

Record Keeping

The information which follows applies whether you are acting as an attorney or guardian and whether you have welfare or financial powers. As a guardian you are obliged to keep records and may have to submit these for inspection to support decisions you have made.

There is not the same statutory supervision over attorneys. As an attorney you may think therefore 'why bother keeping records, who's going to challenge me, I know what I did, I gave it full consideration and took all the necessary advice so making a record of this is just a waste of time – when I'm so busy anyway'. I can appreciate the temptation to skimp on records my only advice, drawn from years of experience, is expect the unexpected, you can never predict when someone may raise an issue, in these situations those with comprehensive records 'win the day'.

You can retain records in whatever form you prefer, this may be in a notebook, in a diary, or on a spreadsheet, this would work especially for financial matters; you can keep records in paper form or electronically. The key thing is that they are in an order, so that you can refer to them readily and draw out information if this were needed.

Key events record keeping

You should ensure you make a record of key matters. You may think of these as things which go beyond the day to day norms, for example, if you have made a decision on a large financial expenditure, or a significant care decision.

You should keep a record of everything that went into the decision. For example,

- what you considered
- to whom you spoke
- how you endeavoured to involve the person
- if the person couldn't participate, what you believe the best interpretation of their wishes would be
- what your decision is

- how this aligns with the Acts' principles and the UNCRPD (there are separate information sheets on these)
- what are the pros and cons
- why you elected for this decision
- Any on-going consideration, or further review you are going to give the matter.

This list is not exhaustive, or prescriptive, it is just to give you a 'flavour' of the sort of things to include in your record keeping. What you should take from it is that you can never be too detailed.

Financial Record Keeping

You should maintain financial records in a structured way, know what accounts you are administering, where these are held, keep any paperwork for them in date order and in dedicated folders (be these in paper form or electronically).

You should make a note of any major expenditure, typically where a single item is over £100, and put some narrative with this, ideally the narrative should reflect the principles of the Act and/or the requirements of supporting a person's decision making and respecting their rights, will and preference. For example

20/12/19	<i>Mum increasingly struggling with mobility, even though using her stick. Discussed if a rollator walker would be better. Mum felt this would improve her independence. She tested a couple of models out, with guidance of the advisor in the specialist mobility shop. Purchased her preferred model, she felt steadier with 4 wheels, she liked the seat and preferred the front basket rather than the basket under the seat. Cost £130 (receipt no 12) there were cheaper models (and dearer ones) but this was the cost of the one that Mum felt was right for her.</i>
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What this entry tells us is

- That having a rollator walker would be for her benefit (one of the principles)
- That she is already using a stick, so the rollator was likely the next least restrictive way of achieving this assistance (one of the principles)
- The Mum was supported to make her own decision
- That appropriate specialist advice was sought
- That she expressed a preference on which model she wanted.
- That she was capable of this choice, because the matters which influenced the choice were all perfectly appropriate.
- Her preference was respected
- That the selected model cost £130
- That a receipt was retained

- That the estate was being managed in a structured way – from the entry itself and from the reference to “receipt 12”.

A relatively simple entry therefore, using your own words, allows one to see a lot about the situation and that this attorney, or guardian, is complying with all their obligations and responsibilities. You don’t need to use specific terms, or even lengthy explanations, to create clear, helpful records.

Receipts: You should keep receipts for larger purchases. You don’t have to keep receipts for minor items. As with all financial records, it’s helpful if you keep these receipts in a specific folder. Another suggestion is to photograph them (if you have a camera phone and this is easy) or scan them if this is available to you, to keep them in a digital file on your computer for easy retrieval.

Welfare Record Keeping

In a diary there are the following entries.

<i>Dec 19-27</i>	<i>Mum with us over Christmas. She enjoyed her food.</i>
<i>Jan 24-26</i>	<i>Howard and the kids spent weekend with Mum, took her to the garden centre for lunch and to the Mill shopping.</i>
<i>Feb 21-26</i>	<i>Spent week with Mum, worked from her house but we went for a couple of meals out (mum paid for one, me the other), Did a jigsaw, played cards. Great to spend a bit longer as had a chance to chat with Mum’s neighbour, who is very good at looking in on her and also saw Mum’s friend who she sees each week.</i>
<i>March 14-19</i>	<i>Howard and I at Mum’s for mother’s day, Howard made a meal for us all (Mum insisted on paying for all the ingredients), she says it’s worth it for his cooking. Took Mum to doctors to have her knee checked out. She’s struggling with pain which is beginning to limit her mobility. Doctor spoke to us both about arthritis.</i>

What does this tell us about the welfare responsibilities being exercised by the attorney or guardian.

- Dates of the entries show the family were visiting monthly
- That they enjoyed time with each other (meals, shopping, cards, jigsaw)
- That the Mum was able to participate in cards and doing jigsaws

- Mum was enjoying food
- That she was socialising – (seeing a friend once a week)
- That there were neighbours who were looking in
- That she was losing mobility
- That she was happy for the maker of the notes to talk to the doctor about her medical issue and hear confidential information from the doctor about her

From this, you can see an attorney or guardian acting perfectly responsibly.