

## The case of Janet Pearce

### Background

Janet Pearce is 83 years old, and has recently been referred to you following a fall. Regular home care was arranged for her, as she was no longer able to move around the house without assistance. Following a recent visit, the care agency contacts you to say that Janet has told one of the carers that her next-door neighbour had asked her to sign a document, and she did not know what it was for. The neighbour had also left a note on the table saying that he knew social services were in contact with Janet, but could the carer postpone them visiting as he wanted to take Janet to see a solicitor.

Janet shows signs of confusion and her medical records suggest that she may be in the early stages of dementia. She has no immediate family, but is currently able to live in her own home with a care plan. The neighbour is known to have his own key to the house, and visits regularly to do jobs, such as mowing the front lawn.

### Questions

*From the information given, what are the key concerns you have about this situation?*

*Do you think that Janet's neighbour is trying to take advantage of her financially? Could there be any other explanations?*

*What would you do next?*

In this instance the first step taken was to carry out a home visit

On the day that social services went to visit Janet at home, a solicitor arrived. He said he was there to provide documents for Janet to sign to give Lasting Power of Attorney to the neighbour to manage her financial affairs. He had a statement from a GP saying that Janet had capacity, but this was dated three months ago. Social services asked the solicitor if he felt from talking to Janet that she had sufficient memory or mental capacity to understand what the documentation meant. He said he was not an expert, and so was relying on the GP letter, which it transpired, had not been provided by Janet's regular GP. After discussing the situation, it was agreed that the meeting should be cancelled until Janet's mental capacity had been formally reassessed.

Social services tried to speak to Janet about what was going on, but she was extremely confused. After asking her a few basic questions it was apparent that she was not fully orientated. She was not aware that carer's visited her four times a day, and also wasn't able to answer basic questions such as how old she was.

### Questions

*What concerns do you have regarding the role of the solicitor in arranging Janet's neighbour to be appointed as holder of the Lasting Power of Attorney to manage her finances?*

*What steps would you take to deal with this situation?*

### Social services next step was to speak to Janet's neighbour

Social services went to speak to the neighbour to get some background as well as an explanation from him as to why he thought he should hold financial Lasting Power of Attorney for Janet. The neighbour said that he was Janet's friend, and he could see she was beginning to struggle with things and so wanted to help her by getting her shopping and doing small jobs around the house and garden. He also thought that if he obtained financial Lasting Power of Attorney, he could prevent Janet going into a home because she always told him that this was something she never wanted to happen.

Social services tried to review Janet's finances, but a number of bank statements were missing, so it was hard to get a clear picture as to whether her finances were in good order. They struggled to gain information from her bank, as they would not share information unless social services were formally appointed as Janet's deputy. It was also difficult to manage Janet's bills as the utility companies would not let any details be changed without Janet's consent, and by that point she was not able to give consent.

A psycho-geriatrician carried out an assessment of Janet's mental capacity, and it became clear that she was unable to retain independent control of her finances. She thought her four-bedroom house was only worth £2,000, which raised social services concerns that she may be vulnerable to future financial abuse.

### Questions

*What challenges might you face working with financial institutions in cases of suspected elder financial abuse?*

*How would you minimise the likelihood of Janet being a future target of financial abuse?*

### Actions taken to prevent further abuse

Social services attempted to trace any of Janet's relatives, by looking through her old post and sending out letters to family members who had written to Janet in the past. They managed to get in contact with one of Janet's cousins to explain the situation and agree on an action plan. Social services and Janet's cousin discussed the potential impact that reducing contact with the neighbour might have. They knew that by taking away his key they would be depriving her of his visits, as well as the help he provided around the house. Despite this, it was agreed that the neighbour should no longer be allowed his own key, and so it was arranged that the locks were changed. The neighbour could then only visit whilst someone else was at the property.

Social services spoke to their legal department, and it was decided that they should apply to the Court of Protection to become a formally appointed deputy to deal with Janet's financial affairs. No evidence could be found that the neighbour had taken money from Janet's bank accounts, but social services were suspicious about his motives. The neighbour was informed that social services would be dealing with all aspects of Janet's finances from that point onwards.

### Questions

*Do you think it was right that social services limited the contact between Janet and her neighbour?*

*What challenges might you face when dealing with cases of suspected elder financial abuse where the service user has no immediate family?*