

LOGBOOK

Name: [REDACTED]

Membership Number: [REDACTED]

COMPETENCY: 6

LEARNING OUTCOME: 6.3 – understand the need to avoid discrimination and promote equality and diversity

EVIDENCE PROVIDED: Attendance note with elderly client

OUTLINE HOW THE EVIDENCE demonstrates you meet the outcome:

Demonstrate up-to-date knowledge of current equality legislation. Demonstrate understanding of equality and diversity issues.

On 1st October 2010, the Equality Act 2010 became law. The Act is the most far reaching change to anti-discrimination legislation the UK has seen since the equality legislation of the 1970s. The main aims of the Equality Act 2010 are to strengthen and streamline the law related to equality and to support wider work to promote equality. Nine major pieces of legislation and around 100 other measures have been replaced with this one Act. Protected characteristics under the Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality is ensuring individuals or groups of individuals are treated fairly and equally and no less favourably, specific to their needs, including areas of race, gender, disability, religion or belief, sexual orientation and age. Promoting equality should remove discrimination in all of the aforementioned areas. Bullying, harassment or victimization are also considered as equality and diversity issues. Diversity aims to recognize, respect and value people's differences to contribute and realise their full potential by promoting an inclusive culture for all of us.

Equality and diversity should be promoted by:-

- treating all people (clients and colleagues) fairly;
- creating an inclusive culture for everyone;
- ensuring equal access to services;
- advancing equality of opportunity between people of different groups;
- having relevant skills to challenge inequality and discrimination;
- making certain that any of our services do not discriminate against any individuals or groups;
- ensuring that our policies, procedures and processes do not discriminate against any individuals or groups;
- fostering good relations between people from different groups;
- enabling all colleagues to develop to their full potential.

To me personally diversity is about embracing and celebrating the richness of our society and ensuring under-represented communities have a stake in it. It is about relationships and the creation of an environment in which everyone can thrive. It is also about valuing the unique skills, experiences and perspectives of every individual and finding ways to

bring the best out of them.

My attendance note with the client, which I have provided as evidence, demonstrates my approach to diversity and equality:

My client is an elderly gentleman, who is vulnerable due to his age and disabilities. He is frail physically and although has mental capacity, struggles immensely with verbal communication. He has memory problems, is almost deaf and his speech is very slow. He also struggles with writing. Because of his communication problems, the client himself gets very frustrated with people who are impatient with him and treat him as if he does not understand what is going on around him.

I approached this situation with patience and understanding. I had met this client before so I was aware of his difficulties. I gave my client the extra time that he needed to communicate with me. I carefully worded my questions to him in a way that he would understand and I spoke slowly and clearly. I then patiently listened to his replies and also paid attention to his body language to understand what he was trying to tell me. That approach proved successful and we were able to have a proper conversation. I did not rush the client at all, did not interrupt him and I encouraged him to communicate freely. It was important to me to make my client feel at ease and not feel that his difficulties communicating were affecting the outcome of our meeting in any way. I treated him like I would treat any client of mine, but obviously took into consideration the difficulties and adopted my communication style accordingly. It was important to me that the client felt listened to and understood and that he felt important and valued.

I believe that my attendance note successfully demonstrates my understanding of the equality and diversity issues and my respectful approach to these issues.


REFLECTION & EVALUATION (what you learnt from the activity you undertook to meet the outcome):

It is very important that the elderly clients are not discriminated against. They deserve to be treated with respect, patience and understanding. I have also learned that knowledge of some medical conditions greatly helps determining the right approach when dealing with the client. I deal with the elderly and vulnerable clients on a daily basis and I am also a member of the Solicitors for the Elderly.


COMPLETION DATE:

30th October 2014

Signed & dated by Applicant

 30/10/14

Signed & dated by Supervisor

 7.11.2014

Author: P [redacted]
Date: 29th October 2014
Matter Ref: [redacted]

Attendance Note

Attending Dr [redacted] and his daughter and attorney, [redacted] and son-in-law, D [redacted], at 2pm on 29th October at Dr [redacted]'s home at [redacted]

I [redacted] let me in and Dr [redacted] was already sat at the table in the kitchen. I had of course met Dr [redacted] before when I prepared the Codicil to his Will and came to see him at home for signing. I met D [redacted] for the first time, but had spoken to him several times over the phone.

Dr [redacted] was sitting at the head of the table and smiled and greeted me warmly. He said he recognised me and I told him that I was pleased to see him again. Dr [redacted] is 96 and has been struggling with communication for some time. It was immediately obvious that he was having difficulties speaking (he struggles with actually saying the words. He knows that he wants to say, but really struggles getting the words out).

Both I [redacted] and D [redacted] had told me (over the phone prior to appointment) that Dr [redacted] has really started to struggle now with his communication - speaking and writing - and a couple of weeks ago, it had taken 90 minutes for him to sign a tax form. Because of this, Dr [redacted] gets extremely upset and frustrated himself and it's upsetting for the family too. He does have good days and not so good days, but Dr [redacted] himself had told I [redacted] and D [redacted] that he would like them to be able to sign on his behalf. Hence the instructions to me for the LPAs.

Dr [redacted] is 96 years old, but mentally capable and able to have a sensible conversation despite struggling to get the words out and struggling to hear. He has hearing aids in both ears which he adjusts himself according to need. I have not seen him walk (he has always sat down when I've met him), but he sat on a normal kitchen chair, which I took as a sign that he is relatively mobile and can walk himself. I could not spot a walking frame or even a stick anywhere near him in the kitchen.

He has carers who visit him daily and I [redacted] and D [redacted] live just a few doors away. I [redacted] still works a lot, but D [redacted] is actively involved in his care and deals with carers, social workers etc when needed. All decisions are made by discussing things with Dr [redacted] as he himself is very keen to know what is going on and D [redacted] and [redacted] are very good at communicating with him, understanding what he's saying etc. Dr [redacted]'s speech is extremely slow, but with patience it is easy to understand him and it's clear that it is possible to have a very sensible conversations with him. When he actually says the words, they come out relatively clear.

I noticed that there were reminder notes all over the kitchen which [redacted] and [redacted] had put up for Dr [redacted]. One said "remember the ice cream in the freezer - different flavours in

small tubs". Dr [REDACTED] is living on his own and with the help he is receiving from carers, D [REDACTED] and I [REDACTED] he seems to be coping very well.

Today Dr [REDACTED] looked happy and alert and when I told him that I had come to see him to sign the LPA forms he nodded and said "yes" and it was clear that he had been expecting me. I noted that Dr [REDACTED] looked a lot brighter and more alert than the last time I saw him. He smiled at me and nodded.

All four of us then sat around the kitchen table and I showed Dr [REDACTED] the LPA forms which had been completed by me and were now ready for signatures. [REDACTED] suggested that we go through the property and financial affairs LPA first just in case if dad was not going to feel up to going through both. I agreed, so we started with that form.

I showed the form to Dr [REDACTED] and asked him whether he understood what an LPA was and what it meant to appoint an attorney. Dr [REDACTED] confirmed that he understood and said that he wants to appoint attorneys so that his daughters and D [REDACTED] (son-in-law) can look after him and his affairs when he is not able to. Dr [REDACTED] said all this in his usual very slow speech, so it took some time, but I was happy that he said all this and not simply nod and afraid or embarrassed to speak.

I was very pleased with this answer because it assured me that although Dr [REDACTED] is slow and sometimes has trouble communicating his thoughts, he was very clear about the fact that he wanted to make the LPAs. When I spoke to him (slowly!) about the LPA, it was also clear to me that he understands everything that is being said to him (if it's done clearly and slowly). He definitely has mental capacity needed to make the LPAs.

[REDACTED] said that dad would like the forms to be gone through properly and so I placed the Property and Financial affairs LPA in front of Dr [REDACTED] and we went through it together section by section. I explained the "Information You Must Read" to him and he confirmed that he was happy with it and wanted to continue. I then showed him the sections in order and confirmed his attorneys with him. The attorneys are to be D [REDACTED] and Dr [REDACTED] two daughters and they are to act jointly and severally. I took some time to explain how the appointment of jointly and severally was going to work in practice and Isabel also helped to explain it with real life examples of things that they had recently had to deal with. Dr [REDACTED] then confirmed to me that he was happy with that and said D [REDACTED] has been helping him so much already and I confirmed that once the LPA is registered, he and D [REDACTED] can keep working together in order to keep his finances in order. I confirmed that that was indeed correct.

The certificate provider is going to be Dr [REDACTED] GP and when we came to the section for Certificate Provider, I explained that the doctor was going to come and see him and the doctor was going to complete that section himself. Dr [REDACTED] nodded at this point and I [REDACTED] confirmed that an appointment has already been booked.

We then got to the Donor declaration page and I pointed to the box and read out the declaration to Dr [REDACTED] to make it clear to him what he was signing. He again said that he was happy with it and that he wanted D [REDACTED] and his daughters to be his attorneys. He was then a little bit concerned about signing because he struggles to write. I explained to him that he should write his signature as best as he can and not worry about getting it perfect. I told him I was going to sign as his witness so if he wanted, he could even simply make a mark (e.g. a cross). Dr [REDACTED] said that he wanted to print his name and asked whether it would be ok and I confirmed that would be fine.

Dr [REDACTED] then printed his name in the appropriate box and I signed beneath as a witness.

We then had a look though the rest of the form and I showed him where his attorneys also need to sign.

We then reached the final – additional sheet – where his third attorney's details were written. I explained that there was only room for two attorneys in the main form and that's why we needed to add the additional sheet. I asked him to sign the appropriate box to confirm that he is appointing attorney number three also. Dr [REDACTED] then again printed his name in the appropriate box.

We then moved on to the Health and Welfare LPA as Mr [REDACTED] was completely alert and "on the roll" and wished to continue.

Again we went through the different sections and I explained how the attorneys are a little bit different for the health form. We went through the attorneys together and also the replacement attorney and I explained what the role of the replacement attorney was. The replacement attorney is the granddaughter and Isabel then reminded why they (she and dad) had both thought that granddaughter was more appropriate as the replacement attorney, not the grandson. The granddaughter is more aware of the medical issues, whereas the grandson is good in other areas. Dr [REDACTED] laughed and confirmed that he was happy with that and he remembered the conversation.

We then discussed the life-sustaining treatment section and after some discussion Dr [REDACTED] signed Option A. Whilst discussing it, Dr [REDACTED] said that he did not see the point of signing Option B because what would be the point then of the LPA if he signed Option B, which I thought was an excellent point to make!

We then went through the rest of the form again, as before, section by section and Dr [REDACTED] signed (printed his name) the donor declaration and the additional sheet where appropriate. I acted as a witness.

I then explained to Dr [REDACTED] that [REDACTED] and Dr [REDACTED] must sign the forms also as his attorneys and I therefore turned my attention to them. I explained that they would sign the forms today as they are both here, so it is a time saving exercise, but that we would not sign their signatures just yet. Dr [REDACTED] nodded when I said this and remained sitting at the head of the table and listening to our conversation.

I reminded all three of them the important difference between the LPAs: that the property and financial affairs LPA can be used as soon as it is registered, but the health and welfare LPA can not be used until Dr [REDACTED] loses capacity. At this point I looked at Dr [REDACTED] to see whether he had heard and understood me and when he caught my eye he nodded.

I then showed the forms to Is [REDACTED] and Dr [REDACTED] and asked them both to read the section "Information you must read" on Page 2 first. They both took a moment to read the sections and I then showed them the pages they both needed to sign. I then asked them to read the information on those pages also, including the attorney declaration, and asked them to sign in appropriate boxes. I asked them not to date the forms at this stage as I explained that the Certificate Provider must sign and date the form before them to confirm that Dr [REDACTED] has capacity. Both Is [REDACTED] and Dr [REDACTED] understood this and left the date boxes blank. They both signed both forms and I then signed underneath their signatures as a witness also.

I then showed everybody the Registration forms and explained that I had drafted them so that it is [REDACTED] who applies to register the LPAs. I explained that it did not make a difference who actually registered the forms – it was a matter of signing some extra forms – because once the LPAs are registered, all attorneys will have the same authority to act. I explained that the reason I had done that was because I knew that Dr [REDACTED] would

prefer to sign as little as possible. I then turned to Dr [REDACTED] and said that I thought he had done extremely well today by signing five times. Dr [REDACTED] started laughing and said "yes, that went well!".

I then showed the registration forms and Notices to L [REDACTED] and we went through them together. I explained why we needed two and reminded her again that the notices will go to her children with a letter from me, but they won't need to do anything (if they don't want to object to the registration). L [REDACTED] signed both Application to Register forms and three Notices. C [REDACTED] is getting notices for both LPAs, and J [REDACTED] is only getting one because she is a replacement attorney for the health and welfare LPA.

I then picked up the main LPA forms again and marked with blue stickers where the doctor will need to write and sign and with an orange sticker where J [REDACTED] will need to sign. L [REDACTED] will organise for the doctor to be the certificate provider and for L [REDACTED] to sign as a replacement attorney. We agreed that once both of them have signed, she will drop the forms off at my office and I will then write to A [REDACTED] and ask her to sign the form also, as an attorney.

We then talked about the fees and I quoted £800 + VAT for my fees for the registration of the LPAs. I explained to [REDACTED] that I had done most of the work on the EPA registration and she understood that I would need to charge for that also. I confirmed that there is no extra charge for the home visit.

At that point I returned the cheque for £110 made payable to the OPG which had been given to me by Isabel last week and was meant as the OPG fees for the EPA registration. D [REDACTED] then wrote out and gave me a new cheque for the OPG, for £220. Dr Arthurton was still sitting with us at the table of course and saw all of this. He has given D [REDACTED] a third party mandate to his accounts at [REDACTED].

We explained that I will await the return of the form and that I would not be able to do anything until then. L [REDACTED] said she will try and get the form to me as soon as possible.

I then got up, ready to leave. Dr [REDACTED] thanked me for coming and I said again that it had been lovely to see him again. Dr [REDACTED] looked a little bit tired at this point. D [REDACTED] said he was going to make Dr [REDACTED] a cup of coffee and Dr [REDACTED] eyes lit up when hearing this. He smiled at me warmly as I was leaving the kitchen.

I then also said goodbye to D [REDACTED] and L [REDACTED] came with me to the front door. She also thanked me for coming and I said if her, D [REDACTED] or Dr [REDACTED] had any questions regarding the LPAs, they are very welcome to ring me any time.

Attendance charged separately.