

Financial abuse toolkit

1. Why do we need a financial abuse toolkit?
2. Financial abuse and safeguarding
3. Why is recognising financial abuse important?
4. Recognising someone at risk of financial abuse
5. Who is likely to perpetrate financial abuse?
6. How can you recognise if someone is experiencing financial abuse?
7. Safeguarding against financial abuse flowchart
8. Planning an enquiry into financial abuse
9. Who can help with what?
10. Seeking legal redress
11. Protecting adults at risk of financial abuse
12. Who to inform when financial abuse is suspected
13. Preventing financial abuse
14. Case examples
15. Additional resources
16. Key contacts

1. Why do we need a financial abuse toolkit?

What is financial abuse?

Financial abuse is: “The unauthorised and improper use of funds, property or any resources belonging to another individual”.

The Care Act 2014 states that financial and material abuse includes:

- Theft.
- Fraud.
- Internet scamming.
- Coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions.
- The misuse or misappropriation of property, possessions or benefits.

What is the scale of the problem?

Reported incidents of financial abuse are on the increase, both nationally and locally.

Increased awareness and better levels of reporting may explain the increase but research shows that much of this type of abuse can go undetected for a variety of reasons.

It is estimated that **between one and two per cent** of people aged 65 or over in the United Kingdom have been a victim of financial abuse since turning 65. This would mean **approximately 130,000 people have suffered financial abuse at some point since turning 65.**

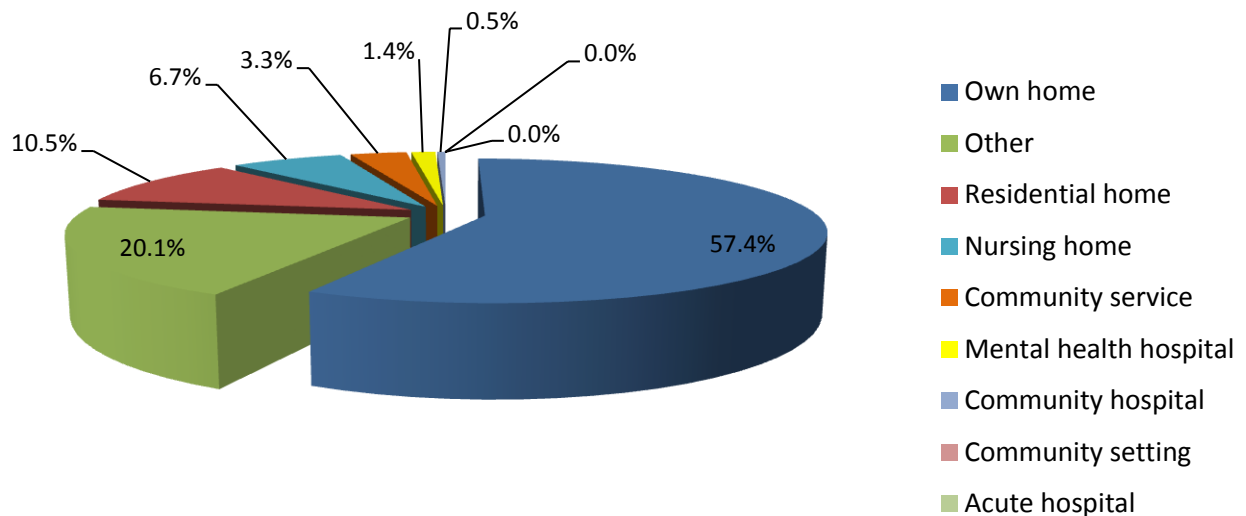
Research shows that 60 – 80% of financial abuse against older people takes place in their own home, and 15 – 20% takes place in residential care.

Local context

East Sussex has a population of 515,000 people, 98,100 of which are aged 70 or over. There are over 10,100 people known to have a form of dementia, and also a large number of people residing in residential care settings. Given that 34% of people in East Sussex live alone in single occupancy accommodation; the risk of people being susceptible to abuse is high. This is illustrated by the diagrams below:

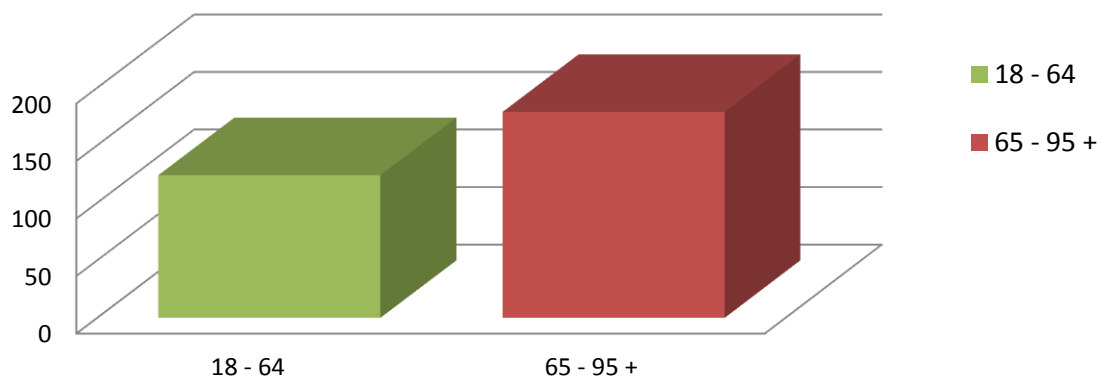
Number of completed Financial abuse enquiries by location

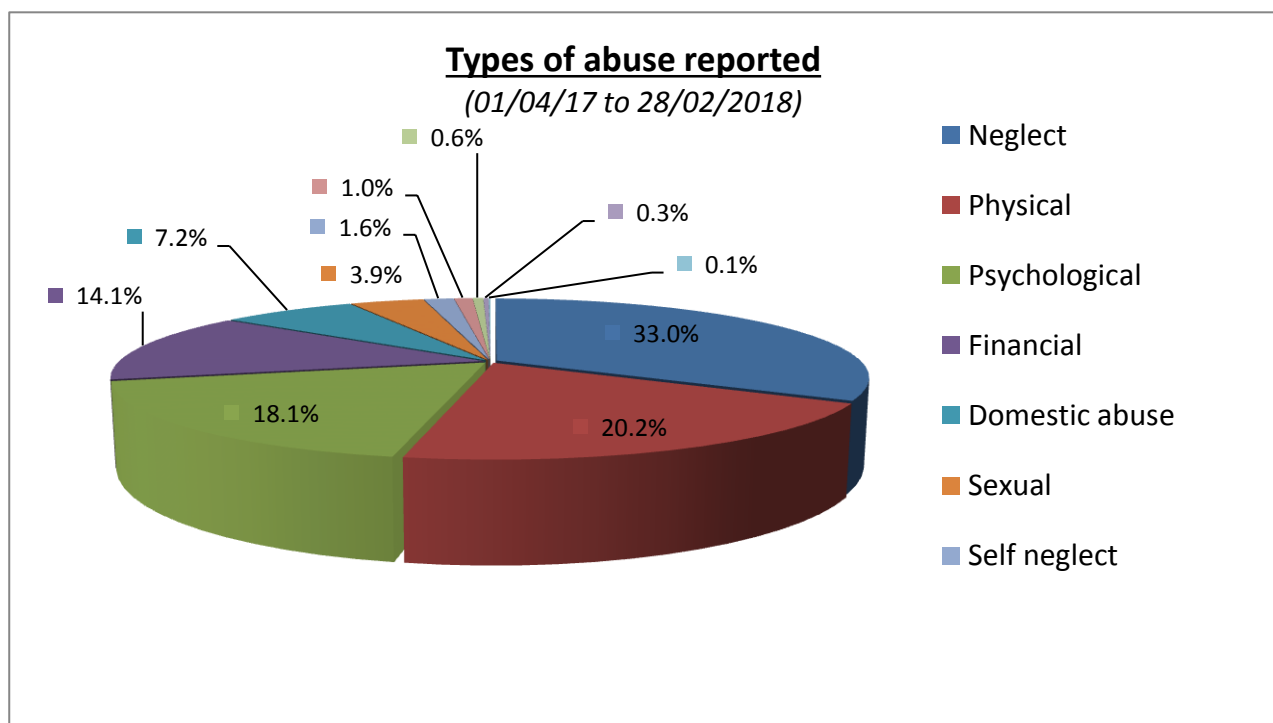
(01/04/17 to 28/02/2018)



Number of completed financial abuse enquiries by age of adult at risk

(01/04/17 to 28/02/2018)





What is the purpose of the toolkit?

The toolkit is intended to be used by Adult Social Care & Health (ASC&H) staff, partner agencies, providers and members of the public. It will provide them with the information they need to respond appropriately to suspected cases of financial abuse.

It is important that the indicators of financial abuse are recognised, so that safeguarding concerns can be raised appropriately.

This toolkit will highlight how effective partnership working between departments, such as ASC&H Finance, Trading Standards, as well as external partners eg. Sussex Police, may create better outcomes for adults and offer more robust enquiry actions.

The financial abuse toolkit will:

- Provide advice on when to raise a safeguarding concern.
- Provide information on the indicators of financial abuse, and who is vulnerable to financial abuse.
- Provide a range of preventative measures.
- Emphasise the importance of partnership working.

- Provide case examples that demonstrate how financial abuse enquiries can be conducted effectively.
- Provide information on additional resources for further reading, and sharing with adults who may be vulnerable to financial abuse and partner agencies.

2. Financial abuse and safeguarding

The role of Adult Social Care and Health (ASC&H) in safeguarding

The Care Act 2014 placed a duty on local authorities to make enquiries, or ensure others do so, if it believes an adult is subject to, or at risk of, abuse or neglect.

Under Section 42 of the Act, ASC&H must undertake an enquiry (or cause an enquiry to be made) where the following 'Three Key Tests' are met:

- an adult who has care and support needs (whether or not the local authority is meeting any of those needs), and
- may be experiencing, or is at risk of, abuse, and
- as a result of those needs is unable to protect themselves from either the risk of, or the experience of, abuse.

Note Carers are also included where they meet the Three Key Tests.

The Care Act identified the local authority as the lead agency in adult safeguarding. ASC&H co-ordinates the response to allegations of abuse and neglect of adults with care and support needs. However, the police will take the lead in allegations of a criminal nature.

When an allegation of financial abuse is raised with ASC&H, they will gather information about the concern. This helps them determine if a safeguarding enquiry is required to look into the concern and identify any actions.

An outcomes-focused approach is central to safeguarding practice. This includes, wherever possible, a conversation with the adult at the earliest opportunity. The adult's mental capacity will be considered, and a referral for advocacy made, if appropriate.

Having gained the adult's views on what they want to happen, immediate risks will be considered, and safeguarding planning, and any actions required, will be undertaken.

In line with the Care and Support Statutory Guidance, ASC&H may make such enquiries or request other agencies to make them on its behalf.

If an adult does not meet the Three Key Tests for a safeguarding enquiry, they are signposted to appropriate agencies such as the police or Trading Standards.

When should a safeguarding concern be raised?

Service providers and members of the public should raise a safeguarding concern when financial abuse is suspected. This may include:

Coercion

- Preventing someone buying goods, services or leisure activities.
- Controlling access to money or benefits.
- Exerting undue influence to give away assets.

Exploitation of position of trust

- Demanding early inheritance.
- Pressure to transfer property, inheritance, possessions or benefits, take out a loan, or change will for the family / professional benefit.
- Pressure to accept lower-cost or lower-quality services in order to preserve more financial resources to be passed to beneficiaries on death.
- Staff or volunteers borrowing money, or accepting gifts or money.
- Misuse of a person's assets by professionals, including misuse of powers of attorney.

Deception

- Goods or services purchased in someone's name but without their consent.
- Forgery.

- Altering ownership of property without consent.

Money redirected to others

- Money being absorbed into a care home or household budget without the person's consent.
- Unlicensed money lending (loan sharks) ie. being offered a loan on bad terms.

Other types of financial abuse

- Theft ie. money or possessions stolen, borrowed or withheld without permission.
- Being deliberately overcharged for goods or services, or being asked to part with money on false pretences.
- Postal, telephone and internet scams where the person has interacted with someone and lost money.

The link between financial abuse and domestic abuse

Financial abuse can involve exerting control over another adult by controlling their ability to acquire, use and maintain economic resources. This is one of a range of controlling behaviours used by perpetrators of domestic abuse.

Whilst not an exhaustive list, these behaviours can include:

- Interfering with employment and / or education.
- Destroying property.
- Stopping or controlling access to finances including benefits, savings or wages.
- Forcing an adult to take out credit.
- Forcing an adult to commit fraud.
- Transferring financial liability into an adult's name.
- Refusing to contribute to household or other costs.

- Prolonging legal proceedings.
- Stealing.

3. Why is recognising financial abuse important?

The impact of financial abuse should not be underestimated, and can be every bit as significant as other types of abuse.

Financial abuse is often accompanied by physical abuse or neglect.

Even small losses have the potential for significant impact when considered in context with a person's overall wealth or income, and whether or not they have access to the right support.

The negative impact of financial abuse, regardless of the source, can leave a person unsettled and without the confidence to live independently. It can cause the person who previously did not have a need for social care services to deteriorate to the level at which they require services.

How does financial abuse affect someone?

A person may experience any of the following:

- Depression or anxiety.
- Distress.
- Anger.
- Embarrassment or loss of self-esteem.
- Self-blame – decline in mental health.
- Denial or fear.
- Betrayal.
- Stress.
- Loss of confidence to live independently.
- Deterioration in physical health (leading to premature death).
- Social isolation.

- Increased vulnerability to further exploitation.
- Inability to replace lost savings or goods due to lack of earning potential.

4. Recognising someone at risk of financial abuse

Profile of an adult at risk of financial abuse

An adult at risk of financial abuse is likely to display one or more of the following:

- The adult is unable to manage their own finances due to lack of capacity or sufficient numeracy skills.
- The adult is dependent on someone else to manage their money.
- The adult is at the greatest risk of financial abuse when a non-related individual is living with them in their home.
- The adult is dependent on others for all aspects of daily living, such as those who live in residential care.
- The adult is known to be isolated or is regarded as at risk within the community.
- An adult who is isolated or lives on their own may be more at risk of being exposed to financial pressure eg. from salespersons, loan firms, rogue traders or bogus callers.
- The adult is of a trusting nature.
- The adult is susceptible to emotional grooming.
- For older adults in particular, who may have increased assets coupled with low-cost lifestyles and a lack of awareness of the modern world may make them more susceptible.
- Adults in poor health.
- Divorced or separated older women.
- An adult is likely to be targeted numerous times, and can be in denial due to the nature of the exploitation.

ASC&H workers, other professionals or providers may have difficulties in detecting financial abuse for a variety of reasons which can include:

- The adult may be reluctant to speak out through a sense of shame, or fear of repercussions, such as the family member withdrawing their support.
- A belief that financial matters are private and raising concerns may seem like an intrusion.
- An adult may not recognise the abuse.
- It may often start out as a legitimate transaction, but escalate over time, making it difficult to identify when it has tipped over into being abuse.
- It can be difficult to spot if an adult is being coerced.

5. Who is likely to perpetrate financial abuse?

Financial abuse is most frequently perpetrated by a person acting in a trusted capacity. This includes family members, friends, neighbours, care workers and other professionals.

Family members:

- May have a substance misuse or gambling problem, or financial difficulties.
- Are due to inherit money, but feel justified in taking it before it is due.
- May have a negative relationship with the adult and feel a sense of 'entitlement'.
- May have negative feelings towards other family members and want to prevent them from acquiring or inheriting the adult's assets.
- Are acting with the adult's consent but not in their best interest. Some families may have a view that the income of individual family members, including benefits for disabled adults, should be pooled into the family income.

Professionals may:

- Overcharge for services or products.
- Use deceptive or unfair business practices.
- Use a position of trust or respect to gain compliance.
- Seek employment, such as care workers or personal assistants, and then gain adults trust and take over their finances unlawfully.
- Find adults who are isolated or alone, or contact the recently bereaved, in order to financially abuse them.
- Move from community to community to avoid detection.

Financial abuse may also be perpetrated by individuals who are initially strangers and seek out vulnerable adults with the intention of exploiting

them. This includes mass marketing fraud, identity theft, scams or rogue traders.

The following organisations give examples of financial abuse perpetrated by professionals and individuals:

- The Office of Fair Trading (OFT)
- Royal Mail
- Serious Organised Crime Agency (SOCA)
- Sussex Police
- Trading Standards
- Think Jessica – <http://www.thinkjessica.com/>

6. How can you recognise if someone is experiencing financial abuse?

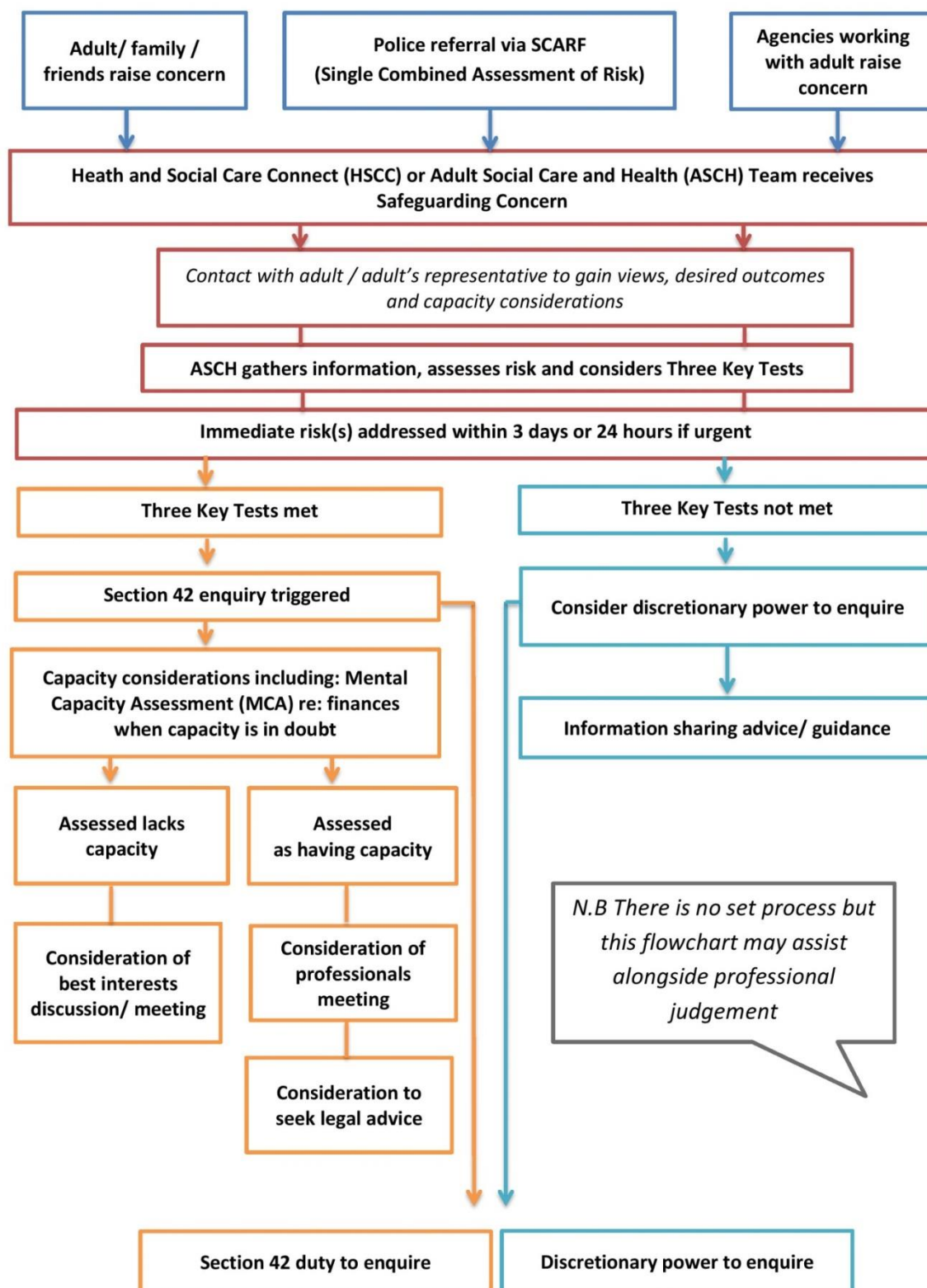
Indicators of financial abuse

- Change in living conditions
- Lack of heating, clothing or food.
- Inability to pay bills or unexplained shortage of money.
- Unexplained withdrawals from an account.
- Unexplained loss or misplacement of financial documents.
- The recent addition of authorised signatories on an adults or donor's signature card.
- Sudden or unexpected changes in a will or other financial documents.
- A significant reduction in capital, particularly following a change in circumstances eg. a property sale.
- Cheque withdrawals to unknown businesses or persons.
- An adult not receiving their benefits
- Payment of adult's contribution towards services suddenly stops.
- Disparity between assets and satisfactory living conditions.
- The adult lacks belongings or services which they can clearly afford.
- Reluctance on the part of family, friends or the person controlling funds to pay for replacement clothes or furniture.
- The individual(s) who controls funds reduces or ceases their visits, or the person is upset following their visits.
- Items purchased which are not appropriate for the person.
- Home improvements or repairs that are 'out of keeping' with the adults lifestyle or are 'worrying' the person or staff.

- Loans or credit being taken out in circumstances that give cause for concern, such as the age of the adult taking out the loan and the alleged reason for the loan.
- Pressure by family members or other people to sign over assets or alter wills.
- Recent change of deeds or title of house.
- An adult's inability to explain what is happening to their own income.
- Bank statements are no longer received or disappear.
- Financial statements and other documents disappear.
- A carer only asks financial questions, rather than questions about care.
- Large volumes of 'junk' mail.
- Missing property or valuables, eg. clocks, ornaments, jewellery

7. Safeguarding against financial abuse flowchart

Safeguarding Against Financial Abuse: Flowchart (1)





Safeguarding Against Financial Abuse: Flowchart (2)



Multi-agency Safeguarding Planning (non-exhaustive)

- Includes adult / adult's representative
- Includes police (identify point of contact).
- Can include: victim support, primary and secondary health services, supporting agencies, outreach, supported accommodation, residential/ nursing care, supply management and/ or trading standards if there is consumer protection issues.



Safeguarding Plan to Consider

- Police/ Trading Standards investigatory actions.
- Agreed roles, responsibilities and timescales.
- Preventative measures.



Conclude Section 42/ Other Safeguarding Enquiry



Multi-agency Outcomes Review

- Check if adult / adult's representative's outcomes have been achieved
- Agree ongoing safeguarding plan with roles, responsibilities and timescales.
- Discharge Section 42 duty/ conclude LA enquiry.

8. Planning an enquiry into financial abuse

What is an enquiry?

With regards to financial abuse, an enquiry is the action ASC&H takes or instigates in response to a concern that this type of abuse may be taking place.

An enquiry could range from a conversation with the adult to a more formal multi-agency arrangement.

The objectives of the enquiry are to:

- Establish the facts and ascertain the adult's views and wishes.
- Assess the needs of the adult for protection, support and redress, and how these might be met.
- Protect the adult from the financial abuse in accordance with their wishes.

A safeguarding enquiry into alleged financial abuse will need:

- To identify the person or organisation responsible for the financial abuse, and enable the adult experiencing financial abuse to achieve resolution and recovery.
- To consider welfare and prevention alongside any enquiry actions.
- To work with the adult to identify and manage their expectations and focus on their desired outcomes.
- To consider the breadth of remedies available to the adult at risk of financial abuse.
- A well planned meeting or discussion which involves and uses the skills of partners at the earliest opportunity (see: [Who can help with what?](#)).

Obtaining consent to undertake an enquiry

Everyone has a legal right to make decisions about their own life and, where practicable, the adult's consent should be sought before taking action.

However, there may be circumstances when consent cannot be obtained because the adult lacks capacity but it is in their best interest to undertake an enquiry.

Whether the adult has capacity to consent or not, action may need to be taken if:

- Others are, or will be, put at risk if nothing is done.
- It is in the public interest to take action because a criminal offence has occurred.

Note Whilst an adult who lacks capacity may be considered to be more at risk of financial abuse, it should be remembered that someone with capacity can be equally susceptible. For example, it should not be assumed that if an adult who has capacity makes a gift, then it cannot be regarded as theft. Coercion and undue influence, emotional grooming and predatory behaviours as well as the reasonableness of the transaction all need to be considered.

Making Safeguarding Personal

Making Safeguarding Personal (MSP) is the approach taken for all safeguarding work.

The key principle is to support and empower the adult to make choices and have control over their own life. It is about seeing people as experts in their own lives and working alongside them to identify the outcomes they want.

Enquiries into financial abuse will follow the standard safeguarding procedures as set out in the [Sussex Safeguarding Adults Policy and Procedures](#).

9. Who can help with what?

A key element in an enquiry is planning who to involve and what information needs to be gathered.

This section aims to give you an overview of the resources available to you when undertaking an enquiry into financial abuse.

Sussex Police

Sussex Police should always be involved in financial abuse cases where a crime has been, or may have been, committed.

Where criminal activity is suspected, the early involvement of the police is essential.

Anyone can report a crime or suspected crime to the police. This can be done by calling 101, online at www.sussex.pnn.police.uk or by email 101@sussex.pnn.police.uk.

In an emergency situation, call the police or ambulance immediately on 999.

Whether or not the adult has the capacity to give consent, the police will need to be informed if other people are already, or would be, at risk. The police should also be informed where it is in the public interest for an alleged criminal offence to be reported.

Where an enquiry manager is co-ordinating a financial abuse enquiry and suspects that a crime may have been committed, Sussex Police should be notified. The Safeguarding Investigation Unit will review the information and determine whether there is evidence to suggest that a criminal offence has been committed.

Sussex Police will identify an adult's vulnerability at the first point of contact through a face-to-face visit and visual assessment. A scored risk assessment is also completed, and this is graded as standard, medium or high. This assessment is recorded on the SCARF (single combined assessment of risk form) and where appropriate, usually in cases identified

as medium or high, this is forwarded to a partner agency for information and / or intervention.

Operation Signature

Operation Signature is a standardised reporting and recording process within Sussex Police which identifies and supports vulnerable victims of fraud. This includes financial abuse by a known person, doorstep crime and frauds perpetrated overseas which can be instigated by telephone, online, in person or by mail.

Operation Signature works with the community, statutory and voluntary agencies and financial institutions, to raise awareness of the warning signs of fraud which targets the vulnerable. This involves information sharing between the police, ASC&H and Trading Standards in relation to fraud related crime and safeguarding enquiries.

Operation Signature also receives information relating to vulnerable victims from Action Fraud and financial institutions via the National Crime Agency which disseminates this to Sussex Police.

All fraud should be reported to Action Fraud, and Sussex Police will do this on behalf of the victim if they are vulnerable.

Action Fraud Tel: 0300 123 2040

<https://www.actionfraud.police.uk/report-a-fraud-including-online-crime>

Victim Support

The Police and Crime Commissioner for Sussex funds two caseworkers, employed by Victim Support, to work with medium and high risk vulnerable victims of fraud. Such victims are referred to them by the Financial Abuse Safeguarding Officer via the Single Combined Assessment of Risk Form (SCARF).

The majority of these victims require their needs to be addressed by other agencies and partners. The caseworkers make contact with external agencies to obtain further support for the adult in order to assist them to engage with their community and reduce their isolation where possible.

Trading Standards

Trading Standards receives reports from members of the public, through the Citizens Advice Consumer Service and from partner agencies, where the adult who has experienced consumer protection issues. This can include victims of unfair trading practices, rogue trading and doorstep crime, loan sharks and scams.

Advice and support for vulnerable victims

If the adult is considered in some way vulnerable, then consumer advice and support is given by trained Trading Standards Officers. This may involve liaising with a business on the adult's behalf to seek redress, highlighting unfair contract terms, cancelling subscription payments to third parties, or referring to another agency, such as ASC&H, for further support.

If the matter involves criminal activity and the victim is vulnerable, then Trading Standards will investigate this, in addition to giving support to the victim. Rogue trading (also known as door step crime) is a common matter for investigation relating to financial abuse. Vulnerable consumers are targeted by traders who fraudulently miss-sell them goods or services following an unsolicited knock on the door, telephone call or leaflet drop. Roofing, insulation, energy saving devices, driveways and building works, are recurrent sources of this type of complaint.

The team has specially trained officers to undertake ABE (Achieving Best Evidence) interviewing, which is a process for obtaining best evidence from vulnerable victims of crime. There is also a range of measures that can be provided to safeguard vulnerable victims when giving evidence in criminal proceedings, such as giving evidence via video link.

Trading Standards works with Sussex Police by sharing information and intelligence on victims and suspects, to best investigate incidents of fraud and other regulatory matters when appropriate.

Supporting victims of scams

Trading Standards receives referrals from the National Trading Standards Scams Team concerning adults who may have fallen victim to mass marketing fraud. Each adult will receive a visit from a Trading Standards Officer and, if appropriate, an Age UK or Citizens Advice representative, for

support and advice. Those identified with dementia who are vulnerable to telephone scams and nuisance calls are eligible for a 'True Call' call blocker device to help prevent further abuse taking place.

The Edna Johnson project involves joint visits to vulnerable adults affected by scams by Trading Standards and Age UK representatives. A support plan is designed for the adult, and includes support through home visits, telephone advice, and access to other services.

Trading Standards supports the National Trading Standards Scams Team and the East Sussex Against Scams Partnership (ESASP) with their scam awareness campaigns, such as carrying out Friends Against Scams (FAS) training, and identifying new partners for ESASP. Trading Standards can give training on scam awareness to partner agencies and their practitioners.

Reporting of fraud

There is an Information Sharing Agreement between the police and Trading Standards across Sussex which ensures that information received by one agency can be shared with the other. Action Fraud is the national recording hub for all fraud. However, if a victim is potentially vulnerable, fraud 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

Assisting with safeguarding enquiries

Trading Standards can also assist in safeguarding enquiries where the abuse relates to consumer protection issues such as rogue traders, scams, loan sharks, or doorstep crime. They can:

- Advise if they can assist in either a criminal investigative, civil law, or best practice capacity.
- Investigate any regulatory offence where it is determined that the adult has been subject to financial abuse by a business.
- Assist the police in the development of intelligence in relation to the allegation of financial abuse.
- Support the adult by offering advice.

Banks

The Banking Protocol is a national initiative between the police, Trading Standards and financial institutions whereby branch staff can immediately alert police and Trading Standards to suspected frauds.

Bank staff are trained to identify customers making unusual withdrawals or money transfers, and will ask questions to establish if the customer is potentially the victim of fraud. If they suspect a customer is in the process of being scammed, they will make a 999 call to the police quoting 'Banking Protocol' which elicits an immediate priority response to the branch.

The Portal

The Portal is a support service for victims and survivors of domestic or sexual abuse and violence. The service may be able to provide help, advice and support in relation to financial abuse.

Contact the Portal where an adult is the victim of coercive and controlling behaviour in relation to their finances.

The Domestic Abuse Money & Education (DAME) Project

This is a free, confidential telephone support service which provides money advice for survivors of domestic abuse.

East Sussex County Council (ESCC)

The following ESCC teams can provide advice and support in relation to financial abuse:

- The Finance and Benefits Assessment Team
- The Appointeeship and Deputyship Team
- The Accounts Receivable Team
- The Direct Payments Monitoring Team

- Market Support Team
- Internal Audit and Human Resources
- Legal Services

The Finance and Benefits Assessment Team

Providing financial documentation

The team can provide financial documentation that may already be held from completing a financial assessment.

The team cannot share this information until a safeguarding enquiry has been triggered as financial information will be shared on a need to know basis, in accordance with data protection legislation.

Contributing to the enquiry

The enquiry manager should consider whether the enquiry, or parts of the enquiry, could be undertaken by the Finance and Benefits Assessment Team.

Where appropriate, a finance team representative should be invited to any planning meeting or discussion.

The team can assist with the following:

- Gathering information including contacting banks, solicitors, the Department for Work and Pensions, the Office of the Public Guardian etc.
- Interpreting financial data and establishing where the person's money is being mismanaged.
- Considering the impact of the abuse, and advising how the person may be affected and any future risks, including the adult's ability to fund their care.
- Providing advice to both the adult at risk and other parties regarding the legal responsibilities of an Attorney and appropriate use of the adult's finances.

- Identifying risk where someone is failing to act in the adult's best interests in relation to their finances but no other abuse or neglect is apparent.
- Conducting a visit to the adult at risk and /or the person thought to be responsible for the financial abuse as part of the safeguarding enquiry. The adult being visited must be aware of the reason for the visit and be willing to comply with the enquiry.

Note It is not appropriate to carry out a review of the financial assessment with the intention of gathering information to support / disprove a safeguarding concern.

The Appointeeship and Deputyship Team

Referrals for Corporate Appointeeship or Deputyship

The team can advise on and accept appropriate referrals for Corporate Appointeeship or Deputyship from an adult's social worker where there have been allegations of financial abuse and where the adult lacks the mental capacity to deal with their finances themselves and there are no suitable family members to apply for Appointeeship or Deputyship.

Following a referral there may be a need for continued involvement with the social care team while the Deputyship application is in progress. See: [Appointee and deputyship policy and guidance](#) – this link can only be accessed by ESCC staff.

Managing an adult's financial affairs

The team can take over the management of an adult's financial affairs on their behalf and put measures in place to safeguard their finances. The team will then provide financial information as required to assist with their financial assessment and any safeguarding enquiry.

Payment of an adult contribution

The team will ensure that the adult's contribution for the cost of their care is paid from the date of Appointeeship, and will advise the Accounts Receivable Team of the client's financial position to be able to repay any outstanding debt to ESCC.

Where a third party has taken capital from the adult leaving insufficient funds to pay the assessed adult contribution this should be discussed with the Appointeeship Team.

Involvement in safeguarding concerns / enquiries

The team will notify the relevant social care team where financial abuse is suspected or identified.

The team can take an active part in safeguarding enquiries for Corporate Appointeeship and Deputyship, including attending meetings, providing advice and guidance, and following-up on actions.

Removing Powers of Attorney or appointees

The team will provide advice and support to social care teams with regards to removing a Power of Attorney or appointee where it has been identified they have not been carrying out their duties appropriately.

The Accounts Receivable Team

The Accounts Receivable Team has regular communication with adults or their representatives where invoices for their contribution remain unpaid.

The team determines reasons for non-payment and makes arrangements for the payment of income due to the department.

In pursuit of payment of unpaid invoices, the team collects current information about the cause of financial difficulties. As there is a link between debt due to the department and potential for financial abuse, the team will be able to provide current financial information and knowledge that may be relevant to an enquiry into financial abuse.

The Direct Payments Monitoring Team

The Direct Payments Monitoring Team provides a financial monitoring service, checking the validity of Direct Payment spending and making regular payments to adults to meet their ongoing care needs.

The team uses a range of 'triggers for concern' when assessing the validity of Direct Payment spend and the potential for misuse of Direct Payment monies.

The team will be able to provide information, both financial and in general, about the conduct of a Direct Payment account and any concerns there may be in relation to an adult managing their Direct Payment monies.

Market Support Team

The Market Support Team may be able to assist with an organisational safeguarding plan when systemic issues have been identified as the cause of possible financial abuse within any of the following settings:

- a care home,
- a domiciliary setting,
- supported living, and
- day care.

The team, in conjunction with Internal Audit, may be able to contribute to an enquiry by looking at the relevant agency's financial recording systems.

Internal Audit and Human Resources

Internal Audit has an important role in financial abuse enquiries, and must be informed when there is suspected financial abuse taking place and / or when there has been a loss of ESCC money or assets, or in cases of suspected fraud.

Internal Audit can also provide advice and support for other types of financial abuse, and an initial informal approach should be made if in doubt.

When the person thought to be responsible for the financial abuse is an ESCC employee, both Internal Audit and Human Resources will have an important role in the enquiry and must be consulted in these circumstances.

Consideration should be given to inviting Internal Audit and / or HR to any planning meeting or discussion, as their degree of involvement will be determined on a case-by-case basis.

Legal Services

Where financial abuse is suspected and legal advice is required, Legal Services should be contacted at the earliest opportunity.

Legal Services can provide advice regarding any remedies available as well as any legal processes available to safeguard the adult.

In certain circumstances, Legal Services may commission outside advice from suitably qualified professionals depending upon the nature of the matter.

The Safer East Sussex Team

The Safer East Sussex Team has developed the East Sussex Against Scams Partnership (ESASP) which is a community initiative comprising organisations including businesses, charities, church groups, clubs, community enterprises, councils, societies, voluntary groups etc.

Each organisation has signed up to the ESASP Charter and pledged their commitment to raise awareness about the impact of scams.

Examples of their work include:

- Raising awareness via email, social media, newsletters, posters etc about the different types of scams and what to look out for.
- Running Friends Against Scams (FAS) awareness sessions for members, staff, volunteers, carers and the general public.

Further details about the ESASP can be viewed here:

www.safeineastsussex.org.uk/ESASP.html.

Voluntary organisations

There is a range of private and voluntary agencies in East Sussex which can offer support to adult's who may be at risk, or have been a victim, of financial abuse.

This is not an exhaustive list and other relevant services can be found on [East Sussex 1Space](#).

Age UK East Sussex

Age UK East Sussex offers support to older people who have been affected by scams.

The support provided includes:

- Phone advice.
- Financial advice at an Age UK centre.
- Home visits.
- Short-term support from a volunteer where loneliness is a factor in a person's risk of being scammed.
- Group awareness sessions to Age UK teams or partner organisations.

For further information see the Age UK website:

<https://www.ageuk.org.uk/eastsussex/our-services/age-uk-east-sussex-and-edna-johnson-wills-trust-scams-prevention/>

Citizens Advice

Citizens Advice offers free, confidential and impartial advice regarding issues such as debt, benefits, work, family and consumer issues.

<https://www.citizensadvice.org.uk/>

East Sussex Fire and Rescue Service (ESFRS)

ESFRS undertakes home safety visits which include identification of scams. Any identified concerns are referred to their central team who will raise any safeguarding concerns.

www.esfrs.org

Hastings Advice & Representation Centre (HARC)

HARC provides specialist advice on welfare benefits, tax credits and universal credit for anyone on a low income.

<http://www.harcuk.org/harc/>

Sussex Elder Abuse Recovery Service (EARS)

EARS is a specialist, volunteer-based service which supports adults aged 55 or over who have experienced any form of elder abuse.

The service supports adults after the abuse has ended, and helps them rebuild their confidence and regain their independence.

The service can also provide telephone support for people experiencing on-going psychological and / or financial abuse, including scams.

10. Seeking legal redress

The criminal courts

If a criminal offence eg. theft or fraud has been committed, the adult experiencing financial abuse may wish to press criminal charges against the person thought to be responsible.

For more information about theft and fraud, see [The Theft Act 1968](#) and [The Fraud Act 2006](#) – both available on www.legislation.gov.uk.

The civil courts

Where a criminal offence has not been committed, it may be possible for the adult subjected to financial abuse to obtain relief through civil law. This would be the case where financial abuse occurs as a result of undue influence or duress.

Undue influence occurs when an adult's wishes regarding a gift or bequest are overruled as a result of coercion or undue pressure by somebody else.

Duress relates to where an adult enters an agreement as a result of threats.

Where it is established that duress or undue influence has been exerted, any contract the adult experiencing financial abuse has entered into may be set aside and they must take steps to void the contract. Where duress has occurred, it may also be possible to obtain damages; damages are not available with undue influence.

Office of the Public Guardian

If the abuse is perpetrated by an attorney or deputy and the donor still has capacity, he / she can revoke the Lasting Power of Attorney (LPA) by way of a Deed of Revocation. The attorney should be alerted and, where the LPA is registered, the Public Guardian informed.

A local authority can make representations to the Office of the Public Guardian if there is reasonable belief that an attorney or deputy is not acting in the adult's best interest.

The Court of Protection

Where the adult experiencing financial abuse lacks capacity the Court of Protection has wide powers to deal with the consequences of financial abuse.

These include:

- Making an order prohibiting a named person from having contact with the adult experiencing financial abuse.
- Making an order enabling another person to bring proceedings on behalf of the adult experiencing financial abuse, for example, for redress in the civil court. This may involve claims of fraud, coercion, undue influence, lack of capacity, and breach of trust.
- Appointing a deputy.

In addition, the Court can simply set aside gifts or wills on the grounds that the person lacked capacity at the relevant time.

The High Court

The High Court can:

- Make freezing injunctions to prevent money or property being disposed of.
- Make search orders to allow access to the home or workplace of the person alleged responsible to search for documents.
- Can intervene and use Inherent Jurisdiction where an adult has capacity but requires protection.

Injunctions can also be obtained to prevent the person alleged responsible from leaving the country.

A person acting as a 'litigation friend' (ie. representing an adult with mental health issues) can also apply to the High Court for recovery of funds.

The Legal Ombudsman

Complaints about a solicitor should, in the first instance, be directed to the practitioner or law firm concerned, in writing.

Should the practitioner not deal satisfactorily with the complaint the matter should be referred to the Legal Ombudsman. The Legal Ombudsman is a free, independent service that has formal powers to resolve complaints about lawyers.

The Legal Ombudsman can be contacted on 0300 555 0333 or at enquiries@legalombudsman.org.uk.

Further information can be found at <http://www.legalombudsman.org.uk/>.

11. Protecting adults at risk of financial abuse

The following are potential methods of protecting an adult at risk of financial abuse which should be considered as part of the safeguarding plan.

Appointeeship An appointee is someone appointed under the Social Security (Claims and Payments) Regulations 1987 to claim and collect social security benefits on behalf of an adult who lacks capacity to manage their own benefits.

Deputyship A deputy is someone appointed by the Court of Protection to manage the property and affairs or the personal welfare (including healthcare), or both, of another adult who lacks the mental capacity to manage them themselves.

Where an adult lacking capacity does not have anyone to act as their deputy, or if there is a safeguarding issue, an application can be made by the local authority to act as deputy.

Lasting Power of Attorney (LPA) An LPA is a legal document made by someone (the donor) that allows another person (the attorney) to make decisions about the donor's health and welfare or property and affairs, or both.

An LPA can be made at any time and gives the attorney power to act at a time in the future when the donor may no longer wish to make decisions or may not have the mental capacity to do so.

For more details see: www.gov.uk.

The Mental Capacity Act 2005 In relation to adult safeguarding, the Act introduced four key elements:

- Offences of wilful neglect and mistreatment of an adult lacking mental capacity.
- Powers to make decisions in the best interests of an adult who lacks capacity.
- A duty for proxy decision makers and professionals to act in an adult's best interests and abide by the code of practice.

- The leaving of specific decisions and capacity assessments to the adult or professional concerned.

For more details see: [Mental Capacity Act Code of Practice](#).

Office of the Public Guardian (OPG) The Office of the Public Guardian's main statutory duties are to:

- Register Powers of Attorney.
- Supervise deputies appointed by the Court of Protection.
- Investigate safeguarding concerns or allegations and report these to the Court of Protection, when required.
- Provide guidance to the public, and legal and health professionals.

A deputy may be subject to close supervision from the OPG. This can be because of concerns about how the deputy is acting, but can also be because they are acting in difficult circumstances.

A local authority can make representation to the Office of the Public Guardian if there is a reasonable belief that a Lasting or Enduring Power of Attorney is not acting in a adult's best interests.

Phone line for reporting concerns: 0115 934 2777 or email: OPGSafeguardingunit@publicguardian.gsi.gov.uk

For more details see: www.gov.uk

Court of Protection The Court of Protection has the power to:

- Decide whether an adult has capacity to make a particular decision for themselves.
- Make decisions on financial or welfare matters on behalf of an adult who is unable to do so.
- Appoint a deputy to act for someone who is unable to make their own decisions.
- Enable a third party to look into the financial affairs of someone under the Court's jurisdiction where financial abuse is suspected, and to safeguard the adult's resources, if appropriate.

- Decide whether a Lasting or Enduring Power of Attorney is valid.
- Hear cases concerning objections to the registration of a Lasting or Enduring Power of Attorney.
- Remove deputies or attorneys who fail to carry out their duties.

For more details see: www.gov.uk

12. Who to inform when financial abuse is suspected

Financial abuse involving ASC&H monies

As soon as a practitioner suspects an irregularity affecting ASC&H monies eg. personal budgets, it is their duty to:

- raise a concern in accordance with the Sussex Safeguarding Adults Policy and Procedures, and
- report the matter to the senior finance manager in the department who will promptly inform the Chief Operating Officer.

Financial abuse within a regulated service

The Care Quality Commission (CQC) should be made aware of any safeguarding enquiries within a regulated service.

The CQC will need the opportunity to contribute to the adult's planning meeting or discussion if:

- The registered service is directly implicated.
- Urgent or complex regulatory action under the Health and Social Care Act 2014 is indicated.
- Any form of enforcement action has commenced or is under consideration in relation to the service involved.

13. Preventing financial abuse

There can be significant difficulties in proving and rectifying financial abuse once it has occurred. So, the most effective way of protecting adults from financial abuse is through preventive interventions.

Education and training

Information sharing and training will raise awareness that financial abuse is not ordinarily a one-off or isolated incident, it is often ongoing and early reporting may prevent escalation.

Working with adults at risk of financial abuse

Prevention needs to take place in the context of person-centred support, with adults empowered to make choices and supported to manage risks.

The following should be considered in individual cases:

- The risk of potential exploitation should be included in the adult's support plan, and shared with care providers.
- Referral to an independent advocate may enable an adult to express themselves in a potentially abusive or actually abusive situation, or assist them in moving towards self-advocacy and independence.
- Advising the adult of sources of useful information:
 - [Support With Confidence](#)
 - [Buy With Confidence](#)
 - [The Money Advice Service](#)
 - [Sussex Police website](#)
 - [The little book of big scams](#)
 - [Senior fraud protection toolkit](#)

Working with partner agencies

Trading Standards and Sussex Police

Trading Standards and Sussex Police can help to protect against financial abuse by:

- Providing information and advice on how the adult can protect themselves from being deceived in relation to doorstep crime, rogue traders, loan sharks and mass marketing scams eg. lottery, postal or internet scams.
- Known scam victims can be supported by Trading Standards and Sussex Police, and interventions can take place where necessary to support the person eg. telephone call blockers.

Policies and procedures

Residential care homes should have policies and procedures in place for dealing with adult's finances and valuables, and keep proper records.

Home care providers should have formal arrangements in place for home care staff to take on financial responsibilities.

14. Case examples

The following are based on real case examples which triggered Section 42 safeguarding enquiries around allegations of financial abuse.

Mrs B

Mrs B has mobility difficulties but lives independently and receives home care support to assist her with washing and dressing. A Finance & Benefits Assessor undertook a home visit to discuss and assess her financial position with her friend Mrs T who was her Power of Attorney.

During the course of the visit, Mrs T advised that some time ago her son had got himself into financial difficulties and she had made a loan of £3,000 to him from Mrs B's bank account. The Finance & Benefits Assessor shared this information with colleagues in Adult Social Care & Health (ASC&H).

Action taken

A safeguarding enquiry took place. A worker from ASC&H met with Mrs B who said she was not aware of this loan which had depleted her funds. Mrs B felt she had "lost trust in others", wanted "her money back" and for Mrs T to be removed as her Power of Attorney. A planning meeting was then held to identify what further work needed to take place to support the enquiry.

The Finance Team completed a more in-depth assessment to find out exactly how much money had been loaned and how much had been paid back. There was a discrepancy between what Mrs T said and what was worked out. It was established that more money had been taken from Mrs B's account and not all the money owed had been paid back. The outstanding amount was closer to £24,000.

ASC&H then shared this information with the police. As Mrs T was reluctant to give any details to ASC&H, the police agreed to talk with Mrs B and Mrs T to gain the information needed to help with the enquiry.

It was agreed that Mrs T had misappropriated Mrs B's funds and had not acted in her best interest; she therefore needed to be removed as Power of

Attorney. The Appointeeship Team made an application to the Court of Protection.

An outcomes review meeting was arranged to pull together all the information gathered. From this, ASC&H was able to decide what further actions needed to be taken in relation to the police investigation, to ensure Mrs B was protected and to check whether her outcomes had been achieved.

Mr K

Mr K is in his sixties and lives in a residential care home. He has a learning disability and has been diagnosed with dementia.

Following Mr K's mother's death, his sister became his Power of Attorney. He was left a half share of his parents' property and when it was sold his share was paid into his bank account.

Mr K was assessed by the Finance & Benefits Assessment Team as self-funding for the cost of his care because of the amount of capital he had received from the sale of the property. Mr K's sister decided she could no longer act as Power of Attorney for personal reasons and let her son deal with Mr K's financial matters.

ASC&H was contacted by Mr K's residential care home as he was not receiving any personal allowance, his care home fees were not being paid and they were serving notice. East Sussex County Council (ESCC) agreed to pay his fees in order to secure his placement at the care home.

Action taken

A safeguarding enquiry took place as Mr K did not have access to his capital and his nephew had not supplied information requested by the Finance & Benefits Assessment Team. It was discovered that several days after it was deposited, Mr K's capital had been withdrawn by cheque in his nephew's name. An advocate was appointed to represent Mr K, as he was assessed by ASC&H not to have the capacity to consent to the safeguarding enquiry nor to understand his financial situation.

One outcome of the enquiry was an application for Corporate Appointeeship and Deputyship. ESCC has become Mr K's appointee and is now in receipt of his benefits. Mr K's nephew opposed the Deputyship application and a hearing took place at the Court of Protection. The judge ordered that ESCC would be Mr K's deputy and that Mr K's nephew was to repay the money that was missing, which he has now done.

Mr K's care home placement is now secure, he regularly receives his personal allowance and can take part in the activities he enjoys. He also has capital available for any extra things he wants or likes to do, and the quality of his life has been enhanced.

Mr D

Mr D is a 75 year old gentleman who lives alone. He has limited vision which has affected his mobility. During a social care review, he disclosed to his social worker that a couple of men had knocked on his door and persuaded him to have his driveway paved, which had cost him £7,000. He stated that his neighbours had the same work completed. He felt pressurised into having this work done and felt he had paid more than he should have and wanted the "authorities to look into it".

Action taken

A safeguarding enquiry took place with work being undertaken jointly by ASC&H, the police and Trading Standards. It was discovered that within the local area 16 other driveways had been dug up by the company, and the work was overpriced and sub-standard. All the people approached to have the work completed were aged between 65 and 80.

Criminal proceedings took place and the two men were imprisoned for 12 months, with compensation being paid to the people affected by this doorstep crime. Mr D's desired outcome of receiving his money back was achieved. He also received support to build-up his resilience to reduce future risks. This included:

- Key contacts to report fraud or concerns around scams and doorstep crime.
- A warning sticker on his property advising cold callers not to knock.

- Booklets on scams and rogue traders, and the installation of a telephone call blocker.

Mrs S

Mrs S is a 61 year old woman who lives alone. She has mental health needs, and receives homecare support.

She told her homecare worker that she had been sending £20 a month to a company in Spain believing that she would be entered into a lottery and would win substantial amounts of money. The amount of money she had been sending had increased and in addition she had been coerced into buying products from companies with the promise that they would enter her into their winning lotteries. Mrs S had been sending her bank account details to various companies.

Action taken

Mrs S consented to the matter being reported to ASC&H.

A safeguarding enquiry was undertaken, and a worker from ASC&H visited Mrs S and discussed the options available to her. Mrs S said that she wanted help to “stop being taken advantage of”, “felt ashamed” and “wanted justice”.

Mrs S wanted to attend “any meetings about her”, and agreed to attend the initial planning meeting with ASC&H, Trading Standards and the police.

At the meeting, the Trading Standards Officer and the police stated that the likelihood of being able to retrieve any of the money Mrs S had sent was very low. It was therefore agreed that the focus of the safeguarding enquiry would be to look at preventing future risk through a safeguarding plan.

A Trading Standards Officer and Victim Support visited Mrs S. She was given literature regarding scam mail, and advice on how to manage future requests from bogus companies. It was explained that scam mail was a common problem and that Trading Standards Officers were meeting many residents in this area who had been victims of the same scam. Mrs S agreed to the following action being undertaken as part of her safeguarding plan:

- Trading Standards asked the companies to stop contacting Mrs S and requesting any future payments.
- Mrs S was supported to add her name to the Mail Preference Service and Post Office Mailing List to reduce the amount of unsolicited mail that she would receive in the future.
- Mrs S was assisted to contact her bank to try to stop potential future payments to any of the companies involved.
- The Trading Standards Officer checked the communal entrance to Mrs S's property and ensured that clear warning markers were visible on the windows advising cold callers not to call.
- Victim Support met with Mrs S to support her around her feelings on being scammed.

A follow-up visit to Mrs S from ASC&H and Trading Standards confirmed that there had been a big reduction in the amount of unsolicited mail that she was receiving and she was no longer receiving mail from the two main companies that had been targeting her for money.

Mrs S did not get any money refunded to her, however she stopped making further payments. Mrs S reported she felt satisfied with the support given, and she had built-up her confidence and gained more control over her own life.

15. Additional resources

Anti-Fraud and Corruption Strategy

www.eastsussex.gov.uk/yourcouncil/finance/guide/fraud/download.htm

Confidential Reporting ('Whistleblowing') Policy

www.eastsussex.gov.uk/yourcouncil/finance/guide/fraud/download.htm

Assessment: Financial Crime Against Vulnerable Adults, Social Care Institute for Excellence, November 2011

www.scie.org.uk/publications/reports/report49.asp

The Financial Abuse of Older People – A review from the literature, Help the Aged, 2008

[www.cpa.org.uk/information/reviews/financialabuse240408\[1\].pdf](http://www.cpa.org.uk/information/reviews/financialabuse240408[1].pdf)

Support With Confidence

www.eastsussex.gov.uk/socialcare/support-to-stay-at-home/help-at-home-you-can-trust/

Buy With Confidence

www.eastsussex.gov.uk/business/tradingstandards/buywithconfidence/default.htm

The Money Advice Service

www.moneyadviceservice.org.uk/

Elder Financial Abuse

www.elderfinancialabuse.co.uk/

Sussex Police

<https://sussex.police.uk/advice/protect-yourself-and-others/fraud/>

The little book of big scams

<https://sussex.police.uk/media/1162/1-lbbs.pdf>

16. Key contacts

To report a safeguarding concern contact Health and Social Care Connect

- Tel: 0345 60 80 191
- Email: HSCC@eastsussex.gov.uk

Sussex Police

- For an emergency: 999
- For non-emergency: 101

Trading Standards

- Tel: 0345 4040506 (Monday – Friday 09.00 – 17.00)
07876 036999 (out of hours)
- Email: trading.standards@eastsussex.gov.uk

East Sussex Fire and Rescue Service

- For an emergency: 999
For non-emergency: 0303 999 1000
- Email: enquiries@esfrs.org

Age UK East Sussex

- Tel: 07850 987149
- Email: scams.prevention@ageukeastsussex.org.uk

Citizens Advice

- Tel: 03444 111 444

The DAME Project

- Tel: 01323 635987
- Email: dame-referrals@moneyadviceplus.com

Hastings Advice & Representation Centre (HARC)

- Tel: 0333 344 0681

Sussex Elder Abuse Recovery Service (EARS)

- Tel: 07508 823975
- Email: gailshanahan@elderabuse.org.uk

POhWER – independent advocacy service in East Sussex

- Tel: 0300 456 2370
- Email: pohwer@pohwer.net

The Portal

- Tel: 0300 323 9985
- Email: info@theportal.org.uk