

East Sussex Safeguarding Adults Board Financial Abuse Strategy 2017/20

Introduction

The East Sussex Safeguarding Adults Board (SAB) identified the need for a strategy to combat financial abuse of adults with care and support needs.

Aims

To ensure:

- Activity is coordinated between partners to prevent and respond to financial abuse
- Clarity of the roles of partner agencies
- Recognition of activities already taking place
- Identification of any overlaps and joint working opportunities to reduce duplication
- Improvements in the consistency of signposting, responses and messages to the public and adults with care and support needs
- Identification of gaps and actions needed

This strategy covers the SAB's approach to financial abuse of adults with care and support needs in East Sussex, however this needs to clearly link with broader crime prevention messages to the wider community.

The strategy describes the following areas:

- **What is financial abuse?**
- **What is the impact of financial abuse on adults with care and support needs?**
- **What is the prevalence of financial abuse?**
- **What activities and links are already undertaken by SAB partners?**
- **Recent financial abuse related initiatives**
- **Gap analysis and opportunities for development**
- **Recommendations**

1. What is financial abuse?

1.1 Financial abuse of an adult with care and support needs can include theft, fraud, internet and other scams, coercion in relation to an adult's financial affairs or arrangements such as wills, property, inheritance or financial transactions and the misuse or misappropriation of property, possessions or benefits.

It can occur in isolation, but as research has shown, where there are other forms of abuse there is often likely to be financial abuse occurring too. This form of abuse can take away, or limit a vulnerable person's resources, choices, and options. Abuse may involve any amount of money or any size of property. Some forms of financial abuse involve theft or fraud and these are crimes. Financial abuse is the most commonly reported type of abuse that people may experience in later life.

Fraud is a hidden and under-reported crime with victims often in denial or unaware of the criminality behind it. Increasingly fraud is becoming more complex and sophisticated, much of which is targeted at vulnerable and elderly people. Fraud and scams are the most likely

crime to affect the older population of Sussex. The nature of fraud victimisation is not only financial. The emotional impact is significant and includes guilt, misplaced trust and diminished confidence, resulting in detrimental effects on physical and mental health and increased social isolation.

Some chronic victims of fraud remain in denial having been successfully groomed by fraudsters. This results in extensive losses and can amount to whole life savings. These victims can refuse help and deny consent for family and partner agency involvement and assistance. Whilst the gravity of overriding a victim's wishes should never be ignored, there will be circumstances when it may be in their best interests to do so. This will often be the most effective way to reduce the victim's vulnerability from further financial loss.

The main form of abuse investigated by the Office of the Public Guardian both amongst adults and children at risk is financial abuse. It can often involve a family member or another person whom an adult trusts. Abuse can occur when a family member or friend takes over financial decisions and control of the older adult's money. Financial abuse can negatively impact trust among family members. Adult children sometimes may not consider, or realise, that their actions are financially abusive or neglectful toward their parent(s).

The Office of the Public Guardian has a key role in ensuring effective and timely responses in order to safeguard the money of people who lack capacity. This includes ensuring that any people who misuse their Lasting Power Attorney for Property and Finance or their court appointed Deputyship are swiftly investigated and appropriate actions taken.

2. What is the impact of financial abuse on adults with care and support needs?

Financial abuse can seriously affect the health, including mental health well-being, of an adult with care and support needs. The impact of financial abuse should not be underestimated and can be every bit as significant as physical abuse. It can leave people feeling stressed, embarrassed and without the confidence to live independently. The negative impact of self-blame can potentially result in reduced self-confidence and fewer social contacts; this can increase the risk of falls and other health related issues which may lead to increased needs for health and social care input.

The impact of financial abuse can be particularly devastating for older people when they have lost their savings and do not have the time or opportunity to recover their financial loss. In addition, financial abuse can have a profound impact on an adult's health and well-being where a disturbing experience can cause a life-threatening deterioration. Abuse can lead to adults being vulnerable to further targeting, exploitation and abuse.

3. What is the prevalence of financial abuse?

Financial abuse can happen to both men and women. In general, those at higher risk of financial abuse tend to be alone, socially isolated, and either physically or mentally unwell.

In the UK, between 0.5 % and 2.5 % of all older people living at home admit to experiencing some form of financial abuse or exploitation, (King's Fund 2008). Prevalence estimates of financial abuse are likely to be underestimated as a result of under-recognition and under-reporting. National figures suggest that 60–80% of financial abuse takes place in an adult's own home and 15–20% in residential care. Over 50% of financial abuse is by a grown-up son or daughter and nearly 70% by a family member.

Alongside this, the prevalence of internet, telephone, postal scams and doorstep crimes are often targeted at adults with care and support needs. Such fraud/scams are becoming ever more sophisticated and elaborate. In all cases, this is financial abuse and the adult at risk can be persuaded to part with large sums of money and in some cases their life savings.

East Sussex has seen an increase of 30% in the last six months in safeguarding enquiries into alleged financial abuse. Between September 2016 and January 2017, 11% of total safeguarding activity related to financial abuse enquiries. Nearly twice as many victims were female; 61% of the enquiries related to people over 65 years and 42% had long term health conditions. More financial abuse enquiries were conducted in the Eastbourne area than other parts of the county even when taking account of the differing population sizes.

4. What activities and links are already undertaken by SAB partners?

Many agencies are involved in working with people who have been financially abused. The list below reflects the agencies which collaborated on this strategy. Descriptions of what each agency does have been considered to inform the development of this strategy.

- Adult Social Care and Health (ASCH)
- Trading Standards
- Sussex police
- East Sussex Fire and Rescue Service
- Safer Communities Partnership
- STEPS
- East Sussex Healthcare Trust
- Sussex Community NHS Foundation Trust
- Southdown Housing

5. Recent financial abuse related initiatives

5.1 Banking Protocol

This is a national initiative working locally since June 2017 between Sussex Police, Trading Standards and financial institutions who have been trained to identify customers making unusual withdrawals or money transfers. They will ask questions to establish if the customer is potentially the victim of fraud and will make a 999 call to police quoting “Banking Protocol”. In most circumstances, the withdrawal will have been attempted under duress after personal contact with an offender.

This process dovetails with Operation Signature, because following a call from the bank, police attend and always take positive action in crime reporting and safeguarding the victim.

Following the introduction of this process there has been an increase in reports relating to doorstep crime and financial abuse by a known person. These cases can offer require intervention from ASCH e.g. where the suspected abuser is the sole carer or has financial control over the victim. As such it is necessary to introduce effective joint working, which may include fast track safeguarding measures and financial / capacity decisions.

5.2 Victim support

The Police and Crime Commissioner for Sussex has funded two caseworkers, employed by Victim Support, to work with medium and high risk vulnerable victims of fraud (Operation Signature).

The majority of these victims have wider vulnerabilities and needs, beyond the remit of the caseworkers, which need to be addressed with other agencies and partners. The caseworkers will make contact with external agencies to obtain further support for the client, to make a referral, or to gain extra information to help them support the client effectively, in order to engage them back into their community and decrease their isolation where possible.

With the majority of the contact and safeguarding referrals being made with Adult Social Care this indicates the importance of there being a standardised link between police, victim support services and ASCH to ensure these vulnerable people do not fall through the gaps and to help prevent future victimisation and any further harm.

Evaluation data confirms that nearly a fifth (15%) of all clients needing support as victims of this crime type have substantial needs and vulnerabilities.

5.3 101 Reporting

The introduction of an Information Sharing Agreement between Police and Trading Standards across Sussex now ensures that information received by one agency can be shared with the other. Reporting guidance for vulnerable fraud victims has previously been confused and unclear as to where to report these types of crimes, particularly relating to doorstep crime and financial abuse by a known person. Action Fraud is the national recording hub for all fraud, however if a victim is potentially vulnerable this should be reported directly to the Police on 101 enabling a uniformed visit, accurate crime recording (including with Action Fraud) and, where appropriate, information can then be shared with Trading Standards.

6. Gap analysis and opportunities for development

6.1 Awareness and training

There is always room for continuous improvement in training and awareness-raising to increase staff and public understanding to identify financial abuse and respond appropriately. This needs to continue. There is also a need for consistency in messages from all agencies in relation to financial abuse so that adults clearly know where to go in order to seek help and advice. Ongoing activity continues to be required as a noted priority, with greater coordination to make the most effective use of agencies' resources and time.

6.2 The Gap

There is legislation to address fraud, a safeguarding process for those who meet the duty for a safeguarding enquiry and, where appropriate, legislation determining responses for those deemed to lack mental capacity. People who do not meet those thresholds can seek crime prevention and debt advice as relevant to their circumstances.

There is a gap relating to people at risk of 'falling between the cracks' of agencies' responses and criteria. Case analysis demonstrated the lack of consistent coordination for effective responses to prevent harm of a cohort of individuals at risk of, and subject to, financial exploitation. The following factors were identified:

- A lack of clarity about assessment of an adult's lack of mental capacity to make decisions to protect themselves from financial exploitation
- Differing understanding and views by professionals on perceived unwise decision making by adults
- An apparent unwillingness by adults to recognise risk and financial exploitation
- Reluctance by adults to engage with offers of informal and professional intervention and support.

Case analysis illustrated that adults have been passed between agencies with no clear or coordinated response leading to continued financial exploitation, concerned relatives and professional frustrations.

Current practice, including within section 42 safeguarding enquiries, does not consistently emphasise coordination in communication and approaches between all relevant professionals. Working effectively with adults who are chronically financially exploited by people known to them or through fraud/scams can be challenging and complex. Individuals may be resistant to engagement and present with incongruent behaviours and possibly fluctuating mental capacity in their ability to manage their finances. There is a need for awareness of a range of options and greater understanding of agencies' roles and responsibilities. There is a need for a cohesive response to support people in these circumstances in order to work together better to enable change.

7. Recommendations within the action plan in Appendix 1

Appendix 1 Financial Abuse Strategy Action Plan

No.	Recommendation	Action	Lead	Review Date	Progress
1.	Raise awareness of scams and financial abuse	SAB partners to encourage their staff to undertake the Friends Against Scams training, either by attending a short awareness session in person or by completing the online training at https://www.friendsagainstscams.org.uk	All SAB members	Nov 2018	The Operation Signature 'Fraud and Scams' video and the Friends Against Scams eLearning web address have been shared with SAB partners.
		Review training content related to financial abuse awareness	SAB Training Group	Nov 2018	The one day Safeguarding Awareness and the half day Safeguarding Refresher training content were updated in October 2018 to include additional information on postal and internet scams and a focus on prevention by directing the learner to web links about services such as Trading Standards: Check a Trader schemes. The Safeguarding e-learning has been updated to raise awareness in relation to scams and telemarketing.
2.	Identify improvements in responses to adults who are experiencing chronic financial abuse.	Conduct and evaluate a multi-agency prototype to clarify pathways, roles and responses to improve engagement and positive outcomes for adults who are chronically financially abused.	Adult Social Care and Health /Sussex police	Oct 2018	'Guidance to Support Adults who are at High Risk of Financial Abuse' has been developed by a multi-agency group. A Financial Abuse Screening Tool has also

					<p>been developed to support risk assessment. The Guidance and the screening tool was published in Feb 2019 and has been shared with all SAB partners. Work is underway to increase its availability to all relevant agencies through the Voluntary and Community Sector network. Generic guidance for people without care and support needs is also being sourced and collated. This will be linked to the specific guidance for those adults who are within the safeguarding framework. The impact of the 'Guidance to Support Adults who are at High Risk of Financial Abuse' will be evaluated in September 2019.</p>
3.	Create a multi-agency financial abuse toolkit to reflect agency roles, responsibilities and pathways	Revise the ASCH Financial Abuse Toolkit to incorporate a multiagency application.	Adult Social Care and Health	April 2018	Completed and republished.
4.	Promote awareness of the mechanism to challenge safeguarding decisions	Publicise the SAB Resolution Protocol with all agencies.	SAB Development Manager	April 2018	This was distributed in March 2018.
5.	Improve agencies' understanding of Mental	Develop multi-agency training on MCA 2005 principles, their application in practice and the role of	SAB Training Subgroup	Nov 2018	Half day training session was developed in

	Capacity Act 2005 including awareness of the Court of Protection and inherent jurisdiction rulings	the Court of Protection.			collaboration with ESCC Training Team, SPFT, ESHT and CCG. This includes guidance on the Office of the Public Guardian and the Court of Protection. The first session was delivered on 24/10/18 with further sessions planned for March and April 2019.
		Develop multi-agency mental capacity policy and procedures	Operational Practice Subgroup	May 2018	A multi-agency working party was created in May 2018 and policy and procedures developed. These were consulted on by SAB members and they were finalised and then agreed by the SAB members in January 2018. These will be published in Feb and promoted through available events and training including multi-agency training and Primary Health training days.
6.	Identify a mechanism to challenge mental capacity decisions	Raise concerns over mental capacity decisions within safeguarding enquiries through the application of the SAB Resolution Protocol	All SAB members	April 2018	Communication on this was sent to SAB members in Jan 2018.
		Create a multi-agency SAB Resolution Protocol in relation to mental capacity decision making	Operational Practice Subgroup	Nov 2018	The SAB Resolution Protocol has been updated to include mental capacity as well as safeguarding.

7.	Clarify the position on potential criminal prosecution without the person's consent	Update requested on the issue of Police/ Crown Prosecution Service consideration of evidence-based prosecution without victim's consent.	Sussex police	Nov 2018	This is dealt with on a case base basis depending on whether police can secure sufficient evidence to enable a successful prosecution without the consent of the victim.
8.	Ensure information relating to fraud is shared with Sussex police	All agencies to share information relating to allegations of fraud with Sussex police	All	April 2018	Communication was sent in Jan 2018 to all SAB members to share with their agencies.