safeguarding is everyone's business. The OPG recognises the importance for organisations to work collaboratively to protect people and put in place shared strategies.
- 3.3 The OPG is committed to ensuring that when abuse takes place that it will be dealt swiftly, effectively and professionally.

4. What is 'safeguarding'?

- 4.1 Safeguarding is the term that describes the function of protecting adults and children from abuse or neglect. It is an important shared priority of many public services, and a key responsibility of local authorities.
- 4.2 Safeguarding relates to the need to protect certain people who may be in vulnerable circumstances. These are people who may be at risk of abuse or neglect, due to the actions (or lack of action) of another person. In these cases, it is critical that services work together to identify people at risk, and put in place interventions to help prevent abuse or neglect, and to protect people.¹

¹ *Factsheet 6, The Draft Care and Support Bill: Protecting adults from abuse and neglect, Department of Health, July 2012.*

5. Interpretation

- 5.1 Adults and children at risk who come within the OPG's safeguarding policy will be referred to within this policy as "clients".
- 5.2 The term 'adult at risk' has been used in this policy to replace 'vulnerable adult'. This is because the term 'vulnerable adult' may wrongly imply that some of the fault for the abuse lies with the adult abused. The term 'adult at risk' is used as an exact replacement for 'vulnerable adult', as used throughout existing government guidance to local authorities²

6. Scope

- 6.1 The responsibilities of the OPG are narrowly defined in terms of the statutory duty of the Public Guardian within the safeguarding process, and cover:
- any person who has a deputy appointed by the Court of Protection; **or**
 - is the Donor of a registered Enduring Power of Attorney (EPA) or Lasting Power of Attorney (LPA); **or**
 - is someone for whom the Court of Protection authorised a person to carry out a transaction on their behalf under s16 (2) of the Mental Capacity Act 2005 (single orders).
- 6.2 This includes some children and young people where the Court of Protection has appointed a deputy because the child or young person is likely to still lack capacity to make financial decisions when s/he reaches 18.

7. Remit

- 7.1 This policy relates to all forms of abuse. These are described in a later section.

² England: "No Secrets" – Guidance on developing and implementing multi agency policies and procedures to protect vulnerable adults from abuse' Department of Health/Home Office 2000. Wales: "In Safe Hands", Welsh Assembly, 2000.

- 7.2 Adults make up the majority of OPG clients. Allegations of abuse of vulnerable children (or young people aged up to 21 in specific circumstances) will usually be dealt with by local authority Children's Services. Where allegations of abuse relate to a child or young person, the OPG will refer to the police and/or local authority Children's Services department.
- 7.3 The OPG will refer concerns and allegations relating to people not covered by its policy to Police/local authorities/Children's Services.

8. The Mental Capacity Act 2005

- 8.1 The Mental Capacity Act 2005 provides a statutory framework to empower and protect people who may lack capacity to make decisions for themselves and establishes a framework for making decisions on their behalf. This applies whether the decisions are life-changing events or everyday matters. All decisions taken in the safeguarding process must comply with the Act. The Act says that:

"... a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or disturbance in the functioning of the mind or brain."

- 8.2 The presumption is that adults have mental capacity to make informed choices about their own safety and how they live their lives. Issues of mental capacity and the ability to give informed consent are central to decisions and actions taken by the OPG under its safeguarding policy. All interventions need to take into account the ability of adults to make informed choices about the way they want to live and the risks they want to take.
- 8.3 This includes their ability:
- to understand the implications of their situation
 - to take action themselves to prevent abuse
 - to participate to the fullest extent possible in decision making about interventions.

9. What is abuse?

- 9.1 Abuse is a violation of an individual's human and civil rights by another person or persons. Abuse may consist of a single act or repeated acts.³ It may be physical, financial, verbal or psychological or an act of neglect or omission to act. It may occur when an adult at risk is persuaded to enter into a financial or sexual transaction to which s/he has not consented, or cannot consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.
- 9.2 Some types of abuse will constitute a criminal offence, in which case adults who lack capacity are entitled to the protection of the law in the same way as any member of the public. Whenever a criminal offence is suspected the OPG will make a referral to the police. It may be necessary to make an urgent referral for the public safety of the adult at risk and/or to protect or preserve evidence.
- 9.3 Abuse is about the misuse of power and control that one person has over another. Where there is dependency, there is a possibility of abuse or neglect unless adequate safeguards are put in place.
- 9.4 Abuse can be viewed in terms of the following categories:
- **Physical Abuse**
Includes hitting, slapping, pushing, kicking, and misuse of medication, restraint or inappropriate sanctions.
 - **Financial abuse**
Financial abuse can range from failure to access benefits, through inadvertent mismanagement and opportunistic exploitation to deliberate and targeted abuse, often accompanied by threats and intimidation.⁴ It can include theft, fraud, exploitation, pressure in connection with wills, property or inheritance or

³ 'No Secrets – Guidance on developing and implementing multi agency policies and procedures to protect vulnerable adults from abuse' *Department of Health/Home Office 2000.*

⁴ Help the Aged (2008) *The Financial Abuse of Older People – A review of the literature.*

financial transactions, overcharging or carrying out unnecessary work, or the misuse or misappropriation of property, possessions or benefits

- **Sexual abuse**

Includes rape and sexual assault or sexual acts to which the adult at risk has not consented, or could not consent or was pressured into consenting.

- **Psychological/emotional abuse**

Includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supporting networks.

- **Neglect and acts of omission**

Includes ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating. Research has shown that neglect is the most prevalent form of abuse of elders in the UK, with financial abuse a close second.

- **Discriminatory abuse**

Includes ageist, racist, sexist, that based on a persons disability, and other forms of harassment, slurs or similar treatment.

- **Institutional abuse**

The mistreatment or abuse or neglect of an adult at risk by a regime or individuals within settings and services that adults at risk live in or use, that violate the person's dignity, resulting in lack of respect for their human rights. Institutional abuse occurs when the routines, systems and regimes of an institution result in poor or inadequate standards of care and poor practice which affects the whole setting and denies restricts or curtails the dignity, privacy, choice, independence or fulfilment of adults at risk.

- **Abuse of trust**

A relationship of trust is one in which one person is in a position of power or influence over the other person because of their work or the nature of their activity. There is a particular concern when abuse is caused by the actions or

omissions of someone who is in a position of power or authority and who uses their position to the detriment of the health and well-being of a person at risk, who in many cases could be dependent on their care. There is always a power imbalance in a relationship of trust.

- **Mate crime**

Mate crime a type of hate crime where perpetrators befriend a person with a disability but in fact soon begin to exploit, hurt or harm them. This can include sexual abuse, forced prostitution, financial exploitation, physical abuse, violence and even murder.

9.5 Abuse can take many forms. It does not have to fit comfortably into any of the above. Abuse can be perpetuated by one adult at risk towards another. This is still abuse and should be dealt with accordingly. The adult at risk may also be neglecting him/herself which could also justify a safeguarding referral.

10. Alerts to financial abuse

10.1 Financial abuse is the main form of recorded abuse by OPG amongst adults and children at risk. Financial abuse can occur in isolation, or as research has shown, where there are other forms of abuse, there is likely to be financial abuse occurring also. This is not always the case but staff should be aware of this potential.

10.2 Indicators of financial abuse include:⁵

- change in living conditions;
- possessions sold;
- inability to pay bills/unexplained shortage of money;
- unexplained withdrawals from an account;
- unexplained loss/misplacement of financial documents;
- cut off from family/friends/social network;
- carer's enhanced lifestyle;
- sudden changes in bank account or banking practice;

⁵ Help the Aged (2008) The Financial Abuse of Older People – A review of the literature

- the recent addition of authorised signers on a client or donor’s signature card;
- unauthorised withdrawal of funds using the vulnerable person’s ATM card, or changes in patterns of usage;
- sudden or unexpected changes in a will or other financial documents.

10.3 The above are illustrations of potential indicators of abuse. It does not mean that it is proof of actual abuse but may require further scrutiny. It is not an exhaustive list.

11. Alerts to other forms of abuse

11.1 There are a number of characteristics that may increase the risk of abuse. These include:

- Records of previous abuse or suspected abuse to client
- Previous abuse to other members of client’s family
- The presence of family tensions and conflicts
- Predisposing factors to abuse have been shown to include: advanced age (75+) female, organic brain injury, cognitive impairment, physical, mental or emotional dysfunction especially depression, recent loss of spouse, social isolation, living alone, estranged from children⁶

12. Who may be the alleged abuser?

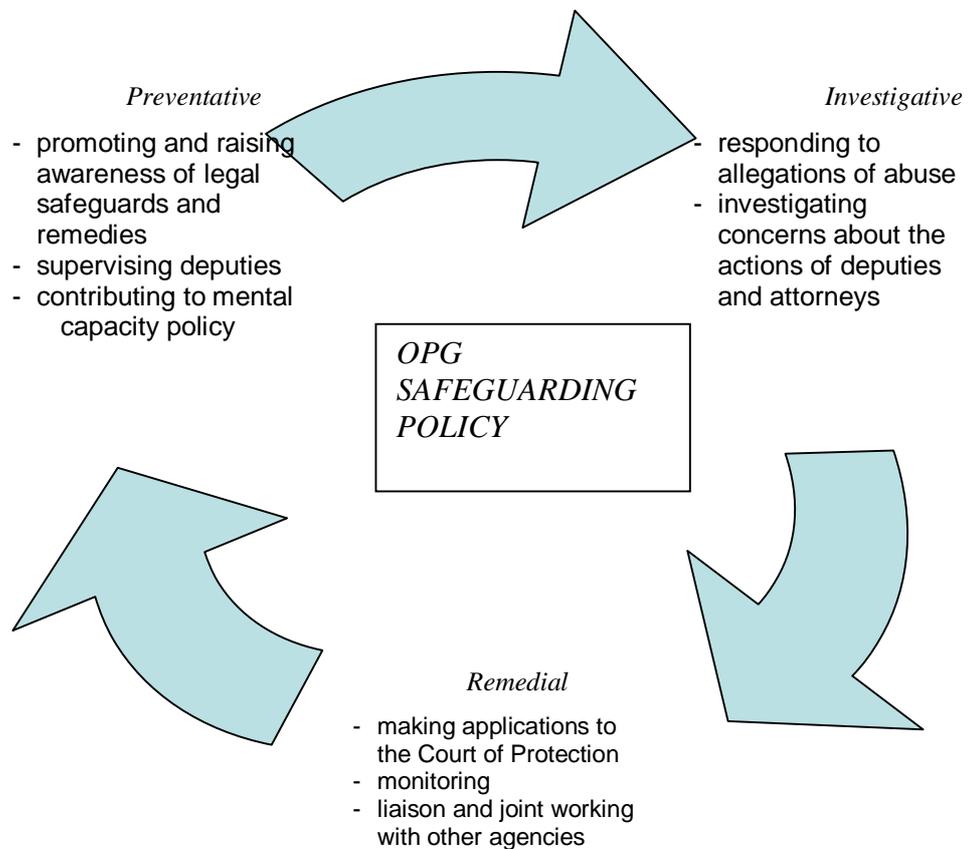
12.1 Adults at risk may be abused by a wide range of people including relatives and family members, professional staff, paid care workers, other adults at risk, volunteers, other service users, neighbours, friends, and associates, people who deliberately exploit vulnerable people, strangers and opportunistic people.

12.2 There is often particular concern when abuse is perpetrated by someone in a position of power or authority who uses his or her position to the detriment of an adult at risk.

⁶ Help the Aged (2008) The Financial Abuse of Older People – A review of the literature.

13. OPG's role in safeguarding adults at risk

13.1 The diagram below illustrates the different strands of the OPG's role in safeguarding people who lack mental capacity.



13.2 **Preventative measures** include:

- Promoting and raising awareness of legal safeguards and remedies, e.g. Lasting Powers of Attorney, and the services of the OPG and Court of Protection. The OPG does this through talks, training, presentations, publicity and work with its key stakeholders.

- Supervising deputies appointed by the Court of Protection to make decisions on behalf of someone who lacks mental capacity
- Development and review of strategies and policies regarding protection of its clients, both within the Ministry of Justice and in partnership with other government departments and external partners
- Ensuring systems are in place to prevent/reduce the likelihood of abuse of an adult at risk by OPG staff and contractors

13.3 Investigative measures include:

- Receiving reports of abuse relating to an adult at risk (whistle blowing)
- Responding to requests to search the register of deputies and attorneys (free of charge)
- Investigating reported concerns about the actions of a Deputy or registered Attorney, or someone acting under a single Order from the Court of Protection.
- Working in partnership with other agencies, including Adult Social Services and the Police, in various ways, which may include:
 - Referring suspicions and allegations to external agencies where appropriate
 - Participating in meetings/case conferences with Adult Social Services and other agencies
 - Participating in joint investigations of suspected abuse

13.4 Remedial measures include:

- Making applications to the Court of Protection for suspension, discharge or replacement of a deputy or to cancel registration and revoke an EPA/LPA
- Providing reports to the Court of Protection under Sections 49 and 58 of the Mental Capacity Act 2005 to assist the Court in decision-making.
- Reviewing client files and monitoring the situation through visits where abuse is known to have occurred previously or there is considered to be an ongoing risk of abuse.

14. The statutory role of the Public Guardian

- 14.1 Under its' statutory powers the OPG, on behalf of the Public Guardian, will be involved in safeguarding adults at risk in the following ways.

15. Investigations

- 15.1 The OPG can carry out an investigation into the actions of a deputy, a registered attorney (LPA or EPA) or someone authorised by the Court of Protection to carry out a transaction for someone who lacks capacity, and report to the Public Guardian or Court of Protection. The nature and pattern of an investigation is determined in each case at the start. Typically it will involve contact with people and agencies associated with the client, requests for copies of accounts and financial transactions, review of decisions, review of OPG file records, etc. The OPG can require a deputy or attorney to provide specified information or documents when investigating complaints or concerns.
- 15.2 As part of an investigation, the OPG may visit a client or deputy, or a donor or attorney of a registered EPA or LPA. Visits are normally carried out by a Court of Protection Visitor.

16. Exclusions from investigations

- 16.1 The Public Guardian does **not** have statutory authority to conduct investigations in the following scenarios. However, the Court of Protection and/or OPG may become involved, as detailed below:
- **Concerns about the actions of attorneys acting under an unregistered EPA**

In this scenario the OPG will normally make a referral to Adult Social Services for an investigation under their procedures which will determine how to continue. If the donor of the EPA lacks capacity to make decisions, the OPG may advise that an application is made to the Court of Protection for revocation of the EPA and the appointment of a deputy. The Court will sometimes order the Public Guardian to provide a report under Section 49 of the Mental Capacity Act in such cases. If the donor of the EPA has capacity, then the OPG may suggest that a local agency/solicitor or third party could help her/him decide whether to revoke the EPA and make an LPA.

- **Concerns about the actions of former deputies or receivers**

Where there are concerns about the actions of a deputy whose appointment has terminated, or a former receiver (i.e. someone whose appointment was terminated prior to 1 October 2007), the OPG will normally advise that this is a matter for the current deputy, if there is one, to deal with. This includes where the former deputy or receiver has died. If the Court of Protection terminates a deputyship due to concerns about the actions of the deputy, the Court may order any new deputy who is appointed to investigate the former deputy or receiver. Sometimes concerns arise after the client has died. Any deputyship terminates on death and it falls to the personal representatives to deal with any investigation.

Where a deputy has been discharged, or has died, or the client has died, the OPG can call for a final report from the former deputy (or the personal representatives of the deputy if the deputy has died). If the Public Guardian is not satisfied, he may apply to the Court of Protection for enforcement of the security bond. This only applies to deaths/discharges after 1 October 2007.

- **Concerns about the actions of third persons other than deputies and attorneys**

In this scenario the OPG will make a referral to Adult Social Services for an investigation under their procedures which will determine how to continue. If the adult at risk has an appointed deputy then the OPG will want to be kept informed of the situation and could contribute to the action by monitoring the situation through supervision of the deputy and visits to the adult at risk from a Court of Protection Visitor.

- **Concerns about the actions of persons acting under certain types of Court of Protection Short Orders**

Short Orders were granted by the Court of Protection prior to implementation of the Mental Capacity Act in October 2007. The Public Guardian does not have powers to investigate all short order scenarios. Where they do not have authority, the OPG will normally make a referral to Adult Social Services for an investigation under their procedures which will determine how to continue and/or advise that an application is made to the Court for Protection for revocation of the Order, and if, necessary, for an Order appointing a deputy.

The application could include authority to investigate the transactions of the person acting under the Short Order.

- **Concerns about persons acting under an appointeeship made by the Department of Work and Pensions (DWP)**

In these circumstances, the OPG will refer to the Department for Work and Pensions and make a referral to Adult Social Services for investigation under their procedures.

17. Supervision

17.1 The Public Guardian has a statutory duty to supervise deputies appointed by the Court of Protection to make decisions on behalf of someone who lacks capacity. Supervision is an important part of safeguarding, involving the following activities:

- **Preventative measures**, e.g. calling for deputy reports, ensuring deputies pay security premiums;
- **Monitoring the deputy's decision making**, e.g. through checking deputy reports, regular contact with the deputy and others with an interest in the client's welfare, and through visits by a Court of Protection Visitor;
- **Responding** to concerns and complaints about the actions of the deputy, and making applications to Court to discharge unsuitable deputies.

18. Remedies

18.1 The OPG will consider a range of remedies where abuse has been discovered. It may:

- Apply to the Court for the suspension, discharge or replacement of a deputy
- Apply to the Court for an Order to be varied or for a deputy's security bond to be called in or varied
- Apply to the Court for a revocation of a Power of Attorney
- Inform the Police, where a crime may have been committed

- Require a deputy to provide a final report where the person s/he was acting for has died or the deputy has been discharged. If the deputy has died, the Public Guardian can require the deputy's personal representatives to submit a final report.
- Monitor the situation through ongoing close supervision of the case.
- Inform external agencies. This will include notifying any professional body, where the perpetrator is a member. The Public Guardian also has a power to make referrals to the Disclosure and Barring Service, which may result in the perpetrator being placed on the "barred list" and prevented from working with other vulnerable adults or children.

19. Involving external agencies

- 19.1 Local authority Adult Social Services have the lead role in coordinating the multi-agency approach to safeguard adults at risk. Initial investigations can be undertaken by any agency; the agency most involved with the client may be the most appropriate to lead this investigation in the first instance, with the involvement (whether in the form of action, information sharing or advice) of Adult Social Services at all stages.
- 19.2 After discussion with a line manager or senior colleague any suspected abuse can be referred by OPG staff to the appropriate Adult Social Services. Local authority processes will vary but each Adult Social Services' response will be within a framework based on the "No Secrets"/"In Safe Hands" guidance. They will have a process in place to arrange strategy meetings and strategy discussions. The local authority will agree any investigation through its strategy meeting and discussion process so that initial enquiries do not jeopardise any subsequent police investigation.
- 19.3 The role of the OPG will be determined in each case as it arises. It may:
- Take responsibility for investigating. This course of action is taken where the Public Guardian has statutory powers under the Mental Capacity Act 2005 to investigate the actions of someone acting under a registered attorney or an Order of the Court of Protection. If this course of action is taken, Adult Social Services and/or the Police can still be informed of the allegation or suspicion.

It is NOT necessary to establish that abuse has occurred before a referral to Adult Care Social Services or the Police.

- Refer straight to Adult Social Services and/or the Police if the Public Guardian has no statutory authority to investigate.
- Work in partnership with other agencies (in particular Adult Social Services) to investigate and deal with an allegation or suspicion relating to an OPG client.

19.4 The OPG will discuss and agree the need to involve other agencies with the local authority or the lead agency in any investigation.

20. Reporting to the Police

20.1 If an incident of abuse is considered to be a criminal offence then the OPG will refer to the Police. Examples of when action may be considered a criminal offence include: assault, whether physical or psychological, sexual assault and rape, theft, fraud or other forms of financial exploitation, and certain forms of discrimination, whether on racial or gender grounds⁷.

20.2 In addition, the Mental Capacity Act 2005 specifically states that a deputy or attorney is guilty of an offence if s/he ill treats or wilfully neglects the client.

20.3 Whether to involve the police will be a matter for the Compliance Manager or Head of Practice and Compliance or in urgent situations a member of the executive team, if necessary in consultation with the OPG Legal Advisor, as it will not always be clear-cut.

21. Sharing of information

21.1 The OPG will manage its customers' information in line with statutory requirements and in accordance with the organisation's own values of being straightforward, accessible, and professional. As the OPG handles sensitive personal information about people, including personal identity information and information about health and financial issues, it must ensure that there is no

⁷ No Secrets – Guidance on developing and implementing multi agency policies and procedures to protect adults at risk from abuse *Department of Health/Home Office 2000*.

unauthorised access, loss, misuse, modification or disclosure of this information. When safeguarding adults at risk, there may be a need to disclose personal or sensitive information to someone from another organisation. The OPG will only do this where the law permits, and where disclosure is considered to be in its client's best interests (safeguarding) including the prevention of a crime.

21.2 Wherever abuse is alleged or suspected, the OPG will seek to share information between relevant professionals in exploring how to protect the individual concerned or others. People who are subject to abuse or allegations of abuse and their families and carers have a right to expect that confidences will be respected and their privacy protected. But where their "vital interests"⁸ (that is questions of life or death), "best interests",⁹ or the public interest are involved, establishing the facts through information sharing takes precedence.

21.3 Information can be shared in certain circumstances with other people or agencies in compliance with the Data Protection Act 1998. Data can be shared with third parties "in the vital interest of the data subject" or "in the public interest" (e.g. in the interest of the client or others in the same care setting). Examples of when this may be appropriate will be if there is a need to seek information from another agency, or there is a potential risk to others from the alleged abuser. Any information relating to the accusation/suspicion of abuse should and can be shared with the Social Services department or Police investigating the case.

21.4 Additionally, there are specific provisions in the Mental Capacity Act 2005 that facilitate the sharing of information between the OPG and local authorities, and other agencies involved in the care or treatment of the client:

- Section 58(2) of the Mental Capacity Act 2005 provides for the Public Guardian's duties to supervise deputies and investigate concerns about the way a deputy or attorney is exercising their powers to be discharged

⁸ Data Protection Act 1998, Schedule 2, interpreted by the Information Commissioner

⁹ Report on the Review of Patient-identifiable Information from the Caldecott Committee (1977).

“in co-operation with any other person who has functions in relation to the care or treatment of P” (“P” is the term used in the Act for the person who lacks mental capacity to make decisions).

- Section 58(5) of the Mental Capacity Act 2005 gives the Public Guardian authority in the course of carrying out his duties, to examine and take copies of any record of, or held by, a local authority and compiled in connection with a social services function, so far as the record relates to P. This authority does not extend to records relating to a deputy or attorney.

21.5 The OPG will share information with professional and regulatory bodies where it considers it is in the public interest. This includes the Solicitors Regulation Authority, the Disclosure and Barring Service, the Care Quality Commission (England) and the Care and Social Services Inspectorate (Wales).

21.6 If personal or sensitive information is to be shared, this will be done (where possible) with the person’s agreement. In the absence of such, assessment of their best interests may still justify further enquiries, while questions involving the public interest may justify overriding their views. Where adults lack capacity to safeguard themselves, others will need to make decisions for them in accordance with the Code of Practice and in the person’s best interests. The rights of “whistle-blowers” and of alleged perpetrators of abuse will also be respected.

21.7 Information shared will always be on a “need to know” basis, i.e. such which is necessary to achieve the objective of safeguarding adults and children at risk. Care will be taken to ensure the quality of the information shared, e.g. names, addresses and dates of birth are accurately recorded.

22. Assessing and responding to the level of risk

22.1 All suspicions or allegations of abuse will be taken seriously.

22.2 OPG staff acknowledge that the needs of the adult or child at risk are paramount. The OPG will always attempt to act in the best interests of the adult or child at risk, being mindful that the Mental Capacity Act 2005

encourages empowerment of people who lack mental capacity. Where an individual has capacity and is not acting under duress, threat, fear or intimidation, that person has the right to make an unwise decision.

22.3 All allegations of abuse or risk of abuse will be responded to promptly. The OPG's business plan sets out timescales for responding to allegations of abuse.

23. Roles and Responsibilities of OPG personnel

23.1 The Public Guardian has a responsibility to do whatever he can to ensure the safety and protection of adults and children at risk who fall under the jurisdiction of the OPG. This policy is therefore adopted by the Agency Board, Executive team and Senior Leadership Team .They will promote the messages within it and ensure that all staff adhere to it at all times.

23.2 The Senior Leadership Team have the following responsibilities:

- To ensure that staff are fully aware of the Safeguarding policy
- To promote the importance of the policy
- To ensure that staff can attend training and can access guidance to enable them to identify and deal appropriately with abuse and potential abuse situations
- To ensure that staff are aware of reporting systems and that these are followed
- To ensure, through the performance management scheme, that staff whose role involves safeguarding will document objectives that positively support and contribute to the OPG's safeguarding policy.

23.3 The following also have specific responsibilities:

- The **Head of Practice and Compliance** will be the person responsible for ensuring that the OPG adheres to this policy and that appropriate operational systems and processes are in place.

- The **Head of Business Strategy and Development** will hold key relationships with external agencies and stakeholders in relation to safeguarding issues and will have responsibility for staff, customer and stakeholder communications on safeguarding issues. .
- The **Head of Corporate Services** will have responsibility for the management of finance policies and practices including but not limited to the provision of a robust fees policy to support Safeguarding matters; adequate cash handling guidance; and an appropriate framework of internal controls to support managers across the business in the proportionate management of their risks. The Head of Corporate Services will also have responsibility for the management of information assurance policies and practices, including the provision of appropriate records management guidance in relation to safeguarding records¹⁰.

23.4 Each manager responsible for a team of staff is responsible for ensuring that all staff understand, are skilled enough and adhere to this policy.

23.5 All staff will have access to a copy of this policy. All staff will take responsibility for ensuring that they have read and understood this policy and the guidelines provided within it. If individuals are unsure of anything either upon reading it or when dealing with a client's case then they will seek advice or information from their line manager.

23.6 All staff will participate in briefings and training provided for them on safeguarding issues.

23.7 Where appropriate within their role, staff will agree objectives with their manager that contribute to the OPG's role in safeguarding, and will document positive contributions they have made to that role.

23.8 All staff, but especially those having contact with clients, deputies and attorneys will use this policy and any other information provided to them for the purposes of identifying risk or incidences of abuse, and for acting appropriately in order to deal with such circumstances.

¹⁰ All Information Assets Owners are responsible for compliance with such policies.

- 23.9 All staff will refer to guidance on information assurance and security when managing personal information about clients, deputies and attorneys.
- 23.10 References to staff throughout this policy should be taken to include permanent, temporary and agency staff, Court of Protection Visitors and contractors.
- 23.11 All Court of Protection Visitors (Visitors) will be provided with a copy of this policy
- 23.12 All Visitors will take responsibility for ensuring that they have read and understood this policy and the guidance and procedures that accompany it. If individuals are unsure of anything either upon reading it or when dealing with a client's case then they will seek advice or information from the OPG Visits Manager or the Compliance Manager.
- 23.13 All Visitors will participate in briefings or training provided for them on safeguarding issues in line with their terms of appointment with the OPG.
- 23.14 All Visitors will use this policy, their professional training and any other information provided to them for the purposes of identifying risk or incidences of abuse, and for acting appropriately in order to deal with such circumstances.

24. Training/briefings

- 24.1 All OPG senior managers, managers and team leaders will be expected to attend training or briefings on the responsibilities of the OPG, how to recognise abuse or the risk of abuse and what the OPG procedure is.
- 24.2 All OPG staff who have contact with clients, deputies, visitors and case files will be expected to attend training on this policy and guidelines.
- 24.3 Court of Protection Visitors will be expected to attend OPG briefing/training on this policy and in particular how to recognise abuse as part of their terms of appointment with OPG.

24.4 Mandatory training and briefing sessions will be provided in order to keep all staff updated, and more often for senior managers with a lead responsibility.

25. Policy Review

25.1 This policy is part of an ongoing process to strengthen multi agency working. It will be constantly reviewed and revised in line with national policy and legislative changes.

25.2 The responsibility for ensuring this happens is the Head of Practice and Compliance