

Safeguarding
Adults
in Stockport.

Safeguarding Adults at Risk

Financial Abuse Toolkit

**How to identify and protect people at risk of financial
abuse**

This toolkit has been based on a similar document produced by Kent County Council. Stockport Safeguarding Adults Board is grateful for their permission to use their document in the development of this toolkit.

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This toolkit is aimed at frontline staff and practitioners who work with adults at risk who have care and support needs.

The toolkit provides clarity about the 3 factors that need to be present prior to making a safeguarding adult concern to the local authority Stockport Safeguarding Adult Team.

****If these 3 criteria are not met then a referral to other services needs to be considered****

Criteria

The first criteria to be met is that the person has



- care and support needs

These are:

- An older person
- A person with a physical disability, learning difficulty or sensory impairment
- A person with mental health needs including dementia or a personality disorder
- A person with a long-term health condition
- A person who misuses substances or alcohol to the extent it affects their ability to manage day to day living

The second criteria to be met is that the person is experiencing, or is at risk of, abuse or neglect

The third criteria to be met is that as a result of those care and support needs, the person is unable to protect themselves from either the risk, or the experience of, abuse and neglect

If **ALL** these criteria are present, then making a safeguarding concern to Stockport Safeguarding Adult Team is necessary. If the three criteria are not met, then other safeguarding or service options are available.

1. Why do we need a financial abuse toolkit?

Reported incidents of financial abuse are on the increase, both nationally and locally. Financial abuse is the second most common form of abuse (Adult Social Care Statistics 2016).

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.

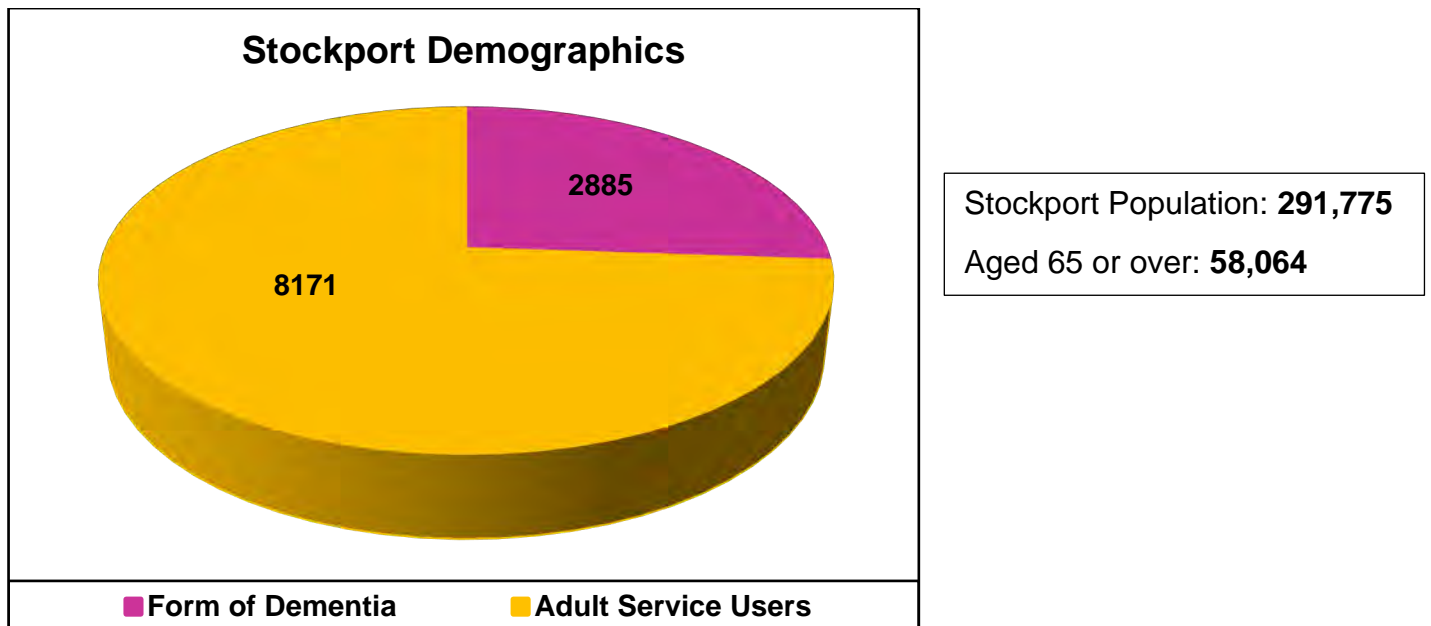
Factors such as the economy; technology and social change, are diversifying the threat. In an increasingly connected world, it can no longer be assumed that vulnerable people are safe in their own homes.

This toolkit is intended to be used by practitioners and members of the public, to provide information to anyone concerned that somebody they know may be a potential victim of financial abuse.

It is important that family, friends and practitioners can spot the indicators of financial abuse, so that safeguarding concerns are appropriately raised and not missed. It is vital that victims can be provided with appropriate support in a timely manner.

This document should be read in conjunction with the [Stockport Safeguarding Adults Board Multi-Agency Safeguarding Adults Policy and Procedures](#).

Local context



Financial abuse is the 4th most common type of abuse within S42 enquiries within Stockport and Nationally. It is recognised that financial abuse is slightly more common against women compared to men.

What is the purpose of the toolkit?

While practitioners may be experienced in recognising adults at risk, they may lack the awareness and experience of certain types of financial abuse, especially more sophisticated forms of fraud. This can lead to people experiencing financial abuse not being provided with appropriate responses and safeguarding concerns not being raised.

The toolkit aims to provide practitioners with the information they need to respond appropriately to suspected cases of financial abuse.

2. What is financial abuse?

Financial abuse is: *“The unauthorised and improper use of funds, property or any resources belonging to another individual”* (DH / Home Office, 2000).

It includes:

- theft, fraud and exploitation,
- coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions,
- misuse or misappropriation of property, assets, possessions, savings, capital or benefits
- internet scamming.

Davidson *et al.* (2015) found the most frequently cited definition of financial abuse of older people in research and literature is:

The illegal or improper exploitation or use of funds or other resources of the older person.
(WHO, 2008, cited by Davidson *et al.*, 2015, p3)

The Care Act 2014 and statutory guidance builds on safeguarding policy and brings financial abuse into focus, Lee and Baxter (2017).

The act defines financial and material abuse in s43 (3):

“Abuse” includes financial abuse; and for that purpose, “financial abuse” includes:

- (a) having money or other property stolen,*
- (b) being defrauded,*
- (c) being put under pressure in relation to money or other property, and*
- (d) having money or other property misused.*

The statutory guidance (2016) states:

Financial or material abuse include[s] 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
(DH, 2016a, 14.17)

Financial abuse is the main form of abuse amongst adults and children at risk, according to the Office of Public Guardian. Financial abuse can occur in isolation, however, where there are other forms of abuse suspected there is likely to be financial abuse occurring as well. Although this is not always the case, everyone should be aware of this possibility.

3. Types of financial abuse

Financial abuse may include:

- Theft i.e. money or possessions stolen, borrowed or withheld without permission
- Wrongfully controlling access to money or benefits
- Preventing someone buying goods, services or leisure activities
- Money being absorbed into a care home or household budget without the person’s consent.

- Being deliberately overcharged for goods or services or being asked to part with money under false pretences.
- Not providing the care (1 to 1 and shared hours) but charging the client
- Carrying out unnecessary work and/or overcharging
- Postal, telephone and internet scams where the person has interacted with someone and has lost money
- Unlicensed money lending (loan sharks) i.e. being offered a loan on very bad terms
- Staff or volunteers borrowing money, or accepting gifts or money from clients
- Misuse of a person's assets by professionals
- Altering ownership of property without consent
- Exerting undue influence to give away assets
- Pressure in connection with wills, property, inheritance, possessions or benefits
- Putting undue pressure on the person to accept lower cost/lower quality services in order to preserve more financial resources to be passed to beneficiaries on death
- Misuse of powers of attorney.

Types of financial misuse, abuse and fraud within the personal budget/direct payments system

Financial misuse, abuse and fraud within the personal budget/direct payment system may include:

- The client and/or their representative exaggerating the clients' needs to increase their entitlement (misuse of the process)
- The client and/or their representative not declaring all their income or capital to reduce their client contribution (misuse of the process)
- The client and/or their representative using the direct payment for items not covered in the care plan (misuse of the process)
- The client and/or their representative not declaring a change in their financial circumstances which would affect their client contribution. (misuse of the process)
- A care provider (or personal assistant) charging for care which has not been delivered (adult abuse and possible crime)
- Third party who has control of the direct payment not using the payment for the benefit of the client (adult abuse and fraud)

4. Why is recognising financial abuse important?

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

Even small losses have the potential for significant impact when considered in context with a person's overall wealth/income and whether they have access to the right support.

The negative impact of financial abuse, regardless of the source, can leave people 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.

5. How does financial abuse affect someone?

A person may experience any of the following:

- Depression/anxiety
- Distress
- Anger
- Embarrassment/loss of self-esteem
- Self-blame – decline in mental health
- Denial/fear
- Betrayal
- Stress
- Loss of confidence to live independently
- Deterioration in physical health (leading to premature death)
- Social isolation
- More vulnerable to further exploitation
- Inability to replace lost savings due to lack of earning potential

6. Recognising someone at risk of financial abuse

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

- ❖ The person is unable to manage their own finances due to lack of capacity or enough numeracy skills.
- ❖ The person is dependent on another person or people to manage their money.
- ❖ The person is dependent on others for all aspects of daily living, such as those who live in residential care.
- ❖ The person is known to be isolated or is regarded as at risk within the community.
- ❖ A person who is isolated or lives on their own may be more at risk of being exposed to financial pressure e.g. from salespersons, loan firms, rogue traders or bogus callers.
- ❖ The person is trusting or can be easily persuaded to act in ways not in their best interests.
- ❖ The person is susceptible to emotional grooming.
- ❖ For older people, potentially increased assets coupled with low-cost lifestyles and a lack of awareness of the modern world may make them more susceptible.

Note: While a person who lacks capacity may 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 a person 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.

7. Who is likely to perpetrate financial abuse?

Financial abuse is most frequently perpetrated by a person acting in a trusted capacity, for example, a family member or friends and neighbours or care workers/other professionals.

Examples include:

- ❖ Staff in care establishments exploiting residents by gaining their trust and taking over their finances unlawfully
- ❖ Care providers invoicing for services not provided
- ❖ Powers of attorney exploiting their position by misappropriating funds
- ❖ 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
- ❖ The person managing a direct payments account (which can include the client) engaging in false accounting through the forgery of accounting records/payslips, to allow money to be misappropriated.
- ❖ Financial abuse more commonly perpetrated by a stranger includes mass marketing fraud, identity theft or rogue trading.

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

The list below includes a range of possible indicators. It is not an exhaustive list.

- ❖ Unexplained withdrawals from a person's bank account. Cheque withdrawals to unknown businesses/persons
- ❖ An unexplained shortage of money, despite an adequate income or immediately following benefit day
- ❖ Unpaid or a sudden inability to pay bills
- ❖ Payment of client contribution suddenly stops
- ❖ Disparity between assets and satisfactory living conditions
- ❖ The person 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
- ❖ Items purchased which are not appropriate for the person
- ❖ Home improvements or repairs that are 'out of fashion' with the person's lifestyle or are 'worrying' the person or staff
- ❖ Loans or credit being taken out by a person in circumstances that give cause for concern, such as the age of the person taking out the loan and the alleged reason for the loan
- ❖ Pressure by family members and other people to sign over assets or alter a will
- ❖ Recent change of deeds or title of house
- ❖ A person's inability to explain what is happening to their own income
- ❖ The disappearance of bank statements, other documents or valuables, including jewellery
- ❖ Carer asking only financial questions of the worker, does not ask questions about care

- ❖ Large volumes of 'junk' mail
- ❖ Lack of records within a care home or supporting living accommodation, such as time sheets, invoices, receipts etc.

9. What to do if you suspect financial abuse

In Stockport, the safeguarding process is made up four stages, as follows:

- Stage 1** Complete the online portal referral form to make a safeguarding referral/or telephone **0161 217 6029**.
(Preferred method is online referral form) Please consider consent, capacity and the persons wish upon making the initial referral.
- Stage 2** On receipt of referral this will be triaged as to whether the concern meets S42 enquiry.
- Stage 3** Strategy discussion held between multi-agency professionals to plan next steps and determine lead agency.
- Stage 4** If the case meets threshold for S42 Enquiry this will be undertaken.

An alert is the raising of a concern, suspicion or allegation of potential abuse with an appropriate person. A concern, suspicion or allegation of abuse may have arisen from:

- A direct disclosure by an adult at risk
- A complaint or expression of concern by someone else
- An observation of abusive behaviour or an observation of the indicators of possible abuse

Once an alert has been received by Stockport Council, the responsible team needs to consider whether the concerns identified in the alert should be investigated under the safeguarding adults' procedures.

The referral stage involves:

- Establishing the wishes and best interests of the person at risk
- Gathering information about the allegations/concerns
- Ensuring the person at risk is protected from further harm
- Deciding whether the concern/allegation requires an investigation for which a strategy discussion/meeting would be required.

Where the decision has been made that the concerns meet the threshold for intervention under safeguarding procedures, the responsible team will ensure that a strategy discussion or meeting takes place. The strategy discussion or meeting enables the responsible team to share the nature of the risk and identify options for safeguarding and that a safeguarding response is planned with the person and key agencies with duties or powers to act.

The purpose of a safeguarding adult's investigation is to establish:

- Whether abuse/crime occurred and the surrounding circumstances
- The ongoing risks to the adult at risk or others identified to be at risk
- Any immediate action to prevent further abuse
- The level of understanding of the risk by the adult at risk

- Whether disciplinary action may be required on the part of the employer

The purpose of review is:

- To consider the findings and outcomes of the investigation/ assessment
- To assess ongoing risk
- To produce or revise a protection plan
- To ascertain whether the adult at risk is satisfied with the outcome of the investigation

The purpose of the review is to ensure that the actions agreed in the protection plan have been implemented, the risk is being managed and to decide whether further actions are required. In some circumstances, more than one review meeting will be required within the safeguarding procedures.

10. Agencies who can help

See Appendix A for a list agency who can help.

References:

Adult Social Care Statistics NHS Digital (2016) *Safeguarding Adults Annual Report, England 2015-16 Experimental Statistics*. Health and Social Care Information Centre.

Available from: <https://www.gov.uk/government/statistics/safeguarding-adults-2015-to2016-experimental-statistics>

Davidson, S., Rossall, P. and Hart, S. (2015) *Financial Abuse Evidence Review*. Age UK Research.

Department of Health (DH/Home Office, 2000) *No Secrets*. London: DH

Department of Health (2016) *Care and Support Statutory Guidance Issued under the Care Act 2014*.

Lee, S, Baxter L. *Adult safeguarding and financial abuse from scams* in Fenge L-A, Lee S, Brown, K. (eds) *Safeguarding Adults Scamming and Mental Capacity*. London; Sage

Appendix A – Agencies who can help

Trading Standards - Can help to protect against financial abuse by:

If anyone has a consumer issue or thinks that they may have fallen victim to a scam, they can pass the information on to Trading Standards by contacting the **Citizens Advice consumer helpline on 0808 223 1133** or by using the online form at

<https://www.citizensadvice.org.uk/consumer/get-more-help/if-you-need-more-help-about-a-consumer-issue>

Subject to availability, Trading Standards can provide door stickers free of charge to any resident in Stockport.

For information and advice concerning mass marketing scams e.g. lottery, postal or internet scams trading standards advise that you contact **Action Fraud on 0300 123 2040**.

Trading Standards can provide information about [on call-blocker devices](#) for people who are bothered by nuisance or scam phone calls. Most residents will have to buy their own, but Trading Standards may be able to provide devices for the most serious cases and where the victim is unable to finance the device themselves. Greater Manchester Police have a limited number of call blockers available to loan for 6-months with the option to purchase at the end

<https://www.truecall.co.uk>. Requests can be made to FraudStrive@gmp.police.uk and should include the victim's name, address and date of birth, informant's name, address and contact details (if dealing with a family member etc), if the victim has been the victim of a crime (provide crime ref if possible) and brief details of the reason for the request, victim's vulnerability etc.

If family, friends or professionals are concerned that a person is being scammed by postal frauds, then a mail re-direction may be appropriate so that a nominated person can filter the scam mail out. This action would require the person's consent as the re-direction is a chargeable service from the Royal Mail.

Illegal Money Lending Team – To help support those who are suffering from loan sharks. The team will provide support both to the victim and to the staff member supporting the victim and will prosecute the loan shark. All information is treated in confidence and if preferred the person can remain anonymous. **The 24-hour helpline number is 0300 555 2222**.

Stockport Police

Where a practitioner is making enquiries regarding financial abuse and suspects that a crime may have been committed, this should be reported to Stockport Police. The police provide an integrated service with other partners in Stockport Multi Agency Safeguarding Hub (MASH), where it commits resources to review and discuss referrals with partners.

Stockport Constabulary's role is not purely focused on the identification of criminal offences, but also identifying risk and safeguarding opportunities.

This work is undertaken with colleagues in adult social care and a range of health representatives to offer support to those adults who find themselves in need across the county.

Once a referral has been received by MASH this is triaged by a Police officer and, dependant on the content, a crime submitted (if a crime has occurred or suspected to have occurred) and a CAP submitted (if a vulnerable adult). If a crime is submitted, this is currently passed on to the most appropriate department to continue (either neighbourhood officers or CID) as MASSH officers do not carry investigations.

Stockport police should be notified by following the procedure outlined in the SSAB [Stockport Multi-Agency Safeguarding Adults Procedures](#).

NHS Counter Fraud Team

Where a practitioner has concerns that NHS funds are being defrauded or misused they can report their concerns by either calling 0800 028 4060 or by visiting www.reportnhsfraud.nhs.uk and completing an online reporting form

Office of the Public Guardian

The Office of the Public Guardian (OPG) protects people in England and Wales who may not have the mental capacity to make certain decisions for themselves, such as about their health and finance.

They also help people plan for someone to make certain important decisions for them, should they become unable to do so because they lack mental capacity.

They support the Public Guardian in carrying out the legal functions of the [Mental Capacity Act 2005](#).

They are responsible for:

- acting where there are concerns about an attorney or deputy
- registering [lasting and enduring powers of attorney](#), so that people can choose who they want to make decisions for them
- maintaining the public register of deputies and people who have been given lasting and enduring powers of attorney
- supervising deputies appointed by the [Court of Protection](#), and making sure they carry out their work in line with [Mental Capacity Act](#)
- looking into reports of abuse against registered attorneys or deputies

Contact the [Office of the Public Guardian](#) if you have concerns about an attorney or a deputy, e.g. the misuse of money or decisions that aren't in the best interests of the person they're responsible for.

Office of the Public Guardian opg.safeguardingunit@publicguardian.gsi.gov.uk

Telephone: 0300 456 0300

Textphone: 0115 934 2778

Monday to Friday, 9am to 5pm except Wednesday, 10am to 5pm

The Office of the Public Guardian can help if there is a:

- registered [lasting power of attorney](#)
- registered [enduring power of attorney](#)
- [deputy](#) appointed by the Court of Protection

Court of Protection

The Court of Protection makes decisions on applications which involve people who lack mental capacity.

You can contact the court if you have a query about an application:

- that deals with someone's [personal welfare](#)
- [to become a deputy](#) or change an existing deputy order
- concerning [deprivation of liberty](#)
- [to sell jointly owned property](#)
- [to make a statutory will or gift](#)
- to cancel an [enduring power of attorney](#)
- [to object to a lasting power of attorney](#)

The HM Courts and Tribunal's website has:

- [guidance on making applications](#)
- [a full list of application forms](#)

Court of Protection courtprotectionenquiries@hmcts.gsi.gov.uk

Telephone: 0300 456 4600

Monday to Friday, 9am to 5pm

You can also [write to the Court of Protection or visit the public counter](#).

Emergency applications

Contact the Court of Protection if there's a situation that needs an urgent decision, e.g. when you want to stop someone who lacks mental capacity being removed from where they live. Ask to speak to the urgent business officer when you call.

Emergency applications

Telephone: 0300 456 4600

Monday to Friday, 10am to 4pm

[Find out about call charges](#)

Out-of-hours emergency applications

Telephone: 020 7947 6000

[Find out about call charges](#)

Department for Work and Pensions

The Department for Work and Pensions and HM Revenue and Customs administer several benefits and tax credits to people across England, Scotland and Wales.

Become an appointee for someone claiming benefits

You can apply for the right to deal with the benefits of someone who can't manage their own affairs because they're mentally incapable or severely disabled.

Only one appointee can act on behalf of someone who is entitled to benefits (the claimant) from the Department for Work and Pensions (DWP).

An appointee can be:

- an individual, e.g. a friend or relative
- an organisation or representative of an organisation, e.g. a solicitor or local council

Appointee's responsibilities

As an appointee you're responsible for making and maintaining any benefit claims. You must:

- sign the benefit claim form
- tell the benefit office about any changes which affect how much the claimant gets
- spend the benefit (which is paid directly to you) in the claimant's best interests
- tell the benefit office if you stop being the appointee e.g., the claimant can now manage their own affairs

If the benefit is overpaid or misused, depending on the circumstances, you could be held responsible.

The DWP has made it clear that where an appointee is acting for a person who lack capacity then they must act in that person's best interest this includes:

- paying their fees for a nursing or care home or carer. This includes the fees for social care services such as residence in a care home or support in their own home
- towards meeting everyday living costs
- However, if they are in a nursing or care home, you must ensure that the specified amount of personal allowance is paid over each week for the benefit of the person named in Part 1.

Apply to become an appointee

Who you phone to apply to depends on the benefit:

- Attendance Allowance - contact the [Attendance Allowance helpline](#)
- Disability Living Allowance - contact the [Disability Living Allowance helpline](#)
- State Pension - contact your local [pension centre](#)
- Personal Independence Payment (PIP) - contact the [PIP helpline](#)
- all other benefits - contact [Jobcentre Plus](#)

There's a different process for [tax credits](#).

Next steps

1. DWP arranges to visit the claimant to assess if an appointee is needed.
2. DWP interviews you to make sure you're a suitable appointee.
3. During the interview, you and the interviewer fill out an appointee application form (Form BF56)
4. If DWP agrees with the application, you'll be sent Form BF57 (confirming you've been formally appointed to act for the claimant). You're not the appointee until this happens.

Once you're authorised, DWP will monitor the situation to make sure it's still suitable for you and the claimant.

Stop being an appointee

Contact DWP immediately if you want to stop being an appointee. Phone the benefit office that deals with the claim - the number will be on any letters they've sent you.

Your appointment can be stopped if:

- you don't act properly under the terms of the appointment
- the claimant is clearly able to manage their own benefits
- you become incapable yourself - let DWP know immediately

Read the '[Guide to appointees, agents, attorneys and deputies](#)'.

Appendix B – Seeking Legal Redress

The criminal courts

If a criminal offence, such as theft or fraud has been committed, the person experiencing financial abuse may wish to press criminal charges against the person alleged 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 person 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 a person's wishes regarding a gift or bequest are overruled as a result of coercion or undue pressure by somebody else.

Duress relates to a person entering into an agreement as a result of threats.

Where it is established that duress or undue influence has been exerted, any contract the person experiencing financial abuse has entered 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. Where the donor lacks capacity case managers can refer concerns directly to the Office of the Public Guardian.

A local authority via Client Financial Affairs 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 person's best interest.

The Court of Protection

Where the person 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 person experiencing financial abuse
- Making an order enabling another person to bring proceedings on behalf of the person 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, and
- search orders to allow access to the home or workplace of the person alleged responsible to search for documents.
- Injunctions can also be obtained to prevent the person alleged responsible from leaving the country.

A person acting as a 'litigation friend' (i.e. representing a person 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 www.legalombudsman.org.uk.

Appendix C – Strategies for 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 a person 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 person who lacks the mental capacity to manage them themselves.

Where a person 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

The Mental Capacity Act 2005 in relation to adult safeguarding, introduces four key elements:

- New offences of wilful neglect and/or mistreatment of a person lacking mental capacity.
- Powers to make decisions in the best interests of a person who lacks capacity.
- A duty for proxy decision makers and professionals to act in a person's best interests and abide by the code of practice.
- The leaving of specific decisions and capacity assessments to the person or professional concerned.

For more details see: The Mental Capacity Act 2005 and its 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 Power of Attorney is not acting in a person's best interests.

Phone line for reporting concerns: 0115 934 2777.

For more details see: www.justice.gov.uk

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

- Decide whether a person has capacity to decide for themselves.
- Make decisions on financial or welfare matters on behalf of a person 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 investigate the financial affairs of someone under the Court's jurisdiction where financial abuse is suspected, and to safeguard the person'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

Preventing financial abuse

There can be significant difficulties in investigating, proving and rectifying financial abuse once it has occurred. So, the most effective way of protecting people 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 clients

Prevention needs to take place in the context of person-centred support, with clients 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 client's support plan and shared with care providers.
- The use of advocacy (or if an adult safeguarding alert is raised, an Independent Mental Capacity Advocate may enable an adult at risk to express themselves in a potentially abusive or abusive situation or assist the person in moving towards self-advocacy and independence).
- Advising the adult at risk of sources of useful information e.g. [The Money Advice Service](#).
- Working with partner agencies

Policies and procedures

Residential care homes must have policies and procedures in place for dealing with clients' finances and valuables and keep proper auditable records.

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

Supported living accommodation must have systems in place to support clients in managing their finances which do not put staff in conflict with their employer. Clear auditable records should exist to show the client has been invoiced in accordance with the care that has been delivered.

Additional resources

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)

The Money Advice Service

www.moneyadviceservice.org.uk/

Elder Financial Abuse www.elderfinancialabuse.co.uk/

Citizens Advice <https://www.citizensadvice.org.uk/consumer/scams/scams/>

Friends Against **Scams** is a National Trading Standards (NTS) **Scams** Team initiative

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

Social Care Institute for Excellence Report 41: Prevention in adult safeguarding

<http://www.scie.org.uk/publications/reports/report41/communitylinks.asp>

Social Care Institute for Excellence Report 49: Assessment: Financial crime against vulnerable

adults <http://www.scie.org.uk/publications/reports/report49.asp>

National Centre for Post-qualifying Social Work – Financial scamming

<http://www.ncpqsw.com/financial-scamming/>