

North Somerset Multi-Agency Adult Safeguarding Procedures

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Financial Abuse Toolkit

Reference Number: F I N A B U P O L 1
Author: Gavin Hutchison (Reviewer)
Document Owner: Business Manager - NSSAB
Approved by: NSSAB
Approval Date: 02/04/2025
Replaces: Financial Abuse Toolkit (2018)
Equalities impact: n/a
Impact on carers: n/a
Date displayed on NSSB web site: 19 th September 2025
Date due to be reviewed by responsible person or body: 02/04/2027
Reviewed by/comments:

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1. Introduction

It is important that family, friends, and those working alongside adults with care and support needs (in either a paid, student, or voluntary capacity) develop the skills and knowledge to spot the indicators of financial abuse. This will enable them to raise safeguarding concerns quickly and efficiently. It is vital that victims are provided appropriate support in a timely manner.

This document is intended to be used as a 'toolkit'. It is effectively a cabinet into which family, friends, and those working alongside adults with care and support needs (in either a paid, student, or voluntary capacity) can draw upon information about how to identify and respond to concerns around financial abuse.

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

It is important to remember that [safeguarding adults is everybody's business](#).

2. What is financial/economic abuse?

Financial abuse can happen to people anywhere and at any time.

It can happen in a person's home, in supportive environments, hospital, college or in a public place, it is never acceptable no matter how minor it may seem. Financial abuse is a crime.

2.1. Financial abuse and the Care Act 2014

[Section 42 \(part 3\) of the Care Act 2014](#) identifies financial and material abuse as;

- having money or other property stolen,
- being defrauded,
- being put under pressure in relation to money or other property, and
- having money or other property misused.

The [Care and support statutory guidance](#) (section 14:17) further states that financial abuse includes;

- theft,
- fraud,
- internet scamming,
- coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or

- the misuse or misappropriation of property, possessions or benefits.

2.2. Economic abuse and HM Treasury Economic Abuse Toolkit 2023

[HM Treasury Economic Abuse Toolkit](#) defines economic abuse as:

“behaviours that interfere with an individual’s ability to acquire, use, and maintain economic resources like money, transportation, and utilities. It can be controlling or coercive, making the victim economically dependent on the abuser, which limits their ability to escape and access safety. This form of abuse is designed to intimidate and isolate the victim.”

2.3. The term used in this document

[To summarise:](#)

- Financial abuse refers to the control, exploitation or sabotage of money and finances.
- Economic abuse refers to the control, exploitation or sabotage of money, finances and economic resources (such as food, transportation, accommodation) more broadly.

This document uses the term financial abuse, as it is the language used in the care act and statutory guidance. However, the document recognises the control, exploitation or sabotage of economic resources (such as food, transportation, accommodation) as an important safeguarding concern. As a result, the documents use of the term financial abuse incorporates both the definition of financial abuse, and the definition of economic abuse, as defined above.

3. Why do we need a financial abuse toolkit?

[16% of adults in the UK](#) (8.7 million people) say that they have experienced financial abuse. The impact of financial abuse should not be underestimated and can be as detrimental to a person’s health and 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 also cause the victim to develop care and support needs. Financial abuse can also lead to people [dying by suicide](#).

Financial abuse can go undetected for a variety of reasons. Research by [Hourglass](#) (2024) highlights how societal attitudes can impact upon the identification of financial abuse. They

found that;

- 25% of survey respondents in England do not believe that taking items from an older relative's home without asking is a form of abuse.
- 26% of survey respondents in England do not believe that using a power of attorney over an older person for financial gain is a form of abuse.
- 26% of survey respondents in England do not believe that family members trying to change the will of older relatives is a form of abuse.

This toolkit will support the detection of financial abuse. This will be achieved by raising awareness and outlining the responsibilities of family, friends, carers, students, and the staff and volunteers of various agencies to ensure effective, proportionate, and well-informed safeguarding responses.

4. Recognising someone at risk of financial abuse

Financial abuse might not happen in isolation and often takes place where there is an unequal balance of power. It may also be linked to other types of abuse.

People with an increased risk of experiencing financial abuse include (this is not an exhaustive list);

- a person who lacks capacity to make decisions regarding their finances and/or property and/or affairs
 - 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,
- people with a learning disability,
- autistic people,
- older people,
- people with dementia,
- people with problematic substance use,
- people receiving end of life care and support,
- people with a physical disability,
- people with poor mental health,
- people who are experiencing domestic abuse,
- people who are experiencing organisational abuse
 - there may be opportunities for financial abuse where an organisation/their

staff have access to and/or manage money on behalf of a person or where the abuse is a result of poor policy, procedures or systems, and

- people who experience self-neglect
 - a lack of self-care (including of personal care and of the home environment) might be because of financial difficulties brought about by financial abuse.

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

- Being unable to manage their own finances due to lack of capacity or sufficient numeracy skills.
- A dependency on another person or people to manage their money.
- A dependency on others for some, or all, aspects of daily living, such as those who live in residential care, or those with restricted mobility who have a carer (paid or unpaid) in their home.
- Instruct you to speak to their partner/carers about finances.
- Appear to be taking instructions from their partner/carers about finances.
- Be in conflict with a partner, family member or carer concerning money, earnings or savings.
- Are socially isolated and/or lonely.
- At risk of exploitation when out and about.
- Appear withdrawn, fearful, distressed or scared.
- Have concerns about protecting their personal privacy or safety.
- Indicate their mail is no longer being delivered to their home.
- Not have any knowledge of service providers or how much things cost.
- Not have access to a joint bank account in which they are a signatory.
- Leaving work when they liked their job.
- Express a desire to work but their partner or a family member or carer is not supporting them to do so.
- Make excuses not to speak to family or friends.
- Working hard and looking after family affairs whilst their partner is out all the time.
- Gifting items to staff/volunteers/students.
 - It should not be assumed that if a person who has capacity makes a gift, that 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.

5. Who is likely to perpetrate financial abuse?

5.1. Those with direct access to the person

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

5.2. Mate crime

Disabled people (particularly those with learning disabilities), people with poor mental health, people with problematic substance use, and older people are often the targets of [mate crime](#). The term mate crime is used where people are befriended with the intention of them being abused and exploited financially, physically, emotionally, sexually or otherwise. In some cases, victims of mate crime have been significantly harmed or even killed. Those that commit such abuse or theft are often referred to as 'fake friends'.

There are different forms of mate crime, for example:

- Theft/financial abuse
 - the abuser might demand or ask to be lent money and then not pay it back or the perpetrator might misuse the property of the adult.
- Cuckooing
 - the abuser might take over the person's home and visit or stay there, despite the person not wanting them to.
- Physical assault/abuse
 - the abuser might hurt or injure the adult.
- Harassment or emotional abuse
 - the abuser might manipulate, mislead and make the person feel worthless.
- Sexual assault/abuse
 - the abuser might harm or take advantage of the person sexually.

5.3. People who try to provide goods and services

[Thinkjessica](#) provides examples of other types of financial abuse linked with goods and services including mass marketing and scam correspondence. [The Metropolitan Police](#) provide information about online fraud and scamming.

6. How to recognise if someone is experiencing financial abuse?

Indicators of financial abuse include:

- Preventing a person from accessing their own money, benefits, or assets.
- Lending money that is never paid back.
- Undue pressure, duress, threat, or undue influence (coercion) put on the person in connection with loans, wills, property, inheritance, or financial transactions.
- Arranging less care than is needed to save money to maximise inheritance.
- Someone stopping others from helping to manage/monitor financial affairs.
- Refusing to support people to apply for or access benefits.
- Misuse of personal savings, benefits, or direct payments by a family member, partner, friend, neighbour, support staff (including volunteers), or carers etc.
- Someone moving into a person's home and living rent-free without agreement or under duress.
- False representation, using another person's bank account, cards, or documents.
- Exploitation of a person's money or assets, e.g., unauthorised use of a car.
- Misuse of a power of attorney, deputy, appointeeship, or other legal authority.
- Rogue trading – e.g., unnecessary or overpriced property repairs and failure to carry out agreed repairs or poor workmanship.
- 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 money entering a person's bank account.
- 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 that only ask financial questions of the worker and not about the quality of care and support being provided.
- Large volumes of 'junk' mail (post and/or email).
- Lack of records within a care home or supported living accommodations such as time sheets, invoices, receipts, etc.

7. Financial abuse involving Adult Social Care (ASC) monies

7.1. Direct Payments

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

- The persons' 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 person.
- Whether the person is being coerced to spend the money in a particular way.

If a third party is suspected of misusing a person'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 several ways adult social care practitioners can reduce the risk of financial abuse in relation to direct payments, including:

- Conducting a capability assessment on the adult's/third party ability to manage the direct payment.
- Be clear that providers and Personal Assistants (Pas) 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.

7.2. Commissioned Services

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.

7.3. Financial abuse within a regulated service

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

The 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 people drawing on care and support established and regularly reviewed.

8. What can you do?

- ✓ If you identify potential abuse, you may be concerned that you have misunderstood the situation or overreacted – this is understandable, but you cannot ignore your concerns.
- ✓ Share your concerns with your manager without delay. If your concerns are about your manager, share them with their manager.
- ✓ Be professionally curious and believe the unbelievable.
- ✓ Ask for proof from anyone who claims to have Lasting Power of Attorney or Deputyship. Consider whether they are acting in the adult's best interests.
 - Please note: You should contact the [Office of the Public Guardian](#) if you suspect abuse or misuse of power by
 - a registered lasting power of attorney

- a registered enduring power of attorney
- a deputy appointed by the Court of Protection
- a guardian for someone who is missing.
- ✓ Check how people are managing and safeguarding their affairs.
- ✓ Check whether care and support bills are being paid and by whom. Non-payment or obstructing financial assessment can be a red flag.
- ✓ Obtain the persons consent to share your concerns. Tell them what you will share and who with.
- ✓ If you need help, call our Care Connect service who can put you in touch with someone to talk to. For out of hours assistance, contact the Emergency Duty Team.
 - Care Connect
01275 888 801
Monday to Friday 8am - 6pm
 - In an **emergency please ring 999** and ask for the police.
 - Emergency Duty Team
01454 615 165
Out of hours and weekends
 - If you are deaf or hearing impaired
text 'EDT' followed by your name and message to 60066
you will be sent an immediate autoreply to confirm that your text has been received
you will be contacted by an Emergency Duty Team officer via text, to discuss your concerns - this should happen within 30 minutes, although during busy periods this may take longer
texts will cost your standard network rates

9. What if the person doesn't want me to share information?

People drawing on care and support may not give their consent to the sharing of safeguarding information for several reasons. For example, they may be frightened of reprisals, they may fear losing control, they may not trust social services or other partners, or they may fear that their relationship with the abuser will be damaged.

If a person refuses intervention to support them with a safeguarding concern, or requests that information about them is not shared with other safeguarding partners, you should

- Explore the reasons for the person's objections – what are they worried about?
- Explain the concern and why you think it is important to share the information.
- Tell the person who you would like to share the information with and why.
- Explain the benefits, to them or others, of sharing information – could they access better help and support?
- Discuss the consequences of not sharing the information – could someone come to harm?
- Reassure them that the information will not be shared with anyone who does not need to know.
- Reassure them that they are not alone, and that support is available to them.
- Record the reasons for not intervening or sharing information.
- Complete a risk enablement plan (where appropriate).
- Try to build trust and use gentle persuasion to enable the person to better protect themselves.
- Refer to relevant support services in the community (with permission).
- Regularly review the situation.

However, there are several circumstances where partners, practitioners, staff/volunteers/students can reasonably override such a decision, including:

- You have a lawful basis for sharing without consent under the GDPR & Data Protection Act 2018.
- The individual has been assessed as not having the mental capacity to make that decision – this must be properly explored and recorded in line with the Mental Capacity Act.
- Other people are, or may be, at risk, including children.
- Sharing the information could prevent a crime.
- The alleged perpetrator has care and support needs and may also be at risk.
- A serious crime has been, or may be, committed.
- A person in a position of trust have been implicated in the abuse and neglect of the individual.
- The person has the mental capacity to make that decision but they may be under duress or being coerced.
- The risk is unreasonably high and meets the criteria for Multi-Agency Risk Management (MARM).

- You have a legal obligation to disclose.

If the person cannot be supported to give their consent then, unless it is considered dangerous to do so, it should be explained to them that the information will be shared without consent. The reasons should be given and recorded. In these circumstances it would be good practice to only share information without consent in the context of a documented risk assessment. Decisions about who needs to know and what needs to be known should be taken on a case-by-case basis, within agency policies and the constraints of the legal framework.

Partners need to work jointly to provide advice, support and protection to the individual to minimise the possibility of worsening the persons situation or triggering retribution from the abuser.

10. Making s42 enquiries into financial abuse

S.42 enquiries into financial abuse will follow local safeguarding procedures. 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](#).

There are three key elements to a safeguarding enquiry:

10.1. 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](#).

10.2. 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](#).

10.3. 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.

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 social care practitioner.

Care Charging & Debt Management Team

Care Charging & Debt Management Team work to recover debts. They have regular communication with people 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 the social care practitioner supporting the person. The referral could seek Corporate Appointeeship or Deputyship where there have been allegations of financial abuse and where the person 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 person'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 Team

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. Any concerns around suspected financial irregularities can also be reported through the Council's whistleblowing procedure:

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 a criminal investigative 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 (subject to completing caseloads and 'triage' assessment of the particular circumstances).
- Assist the Police in the development of intelligence in relation to the allegation of financial abuse.

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. This includes:

- Independent Mental Capacity Advocacy (IMCA)

The IMCA role is a statutory role introduced by the Mental Capacity Act (2005). The IMCA role, and its parameters, are defined in the Mental Capacity Act Code of Practice.

IMCAs work independently of North Somerset Council. The role of the IMCA is to provide independent safeguards for people who lack capacity to make certain important decisions and, at the time such decisions need to be made, have no-one else (other than paid staff) who is appropriate to support and represent them or to consult with.

There is a requirement under the Mental Capacity Act for responsible bodies to consider whether an IMCA should be instructed in safeguarding enquiries or Safeguarding Adult Reviews (SAR). IMCAs can only work with an individual once they have been instructed by

a responsible body.

- Independent Care Act Advocacy (ICAA)

An ICAA is an advocate working independently of North Somerset Council and appointed under the Care Act (2014). The role of an ICAA involves supporting people to have a voice to facilitate and maximise their involvement in a wide range of adult care and support processes.

ICAA's promote social inclusion, equity, and social justice by working alongside people to listen to and represent their experiences, wishes, views, interests, and feelings, without prejudice. This empowers people to make decisions, secure their rights, get the services they need, and, where appropriate, challenge decisions made by the North Somerset Council.

The advocacy duty under the Care Act (2014) applies equally to adult carers with support needs, adults with care and support needs, and young people moving to adult care services, regardless of where they live, ethnicity, disability, sex, gender identification, sexual orientation, level of income, faith group, or the nature of the support receive.

An ICAA may be referred to as a section 67 or section 68 advocate. This distinction is set out below.

- Section 67 advocate: An advocate allocated to support a care and support process not related to safeguarding.
- Section 68 advocate: An advocate allocated to support a safeguarding process

The [IMCA and ICAA services are provided by the Advocacy People.](#)

You can find out more about advocacy in North Somerset by reading the [councils advocacy policies.](#)

Contact Details

Team	Web	Email	Phone
Safeguarding Adults Team	https://n-somerset.gov.uk/my-services/adult-social-care-support/contact-us-adult-social-care/safeguarding-adults-north-somerset	SafeguardingAdultsTeam	01275885222
Audit	NA	Peter.cann@n-somerset.gov.uk	01275 88 4750
Financial Assessment and Benefits Team	NA	Fab.Team@n-somerset.gov.uk	01275 888 777
Income Section Team	NA	income.section@n-somerset.gov.uk	01275 884 387
Court of Protection Team	https://www.gov.uk/courts-tribunals/court-	receiverships@n-somerset.gov.uk	01275 884382

	of-protection		
Legal Services	Legal Services Request	legal.Support@n-somerset.gov.uk	01275 888780
Trading Standards	https://n-somerset.gov.uk/business/trading-standards	trading.standards@n-somerset.gov.uk	01275 888634 option 4
Contracts & Compliance	NA	qualitymonitoring.adultservices@n-somerset.gov.uk asc.contracts&commissioningteam@n-somerset.gov.uk	01934 427409
Direct Payments Team	https://n-somerset.gov.uk/my-services/adult-social-care-health/get-help-support/getting-started-if-you-need-care-support/paying-your-care-support/direct-payments	Personalised commissioning email	01934 427611
IMCA & Safeguarding Advocacy	https://www.theadvocacypeople.org.uk/	info@theadvocacypeople.org.uk	0330 440 9000

Appendix B – External Services & Organisations

Citizens Advice Bureau North Somerset

Provide free, confidential and independent advice to people living and working in North Somerset - [Home - Citizens Advice 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 - [Protecting vulnerable adults | Avon and Somerset Police](#).

NHS Counter Fraud Authority

Where a practitioner has concerns that NHS funds are being defrauded or misused they can report their concerns by either by phone or online - [Report NHS Fraud | Home | NHSCFA](#).

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 - [Office of the Public Guardian - GOV.UK](#).

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

[Court of Protection - GOV.UK](#)

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

[Become an appointee for someone claiming benefits - GOV.UK](#)

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.

[Contact us - Care Quality Commission](#)

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
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			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		lsudmsouth@avonandsomerset.police.uk	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](http://www.og.gov.uk) 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](#) 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, 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 an 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 a 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 agreement
- 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.](#)
- [The Financial Abuse of Older People – A review from the literature, Help the Aged, 2008](#)
- [Surviving Economic Abuse](#)
- [Money Helper – Financial Abuse](#)
- [Elder Financial Abuse](#)
- [Local Policies, Procedures and Practice Guidance](#)
- [Bournemouth University Financial Scamming Research](#)
- [Age UK](#)
- [Refuge](#)
- [The Economic Abuse Toolkit – HM Treasury](#)
- [Screening for Economic Abuse](#)