

North Somerset Safeguarding Adults



Financial Abuse Toolkit

This is an approved North Somerset Safeguarding Adult Board document and should not be edited in any way

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Introduction

“Safeguarding is everybody’s business”

There is a presumption throughout this document, that the reader understands that should they have any concern that an individual ‘may’ have care and support needs *and* ‘may’ be experiencing financial abuse, they will raise a concern with Care Connect on 01275 888801, having firstly consulted with the adult at risk if safe and appropriate to do so.

This document is intended to be used as a ‘toolkit’. It is effectively a cabinet into which staff can reach and draw out information about how to respond to concerns around financial abuse. It offers advice and guidance around the law, policies, procedures, teams, organisations and services that exist locally and nationally to support responses to the growing area of financial abuse.

The document is intended to be read primarily as an electronic version because it relies heavily on bookmarks and web-links to enable navigation and access to information.

[Here](#) you will find a response matrix. This is a quick reference tool to assist in planning initial responses to financial abuse concerns. Further context and detail is available as you read through the rest of the pages.

Why do we need a financial abuse toolkit?

Reported incidents of financial abuse are on the increase.

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.

Local [Safeguarding Adults Policies & Procedures](#) provide a framework through which a concern that a person with care and support needs, who is unable to protect themselves from abuse can receive a coordinated multi-agency response which is both proportionate to the level of risk presented and involves the adult throughout.

While practitioners may be experienced in recognising adults at risk, financial abuse presents very specific challenges. In this context, the following toolkit is provided to aid any safeguarding adults response and to support the work of others involved with people who may be experiencing financial abuse.

The toolkit aims to provide practitioners with the information they need to respond appropriately to suspected cases of financial abuse and may also assist others to identify financial abuse and offer support when safeguarding adults duties do not apply.

What is financial abuse?

Financial abuse is;

“The unauthorised and improper use of funds,
property or any resources belonging to another individual”
(O’Keeffe, M et al. 2007).

It has been more recently defined under The Care Act 2014 as including;

- Theft
- Fraud
- internet scamming
- Coercion in relation to an adult’s financial affairs or arrangements such as;
 - wills,
 - property
 - inheritance
 - financial transactions or
 - misuse or misappropriation of property, possessions or benefits.

Why is recognising financial abuse important?

The impact of financial abuse should not be underestimated and can be as detrimental to a person’s wellbeing as physical abuse. The degree of financial loss is not always the key determining factor in the level of harm caused.

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 victim to develop a need for social care. There has been high profile media coverage of cases which have led to suicide (www.thinkjessica.com)

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 person is unable to manage their own finances due to lack of capacity or sufficient 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 vulnerable to manipulation or emotional grooming.
- For older people in particular, potentially increased assets coupled with low-cost lifestyles and a lack of awareness of the modern world may make them more susceptible.

Note: Whilst a person 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 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.

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.

National organisations also give examples of other types of financial abuse linked with goods and services including mass marketing and scam correspondence; online fraud and scamming is also on the increase. ([ONS.gov.uk](https://www.ons.gov.uk): January 2018)

How can you recognise if someone is experiencing financial abuse?

Indicators of financial abuse

- 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 wills.
- 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.

Care should always be taken to establish if financial abuse co-exists with other forms of abuse which may form part of a wider context of domestic abuse, for which other responses may be more appropriate. See [NSSAB Website](#) for details.

Making s42 enquiries into financial abuse

S.42 enquiries into financial abuse will follow local safeguarding procedures.

There are three key elements to a safeguarding enquiry:

1. Establishing the views and wishes of the adult at risk including their desired outcomes.

The Care Act places a duty upon local authorities to provide independent advocacy to adults who have substantial difficulty in being involved in decision about them or their care and support or as part of a safeguarding enquiry *if* there is not an appropriate individual to support them.

If an adult at risk is assessed as lacking mental capacity to make decisions about their safeguarding response and there is no appropriate individual to represent them, an [IMCA](#) must be appointed.

2. Establishing a Safeguarding Plan

A safeguarding plan will detail what measures can be put in place to reduce the risk of further abuse.

Teams and services in [appendix A](#) and [appendix B](#) below will be able to assist alongside suggested safeguarding options in [appendix D](#).

3. Establishing an Enquiry Plan

This involves deciding what information needs to be gathered and by whom. Again, teams and services in [appendix A](#) and [appendix B](#) below will be able to assist.

Financial abuse involving Adult Social Care (ASC) monies

- **Direct Payments**

The misuse of a direct payment will not always require a safeguarding concern to be raised, especially if the client manages their own direct payment. Adult social care staff will need to consider:

- The clients' capacity to manage the direct payment.
- If there was an intention to misappropriate the direct payment.
- The clarity of the support plan and the understanding of the client.

If a third party is suspected of misusing a client's direct payment this will usually result in a safeguarding concern being raised. Through coordination by the local authority a s.42 enquiry can be progressed by either the police and/or the [relevant council team](#).

There are a number of ways Care Managers/direct payment coordinators can reduce the risk of direct payment misuse by:

- Conducting a capability assessment on the adult's/third party ability to manage the direct payment.
- Be clear that providers and PA's should not manage any of the finances associated with the Direct Payment
- Undertake a DBS check for employees.
- Be specific in the Support and Care plan about what the direct payment can be spent on.
- Ensure the Direct Payment recipient or 3rd party understands the need to keep records of all Direct Payment spend.

- **Commissioned Services**

If an irregularity involves the abuse of an adult, raise a Safeguarding Adults concern with [Care Connect](#)

Concerns regarding the use of ASC funds by a commissioned service should be reported to Care Connect whether or not an adult is considered to be at risk.

[Appendix A](#) details council departments who can assist in making such enquiries.

- **Financial abuse within a regulated service**

A regulated service is any service which is obliged to be registered with the Care Quality Commission.

The Care Quality Commission (CQC) should be made aware of any safeguarding concerns within a regulated service including concerns around financial abuse.

The CQC should be involved in planning any enquiries into registered services.

Contract & Compliance teams should be involved in planning enquiries into contracted services.

Police should also be consulted and a communication strategy for service users established and regularly reviewed.

Appendices

Appendix A – Internal Teams

- **Financial Assessments & Benefits Team**

The team can provide financial documentation that may be held after the completion of a financial assessment.

The team can share this information for Fraud purposes under FAIR PROCESSING legislation.

A financial assessment visit undertaken for the purposes of gathering information for a safeguarding s42 enquiry can only take place if the person being visited is aware of the reason for the visit and is complying with the enquiry. This visit should be undertaken with a Care Manager.

- **Care Charging & Debt Management Team**

Care Charging & Debt Management Team work to recover debts. They have regular communication with clients 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 the collection 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 a s42 enquiry into financial abuse of the individual.

The team can also assist in gathering and interpreting information for the purposes of completing a safeguarding s42 enquiry. This can include providing contacts for banks, solicitors, Department for Work and Pensions and the Office of Public Guardianship etc as necessary to the enquiry.

- **Court of Protection Team**

Regardless of the adult's capital, the team can accept appropriate referrals from a client's care manager with a view to applying for a Corporate Appointeeship or Deputyship where there have been allegations of financial abuse and where the client lacks sufficient mental capacity to deal with their finances themselves. In complex financial circumstances legal services may be able to assist with an application to the Court of Protection to appoint an external panel deputy.

- Managing an adult's financial affairs

The team can take over the management of a client'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 / or the safeguarding s42 enquiry.

- Payment of client 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 finance team of the adult's financial position to be able to repay any outstanding debt to NSC, if possible and where funds are still available.

- Involvement in safeguarding concerns / enquiries

The team will raise safeguarding concerns where financial abuse is suspected.

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

- Removing Powers of Attorney or appointees

The team will provide advice to social work teams with regards to removing an existing Attorney or Appointee where it has been identified the person has not been carrying out their duties appropriately, and will support this process for adults that have been referred to the team to apply for a Corporate Appointeeship or Deputyship.

- **Direct Payments Team**

The Direct Payments Team will support safeguarding coordinators to gather information relating to the conduct of a direct payments account and should be contacted through the Personalised Commissioning Manager.

- **Contracts & Compliance Teams**

The contracts or compliance teams may be able to assist a safeguarding s42 enquiry when possible financial abuse is identified 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 inform the enquiry by looking at the relevant agency's systems where service-wide concerns exist.

- **Audit**

Internal Audit has an important role in investigating financial abuse within care providers. In accordance with NSC Financial Regulations the Head of Internal Audit must be informed of all financial irregularities related to NSC funds and / or assets.

- **Trading Standards**

Trading Standards can assist in safeguarding s42 enquiries where the abuse relates to consumer protection issues such as rogue trading, scams, loan sharks, or doorstep crime.

They can:

- Advise the safeguarding coordinator if the trading standards office can assist in either a criminal investigative, civil law, or best practice capacity.
- Investigate fraud in relation to rogue trading, 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 at risk by engaging with them directly and offering advice.

- **Legal Services**

Where financial abuse is suspected and legal advice is required a service manager should be consulted prior to a referral to legal advice. Legal Services can provide advice regarding any remedies available as well as any legal processes available to safeguard the adult at risk e.g. Civil action, small claims court etc.

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

- **Advocacy**

The Care Act places a duty upon local authorities to provide independent advocacy to adults who have substantial difficulty in being involved in decision about them or their care and support or as part of a safeguarding enquiry *if* there is not an appropriate individual to support them.

There are several options available with regard to advocacy. Key considerations are;

1. Mental capacity

If a formal mental capacity assessment concludes that the adult at risk is unable to make decisions regarding their safeguarding response. If they are deemed to lack capacity and do not have an appropriate individual to represent them, a referral should made to the [IMCA](#) service.

2. Generic advocacy

If the adult at risk has capacity but Care Act advocacy duties as above still apply, generic advocacy should be offered. Contact the [Safeguarding Adults Team](#) for support in sourcing an appropriate independent advocate.

3. Is an advocacy service already involved? It may be appropriate for an existing advocate to continue to support the adult at risk.

4. Is a specialist advocacy service required? For example [for people with learning disabilities](#)? Or in cases of [domestic abuse](#)?

Contact Details

Team	Web	Email	Phone
Safeguarding Adults Team		Safeguarding Adults Team	01275885222
Audit		Peter.cann@n-somerset.gov.uk	01275 88 4750
Financial Assessment and Benefits Team		Fab.Team@n-somerset.gov.uk	01275 888 777
Debt Management Team		tom.conneely@n-somerset.gov.uk	01275 884405
Court of Protection Team		receiverships@n-somerset.gov.uk	01275 884382
Legal Services	Legal Services Request	legal.Support@n-somerset.gov.uk	01275 888780
Trading Standards		trading.standards@n-somerset.gov.uk	01275 888634 option 4
Contracts & Compliance		Contracts & Compliance email	01934 427409
Direct Payments Team		Personalised commissioning email	01934 427611
IMCA & Safeguarding Advocacy			01275 885222

Appendix B – External Services & Organisations

- **Citizens Advice Bureau North Somerset**

Provide free, confidential and independent advice to people living and working in North Somerset.

- **Police – 101 & Safeguarding Coordination Unit**

Where a practitioner is making enquiries regarding financial abuse and suspects that a crime may have been committed, Police should be consulted. The Police safeguarding Coordination Unit will review the information and determine whether there is evidence to suggest that a criminal offence has been committed and whether Police should lead the investigation.

- **NHS Counter Fraud Team**

Where a practitioner has concerns that NHS funds are being defrauded or misused they can report their concerns by either by phone or online

- **Office of the Public Guardian**

The Office of the Public Guardian (OPG) protects people in England and Wales who do not have the mental capacity to make certain decisions for themselves.

They are responsible for:

- taking action 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, eg the misuse of money or decisions that aren't in the best interests of the person they're responsible for.

- **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

- **Department of Work and Pensions**

The department of Work and Pensions administers a number of benefits to people across England, Scotland and Wales.

- **Becoming an appointee for someone claiming benefits**

An individual 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 1 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, eg a friend or relative
- an organisation or representative of an organisation, eg a solicitor or local council

- **Care quality commission**

CQC monitor, inspect and regulate registered services to make sure they meet fundamental standards of quality and safety. They are able to make prosecutions under Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 if regulations are breached.

Service	Web	Email	Phone
Care Quality Commission	www.CQC.org.uk	CQC Safeguarding	03000 616161
Court of Protection	Gov.uk	Enquiries	0300 456 4600
Office of the Public Guardian	Gov.uk	OPG Safeguarding	0300 456 0300

			For concerns about an attorney: 0115 934 2777
Citizens Advice Bureaux	Link	advice@nscab.org.uk	03444 111 444
Police: report financial abuse			101
Police: safeguarding strategy/advice and guidance		Safeguarding coordination unit	01278 644584
Generic Advocacy	North Somerset Online Directory		
Learning Disabilities Advocacy	Your Say	info@yoursay-advocacy.co.uk	01275 374703
Independent Domestic Violence Advisor	Domestic Abuse Handbook	northsomerset.idva@chapter1.cjsm.net	01934 426343
NHS Counter Fraud	Report it online		0800 028 4060

Appendix C - 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.

Remember that financial abuse is often seen as part of a wider pattern of abuse and may also form part of the criminal act of coercive control within domestic relationships.

- **The civil courts**

Where a criminal offence has not been committed or the CPS have made the decision not to pursue a criminal case, it may be possible for the person subjected to financial abuse to obtain relief through civil law.

The civil court may also assist in cases alleging duress however consideration of the offence of coercive control should first be given. Duress relates to a person entering into an agreement as a result of threats.

- **Office of the Public Guardian**

If financial 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 informed 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 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.
- The court can appoint a deputy to manage an adult's financial affairs.

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
- search orders to allow access to the home or workplace of the person alleged responsible to search for documents.
- Injunctions to prevent the person alleged responsible from leaving the country.

A person acting as a 'litigation friend' 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.

Tel: 0300 555 0333

Email: enquiries@legalombudsman.org.uk

Web: www.legalombudsman.org.uk

Appendix D – 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: [Gov.uk](https://www.gov.uk)

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

- 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](https://www.gov.uk/government/acts/mental-capacity-act-2005) and its [Code of Practice](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284247/code-of-practice-2005.pdf)

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, legal and health and social care 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.

- **Court of Protection:** The Court of Protection has the power to:
 - Decide whether a person has capacity to make a particular decision 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 look into 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.

[Further details](#)

Appendix E - Case Studies

Good Practice Example

Repeated concerns about money and items going missing in a care home:

It is important to contact the police and report theft even if it's a small amount of cash, policy and procedures should be in place within a care provider to support this. Residents' consent is gained prior to reporting or a best interest decision made involving the adult's representative, it evidences transparency and makes it clear to staff that these actions are treated with zero tolerance.

Police community support officers gave advice. The home manager logged serial numbers of notes and place them in the rooms of a residents that had been affected and a resident who was considered to be more at risk, the notes were checked hourly and a record kept of checks. This would help identify a time frame should the notes be identified as missing.

An immediate team meeting was held to make staff aware of the incident. Staff were informed that it had been reported to the police and that should another theft be identified we would immediately ask all staff on duty to give consent to a search of bags and lockers, Staff were reminded of policy and procedure which clearly states that while staff have the right to refuse to be searched, refusal by staff is considered a breach of contract, which could result in dismissal. The home also reserved the right to call the police at any stage. The home manager asked all staff to remain vigilant and report anything they felt was suspicious.

During the team meeting the whistle blowing policy was reiterated and reassurance provided to staff.

The policy was displayed clearly along with the Safeguarding policy and procedure on the staff noticeboard.

The manager regularly discussed whistleblowing and safeguarding in individual supervisions as well as team events in order to be open and clear about them and to reassure staff that they would be supported should they have any concerns. The manager of the home promoted and open door policy.

The home raised the matter as a safeguarding adults concerns and reported it to CQC.

A letter was sent to residents and relatives requesting that they keep no more than ten pounds in their rooms and a locked drawer facility was provided in each room.

Larger sums of money were kept in individual residents' finance accounts kept in a safe in the office where all monies are audited and receipts kept on file.

An inventory and photos of all valuables is taken on admission which assists if an item should go missing, these are kept in the residents care plans.

Staff are asked that on discovering any item missing, a full search of the resident's room is completed by two members of staff, sometimes items have just been put away in a different place. It is acknowledged that a resident may not remember where they have placed an item but staff are careful to ensure the resident's fears are validated as they are real at that time and reassure them that the matter will be taken very seriously and keep them informed during each stage of the investigation.

It is always positive to encourage a police presence in the home once an incident occurs, our community officer offered to speak during a team meeting regarding crime prevention in care homes, it can also act as deterrent for the perpetrator and prevent a further incident of theft taking place. This was a very strong tool in addressing the repeated concerns. No further incidents occurred following the police presence within the home.

Even with a thorough recruitment process including DBS checks these incidents do happen. These matters are discussed openly, including consequences which promotes awareness.

Key practice considerations:

- Organisational abuse protocol
- Working with police to investigate
- Working with the community police officers to promote awareness and prevention
- Creative measures to enquire – marked notes – police advice
- Open discussions with staff teams
- Clarity of policy and procedure

The Case of Margaret Smith

Margaret Smith is 72 years old, and lives alone in a bungalow. She has no immediate family. Concerns are that Margaret is being taken advantage of financially. Margaret paid two builders to build a conservatory, but it has never actually been built. She has recently paid £500 to have a single fence panel replaced in the back garden.

Her mental capacity can be in doubt as she can be confused and forgetful.

Social services made a home visit to see Margaret to discuss the concerns and assess her mental capacity.

Margaret had capacity and was adamant that she knew what she was doing. She said that she was in full control of her bank account, and she knew she had money, so there was no problem.

The safeguarding concern was taken no further.

A few months later, social services were contacted to say that Margaret had tried to book a holiday, but the cheque had bounced. Margaret had spoken to the bank and asked for a statement, which showed that she was £4000 overdrawn. Margaret had previously had savings in excess of £40,000, and so could not understand why her account was overdrawn. Margaret then admitted that the builders had seen one of her bank statements when they had visited her, and had suggested she move the money to a different account to earn more interest. She had given the builders her bank card and pin number to allow the money to be transferred. The statement showed that £2500 a month had been withdrawn from the account each month over the last year and a half.

As part of a safeguarding adults response, Social services in this instance contacted the police and the bank.

Margaret was assessed as lacking mental capacity around her finances. The case was then investigated further and the bank co-operated with the police by providing information. By this point, all Margaret's savings had gone.

An application was made by social services for deputyship and as an immediate measure, signs were put up in Margaret's home to remind her that social services held her bank cards. The builders were not seen again.

A care needs assessment was carried out and Margaret received a package of personal and domestic care which also served to monitor her wellbeing.

Descriptions of the builders was also shared with the Community Safety and Drug Action Team and Trading Standards.

Trading standards visit Mrs Smith and provided advice, support and information to her. They also used this information to inform their database and liaison with the police to establish if they could take any legal action against the trader.

Key practice considerations:

- Mental capacity assessment
- Police intervention
- Court of Protection
- Care Needs assessment

The Case of Claire Jones

Claire Jones is 92 years old, and lives in her own home supported by carers who visit three times a day. Claire is in relatively good physical health for her age, but is extremely confused and forgetful, and sometimes leaves her front door open during the day and does not close her windows at night.

Claire has a son who lives in the same village, and a daughter who lives an hour away. Claire's children visit her regularly, and have reported to Claire's GP that they are concerned that local children are stealing from her, as money and jewellery have gone missing from the property and they know that local children visit her at home.

Both children are keen that Claire should remain in her own home and live independently for as long as possible, but worry that she may be safer living in a care home in case the situation escalates.

In this instance, the GP raised a safeguarding adults concern.

Claire was someone known to community partnership staff, as she receives regular reviews following a hospital admission six months ago. They established that Claire knew money and jewellery had gone missing, but did not think they had been stolen by local children.

A social worker spoke to Claire's neighbours; it seemed that there have been a number of instances of children knocking at the front door, whilst others enter the property via the kitchen. The neighbours were not able to identify the children, and were reluctant to report their concerns formally to the police as they did not want to become a target for local gangs.

The police were contacted about the situation, but because Claire had cognitive problems she was not seen to be a reliable witness. Local PCSO's were asked to ensure the address was covered as part of their routine beat. The neighbours were also contacted informally by the police, but they were not able to give a good description of any of the children suspected of entering the property. Because of the lack of evidence, the police were not able to take the case further.

Claire's son in the meantime visited her more often to act as a deterrent.

A variety of ways to make Claire safer and more secure at home were considered by health and social care. Prompts were stuck on the back of the door, saying 'Claire, please make sure the door is locked'. A telecare system was also installed, which notified a central office if the door was left open.

Claire's children felt reassured after the telecare system was installed, and Claire was able to stay in her own home for a number of years until her health deteriorated, with no further instances of money or jewellery going missing.

Key practice considerations:

- Multi-Disciplinary working: Health/Social Care/Police
- Care needs assessment
- Telecare equipment
- Views and wishes of the adult at risk
- Use of pre-existing resources and networks (Family in this case)

The Case of Sarah Watson

Sarah Watson is 68 years old, and has major physical health problems and some cognitive impairment as the result of a brain tumour, which has been successfully removed.

She currently lives in her own home with her husband who provides her care needs. Sarah is a recipient of direct payments, and so receives regular reviews of her care package to ensure her needs are being met. When carrying out a visit to Sarah's home with the direct payments officer you notice that she looks very unkempt and appears nervous and submissive around her husband. The house is also dirty, and when you help to make a cup of tea for everyone you notice that there is very little food in the cupboards.

Sarah's husband dominates the conversation during your visit and is unwilling to leave her on her own even for a few minutes. You ask Sarah if she would like to talk to you on her own, but she says she doesn't need to.

As well as providing her with care, Sarah's husband also holds lasting power of attorney to deal with her financial affairs, such as her direct payments. After looking at the direct payments information in more detail, you also notice that Sarah's husband is claiming to provide 24-hour care, with no breaks.

You also have some worries about Sarah's safety, as she requires oxygen intermittently, and the cylinders are not stored securely as they are next to the living room couch where she sits and smokes during the day. You ask some questions about Sarah's care, and the husband is very uneasy, giving conflicting answers about how money is spent.

He says that a lot of money is spent on taxi fares to go to the supermarket, but on the other hand he says that they have to rely on takeaways for food. He makes it clear that both you and the Council are interfering in the situation.

You raise a safeguarding adults concern and a strategy meeting is held to discuss the case in more detail.

After looking through past bank account statements, the direct payments officer reports additional concerns that Sarah's money is being badly managed. For instance, an initial start-up fund had been provided by social care to set up things like carer's insurance and an advertisement for a care worker but these had not

been put in place. This was presumably because Sarah's husband had taken on all the caring responsibilities himself, but there was no evidence of how the money had been spent instead.

Because Sarah's husband was both managing the money and paying himself, the adult protection team was concerned that this was a conflict of interest, in particular given that Sarah did not seem to be being provided with adequate care. When asked about why he was fulfilling both roles, he seemed to think he wasn't doing anything wrong, and did not see that there was a problem with the situation. He was also confused about how he should document his time and was not clear about what he was and was not allowed to claim.

Key practice considerations:

- Mental capacity
- Views and wishes of the adult at risk
- Direct payments support
- Direct payment agreements
- Care needs assessment and care planning
- Domestic abuse consideration?
- Need for support vs Need for protection

The case of Mrs Jarvis

Mrs Jarvis is 76 years old and lives independently.

A friend notices that Mrs Jarvis is not going out as often and her clothes are starting to look old. The neighbour becomes concerned because this is very out of character.

The neighbour speaks with Mrs Jarvis who discloses that she has been helping a friend she made on the internet who contacted her via email. Mrs Jarvis tells her neighbour that she gave £20 to this friend three years ago as he and his family were in trouble. Since then she has continued to support him until he receives his inheritance; she is worried that she has been asked to keep the matter confidential as otherwise she may not see her return. However, over time the sums have become greater and her savings have dwindled to nothing.

Mrs Jarvis is convinced she is going to receive a reimbursement at some point.

The neighbour voices her concerns to Mrs Jarvis that this may be a scam and that she was not likely to receive any money. Mrs Jarvis did not believe her.

The neighbour asks what her family think about the situation, and she tells her that her son has also told her it is a scam, so she no longer discusses her financial affairs with him.

Mrs Jarvis currently manages her own finances as she is fully able. She is also physically still very active, and is able to visit the bank independently to draw out cash and pay her bills.

All the accounts are in her name only, so it is difficult to speak to any of her family about the situation without committing a breach of confidentiality. After reviewing her account history it also seems that whereas in the past she tended to send small amounts of cash on a regular basis, the amounts she is sending are becoming larger and more frequent.

Key practice considerations:

- How can agencies respond when it is not a safeguarding adults matter?
- Individual agencies taking a lead role
- Information sharing – when is it appropriate to breach confidentiality
- Mental capacity/Unwise decision making/When to assess capacity (Stage one of the Two Stage Capacity Assessment)
- Universal sources of support (Charities/Police/Trading standards)

The Case of Sophie Clark

Sophie is 23 years old. She has physical disability that requires her to have personal care to assist her day to day needs. Due to her disability she is unable to carry out cleaning and gardening.

Every year a financial assessment of Sophie is carried out by the local authority that pays for her care. Adrian, the assessment officer visits Sophie on the 20th May 2013 and refers her case to the Benefits team as he believes she may be entitled to additional disability benefits. On the 20th November 2013 Adrian carries out a procedural follow up visit. During this time Sophie builds a rapport with Adrian and he asks how she carries out gardening and cleaning in her house.

Sophie told Adrian she is unable to carry out these activities so he said he will try and help her. The next day Adrian calls Sophie and informs her that he can carry out this work for her for at 'mates rates'. Sophie and Adrian agreed for work to start in the living room the following weekend and Sophie purchased the materials that were required. Adrian arrived and started to paper the living room, in order to make room he dismantled the dining room table and put it in the hallway. Adrian left the Living room unfinished on the Sunday and did not tell Sophie when he would next be round.

A few weeks later there was a knock at the door, Julie, Sophie's carer answered and Adrian and his wife Mel walked in, Sophie was not expecting Mel and asked why she was there. Mel told Sophie she was there to do her cleaning and will be doing it every Thursday 4-8pm. When Sophie told Mel she could not afford the cleaning, Mel said she will 'sort something out'. Ad-hoc work continued on the house until Sophie started to get behind on her payments to her carer.

In this instance Adrian is abusing his position as a financial assessment officer
Sophie calls the care worker and tells her about Adrian and his wife and that she has paid them £820 from December 13 to May and she is now in debt.

Key practice considerations:

- Is there a S.42 duty?
- What risk management measures can be put in place?
- Who should lead an enquiry? Police/HR/Team manager
- Making safeguarding personal – what does Sophie want to happen?
- What if Sophie wants no action taking?

Appendix F - Response matrix

Type of concern	Key contacts
Direct payments	Personalised commissioning Audit Police
Commissioned care provider	Audit Police Safeguarding Adults Team Contracts and Compliance teams Trading Standards CQC
Payment of care fees	Debt Management Team Financial Assessment & Benefits Team Advocacy Police
Domestic circumstances (Eg Domestic abuse involving finance)	Police IDVA Citizens advice
Mental Capacity	IMCA Court of Protection NSC Court of Protection Team
Theft	Police
Power of attorney	Office of the Public Guardian IMCA Citizens advice Legal Advice
Familial financial abuse	Advocacy Police Office of the Public Guardian Citizens advice
Doorstep Traders	Trading Standards Police Care Connect
Scams	Police Trading Standards Action Fraud

Additional resources:

- [Assessment: Financial Crime Against Vulnerable Adults, Social Care Institute for Excellence, November 2011](#)
- [The Financial Abuse of Older People – A review from the literature, Help the Aged, 2008](#)
- [The Money Advice Service](#)
- [Elder Financial Abuse](#)
- [Local Policies, Procedures and Practice Guidance](#)
- [Bournemouth University Financial Scamming Research](#)