

21.1 Introduction

Financial abuse of adults at risk is a difficult and complex issue. To help practitioners, the following has been collated to help with a range of situations.

- **Financial Abuse – the facts**
What financial abuse is, the indicators, who are the perpetrators, who is at risk and what to do if you suspect someone is being financially abused.
- **Quick reference reporting pathway**
This quick reference pathway identifies who the concern should be reported to.
- **Prevention and Protection Principles**
Solihull's principles for prevention and protection of financial abuse.
- **The Safeguarding Adults Process**
Guidance on how to take financial abuse through the Safeguarding Adults process starting at referral through investigation and through to protection plan.
- **Department of Work & Pensions (DWP) Process**
Guidance on how to work with the DWP when it is suspected there had been a misappropriation of benefits.
- **Financial Profile & Care and support planning Checklist**
Checklist for social workers and providers to use when developing an individual's care and support plan.
- **Provider Prevent and Protect Principles**
Principles for providers to help prevent abuse and to help providers identify abuse and act quickly.

21.2 Financial abuse the facts

Financial abuse is the inappropriate use, exploitation, or misappropriation of property, possessions or financial resources. This would include theft, deception, false accounting, fraud, exploitation or pressure in connection with wills, property, inheritance or financial transactions. It is always a crime but is not always prosecuted.

Financial Abuse is:

- Taking someone's money or property.
- Forging a person's signature.
- Getting a person to sign a deed, will, or power of attorney through deception, coercion, or undue influence.
- Using the person's property or possessions without permission.
- Promising care in exchange for money or property and not following through on the promise.
- Confidence crimes ("cons") are the use of deception to gain victims' confidence.
- Scams are fraudulent or deceptive acts.
- Fraud is the use of deception, trickery, false pretence, or dishonest acts or statements for financial gain.
- Telemarketing scams. Perpetrators call victims and use deception, scare tactics, or exaggerated claims to get them to send money. They may also make charges against victims' credit cards without authorisation.
- Bogus callers and rogue traders.

Indicators of Financial Abuse are:

- Lack or inadequacy of basic requirements – food, clothes, shelter, hygiene.
- Eviction notices or notices to discontinue utilities.
- Unexplained or sudden inability to pay bills.
- Unexplained or sudden withdrawals from accounts or transfers.
- Bank statements and letters no longer coming to the person home address.
- Large withdrawals from accounts.
- Inconsistency between standard of living and income.
- Unwillingness or reluctance to take up assistance which is needed.
- Unusual interest by family and other people in the person's assets.
- Recent changes in deeds/ ownership of property.
- Power of Attorney obtained when person lacks capacity to make the decision.
- New "best friends".

Who are the perpetrators?

Family members, including sons, daughters, grandchildren, or spouses who may:

- Have substance abuse, gambling, or financial problems.
- Stand to inherit and feel justified in taking what they believe is "almost" or "rightfully" theirs.
- Fear that their family member will get sick and use up their savings, depriving the abuser of an inheritance.
- Have had a negative relationship with the person and feel a sense of "entitlement".
- Have negative feelings toward siblings or other family members whom they want to prevent from acquiring or inheriting the older person's assets.

Predatory individuals who seek out vulnerable people with the intent of exploiting them. They may:

- Profess to love the older person ("sweetheart scams").
- Seek employment as personal care assistants, counsellors, etc. to gain access.
- Identify vulnerable persons by driving through neighborhoods (to find persons who are alone and isolated) or contact recently widowed persons they find through newspaper death announcements.
- Move from community to community to avoid being apprehended (transient criminals).

Unscrupulous professionals or businesspersons, or persons posing as such. They may:

- Overcharge for services or products.
- Use deceptive or unfair business practices.
- Use their positions of trust or respect to gain compliance.

Who is at risk?

The following conditions or factors increase a person's risk of being financially abused:

- Isolation.
- Loneliness.
- Recent losses.
- Physical or mental disabilities.

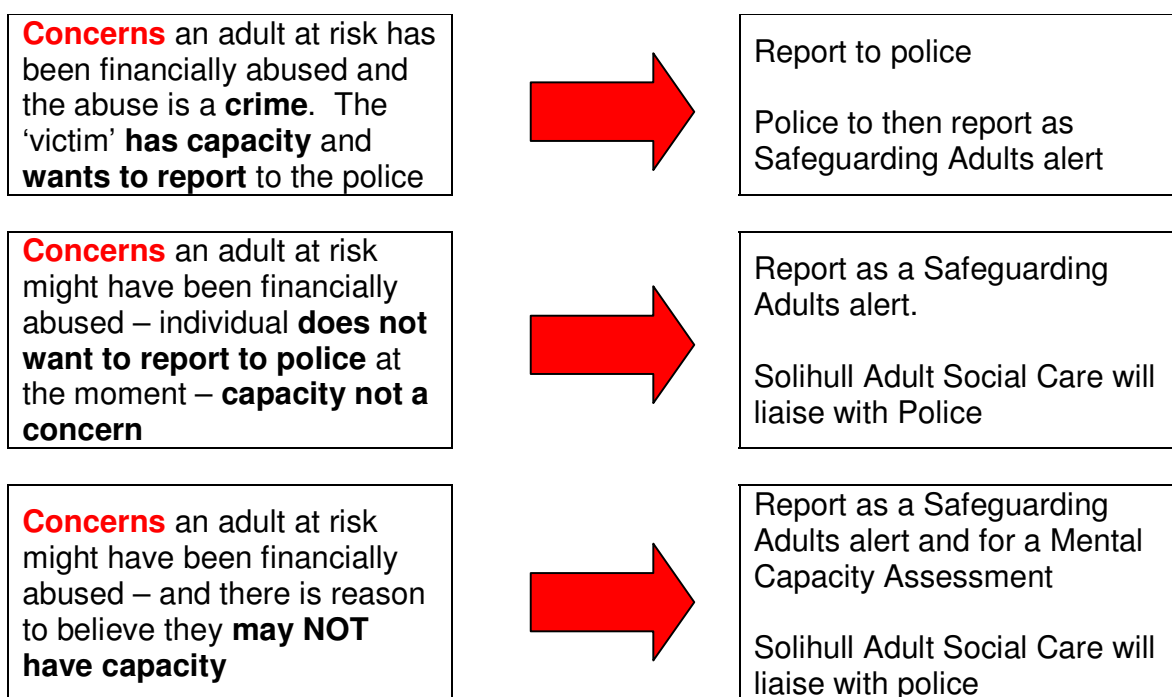
Beware of

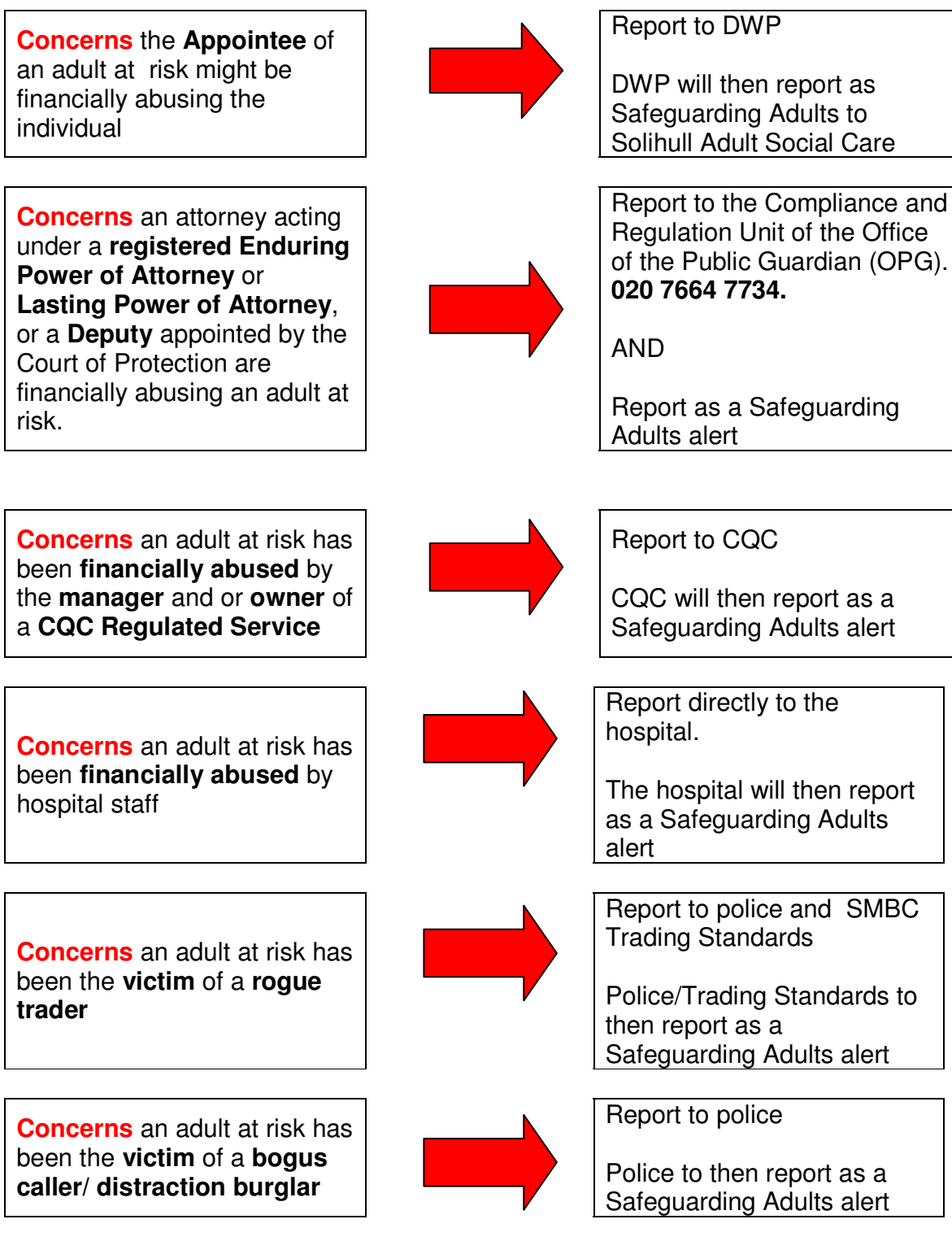
- The abuser making excuses for their behaviours such as “I need this money more than they do” or “I’ll inherit this money anyway”.
- The victim may be defensive and insist they do not want to complain or “it was their choice to give the person the money / property” however often they are victim of ‘grooming’.

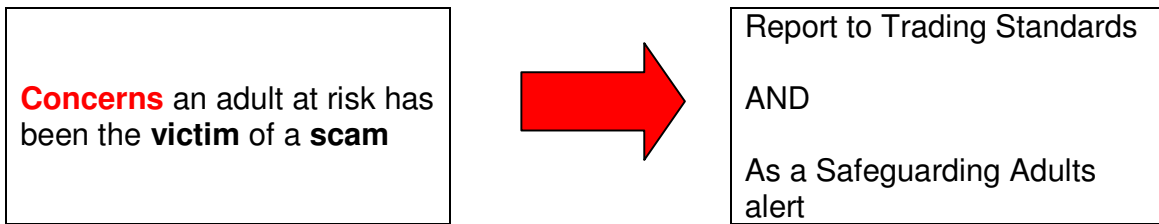
Did you know?

- Financial abuse is often accompanied by physical abuse or neglect.
- Research shows that the most likely person for financial abuse are single older people.
- Vulnerable adults are at the greatest risk of financial abuse when a non-related person is living with them in their home.
- Financial abuse perpetrated by a family member – son, daughter, grandchild etc is Domestic Abuse.

21.3 Quick reference reporting pathway







21.4 Prevention and Protection Principles

Prevention principles

Everyone – Agrees the following principles

- People should be empowered and enabled to use and manage their own money/finances
- Where people require support this support must not override their right to access their money when ever they want and to spend it as they decide
- All concerns about financial abuse or financial mismanagement must be reported immediately
- Everyone who may be involved in an individual’s money management knows their roles and responsibilities and the procedures of their organisation. ***“Make procedures more than pieces of paper”***.
- Training is provided to staff relevant to their role and responsibilities so they understand what to do when and how.
- Individual agencies will have their own procedures relevant to their work to identify concerns as early as possible and report them.
- Multi agency working and proactive information sharing will take place to protect individuals from harm and abuse.

Care and support planning

All agencies take responsibility to ensure care and support planning specifically addresses financial management arrangements by:

- Empowering and enabling individuals to use and manage their own money / finances
- Where support is required identify as early as possible who is providing that support and that they know what they are taking on when they take on responsibility for someone else’s finances
- Use the Checklist accompanying this guidance to develop financial profiles/care and support plan.

- Keep individual's financial profiles and care and support plans under regular review so changes in an individual's capacity can be identified at an early stage or concerns about how someone else is supporting an individual can be identified at an early stage to reduce the possibility of significant harm and abuse.

Ensuring people (especially family members) know what they are taking on when they take on responsibility for someone else's finances

All agencies take responsibility to ensure people (especially family members) know what they are taking on when they take on responsibility for someone else's finances and money by:

- Directly asking the individual if they know their responsibility and under what remit do they have this responsibility
- Provide them with the leaflet "Supporting or managing someone else's money and finances – your responsibilities"

21.5 Protection principles

When financial abuse is reported all agencies must respond quickly to minimise the harm and abuse as follows:

1. All suspicions or incidents of financial abuse of a vulnerable adult **MUST** be reported to SMBC as the lead agency for Safeguarding adults.
2. Suspicions or incidents of financial abuse of a vulnerable adult **MUST** be reported to the police if this is the wish of the individual.
3. Priority **MUST** be given by all agencies to participate in a safeguarding adults multi agency planning meeting so a multi agency plan to protect and investigate the concerns can take place.
4. The individual's views and wishes must be ascertained as quickly as possible. Individuals must be made aware of the concerns and the possible consequences. They must be supported to make informed decisions – this may be by the provision of information and/or the support of an advocate.
5. Individual capacity, if in question, must be assessed.
6. Take immediate action to protect the individual from further harm and abuse.
7. Work closely with the police to ensure vulnerable adults can make a complaint and give a statement – this may include accessing advocates, interpreters, speech and language therapists, victim support etc.
8. Consider what other forms of abuse may also be present. Financial abuse is often accompanied by emotional abuse and neglect and sometimes physical abuse.

9. Recognise factors which will affect the individual's decision to make a complaint or not: such as family relationships or the effects "grooming" has on individuals.
10. Keep the whole process under review so it can be concluded in the shortest time possible.

21.6 The Safeguarding Adults Process

ALERT/REFERRAL

- All concerns or suspicions of financial abuse regarding a vulnerable adult must be accepted.
- Consider what immediate action is required to ensure the individual safety and other individuals safety.
- Identify other agency, who need to be informed of the incident(s). Make the referral immediately.
- For referrals related to bogus callers and rogue traders Neighbourhood Watch Police Officers must be informed immediately.

STRATEGY STAGE

This part of the Safeguarding Adults process is very important when financial abuse is identified or suspected. The strategy stage for financial abuse MUST be multi agency and quick to respond to stop/minimise the ongoing abuse and harm. Ensure all the right Agencies are invited to the meeting.

At the meeting identify:

- What does the victim know? Do they understand what is/has happened?
- What do they want to happen now? What outcome do they want?
- Do they have capacity?
- Do they want to make a complaint to the police?
- Do they need support from an advocate?
- Who is the suspected perpetrator?
- What is their relationship to the victim?
- What 'control' do they have?
- Is this 'control' legal (e.g. registered LPA, EPA)
- Has the perpetrator committed a criminal offence?

Multi Agency working

- What action can be taken to immediately protect the individual?
- Can DWP freeze the Appointeeship?
- Court of Protection?
- Talk to Banks – Freeze on accounts?
- Legal call on assets/estate?
- How can the care service continue?
- Is the perpetrator a risk to any other vulnerable adults?

INVESTIGATION

- Identify who is going to investigate what – Police, Social Care, DWP, provider etc.
- Identify why agencies will NOT investigate.
- Identify who is going to contact the perpetrator and how. If by post – use recorded delivery for proof of delivery. If in person, consider risks and how to respond to difficult people. Choose venue carefully. Ensure contact with perpetrator is timely – the perpetrator avoiding contact will only delay the process considerably.
- Identify who has the evidence:
 - Bank Statements
 - DWP
 - Income and Awards
 - Court of Protection
 - NHS fraud

Identify who is going to collect and secure the evidence.

CASE CONFERENCE

Most investigations should proceed to a case conference.

The case conference is the main forum for sharing information, analysing risk and planning for future protection and risk management.

The adult at risk must be invited to the case conference. If they are not able to or do not want to attend, then their views, opinions and desired outcomes must be represented at the conference.

PROTECTION PLAN

The protection plan is the multi-agency plan that is made to stop the abuse or harm that has occurred or to keep the risk of abuse or neglect at a level that is acceptable to the person being abused or neglected or to support the individual continue in the risky situation if this is their choice and they have the capacity to make that decision.

- Where financial abuse has occurred or there are ongoing concerns about financial management the following may be included in the protection plan:
- Change in Appointeeship
- Criminal prosecution
- Application to the Court of Protection to change Continuing or Enduring or Finance and property Lasting Power of Attorney - or Receivership
- Bank account suspended/changed
- Action required in relation to the perpetrator – if they are a paid employee
- Provide new or increased support services
- Complete Financial Profile and Financial Care and support plan
- Empower the individual to take control of the situation
- Initiate a Home check.

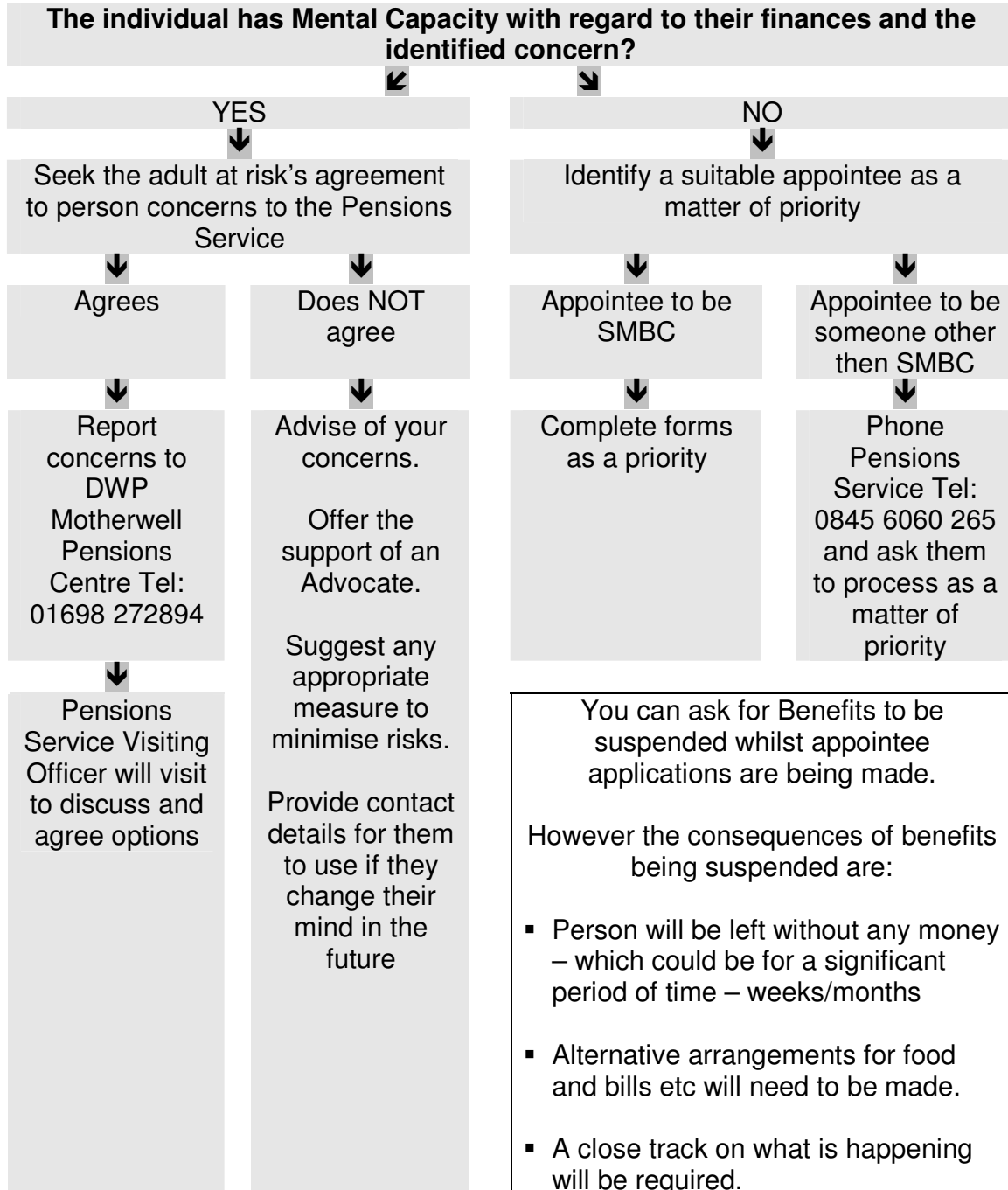
PROTECTION PLAN REVIEW

The case conference will decide when the plan will be reviewed. It should be no less than every 6 months. Situations that have been identified as HIGH RISK using the Adult Social Care risk matrix should set a review date at no less than 3 months.

Stable situations may change from protection plan to care management after first review.

21.7 Department of Work & Pensions (DWP) Process

There is **NO** current appointee



There IS a current appointee

Report concerns to Motherwell Pensions Centre and state urgency of the situation – if it comes to our attention that an appointee is misappropriating benefits we **MUST** report it regardless of the adult at risks' mental capacity

You can either

Ask for a visiting officer to see if it can be resolved without benefits being suspended or if suspending benefits is the only option to safeguard the person

Visiting officer decides **NOT** to suspend benefits

Visiting officer will report back to Social Worker

Visiting officer decides benefits **NEED** to be suspended

Visiting officer will report back to Social Worker



You can ask for Benefits to be suspended whilst appointee applications are being made.

However the consequences of benefits being suspended are:

- Person will be left without any money – which could be for a significant period of time – weeks/months
- Alternative arrangements for food and bills etc will need to be made.
- A close track on what is happening will be required

Identify a suitable appointee as a matter of priority

Appointee to be SMBC

Complete forms as a priority

Appointee to be someone other than SMBC

Phone Pensions Service Tel: 0845 6060 265 and ask them to process as a matter of priority

21.8 Financial Profile & Care and support planning Checklist

Financial Profile / Support Plan	
<p>What finances are involved:</p> <ul style="list-style-type: none"> • Benefits • Private pension • Bills to be paid • Shopping • Sale of property 	
<p>Does the individual have capacity to manage own finances?</p> <p>Consider what support is required to enable and empower the individual to manage own finances.</p>	
<p>Does the individual have anyone currently helping with management of finances?</p> <p>Who? What is their relationship to the individual? Are there any concerns about “grooming”?</p> <p>Under what authority is this person managing the individual’s finances? Enduring Power of Attorney (EPA), Lasting Power of Attorney (LPA) Appointeeship, Deputyship? Ask for evidence.</p> <p>Is the individual happy for this person to manage their money?</p> <p>How much power and control does that individual have?</p> <p>Dose this person understand their role and responsibilities and the liability they have.</p>	
<p>If there is no one supporting the individual with their finances is support required?</p> <p>Why is support required?</p> <p>What support is required?</p>	
<p>Is a Mental Capacity Assessment required?</p>	

Financial Management Care and support plan	
<p>What is required?</p> <ul style="list-style-type: none"> • Collection of Benefits (day) • Bills to be paid (which and when) • Shopping (when) <p>Note: PIN's MUST not be shared.</p>	
<p>Who is best placed to support an individual to manage their finances?</p> <p>Should this arrangement be made formal – via EPA, LPA, Appointeeship, and Deputyship?</p> <p>Ensure they are aware of their roles and responsibilities and liabilities.</p>	
<p>If a service provider is going to support an individual with their finances – the following must be adhered to:</p> <ul style="list-style-type: none"> • Staff are trained • Full records are kept and monitored • Receipts are kept for all financial; transactions • Staff are aware of the agencies policies and procedures especially the gifts policy • The individual must always be consulted and informed about their money and financial matters • Money must only be used in the individual's best interest • Bank and building society accounts must be in the name of the individual 	
<p>Accessibility and security</p> <ul style="list-style-type: none"> • Individual must be able to access their own money when they wish • Safe storage must be identified and used 	
<p>Reporting concerns</p> <p>Establish who concerns will be reported to and at what stage they must be reported.</p>	
<p>A copy of this care and support plan must be shared with the individual and those managing individuals' finances so everyone is aware of roles and responsibilities.</p>	

21.9 Provider Prevent and Protect Principles

Financial abuse of adults at risk is increasing significantly year on year. To help to protect adults receiving residential, nursing care or domiciliary care from financial abuse it is important to take action to **PREVENT** financial abuse in the first instance. However, if financial abuse is suspected it is important to move quickly to **PROTECT** vulnerable adults from further abuse.

The following principles and procedures should be followed:

At the start of a service:

- Identify who is responsible for individual's money and finances.
- If this person is someone other than the individual – identify on what authority they are taking on this responsibility.
Do they have Power of Attorney?
Is it Enduring or lasting?
Is it registered?
Is it for property and assets' and/or care and welfare?
Take a copy.
Are they the individuals Appointee?
- Ensure everyone is clear about fees, what the fee is, when it must be paid, when it is reviewed and what will happen if fees are not paid as agreed.
- Ensure the individual is able to secure their money, financial documents and personal belongings securely.
- Be clear about what staff can and can not do.
- Provide individuals with the procedure should they have any concerns.
- Develop a financial management care and support plan.

Financial Warning Triggers:

- Fees are not being paid.
- Service user contribution not being paid.
- Individual does not have own personal allowance.
- Bank statements stop coming to the individual or there are transactions that can not be accounted for.
- Visits from person responsible for finances decrease or stop.
- Individuals appear distressed after visits from the person handling their finances.
- Individual is asked to sign legal documents and staff may be asked to witness.

**If any of the above is taking place –
Make a Safeguarding Adults referral.**

Service provider general responsibilities

- To take prompt action to retrieve unpaid fees – do not leave more than 3 months.
- Keep contemporaneous records of actions taken to recover fees.
- Make the individual aware of what is happening.
- Alert Solihull Adult Social Care of concerns if fees can not be retrieved after 3 months.
- Cooperate with multi agency meetings to protect the individual.
- Alert the police if this is what the individual wants.
- Ensure all staff know what financial abuse is, the possible indicators, how to report concerns and the consequences of staff financially abusing service users.
- Understand how “grooming” can take place and how it will impact on victim’s decisions to make a complaint. Ensure procedures are in place to reduce the likelihood of grooming and to identify it at an early stage.
- Consider the impact of serving notice on a vulnerable adult because their representative is not paying the fees.

Solihull Adult Social Care Responsibilities

- Accept all concerns about financial mismanagement which may be indicating financial abuse is occurring.
- Act quickly to stop the abuse either temporarily or permanently. Do not allow the perpetrator to delay action.
- Accept financial responsibility from the point the provider can provide documentary evidence they have taken all reasonable steps to retrieve the fees, to no avail.
- Support and empower the individual to make a formal complaint.
- Keep providers informed of what is happening.
- Keep the whole process under review so it can be concluded in the shortest time possible.