

Protection of Property Policy		
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Strategic Owner	Keri Storey, Head of Adult Social Care	
Business owner	Damian Furniss, Senior Manager for Strategy, Policy and Performance	
Author	Toby Kippax, Senior Solicitor	
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1. Policy

- 1.1** As a County Council, we have a duty under section 47 of the Care Act 2014 to protect property of adults being cared for away from home when the individual is unable to do it themselves or make the necessary arrangements. This responsibility extends to moveable property including pets. This duty is the responsibility of Adult Social Care.
- 1.2** We will work with individuals to identify how they could make a suitable arrangement; this may include us supporting them calling on family or friends where appropriate.
- 1.3** We will need to make sure that any family member or friend who is protecting the property is an appropriate person, acting appropriately and that the person whose property is being protected is not at risk from financial abuse. At a Best Interest Meeting, we will come to a decision on the appropriateness of any person protecting property.
- 1.4** When planning an individual's care and support in circumstances where the responsibility to protect property may arise, we will work with the individual to establish whether they want us to make sure their property is protected.
- 1.5** We will take reasonable steps and act where we believe that if we do not take action there is a risk of moveable property being lost or damaged.
- 1.6** How we protect an individual's property will depend on that individual's circumstances. The following are examples of the actions we might take in certain situations:
- Ensuring that the doors and windows of a property are locked and secured;
 - Arranging secure storage for items in a shared property which may be at risk of being damaged or stolen;
 - Making arrangements to change locks where another individual has access to the property and there is a risk of unauthorised access resulting in damage or theft;
 - Arranging forced entry with or without consent from the individual or a deputy, and protecting moveable property by changing locks;
 - Kennelling a dog - (this is only ever a short-term solution until a more suitable option can be found. We would need to consider the long- term options if the individual receiving care and support is not going to be returning home).

1.7 In order to protect moveable property, we may enter the property once we have either gained written consent from the adult concerned or, after a Best Interest meeting, a relevant Devon County Council Officer has been authorised.

1.8 If an individual lacks the capacity to give consent, we will obtain consent from the representative authorised under the Mental Capacity Act 2005 to give consent on the individual's behalf. This might be:

- A lasting power of attorney
- Court-appointed Deputy
- The Court of Protection.

1.9 Where a person lacks capacity and no other person has been authorised to act on an individual's behalf and we believe we must act, we will do so in the best interests of the adult, in accordance with section 4 of the Mental Capacity Act 2005. If a decision has been made to enter a property for the purpose of section 47 of the Care Act 2014 it will be recorded during a Best Interest Meeting.

1.10 Those involved in a Best Interest Meeting will need to have knowledge of the home and contents insurance of the individual whose property is being protected. They should also be aware of the possibility that insurance may become invalid should an individual not live in a property for an extended period of time.

1.11 Following the Best Interest meeting, the relevant Community Health and Social Care Manager will provide written authorisation to the Devon County Council officer entering the property so, if requested, it can be produced.

1.12 On occasion, the protection of property may need to take place in an emergency. Although these occasions will be rare, we will respond as soon as we are aware that action needs to be taken. In some instances, we may need to arrange forced entry into a property.

1.13 The protection of property duty lasts until the individual in question returns home, or makes their own arrangements for the protection of their property, or until there is no other danger of loss or damage to property - whichever happens first.

1.14 We have the power to recover from an individual any reasonable costs that are incurred, either as a one-off activity or ongoing costs, in protecting property under this duty. We will, where appropriate and when the individual can afford to pay the cost associated with protecting property, look to initiate the process to recover cost. This could be through the following ways:

- Through the individual;
- Through an appointed representative or deputy (including Devon County Council if applicable)

1.15 For more information on the duty of protecting property see Section 47 of the Care Act 2014 and chapter 10 of the Care and Support Statutory Guidance issued under the Care Act 2014.