

**HALTON**

**SAFEGUARDING**

**ADULTS**

**BOARD**



# Financial Abuse Toolkit

March 2023

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***This Financial Abuse Toolkit has been based on the same model produced by East Sussex County Council, as identified as a model of best practice in helping to safeguard against financial abuse.***

## Policy Summary

<b>Document name</b>	Financial Abuse Toolkit
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<b>Superseded document(s)</b>	Financial Abuse Toolkit 2015
<b>Equality Impact Assessment</b>	Not Required

# 1. Why do we need a financial abuse toolkit?

## What is financial abuse?

Financial abuse is:

“The unauthorised and improper use of funds, property or any resources belonging to another individual”

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

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

## What is the scale of the problem?

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

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

It is estimated that between 1-2% of people aged 65 or over in the United Kingdom have been a victim of financial abuse since turning 65. This would mean approximately 130,000 people have suffered financial abuse at some point since turning 65.

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

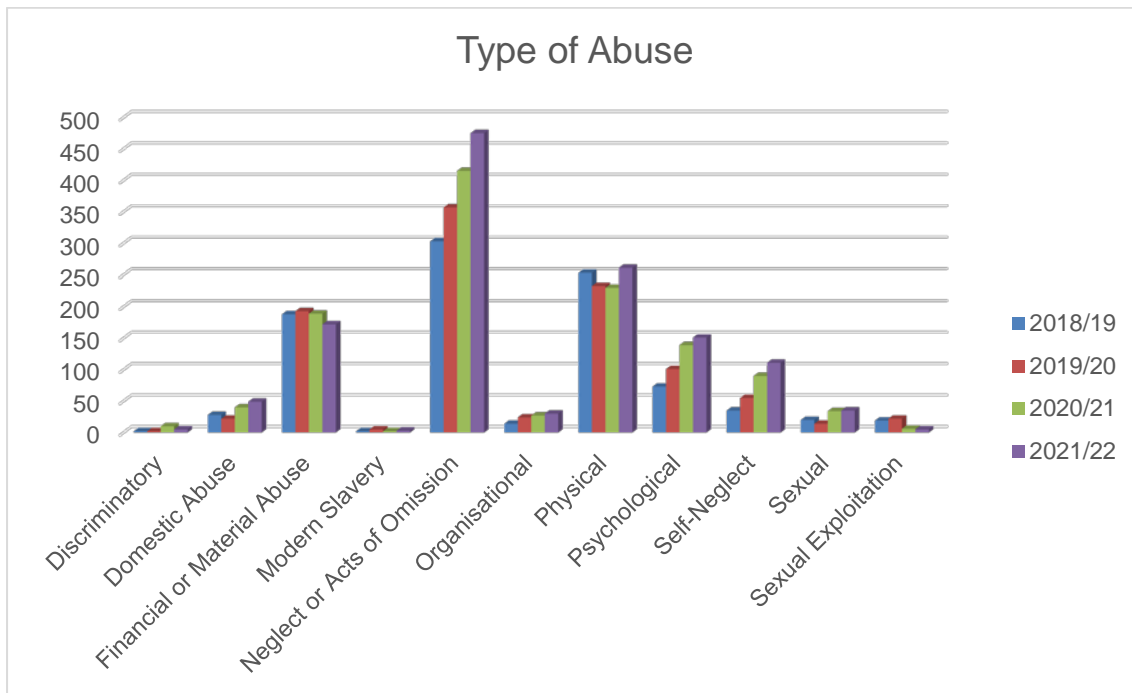
## Local Context

Halton Borough Council was created as a unitary council in 1998, with the two largest settlements of Runcorn and Widnes facing each other across the River Mersey. Halton is also part of the Liverpool City Region Combined Authority.

Halton has a population of 129,759 (based on 2020 figures), of which over 24,000 are aged 65 or over.

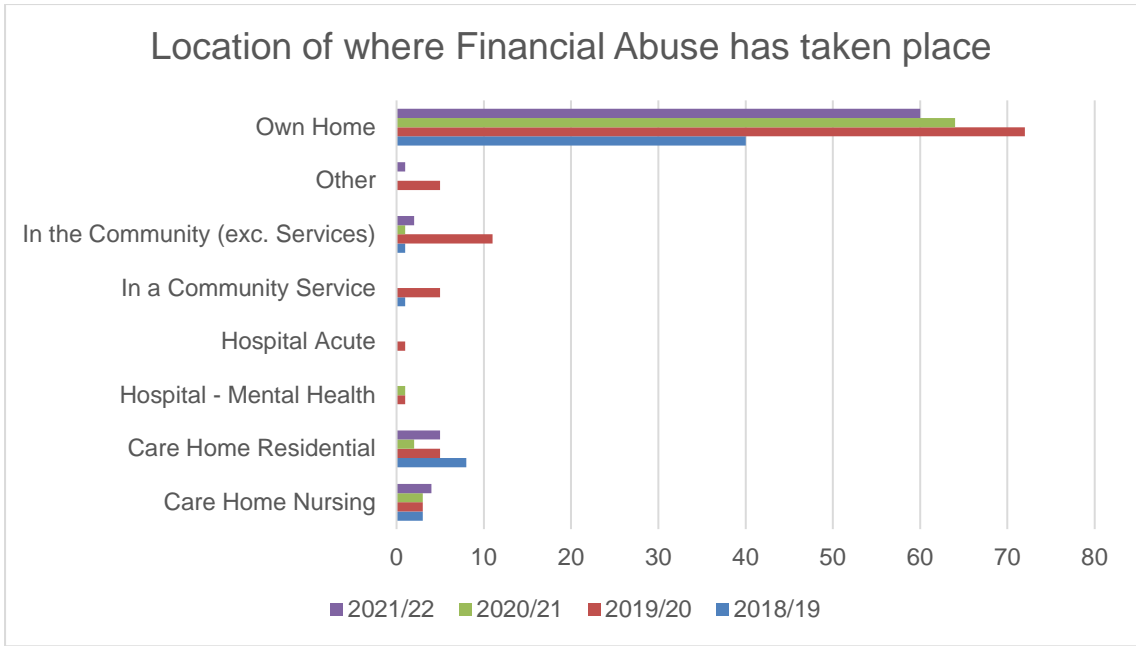
The following graphs illustrate the breakdown of safeguarding concerns received in Halton over the last 4 years.

This first graph shows the different types of abuse that have been raised as safeguarding concerns over a four year period. From this graph we can see that Neglect and Act of Omission, Physical Abuse and Financial or Material Abuse have been most prevalent in Halton.

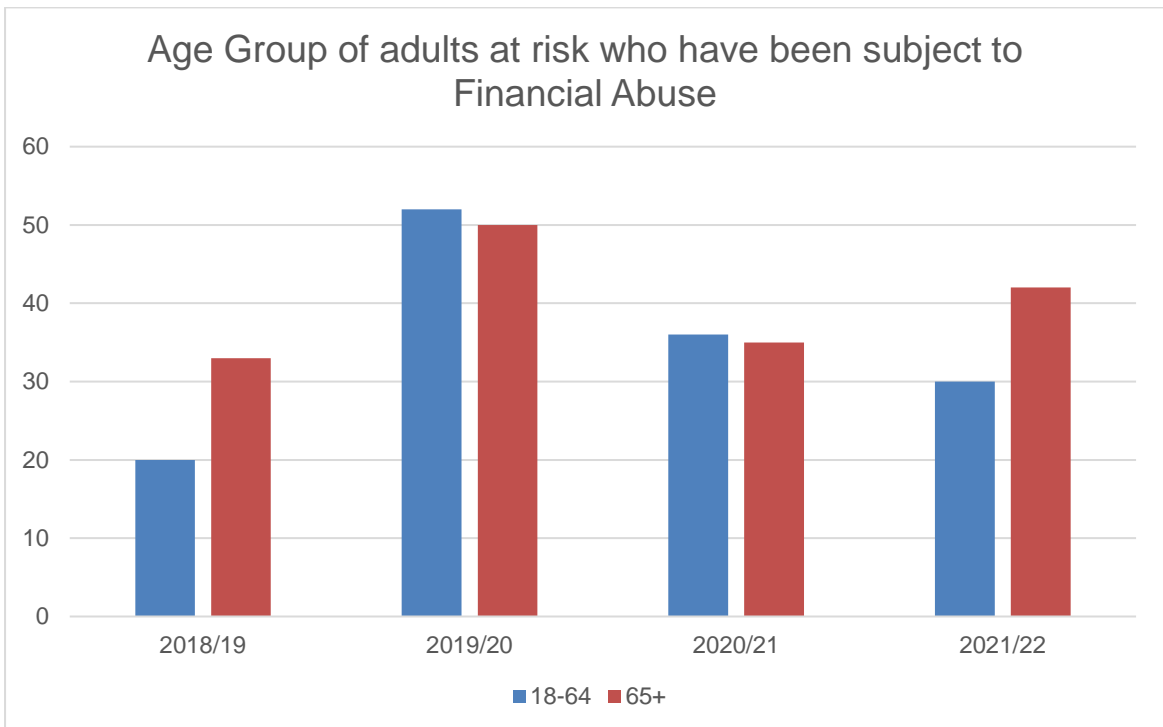


For safeguarding concerns which have progressed to Section 42 enquiries, the following graph shows the location of abuse for those adult at risk who have been subject to financial or material abuse.

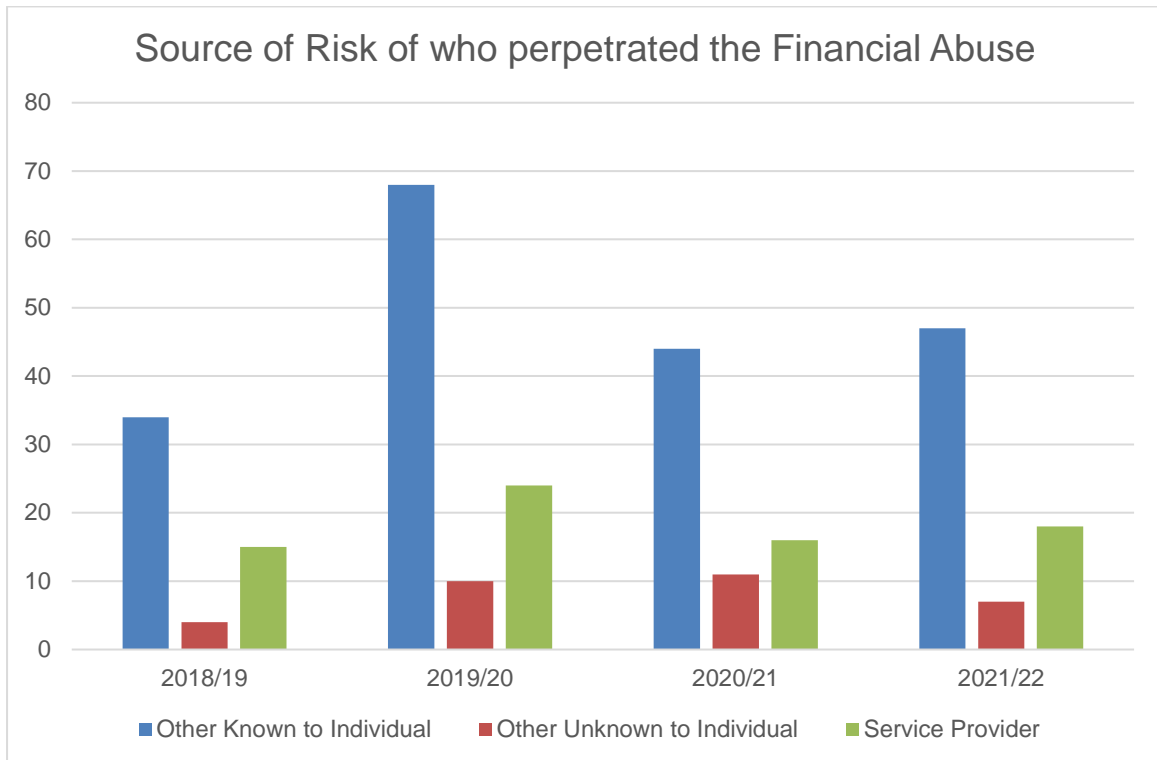
As the graph illustrates, an adult at risk is most likely to be subject to financial abuse in their own home in Halton, this was consistent over the four year period and by a large margin.



For those adults at risk who have been subject to financial abuse in Halton and where the safeguarding concern has progressed to Section 42 enquiries, the following graph shows the breakdown in age group for the adults at risk between those aged 18-64 and 65+. As you can see, you are at a slightly greater risk of being subject to abuse in the 65+ age group.



Finally, for those adults at risk who were subject to financial abuse and the safeguarding concern was progressed to Section 42 enquiries, the following graph illustrates who the alleged perpetrator of the financial abuse was. Across all 4 years, financial abuse was most likely to be perpetrated by someone the adult at risk knew, with the smallest risk being posed by someone who was unknown to them.



### What is the purpose of the toolkit?

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

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

The financial toolkit will:

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



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

## 2. Financial abuse and safeguarding

### The role of Adult Social Care in safeguarding

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

Under Section 42 of the Act, local authorities must undertake an enquiry (or cause an enquiry to be made) where the following three criteria are met:

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

**Please note:** carers are also included where they meet the three main criteria.

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

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

An outcomes-focused approach is central to safeguarding practice. This includes, wherever possible, a conversation with the adult at the earliest opportunity. The adult's mental capacity will be considered, and a referral for advocacy made, if appropriate. The Making Safeguarding Personal (MSP) programme emphasises that safeguarding should be person centred and outcomes focused. The purpose of the national MSP outcomes framework is to provide a means of promoting and measuring practice that supports an outcomes focused and person led approach to safeguarding.

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

In line with the Care and Support Statutory Guidance which supports the implementation of the Care Act 2014, local authorities may make such enquiries or request other agencies to make them on its behalf.

If an adult does not meet the three main criteria for a safeguarding enquiry, they are signposted to appropriate agencies such as the Police or Trading Standards.

## When should a safeguarding concern be raised?

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

### Coercion

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

### Exploitation of position of trust

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

### Deception

- ❖ Goods or services purchased in someone's name but without their consent
- ❖ Forgery
- ❖ Altering ownership of property without consent

### Money redirected to others

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

## Other types of financial abuse

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

## The link between financial abuse and domestic abuse

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

Whilst not an exhaustive list, these behaviours can include:

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

### 3. Why is recognising adult financial abuse important?

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

Financial abuse is often accompanied by physical abuse or neglect.

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

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

#### How does financial abuse affect someone?

A person may experience any of the following:

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

## 4. Recognising someone at risk of financial abuse

### Profile of an adult at risk of financial abuse

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

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

Adult Social Care practitioners, other professionals or providers may have difficulties in detecting financial abuse for a variety of reasons which can include:

- ❖ The adult may be reluctant to speak out through a sense of shame, or fear of repercussions, such as the family member withdrawing their support
- ❖ A belief that financial matters are private and raising concerns may seem like an intrusion

- ❖ An adult may not recognise the abuse
- ❖ It may often start out as a legitimate transaction, but escalate over time making it difficult to identify when it has tipped over into being abuse
- ❖ It can be difficult to spot if an adult is being coerced

## 5. Who is likely to perpetrate financial abuse?

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

### Family members:

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

### Professionals may:

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

Financial abuse may also be perpetrated by individuals who are initially strangers and seek out vulnerable adults with the intention of exploiting them. This includes mass marketing fraud, identity theft, scams or rogue traders.



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

### Indicators of financial abuse

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

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

### Romance Scams

Romance fraud is where a person is tricked into making payments to someone they have met online, such as social media or dating apps. Fraudsters set up fake profiles, which they then use to build a relationship with the victim. This is also known as catfishing. The fraudster builds up trust and the victim is tricked into thinking they are in a genuine relationship, they then start to ask for money or vouchers. For example they claim they need money for an emergency situation, or to pay for transport costs to visit you if they are overseas, often promising to pay you back afterwards.

Some of the things to look for:-

- ❖ They tell you they have met someone online, who claims to have strong feelings for them, despite only knowing them for a short period of time
- ❖ The person moved the conversation from the dating site or social media to something more personal such as texts or emails
- ❖ Spelling and grammar mistakes
- ❖ They have never met the person or spoken to them over the phone and they have made claims such as their camera isn't working as an excuse

- ❖ They have been asked to send money or purchase gift cards or presents when they have never met
- ❖ A victim of a romance fraud may become secretive. They may be hostile or angry, and withdraw from conversation when you ask any questions about their partner

If you believe someone is a victim of a romance fraud, then it can be reported Action Fraud on 0300 123 2040 or via [actionfraud.police.uk](https://actionfraud.police.uk). If money has been handed over, or bank details have been compromised then you should also contact their bank immediately. Halton Trading Standards may also be able to provide support to the victim, alongside Cheshire Police. Some useful scams advice is as below

### **Friends Against Scams booklet**

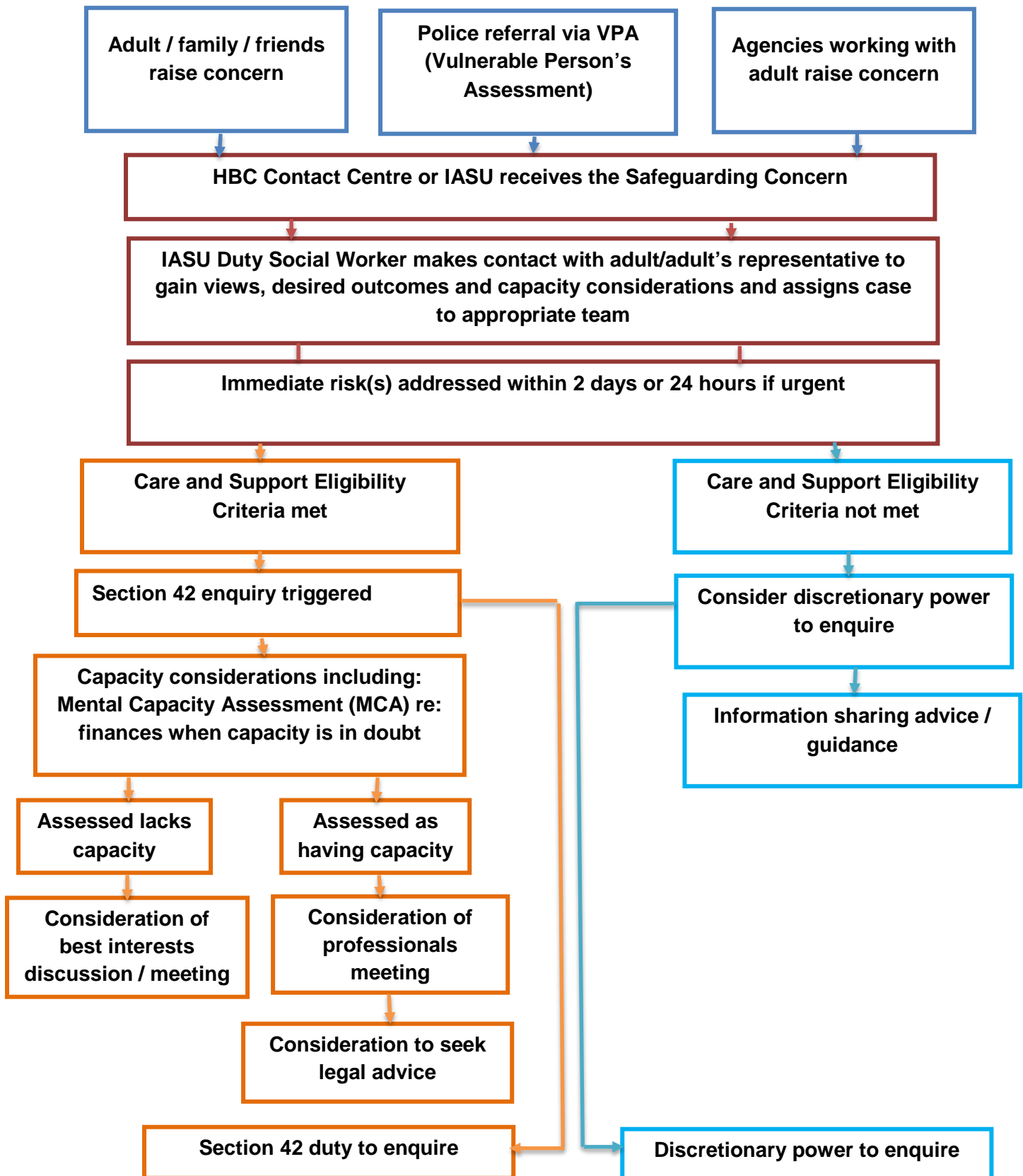
[https://www.friendsagainstscams.org.uk/shopimages/Leaflet/Protection\\_from\\_scams\\_guide.pdf](https://www.friendsagainstscams.org.uk/shopimages/Leaflet/Protection_from_scams_guide.pdf)

### **Take Five to Stop Fraud**

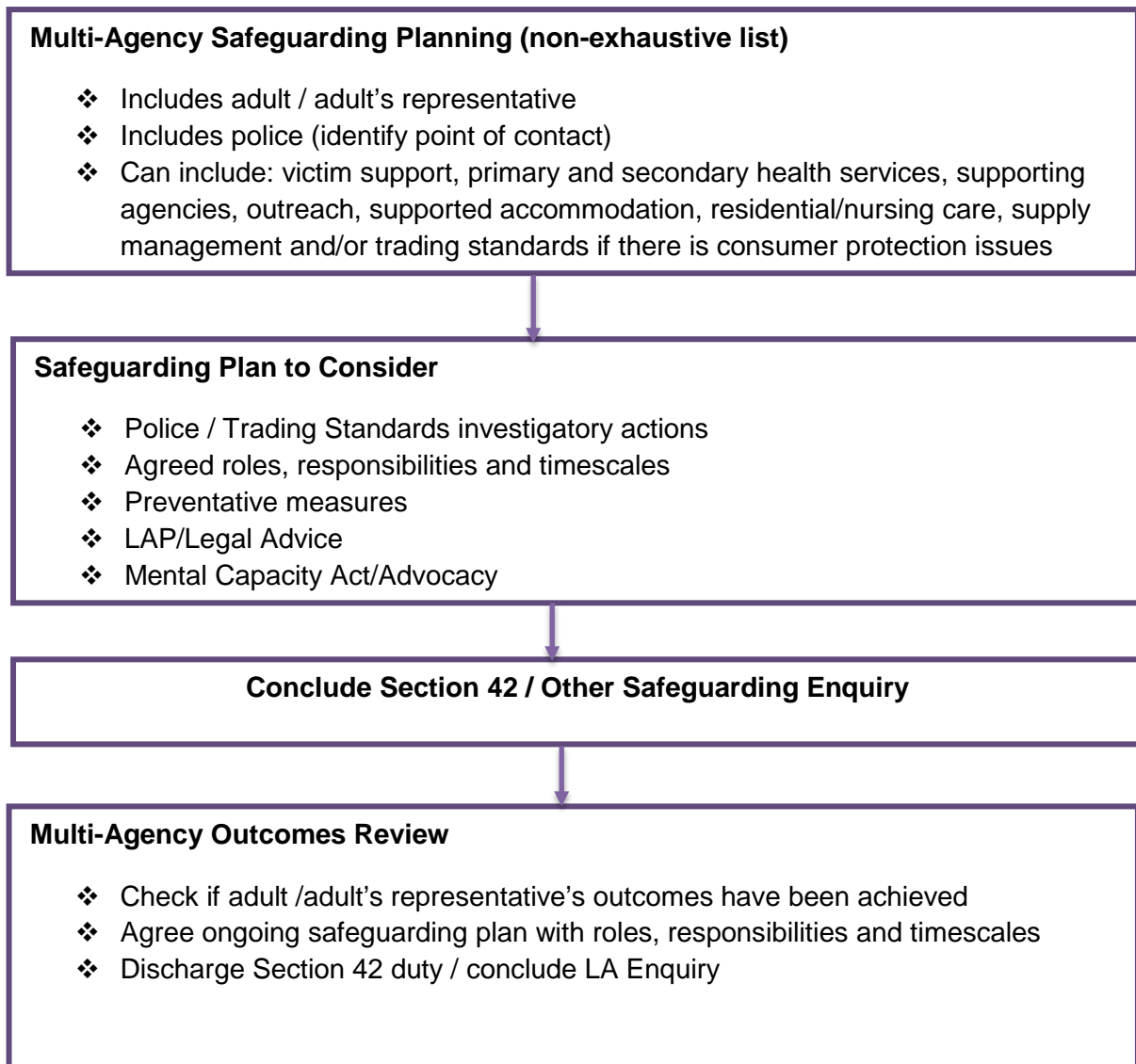
[Take Five - To Stop Fraud | To Stop Fraud \(takefive-stopfraud.org.uk\)](https://takefive-stopfraud.org.uk) – also has a useful toolkit and leaflets / resources

## 7. Safeguarding against financial abuse flowchart

### Safeguarding Against Financial Abuse: Flowchart 1



## Safeguarding Against Financial Abuse: Flowchart 2



## 8. Planning an enquiry into financial abuse

### What is an enquiry?

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

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

The objectives of the enquiry are to:

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

A safeguarding enquiry into alleged financial abuse will need:

- ❖ To identify the person or organisation responsible for the financial abuse, and enable the adult experiencing financial abuse to achieve resolution and recovery
- ❖ To consider welfare and prevention alongside any enquiry actions
- ❖ To work with the adult to identify and manage their expectations and focus on their desired outcomes
- ❖ To consider the breadth of remedies available to the adult at risk of financial abuse
- ❖ A well planned strategy meeting or discussion which involves and uses the skills of partners at the earliest opportunity

### Obtaining consent to undertake an enquiry

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

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

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

- ❖ Others are, or will be, put at risk if nothing is done

- ❖ It is in the public interest to take action because a criminal offence has occurred

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

### **Making Safeguarding Personal**

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

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

Enquiries into financial abuse will follow the standard safeguarding procedures as set out in [Halton's Safeguarding Policy and Procedure documents](#)

## 9. Who can help with what?

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

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

### Cheshire Police

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

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

Anyone can report a crime or suspected crime to the police. This can be done by calling **101** or by using the following online reporting tool:

<https://www.cheshire.police.uk/ro/report/ocr/af/how-to-report-a-crime/>

In an emergency situation call the police immediately on **999**.

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

When an allocated work is co-ordinating a financial abuse enquiry and suspects that a crime may have been committed, Cheshire Police should be notified. The Police will then review the information and determine whether there is evidence to suggest that a criminal offence has been committed.

Cheshire Police will identify an adult's vulnerability at the first point of contact through a face-to-face visit and visual assessment. A scored risk assessment is also completed, and this is graded as standard, medium or high. This is recorded on the Vulnerable Persons Assessment (VPA) and where appropriate, usually in cases identified as medium or high, this is forwarded to a partner agency for information and/or intervention.

### Trading Standards

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



## **Advice and support for vulnerable victims**

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

If the matter involves criminal activity, then Trading Standards may investigate this, in addition to giving support to the victim. Rogue Trading (also known as door step crime) is a common matter for investigation relating to financial abuse. Vulnerable consumers are targeted by traders who fraudulently miss-sell or overcharge for goods or services. This can arise from an unsolicited knock on the door, telephone call or leaflet drop. It can also occur where the consumer invites a trader to their home, such as after searching on the internet for traders to carry out work. This can often lead to unnecessary work, which is overpriced, unfinished, or carried out to a poor standard. Roofing, insulation, energy saving devices, driveways and building works, are recurrent sources of this type of complaint. In most circumstances, where a consumer agrees to work at home, which is over £42, then by law they must be given a written notice of their right to a 14 day cooling off period. If they wish to complete work before the expiry of 14 days the consumer must specifically state this in writing. Failure to comply is a criminal offence, which can be investigated by Trading Standards.

If criminal action is taken, there are a range of measures that can be provided to safeguard vulnerable victims when giving evidence in criminal proceedings, such as giving evidence via video link.

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

## **Supporting victims of scams**

Trading Standards receive referrals from the National Trading Standards Scams Team concerning adults who may have fallen victim to mass marketing fraud. Support is provided to some of those adults, which could involve a visit from a Trading Standards Officer and, if appropriate, an Age UK or Citizens Advice representative, for support and advice. Those identified with dementia who are vulnerable to telephone scams and nuisance calls are eligible for a 'True Call' call blocker device to help prevent further abuse taking place.

## **Reporting of Fraud**

There is an Information Sharing Agreement between the police and Trading Standards across Cheshire which ensures that information received by one agency can be shared with the other. Action Fraud is the national recording hub for all fraud.

However, if a victim is potentially vulnerable, fraud should be reported directly to the police on **101** enabling a uniformed visit, accurate crime recording (including with Action Fraud) and, where appropriate, information can then be shared with Trading Standards.

### **Assisting with Safeguarding Enquiries**

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

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

### **Banks**

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

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

### **Halton Borough Council**

The following Halton Borough Council teams can provide advice and support in relation to financial abuse:

- ❖ Income, Assessment & Debtors Service
- ❖ Revenue and Benefits Team
- ❖ Direct Payments Team
- ❖ Audit & Investigations Team and Human Resources
- ❖ Legal Services
- ❖ Corporate Fraud Team

## **Income, Assessment & Debtors Service**

This service comprises of two teams – the Income & Assessment Team and the Income Recovery Team.

The Income & Assessment Team may be able to provide financial documentation that may be held in relation to a financial assessment application. Requests for this information should be emailed to [fairercharging@halton.gov.uk](mailto:fairercharging@halton.gov.uk) clearly stating that the information is being requested as part of a safeguarding enquiry. The team can be contacted on **0151 511 7888**.

The team is not able to share this information until a safeguarding concern has been raised, as financial information will only be shared on a need to know basis in accordance with General Data Protection Regulation.

The Income & Assessment Team is able to assist in gathering and interpreting information for the purposes of completing a safeguarding enquiry. This can include providing contacts to banks, solicitors, Department for Work and Pensions etc. as necessary to the investigation.

Where possible a representative from the Income & Assessment Team should be invited to strategy meetings at the earliest opportunity.

The Income & Assessment Team can assist with the gathering of some financial information if it is considered to be part of a financial assessment, but it is not in their remit to carry out visits to gather information specifically in relation to financial abuse safeguarding enquiries.

The Income Recovery Team can assist with the provision of payment history in relation to social care invoice financial information. This team has regular contact with clients or their representatives, where invoices for their contribution towards care services remain unpaid. The team may have details as to the reasons for this and make arrangements for the payment of debt due to be paid to the local authority.

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

The team can be contacted via email at [incomerecovery@halton.gov.uk](mailto:incomerecovery@halton.gov.uk) or by telephone on **0151 511 8811**.

## **Revenue and Benefits Team**

This team deal with information in relation to Housing Benefit, Council Tax Reduction and Council Tax payments. The team may hold financial details declared as part of

the Housing Benefit or Council Tax Reduction application process. The team may also be able to provide details around payments for Council Tax.

### **Direct Payments Team**

This team holds information concerning all Direct Payment accounts held in Haton. The Direct Payments Team provide a financial monitoring service, checking the validity of Direct Payment spend and make regular payments to clients to meet their ongoing care needs.

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

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

The team will be able to provide information regarding any employment arrangements.

The team can be contacted via email at [directpayments@halton.gov.uk](mailto:directpayments@halton.gov.uk) or by telephone on **0151 511 7575**

### **Audit & Investigations Team and Human Resources**

Audit and Investigations team has an important role in investigating financial abuse and must be informed when the person alleged to be responsible is a Halton Borough Council employee. Human Resources also have an important role in employee related investigations and must be consulted with in such circumstances. In these circumstances the line manager of the employee in question should contact Human Resources for support and guidance.

Audit and Investigations must also be informed when there has been a loss of Halton Borough Council monies and/or assets. This contact should be made by the officer who has identified the loss or their line manager.

In the above cases, consideration should be given to inviting Audit & Investigations Team and/or Human Resources to a strategy meeting, as their degree of involvement will have to be determined on a case by case basis.

Human Resources can be contacted via email at [employment.relations@halton.gov.uk](mailto:employment.relations@halton.gov.uk)

The Audit & Investigations team can be contacted via email at [internal.audit@halton.gov.uk](mailto:internal.audit@halton.gov.uk)

## Legal Services

Where financial abuse is suspected and legal advice is required, Legal Services should be contacted at the earliest opportunity. Legal Services can provide advice regarding any remedies available as well as any legal processes available to safeguarding the adult at risk.

## Voluntary Organisations

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

### Age UK Mid Mersey

Age UK Mid Mersey offers support to people aged 50+ who have been affected by scams.

The support provided includes:

- ❖ Advice via:
  - Telephone
  - At the Age UK Mid Mersey office or Widnes Market
  - Home visits
- ❖ Home visits
- ❖ Short term support from a Wellbeing Officer or volunteer where loneliness is a factor in a person's risk of being scammed
- ❖ Group awareness sessions to Age UK Teams or partner organisations
- ❖ Free information guides and factsheets provided by Age UK National

For further information, please see the [Age UK website](#)

### Citizens Advice

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

For further information, please see the [Citizens Advice website](#)

### Cheshire Fire and Rescue Service

Cheshire Fire and Rescue service undertakes home safety visits which include identification of scams. Any identified concerns will be raised as safeguarding concerns to the relevant local authority.

For further information, please see the [Cheshire Fire and Rescue Service website](#)

## 10. Seeking Legal Redress

### The Criminal Courts

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

For more information about theft and fraud, please see the [Theft Act 1968](#) and the [Fraud Act 2006](#).

### The Civil Courts

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

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

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

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

### Office of the Public Guardian

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

A local authority can make representations to the Office of the Public Guardian if there is reasonable belief that an attorney or deputy is not acting in the adult's best interest. The phone line for reporting concerns is **0115 934 2777**. For further details please see [Office of the Public Guardian](#)

### The Court of Protection

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

These include:

- ❖ Making an order prohibiting a named person from having contact with the adult experiencing financial abuse

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

In addition, the Court can simply set aside gifts or wills on the grounds that per person lacked capacity at the relevant time. For further details, please see [Court of Protection](#)

### **The High Court**

The High Court can:

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

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

A person acting as a 'litigation friend i.e. representing an adult with mental health issues, can also apply to the High Court for recovery of funds. For further details please see [High Court](#)

### **The Legal Ombudsman**

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

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

The Legal Ombudsman can be contacted on **0300 555 0333** or at [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

Further information can be found at [Legal Ombudsman](#)

## 11. Protecting adults at risk of financial abuse

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

### Appointeeship

An appointee is someone appointed under the Social Security (Claims and Payments) Regulations 1987 to claim and collect social security benefits on behalf of an adult who lacks capacity to manage their own benefits. The Local Authority may apply to for appointeeship for a client if there is no other appropriate person to take on this role.

### Deputyship

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

Where an adult lacking capacity does not have anyone to act as their deputy, or if there is a safeguarding issue, an application can be made by the local authority to act as deputy. The Local Authority would only apply to become a financial deputy for a client. Welfare deputyships are dealt with by legal services.

### 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.

### The Mental Capacity Act 2005

In relation to adult safeguarding, the Act introduced four key elements:

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

For more details, please see the [Mental Capacity Act Code of Practice](#)

### Office of the Public Guardian (OPG)

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



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

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

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

### Court of Protection

The Court of Protection has the power to:

- ❖ Decide whether an adult has capacity to make a particular decision for themselves
- ❖ Make decisions on financial or welfare matters on behalf of an adult who is unable to do so
- ❖ Appoint a deputy to act for someone who is unable to make their own decisions
- ❖ Enable a third party to look into the financial affairs of someone under the Court's jurisdiction where financial abuse is suspected, and to safeguard the adult's resources, if appropriate
- ❖ Decide whether a Lasting or Enduring Power of Attorney is valid
- ❖ Hear cases concerning objections to the registration of a Lasting or Enduring Power of Attorney
- ❖ Remove deputies or attorneys who fail to carry out their duties

## 12. Who to inform when financial abuse is suspected

### Financial abuse involving Adult Social Care Monies

As soon as a practitioner suspects an irregularity affecting adult social care monies e.g. personal budgets, it is their duty to:

- ❖ Raise a concern in accordance with the Halton Safeguarding Adults Policy and Procedures (please see [Halton Safeguarding Adults](#))

Within Halton Borough Council a Corporate Fraud Team was established in November 2015, this team is now incorporated within the Audit & Investigations team. The purpose of this team is to conduct investigations into all types of fraud within the Council other than Housing Benefit. The types of fraud investigated by this team include:

- ❖ Insurance
- ❖ Adult Social Care
- ❖ Direct Payments
- ❖ Council tax – discounts/disregards/reduction
- ❖ Blue badge
- ❖ Procurement – contract fraud
- ❖ Internal – staff members
- ❖ Concessionary travel
- ❖ Business rates
- ❖ Tenancy fraud

If you have any concerns or suspect fraud is taking place, you can contact the team via email at [fraud@halton.gov.uk](mailto:fraud@halton.gov.uk) or by telephone on **0151 511 7799**

### Financial abuse within a regulated service

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

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

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

## 13. Preventing financial abuse

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

### Education and Training

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

### Working with adults at risk of financial abuse

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

The following should be considered in individual cases:

- ❖ The risk of potential exploitation should be included in the adult's support plan, and shared with care providers
- ❖ Referral to an independent advocate may enable an adult to express themselves in a potentially abusive or actually abusive situation, or assist them in moving towards self-advocacy and independence
- ❖ Advising the adult of sources of useful information:

[Support with Confidence](#)

[Buy with Confidence](#)

[The Money Advice Service](#)

[The little book of big scams](#)

[Senior Fraud Protection Toolkit](#)

### Working with Partner Agencies

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

- ❖ Providing information and advice on how the adult can protect themselves from being deceived in relation to doorstep crime, rogue traders, loan sharks and mass marketing scams e.g. lottery, postal or internet scams

- ❖ Known scam victims can be supported by Trading Standards and Cheshire Police, and interventions can take place where necessary to support the person e.g. telephone call blockers

### **Policies and Procedures**

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

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

## 14. Case Example

Frank is 89 years of age and lives on his own within a Sheltered Accommodation Housing Scheme. Frank has a diagnosis of Parkinson's Disease and has support with his personal care, meal preparation and ensuring his medications are taken on time. His daughter Lola manages his finances for him and has 3<sup>rd</sup> party on his bank account.

Over recent months, Lola has not visited as often as she used to and has been on quite a few holidays. She now has his weekly shopping delivered and all bills are managed through direct debits.

One day whilst his carers were visiting, Frank mentioned to the carer that he had received a phone call from the bank. The bank had informed him that £200,000 had been taken from his account over a period of 6 months and the account had now been frozen. The bank stated that Lola had taken the money through the use of online banking. Frank told the carer he was angry. The carer reported the concern as a safeguarding concern to the local authority.

Through safeguarding enquiries being made, Frank was deemed to have full capacity and he did not want to refer to the police. Lola had an online gambling addiction, she was referred for support and accepted this help. Frank wanted his daughter to remain as third party on his bank account for a time when he was unable to make decisions for himself.

No further money was taken from his account. Lola would be the sole beneficiary of Frank's estate when he dies, he stated "she would get everything anyway". A Lasting Power of Attorney application was made for Frank to the Office of the Public Guardian, with his daughter identified as the Lasting Power of Attorney.

## 15. Useful Resources

Title	Document / Hyerlink
What happens when I can't make decisions for myself?, Office of the Public Guardian	 <p>When you can't make your own deci</p>
Become an Appointee	<a href="https://www.gov.uk/become-appointee-for-someone-claiming-benefits">https://www.gov.uk/become-appointee-for-someone-claiming-benefits</a>
Court of Protection website	<a href="#">Court of Protection</a>
HBC Whistleblowing Policy	<a href="http://hbc/teams/MARCOMMS/SharedDocuments/Whistleblowing%20Policy.pdf">http://hbc/teams/MARCOMMS/SharedDocuments/Whistleblowing%20Policy.pdf</a>
Money and Pensions Service	<a href="https://moneyandpensionservice.org.uk/">https://moneyandpensionservice.org.uk/</a>
Age UK Mid Mersey	<a href="https://www.ageuk.org.uk/midmersey/">https://www.ageuk.org.uk/midmersey/</a>
Halton Trading Standards	<a href="https://www3.halton.gov.uk/Pages/business/TradingStandards/Trading-Standards.aspx">https://www3.halton.gov.uk/Pages/business/TradingStandards/Trading-Standards.aspx</a>

## 16. Key Contacts

### Cheshire Police

Emergency ☎ **999**

Non-emergency ☎ **101**

Cheshire Constabulary, Public Protection Unit, Runcorn Police Station, Halton Lea, Runcorn, WA7 2HG

✉ [Halton.PPU@cheshire.pnn.police.uk](mailto:Halton.PPU@cheshire.pnn.police.uk)

🌐 [Cheshire Police](#)

### Halton Borough Council Adult Social Care

☎ **0151 907 8306**

Halton Direct Link – Runcorn Shopping City, Concourse Level, Rutland House, Runcorn Shopping City, Runcorn, WA7 2ES

Halton Direct Link – Widnes, 7 Brook Street, Widnes, Cheshire, WA8 6NB

Emergency Duty Team (for social services and operates when day offices are closed):

☎ **0345 050 0148**

✉ [EDT@halton.gov.uk](mailto:EDT@halton.gov.uk) (any email should be accompanied by a phone call)

### Care Quality Commission

Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA

☎ **03000 616 161**

Fax: **03000 616 171**

✉ [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

🌐 [Care Quality Commission](#)

### Trading Standards

☎ **0303 333 4300**


✉ [trading.standards@halton.gov.uk](mailto:trading.standards@halton.gov.uk)

🌐 [Halton Trading Standards](#)

## Cheshire Fire and Rescue

 [www.cheshirefire.gov.uk](http://www.cheshirefire.gov.uk)

## SHAP Advocacy Services

 01744 454 056

 [www.shap.org.uk](http://www.shap.org.uk)


## Independent Mental Capacity Advocate (IMCA)

Healthwatch Halton Advocacy HUB, Suite 5, Foundry House, Widnes Business Park,  
Waterside Lane, Widnes WA8 8GT

 [advocacy@ecstaffs.co.uk](mailto:advocacy@ecstaffs.co.uk)

 [Independent Mental Capacity Advocate](#)

## Citizens Advice Bureau (Halton)

 **03444 772 121** (Runcorn) **0151 257 2449** (Widnes)

 [advice@haltoncab.org.uk](mailto:advice@haltoncab.org.uk)

 [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## Action on Elder Abuse

A free helpline offering information, emotional support and confidentiality for anyone worried about an older person being abused, neglected or financially exploited.

 **080 8808 8141**

 [enquiries@elderabuse.org.uk](mailto:enquiries@elderabuse.org.uk)

 [Action on Elder Abuse](#)

## Age UK Mid Mersey

 **0300 003 1992**

 [enquiries@aukmm.org.uk](mailto:enquiries@aukmm.org.uk)

 [Age UK Mid Mersey](#)



## Action Fraud

☎ 0300 123 2040

🌐 [Action Fraud](#)

## Financial Conduct Authority

☎ 0800 111 6768

🌐 [Financial Conduct Authority](#)