

Part 6: Case studies

These case studies are fictional, but arise from research on cases of exploitation found in Safeguarding Adults Reviews. They are provided as a tool to assist with training and reflective practice. Each case is followed by some suggested points of learning/reflection, but you are encouraged to consider your own observations.

Case study: Dora

Dora is a young woman living independently in the community. She often struggles with leaving the house, perhaps in part due to having autism and a learning disability. She is supported by her mother who visits her home most days.

Dora likes to use dating sites to talk to men online. This concerns her mother, but she is supportive of Dora making her own choices and does not want to be controlling. A man who Dora has been talking to online says he wants to marry her and invites her to visit him in his country, which the UKFO advises is unsafe to travel to. Following discussing her concerns with Dora - who is determined to travel and get married - her mother refers her to adult social care.

Following assessment, a worker determines that Dora does not have capacity to freely decide to travel to the country in question as she did not understand the implications of the decision. The local authority applied to the Court of Protection for permission to keep Dora's passport, restricting her travel for a limited time. Dora is extremely upset at the decision but with support is encouraged to use dating sites in a safer way and develops new interests, becoming involved in a local community garden.

Considerations

- While Dora has the right to choose her own relationships, in this case, the action of travelling to another country could put her at risk.
- Taking away Dora's ability to travel freely is a restrictive measure that affects Dora's rights, so this was a decision that needed to be heard in the Court of Protection.
- The Court of Protection made the least restrictive measure – while Dora was able to continue talking freely to who she chose to, she was not able to travel.
- As the potential perpetrator was abroad, there was little that could be done to investigate and potentially restrict the perpetrator.

Case study: Mike

Mike had a difficult childhood, and as an adult he developed an unhealthy relationship with alcohol and used illegal substances including both marijuana and cocaine. Mike often experienced low mood, and was diagnosed by his GP as being depressed.

Neighbours complained of loitering and drug use around his building, and multiple people were seen to be leaving and entering the flat. The police were called multiple times by neighbours who dispersed those outside. Police were called by a neighbour who was concerned that Mike was 'being taken advantage of'. The police undertook a welfare check, however Mike was reluctant to allow them to gain entry and there appeared to be others in the flat. He did not seem coherent and was angry at the police. They left without entering the property and he was referred to adult social care due to concerns about his wellbeing.

A social worker visited him and found evidence of self-neglect and other people being at the flat. The social worker had concerns around Mike's capacity to make decisions whilst under the influence of alcohol and drug use.

A capacity assessment found he had the capacity to take decisions over his finances and care. When questioned about those who visited his flat, he was reluctant to discuss this. With his consent, he was referred to adult mental health care, a community-based substance use charity and his GP who reviewed his medication for managing his mental health. The local authority also organised a deep clean of his flat.

He struggled to keep appointments with adult mental health care, but was able to build a positive relationship with his substance use worker. He confided to his substance use worker that as he was attempting to stop using substances, he had asked the visitors to stop coming to his flat, but they had refused. The worker explained to him that he could be exploited, and discussed his options, including a partial closure order or being rehoused. He requested to be rehoused, as he said the visitors were from the immediate area. He was also unwilling to cooperate in any criminal investigations against the potential perpetrators. With the support of the council, he was rehoused in another area where he was able to continue to address substance use.

Considerations

- Those experiencing criminal exploitation may fear the potential perpetrators and be reluctant to support criminal investigations. This may manifest at times as disengagement or hostility towards support services.
- Mike may have had fluctuating capacity due to substance use but a capacity assessment was only completed at a time when he was not using substances.
- Although Mike was assessed as having capacity, agencies remained engaged with him to raise his awareness of potential exploitation.
- Those with complex needs such as Mike may need community-based flexible services in order to build trust with a worker.
- By supporting Mike to address his substance use, he was empowered to make more informed decisions.

Case Study: Jessica

During her lifetime Jessica was given multiple psychiatric labels, including ADHD and Borderline Personality Disorder. At the age of 15, she began staying out late with other girls, and was known to be having sex with a number of older men. Her mother felt unable to stop this. In this time, she also developed a substance use issue and could lash out at others. She was identified as a potential victim of child sexual exploitation, and was supported.

However, when she turned 18, she stopped being eligible for the service she was accessing. By this time, she had developed a heroin addiction, and disclosed a number of times that she was unable to inject heroin herself and that this was done by men around her, including those who she considered to be boyfriends. She came into contact with adult mental health services and substance use services, but would quickly be discharged from services due to lack of engagement. She was known as a ‘sex worker’ to services.

Violence Against Women and Girls services worked with her to raise awareness around domestic abuse and sexual exploitation, and referred her to adult safeguarding due to concerns about mental health. However, she was assessed as not meeting the eligibility criteria, as she did not have daily support needs and had capacity to make her own decisions, and it was recommended that she continue with mental and substance use support.

Jessica was found deceased with evidence of a sexual assault in her home at the age of 22. Staff supporting Jessica over the years found her case extremely distressing.

Considerations

- Jessica was the victim of multiple crimes, including domestic abuse, child and adult sexual exploitation and sexual assault. However, her continual apparent defence of her perpetrators led services to believe that she had the capacity to consent and there was little to be done.
- Her use of heroin might have alerted workers to the idea her capacity could fluctuate. While it would have been difficult to make this decision, and it would have required further input, this could have been noted.
- Workers are right to acknowledge the possibility of consensual sex work. However, sex work in exchange for basic needs – food and shelter, or substances someone is addicted to, is termed ‘survival sex’ which adult safeguarding reviews suggest has a rather different nature to ‘consensual’ sex work (Teesside, 2022).
- While Jessica had substance use issues from a young age, the association with heroin use with survival sex suggests that it was deliberately used by perpetrators as a means of control. It can also further discredit and further stigmatise victims. This would further impede her ability to consent to sex work.
- The VAWG workers supporting her had a comprehensive insight into coercive control and gender-based violence, however they were unaware of the issues of capacity and felt unable to raise concerns with adult social care, who they rely on for safeguarding.
- It is important to empower an individual to make decisions through awareness raising work, but in this case it did not help.
- There are high stakes in assessing capacity in such cases, and professionals felt the weight of such decisions. Professionals should be aware in cases such as this, it is not the responsibility of one frontline worker, and capacity is not always an ‘all or nothing’ answer.
- Jessica could have been a candidate for inherent jurisdiction as many professionals were concerned that her life was at risk. This would be the result of a High Court decision. It could have resulted in closure orders, restraining or trafficking orders against her perpetrators.
- An additional way of safeguarding Jessica would have been to build a criminal case against her perpetrators, as multiple crimes were being committed.

Case Study: Rosa

Rosa, a woman in her twenties, was discovered living in poor conditions, in a shed at her extended family’s farm, after passers-by alerted police. She had a significant learning disability, and police conducted enquiries through her uncle, as Rosa did not speak English and an interpreter could not be located. The police were concerned by the Uncle’s story as to why she was living in the shed and case was suspected to be one of modern slavery or forced labour.

Rosa was placed in emergency accommodation by the council. Two capacity assessments undertaken by social workers found that she did not have capacity to make decisions around care, finances, or associations. Rosa was frightened and attempted to leave the emergency accommodation. She was prevented from leaving and the adult safeguarding team recommended referral to the NRM. A discussion of potential future plans and options for Rosa took place, which included repatriation to her EU country of origin, or finding her more suitable permanent accommodation.

When her assigned social worker was on leave, the team manager took over her case and decided, after consulting with higher management, that Rosa should be repatriated immediately as it was in her best interests. The team manager accompanied her to the airport with a staff member from the emergency accommodation. Frontline staff subsequently raised concerns about how the case was handled, and one staff member instituted whistleblowing procedures.

Considerations

There were multiple issues concerning capacity in this case:

- It was not appropriate to conduct initial enquiries through a family member as Rosa appeared to be mistreated, and potentially exploited by her family.
- An independent advocate should have been appointed for Rosa to advocate on her behalf.
- When she was prevented from leaving sheltered accommodation, this could have breached her rights, as there should have been an application for a DoLS.
- A decision as significant as repatriation should have been subject to further consideration in multidisciplinary meetings, which should have included an advocate for Rosa. Such a decision may have necessitated going to the Court of Protection.
- Decisions should be made in the best interests of the individual and should include their views where possible, rather than the best interests of services.

Case Study: Louise

Louise is in her 60s, she has a moderate learning disability and lives independently in the community with six hours support per week from a day centre . . . She lives in her own home, that she inherited from her mother. She is in receipt of universal credit and her younger brother is able to give her extra financial support and manages her benefits as an ‘appointee’, including paying the day centre from a direct payment.

Louise is friendly with a volunteer, Rob, in the day centre, a man in his thirties, who also has mild learning disabilities. Rob and Louise become close and he offers to give Louise extra help, doing a weekly shop for her. He confides to Louise that he is homeless, and she invites him to stay as a lodger. Rob continues to help with occasional tasks, and does not pay rent.

After some time, Rob says he is struggling financially and suggests that Louise need not continue at the day centre and could pay him from her care budget instead. Her brother does not agree to this and is concerned that Rob could be exploiting Louise. When a worker discusses this with Louise, she says that Rob is kind to her, makes her happy, and that they are in a relationship. The worker finds that Louise has the capacity to consent to make decisions around her care, but will continue to need support to manage her benefits. The day centre worker discusses the issue with Rob and Louise who say they miss the day centre and feel isolated, but wish to continue living with each other.

The day centre staff and social worker liaise with Rob and Louise to develop a care plan that takes Rob’s support of Louise into account, so that Louise can attend the day centre and Rob can volunteer and claim a carer’s allowance. Louise’s brother accepts this and continues to manage her finances, but that all will agree to monitor the situation with Rob and Louise closely.

Considerations

- This highlights the complex nature of ‘every day’ potential exploitation we often encountered in our research. In this case, the potential perpetrator also has a disability.
- It demonstrates the complexity of how direct funding for care can cause vulnerability, as it is another pot of funds to manage, and could potentially be misappropriated.
- Capacity must be considered as decision and time-specific; while Louise needs help managing her benefits, she is able to make decisions about care and who she associates with.
- Multi-agency working and communication is important when considering capacity and actions around potential exploitation. In this case, it involved a small day centre, rather than a statutory service.
- If Rob had been found to be exploiting Louise, decisions around safeguarding would have to be referred to the court of protection.
- This example shows the complexities of family relationships. While Louise’s brother was concerned she was making an unwise decision by allowing Rob to move in and forming a close relationship together, she had the capacity to make that decision.
- It demonstrates the importance of educating and empowering people to make decisions. Through support, a new care plan and finances was developed.
- It shows the importance of remaining engaged even after the immediate matter was resolved.

