



# OLDHAM SAFEGUARDING ADULTS BOARD, OLDHAM SAFEGUARDING CHILDREN PARTNERSHIP & OLDHAM COMMUNITY SAFETY PARTNERSHIP

## Financial Abuse and Exploitation Toolkit

A Toolkit providing an overview for Identifying, Preventing and Responding to Financial Abuse and Exploitation for everyone across Oldham to use



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# 1 Introduction

- 1.1 This document aims to explain plainly what Financial Abuse and Exploitation is and how everyone across Oldham can help identify, prevent, and respond to Financial Abuse and Exploitation.
- 1.2 This toolkit is primarily in relation to adults with care and support needs and is intended to complement each organisation's Safeguarding Policies and Procedures, the overarching Oldham Safeguarding s Board's Multi-Agency Safeguarding Adults [Policy](#) and [Procedures](#), and the [Greater Manchester Safeguarding Children Procedures](#). Local Safeguarding Policies and Procedures provide a framework through which a concern that an individual with care and support needs, who is unable to protect themselves from abuse can receive a coordinated multi-agency response which is both proportionate to the level of risk presented and involves the individual throughout. While practitioners may be experienced in recognising adults at risk, financial abuse and exploitation present very specific challenges. In this context, the toolkit is provided to aid any safeguarding adults response and to support the work of others involved with people who may be experiencing financial abuse and exploitation.
- 1.3 The toolkit aims to provide practitioners with the information they need to respond appropriately to suspected cases of financial abuse and exploitation and may also assist others to identify cases and offer support when safeguarding adult duties do not apply.
- 1.4 During 2022-23, financial abuse accounted for 10% of all Section 42 enquiries undertaken in Oldham. Financial abuse and exploitation can have a serious impact upon an individual, not only on their money or property but also on their overall wellbeing, physical and mental health.
- 1.5 The toolkit was developed by a multi-agency group of practitioners from Oldham who drew upon existing publications, specifically those produced by Newcastle<sup>1</sup> and North Somerset<sup>2</sup> Safeguarding Adults Boards.

# 2 What Is Financial Abuse/Exploitation?

- 2.1 Financial abuse is detailed within [the Care Act 2014](#) as well as the associated [Care and Support Statutory Guidance](#).
- 2.2 The locally agreed definition of Financial Exploitation is when someone is deceived or coerced into handing over monetary funds, assets, or property. Financial abuse often involves the targeting of a vulnerable individual and can happen through fraud, including wills or inheritance, blackmail, accumulating debts, or having money or property stolen – this includes situations where someone feels pressured into handing over money or property.
- 2.3 Examples might include:
- Forcing someone to give money or assets against their will
  - Staff or volunteers borrowing money or accepting gifts
  - Forgery
  - Forcing someone to change their will
  - Bogus/doorstep callers and rogue traders
  - Misuse of power of attorney
  - Non-payment of care fees
  - Taking some or all of an individual's benefits
  - Controlling access to an individual's finances
  - Postal, internet, telephone, and SMS scams, including courier and romance fraud
  - Cuckooing or home invasion where a vulnerable individual's property is taken over for the purposes of criminal activity (often drug-dealing)
  - Illegal money lending i.e. people who obtain loans without any paperwork or repayment end date
  - Obtaining a Power of Attorney when an individual lacks the mental capacity to make the decision

- Not giving change, taking reward points or buy-one-get-one-free offers when carrying out shopping tasks
- Forcing someone to take out a contract (e.g. mobile phone contract) for someone else.

2.4 Financial abuse/exploitation might not be happening in isolation. It can be linked to other types of abuse, in particular:

- Domestic abuse: Financial abuse (often referred to as economic abuse in this context) is one of a range of controlling behaviours used by perpetrators of domestic abuse.
- Organisational abuse: Where an organisation and their staff have access to and/or manage money on behalf of an individual there may be the opportunity for financial abuse and exploitation. Where abuse is a result of poor policy, procedures, or systems this would be seen as organisational abuse.
- Self-neglect: A lack of self-care (including of personal care and of the home environment) might be as a result of financial difficulties brought about by financial abuse and exploitation.

### 3 Identifying Financial Abuse/Exploitation

3.1 The following list of signs and indicators is not exhaustive and the presence of one or more of these does not always mean that financial abuse and exploitation is occurring. However, their presence may prompt the need for further exploration.

- Change in living conditions
- Lack of heating, clothing, or food
- Inability to pay bills/unpaid bills (particularly where someone else is responsible for managing finances)
- Sudden change in ability to pay bills or payment patterns
- Discrepancies between how much income someone should have and their available income to cover their expenditure
- Unexplained withdrawals from an account or sudden changes in bank accounts
- Unexplained loss/misplacement of financial documents
- The recent addition of authorised signatories on a client or donor's signature card
- Sudden or unexpected changes in a will or other financial documents
- Signatures that do not resemble the individual's normal handwriting – or a signature when the individual is too unwell to be able to write
- The sudden and unexplained transfer of assets to someone else
- Isolation of an individual from friends and family
- People who have been in significant arrears/debt but are suddenly able to pay the debt with cash
- Someone starting to engage in criminal behaviour, such as petty theft, shop lifting, selling and/or using drugs
- People not having access to their own bank accounts or benefits
- An individual stating that someone else is looking after their bank card
- An individual being accompanied to the bank, Post Office, PayPoint outlet, credit union when benefits are being collected or money withdrawn
- New "best friends"
- Change of ownership of a property
- The purchase of items that the individual does not require
- Large volumes of junk mail.

3.2 Many practitioners are well placed to identify financial abuse and exploitation. This is not limited to those who have a direct role in supporting someone with their finances:

- Conversations with the individual about their life and specifically their finances may result in a disclosure or things that don't seem to add up
- Some people are in positions where they see bank statements or other financial documentation which highlights something worrying

- The debt advise sector undertake assessments of an individual's income and expenditure which may identify concerns
- Those who visit individual's homes could be privy to a number of the signs and indicators of financial abuse and exploitation
- The presentation of the individual themselves might suggest they have been a victim of financial abuse and exploitation
- An individual's financial situation may lead to crisis e.g. related to their mental health or housing. At this point people might want to talk more and might disclose financial abuse and exploitation.

3.3 Being professionally curious could maximise the opportunity to identify financial abuse and exploitation, gain clarity on the concern and help to inform next steps. This will involve having a real conversation with the individual you are concerned about, unpicking things that don't seem right or are uncomfortable. The Making Safeguarding Personal section below offers some guidance on talking to people about their finances.

3.4 There may be difficulties in identifying financial abuse and exploitation:

- The individual may be reluctant to speak out through a sense of shame, or fear of repercussions, such as the family member withdrawing their support or getting into trouble
- A belief that financial matters are private and raising concerns may seem like an intrusion
- An individual may not recognise the abuse. For example, it might be quite subtle or they may think the person is doing them a favour
- 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 individual is being coerced.
- Individuals can be targeted because of perceived vulnerabilities such as dementia, learning disability or social isolation and therefore may not know they are being financially abused.

## 4 Risk Factors

4.1 Practitioners should not be constrained in their view of who might be at risk of financial abuse and exploitation. It can span all age groups, genders, income groups and circumstances. However, being aware of some of the risk factors and where financial abuse and exploitation can be more prevalent can assist practitioners in taking proactive steps to prevent financial abuse and exploitation occurring. Risk factors and prevalence can change depending on the type of financial abuse and exploitation and who it is perpetrated against and by. Research in this area tends to be specific to older age groups or financial abuse and exploitation occurring within intimate relationships and might not necessarily reflect what people see in practice.

4.2 The following factors increase risk across all abuse types:

- The individual having needs for care and support
- The individual not being able to protect themselves from the abuse or risk of it
- The individual not having the ability/skills to communicate a concern about themselves
- The individual lacking mental capacity
- The individual being dependent on the alleged perpetrator
- The individual has been threatened or coerced into making decisions.

4.3 Applying the above areas to financial abuse and exploitation, might include scenarios such as an individual lacking in mental capacity to make decisions about their day-to-day finances; a dependency on the alleged perpetrator to manage finances including doing tasks such as shopping; an individual not having a bank account, with a reliance on others to access their money.

4.4 Research-informed risk factors related to financial abuse and exploitation for older people<sup>3, 4, 5</sup>:

- User of care services
- Loneliness (particularly for women)

- Single, separated, divorced or widowed
- Regular social contact with family and friends
- Poorer physical or mental health
- Living in social rented accommodation
- Increasing age (particularly for men)
- Those with dementia or reduced cognitive function
- Needing help with activities of daily living (bathing/showering, feeding)
- Needing help to manage finances, shopping, or housework.

4.5 Research-informed risk factors related to financial abuse and exploitation within intimate relationships<sup>6</sup>:

- Life event (e.g. moving in with someone, getting married, separation)
- Female
- Disability
- Experienced financial abuse in a previous relationship (particularly for women)
- Men in same-sex relationships.

4.6 Research-informed risk factors related to scams or fraud<sup>7</sup>:

- Having respect for authority or a trusting nature
- Confidence in own judgement and a belief of being in control
- Scarcity or uniqueness of the offer
- Digital illiteracy
- Cognitive impairment
- Social isolation
- Illness.

## 5 Who is Likely to Perpetrate Financial Abuse/Exploitation?

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

5.2 However, compared to other abuse types (e.g. physical, neglect, sexual etc), a greater proportion relate to the alleged perpetrator being a stranger. This might be because financial abuse and exploitation perpetrated as a result of scams and rogue traders (for example) are typically perpetrated by strangers.

5.3 There may be additional risk factors related to those who pose a risk or perpetrate financial abuse and exploitation. For example they might:

- Be in debt or financial difficulties
- Have an addiction problem (e.g. substance misuse or gambling)
- Have a sense of entitlement to the money (e.g. early inheritance, in payment for help/support/friendship)
- Be involved in a family breakdown (e.g. want to prevent others acquiring money/assets).

## 6 The Impact of Financial Abuse/Exploitation on Adults with Care and Support Needs

6.1 Financial abuse and exploitation can seriously affect the health, including mental health well-being, of an adult with care and support needs. The impact of financial abuse and exploitation should not be underestimated and can be as significant as physical abuse. It can leave people feeling stressed, embarrassed and without the confidence to live independently. The negative impact of self-blame can potentially result in reduced self-confidence and fewer social contacts; this can increase the risk of falls and other health related issues which may lead to increased needs for health and social care input.

- 6.2 The impact of financial abuse and exploitation can be particularly devastating for older people when they have lost their savings and do not have the time or opportunity to recover their financial loss. In addition, financial abuse and exploitation can have a profound impact on an individual's health and well-being where a disturbing experience can cause a life-threatening deterioration. Abuse can lead to individuals being vulnerable to further targeting, exploitation, and abuse.

## 7 Making Safeguarding Personal

- 7.1 A person-centred approach should always be taken, whether that is when you are preventing, identifying, or responding to financial abuse and exploitation. Making Safeguarding Personal (MSP) is the approach taken for all safeguarding adults work. It is about seeing people as experts in their own lives and working alongside them to identify the outcomes they want. There should be shared conversations between practitioners and the adult at risk (or their representative).

- 7.2 Taking a person-centred approach might involve:
- Talking to the individual about the concerns that you have
  - Seeking the individual's views on the perceived risk or harm
  - Asking the individual what they would like to happen as a result of the concerns
  - Seeking the individual's consent to share information on a multi-agency basis
  - Explaining the different options that might be available to help the individual.
  - Taking a strengths-based approach to the conversation: asking the individual what is important to them, what solutions have they tried, what has worked/not worked in the past, understanding any barriers for the individual.
  - Ensuring the adult at risk is appropriately represented (by a family member, friend, or independent advocate) in the safeguarding adults process if they would have substantial difficulty in participating themselves.

- 7.3 Talking about finances can be a sensitive and private topic. Remember to be sensitive while asking questions, and to be aware that an individual may not be willing to open up about these topics, especially if the situation involves a family member or friend. The individual might be fearful of speaking out and it might be that risks increase because of doing so. You can provide reassurance by:
- Explaining that they are not to blame for what has happened
  - Advising that there is help available (describe the different options that might be open to the individual)
  - Confirming that whatever action is taken will be in line with their wishes (unless there are other people at risk or there is a risk of serious harm)
  - Agree a safe communication method with the individual (particularly in a domestic abuse scenario) which might involve an agreed telephone number/email address/address for correspondence, a time and/or place.

- 7.4 [MoneyHelper](#) has a number of 'Talk Money' guides available to help you have conversations with individuals about their finances. Some questions to ask that are specific to financial abuse and exploitation might include:
- Do you manage/handle your own money and finances?
  - Do you have any money worries?
  - Are you behind with any of your bills?
  - Do you have enough money for food?
  - Are you able to keep your home warm?
  - How you ever felt pressured to lend someone else money?
  - Have you ever shared banking information when you didn't feel comfortable to?
  - Have you lent someone else money that they haven't paid back?
  - Have you been pressured into changing your will, or power of attorney?
  - Have you felt pressured or been forced to take out a loan that you didn't agree to?

- Do you have loans that you don't remember taking out?
- Have you been threatened when you were unable to pay back a loan?
- Do you owe money to a "friend"? Does this person loan money to many people in your area?
- Have you had your benefit or bank card taken from you?
- Have you been asked to give your password, login details, PIN to anyone?

## 8 Preventing Financial Abuse/Exploitation

8.1 Control over finances is a significant part of an individual's independence and wherever possible we should be empowering and enabling individuals to use and manage their own finances and property safely.

Strategies to both prevent and reduce risks around financial abuse and exploitation might include:

- Providing information and advice around finances and keeping them safe
- Helping individuals with debt and budgeting
- Maximising an individual's income
- Good financial management e.g. Arranging/planning for Powers of Attorney, Deputies, Appointeeships, safe access to bank accounts/money
- Safe recruitment procedures of staff or volunteers who have access to people's finances. Someone is defined as being in regulated activity (and therefore eligible for a Disclosure and Barring Service check) if they are assisting an individual with general household matters (such as paying bills or doing shopping) or if they are assisting in an individual in the conduct of their affairs (such as being an attorney, deputy, or advocate)<sup>8</sup>
- Ensuring robust and auditable records are in place when someone is managing money on behalf of someone else. This includes attorneys, deputies, appointees, staff, and volunteers.

8.2 There are a wide range of local and national services and support that might be considered and used in both preventing financial abuse and exploitation and supporting individuals at risk of or experiencing financial abuse and exploitation. The following table details these:

Name of Service	Contact Details/Website	What can they help with?
<b>Action Fraud</b>	<a href="#">Action Fraud Website</a>  0300 123 2040	UK's national reporting centre for fraud and cybercrime. Reports are passed onto the National Fraud Intelligence Bureau who assess them and pass them onto local police forces or law enforcement agencies for investigation.
<b>Adult Social Care, Oldham Council</b>	<a href="#">Request Support from Adult Social Care</a>  0161 770 7777	Provision of advice and support to adults with care and support needs, developing care and support plans, both of which might include financial aspects. Adult Social Care lead and coordinate the safeguarding adults process.
<b>Banking Protocol</b>	<a href="#">UK Finance Website</a>	Rapid scam response scheme, branch (bank, building society or Post Office) staff are trained to detect the warning signs that someone is being scammed and to make an emergency call to the police. Police officers will then visit the branch to investigate the suspected fraud and arrest any suspects still on the scene.



<b>Citizen's Advice</b>	<a href="#">Citizen's Advice Oldham Website</a> 0808 278 7803	Advice on almost any issue - including money, debt, benefits, housing, immigration, employment, consumer issues and health services.
<b>Client Finance Team, Oldham Council</b>	<a href="mailto:client.finance@oldham.gov.uk">client.finance@oldham.gov.uk</a>	Carry out financial assessments for people to determine how much they might need to pay towards social care services and charge people for non-residential and residential care and support services.
<b>Counter Fraud Team, Oldham Council</b>	<a href="#">Report Fraud Online Form</a> 0161 770 4969 <a href="mailto:investigations@oldham.gov.uk">investigations@oldham.gov.uk</a>	The Council offer a dedicated confidential fraud line which is answered by Counter Fraud Officers.
<b>Court of Protection Team, Oldham Council</b>	<a href="mailto:courtprotection@oldham.gov.uk">courtprotection@oldham.gov.uk</a>	Arrange and administer appointeeships and deputyships where the Local Authority is the appointee.
<b>Credit Control, Oldham Council</b>	<a href="mailto:creditcontrolenquiries@oldham.gov.uk">creditcontrolenquiries@oldham.gov.uk</a>	Discuss payment arrangements for social care debts.
<b>Department for Work and Pensions (DWP)</b>	<a href="#">DWP Website</a>	Authorise and review appointeeships for people who are in receipt of state benefits and who are incapable of managing their financial affairs and there is no power of attorney or deputy in place. Investigate and respond to concerns around misuse of appointeeship.
<b>First Choice Homes Oldham</b>	<a href="#">First Choice Homes Oldham Website</a> 0161 393 7117	A range of services and support for tenants including money advice, help finding a job, digital skills, extra support services for people to help manage their tenancies.
<b>Financial Abuse Code of Practice</b>	<a href="#">UK Finance Website</a>	Voluntary code for banks and building societies to bring increased awareness of financial abuse and ensure consistent support is available for those who need it. This will include helping customers to regain control of their finances.
<b>Greater Manchester Police</b>	In an emergency or if the crime is happening now: 999  Non-emergency: 101 or online via <a href="#">the GMP 'Report a Crime' webpage</a> .	Investigation of all aspects of financial crime, which can involve liaison with regional and national Police colleagues and other law enforcement agencies.
<b>Hourglass</b>	<a href="#">Hourglass Website</a> and <a href="#">Hourglass Financial Abuse Booklet</a>  Free helpline: 0808 808 8141	Charity focused on the harm, abuse and exploitation of older people.

	Free text: 07860052906	
<b>Independent Domestic Violence Advisory Service (IDVA Service)</b>	<a href="#">IDVA Service, Oldham Council Website</a> 0161 770 1572 <a href="mailto:IDAA.Service@oldham.gov.uk">IDAA.Service@oldham.gov.uk</a>	Provides one to one work with victims and survivors of domestic violence (including Forced Marriage and Honour Based Violence) on a short-medium term basis.
<b>Mersey Internal Audit Agency (MIAA) NHS</b>	<a href="#">Miaa Website</a>	Provides assurance services to the NHS and other public and third sector organisations. Offers up to date newsletters about fraud and scam cases.
<b>MoneyHelper</b>	<a href="#">MoneyHelper Website</a>	Free, impartial advice. Brings together the Money Advice Service, The Pensions Advisory Service and Pension Wise.
<b>Moneywise Credit Union</b>	<a href="#">Moneywise Website</a> 0191 276 7963 <a href="mailto:admin@moneywise.org.uk">admin@moneywise.org.uk</a>	Moneywise Credit Union is a financial co-operative which offers access to savings, loans, and bank accounts through a range of ethical financial services.
<b>Office of the Public Guardian</b>	<a href="#">Office of the Public Guardian Website</a> 03004560300 <a href="mailto:customerservices@publicguardian.gov.uk">customerservices@publicguardian.gov.uk</a>	Registering lasting and enduring powers of attorneys and deputies and maintaining a register of these. Investigating reports of abuse against registered attorneys and deputies.
<b>Stop Loan Sharks (England Illegal Money Lending Team)</b>	<a href="#">Stop Loan Sharks Website</a> 0300 555 2222	Investigates and prosecutes illegal money lenders while supporting those who have borrowed money from a loan shark.
<b>Take Five</b>	<a href="#">Take Five Website</a>	Offers straight-forward, impartial advice that helps prevent email, phone-based and online fraud - particularly where criminals impersonate trusted organisations.
<b>Tenancy Relations Service, Oldham Council</b>	<a href="#">Tenancy Relations Service, Oldham Council Website</a> <a href="mailto:tenancy.relations@oldham.gov.uk">tenancy.relations@oldham.gov.uk</a>	Provide advice and support to tenants and landlords on what their responsibilities and legal obligations are in accordance with the law including homelessness prevention and protection from unlawful eviction and/or harassment.
<b>Trading Standards, Oldham Council</b>	<a href="#">Trading Standards, Oldham Council Website</a> <a href="#">National Trading Standards Website</a>	Implementation of No Cold Calling Zones, scam campaigning, investigation of rogue traders. National Trading Standards is different to the support provided by local trading standards services. Remit is focused solely on leading investigations into trading standards offences.

<b>Victim Support</b>	Oldham Victim Support and Witness Service: 0161 652 0405  <a href="#">Victim Support Website</a> and <a href="#">Greater Manchester Victims' Services Website</a>	Support and advice for anyone affected by crime, whether it is reported to the Police or not.
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## 9 Responding to Financial Abuse/Exploitation

The table in section 8 includes the main contacts and services available to residents in Oldham around responding to financial abuse and exploitation. The table should be used in conjunction with the information in this section.

### 9.1 Overview

The response to a concern about financial abuse and exploitation will be dependent upon the circumstances and the views and wishes of the individual experiencing or at risk of the abuse.

### 9.2 Consent

Where possible, there should be an early conversation with the individual about the concerns and what they want to happen (see Making Safeguarding Personal section above). This should help inform the next steps. If the individual says they do not want any further help, support or information passed onto other agencies, you need to consider whether their consent needs to be overridden. Consent would likely be overridden in the following circumstances:

- The individual lacks mental capacity to make decisions in relation to decisions about their safety and taking further action is deemed to be in their best interests
- The abuse is a serious crime
- There is a concern that the abuse may cause serious harm to the individual or others
- The abuse has been caused by a paid worker or volunteer and other adults (or children) are at risk from the person causing the harm
- The concern is about institutional or systemic abuse
- There is a concern that an individual is not able to freely consent because they have been threatened or coerced.

There may be some scenarios where it is considered that talking to the individual about the concerns and/or seeking consent to take further action would be too dangerous, putting the individual or others at further risk of harm. An example of this might be in a domestic abuse case. In these cases, any action taken without consent should be proportionate.

### 9.3 Immediate Action

As with all types of abuse, consideration should be given to any immediate risks and how they might be managed. For financial abuse and exploitation this might involve:

- Reporting to the Police if there is an immediate suspected crime and in particular if it is a crime in action or there is an immediate risk to the individual's safety
- Safeguarding money or assets e.g. contacting banks to secure relevant bank accounts and to try and recover any losses, locating and keeping safe any cash or valuables that might be at risk
- Securing property e.g. changing locks
- Agreeing a safe method of communication (particularly in a domestic abuse scenario)
- Ensuring the individual has money to meet any immediate needs (e.g. for food, heating, access to a phone)

- Reporting to Action Fraud if the individual has been scammed, defrauded, or experienced cyber-crime
- Reporting to Stop Loan Sharks if the concern relates to illegal money lending
- Reporting to Trading Standards if it relates to illegal trading or business activity
- Reporting to the Office of the Public Guardian if the concern relates to an attorney or deputy
- Reporting to the DWP if the concern relates to misuse of an Appointeeship or benefit fraud
- Suspension (without prejudice) of any staff/volunteers who are implicated in financial abuse and exploitation.

#### 9.4 Safeguarding Adults Procedures

Safeguarding adults procedures can be used to respond to concerns about financial abuse and exploitation if the person at risk is:

- Aged over 18; and
- Has needs for, care and support (whether or not these are being met); and
- As a result of those needs is unable to protect him or herself against the financial abuse and exploitation or the risk of it.

Care and support needs are needs linked to a physical or mental impairment. This includes conditions as a result of either physical, mental, sensory, learning, or cognitive disabilities or illnesses, substance misuse or brain injury. A formal diagnosis of the condition is not required.

#### 9.5 Reporting a Safeguarding Adults Concern

Anyone (professionals or members of the public) can report a safeguarding adults concern. This can be done directly to Adult Social Care or via internal safeguarding reporting mechanisms (e.g. via safeguarding leads or safeguarding teams) who will then report to Adult Social Care if considered to be appropriate.

Professionals referring a safeguarding concern to Adult Social Care need to complete the Online ['Request support from Adult Social Care'](#) form.

Knowing when to report a safeguarding adults concern can be difficult. The following might be helpful for referrers:

- Talking to the individual about what you are worried about could help both clarify the concerns and give you the opportunity to seek consent to share information with others. Try not to lose the moment.
- Seek advice on what you are worried about before raising a concern. This could include from your line manager or a safeguarding specialist within your organisation.
- Consider whether it would be necessary to share information with another professional (outside of safeguarding adults procedures) to try and build up a better picture.
- Use the pointers within the [OSAB 7-Minute Briefing: Making a Safeguarding Adult Referral](#).

On receipt of the safeguarding concern, Adult Social Care will undertake initial information gathering to determine whether a Section 42 Safeguarding Enquiry is required.

#### 9.6 Section 42 Safeguarding Enquiries

A Section 42 Safeguarding Enquiry is a statutory multi-agency enquiry to: establish facts; ascertain the individual's views and wishes; assess the needs of the individual for protection, support, and redress; and make decisions as to what actions should be taken against the person or organisation responsible for the abuse or neglect. How a Section 42 enquiry will be conducted will depend upon the complexity and seriousness of the concern. Adult Social Care are responsible for leading and coordinating Section 42 Safeguarding Enquiries, but all agencies have a legal duty to co-operate with them and other agencies often play a lead role in investigating concerns.

## 9.7 Who Should be Involved in Section 42 Safeguarding Enquiries Related to Financial Abuse and Exploitation?

When coordinating a Section 42 Safeguarding Enquiry into financial abuse and exploitation, the Safeguarding Adults Manager (SAM) should ensure that the individual (or an appropriate representative) is involved to share their views and influence the plan to manage any ongoing or future risks. Any professionals:

- who have an investigatory responsibility; or
- who could assist in sharing information about the risk; or
- who could offer support in managing the risk

should be involved in the Section 42 Enquiry. For financial abuse and exploitation this might include (but should not necessarily be limited to) the services listed in the table in section 8, as well as any professional providing ongoing care or support to the individual.

## 9.8 Types of Investigations or Assessments that might be Undertaken as part of a Section 42 Safeguarding Enquiry Related to Financial Abuse and Exploitation

Sometimes the abuse, and the circumstances of it, will meet the criteria for a specific investigation or assessment. Where relevant, these should inform the Section 42 Safeguarding Enquiry. Investigations or assessments might have already commenced, or they could be requested as part of the Section 42 Safeguarding Enquiry. The table below provides examples of investigations or assessments that might be undertaken:

Type of Investigation/Assessment (and clarification of when it should be used)	Agency Responsible
<b>Criminal</b> The alleged abuse or neglect is a criminal offence (e.g. theft, fraud, domestic violence)	Police
<b>MARAC Referral/Risk Assessment</b> The alleged abuse is high risk domestic violence and abuse Please note, the MARAC checklist should be completed as soon as possible following identification of the concern.	Most appropriate professional/ agency
<b>Regulatory Investigation</b> The concern relates to the fitness of a registered service provider.	Care Quality Commission
<b>Employment/disciplinary investigation</b> The abuse or neglect relates to a paid worker or volunteer.	Employer
<b>Risk Assessment and/or Risk Action Plan</b> Where an in-depth risk assessment is deemed to be required. Likely to be used in cases where abuse is perpetrated by family member/friend/ associate and is of a complex nature.	Any relevant agency
<b>Misuse of Enduring/Lasting Power of Attorney/Deputyship</b>	Office of Public Guardian/ Court of Protection/ Police
<b>Misuse of Appointeeship/Benefits</b>	Department for Work and Pensions
<b>Loan Shark</b>	Illegal Money Lending Team (Stop Loan Sharks)
<b>Breach of tenancy agreement</b>	Landlord
<b>Bogus callers or rogue traders</b>	Trading Standards/Police

## 9.9 Safeguarding Protection Plans

Safeguarding Protection Plans are the action plans agreed to manage identified risks. They are case specific and should be tailored to meet the needs of the individual.

The following are potential methods of protecting an adult at risk of financial abuse and exploitation which should be considered as part of the Safeguarding Protection 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 individual 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 individual who lacks the mental capacity to manage them themselves. Where an individual 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 an individual (the donor) that allows another person (the attorney) to make decisions about their 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. Find more information via [the gov.uk website](#).
- **The Mental Capacity Act (MCA) 2005:** The MCA introduced four key elements in relation to adult safeguarding:
  - New offences of wilful neglect and/or mistreatment of an individual lacking mental capacity.
  - Powers to make decisions in the best interests of an individual who lacks capacity.
  - A duty for proxy decision makers and professionals to act in an individual's best interests and abide by the code of practice.
  - The leaving of specific decisions and capacity assessments to the person or professional concerned.

Find more information via the [OSAB Multi-Agency Mental Capacity Act Policy and Procedure](#).

- **Office of the Public Guardian (OPG):** The OPG'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 OPG if there is a reasonable belief that a Lasting Power of Attorney is not acting in an individual's best interests. Find more information via [the gov.uk website](#).
- **Court of Protection:** The Court of Protection has the power to:
  - Decide whether an individual has capacity to make a particular decision for themselves.
  - Make decisions on financial or welfare matters on behalf of an individual 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 and exploitation is suspected, and to safeguard the individual'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.

Find more information via [the gov.uk website](#).

The following are further examples of things that might be included in a safeguarding protection plan related to financial abuse and exploitation:

- Provision of information, advice, and guidance

- Referral to specialist advice service
- Set up/change a power of attorney, deputy or appointee
- Confirming attorney/deputy/appointee arrangements if there is a dispute/concern about it
- Assistance with money management e.g. debt advice and support, setting up direct debits
- Maximising income
- Criminal action against perpetrators
- Bank account changed/suspended
- Call blockers/telephone preference service
- Disciplinary action against perpetrators
- New or increased care and support services.

## 10 Case Studies and Examples

### 10.1 Postal and Telephone Scams

Fred is a gentleman in his late 60s, he lives independently in a 3-bedroom house, which he rented. Fred's home and garden were very heavily cluttered with items of no value, which he had acquired from skips or charity shops. Fred has Parkinson's disease which affects his cognitive function. Fred had been the victim of postal scams and over the years had sent a lot of money to these rogue organisations, encouraging him to invest or purchase products, which caused him a lot of emotional stress and financial deprivation. He was also receiving phone calls from some organisations encouraging him to give more to improve his chances of winning the jackpot. Fred became overdrawn with his bank and unable to pay for his meal delivery service.

A safeguarding adults concern was reported for Fred and as a result he was referred to a provider service for ongoing support, to improve his living conditions, to help attend medical appointments and manage his budgeting. Through a series of safeguarding meetings Fred's finances were taken over by an Appointee, his mail was redirected to the Appointee to remove the risk of postal scams, and this was then forwarded to the provider to deliver to Fred.

A budget was put in place and Fred accessed his money through Paypoint Vouchers which were issued to the provider service to then be given to Fred. Fred is now saving money regularly and has made several improvements and renewals in home.

Those involved in this case have reflected on what went well:

- Achievable targets were set from the start and were a main focus in establishing the trust required to maintain continuous improvements in Fred's social wellbeing.
- Understanding Fred's greatest wish was to remain living in the house where he has lived for the past 27 years was a prime motivation for him and a catalyst for all of the efforts that followed.
- Early success meant that progress was continuous. Improvements in living conditions in turn reduced stress which then reduced the impact of his Parkinson's disease and other aspects of his health.
- Appointee and Deputyship involvement in diverting and dealing with spam mail was a vital part of the process.

Trading Standards received a referral from Adult Social Care about Peter who was living with and caring for his wife. He was on a so called 'suckers list' and was bombarded with prize offers from across Europe and Africa. Peter sent cheques for the prize offers with the lure of 'fantastic prizes' including a BMW motor car. In his sitting room were carrier bags full of the mailshots he had received and on his table were cheques he had written out in response to various prizes on offer. Trading Standards spoke to him at length and with his permission tore up the cheques and took the prize draw mail away for destruction.

Further examples of postal scams are available via the [Think Jessica website](#) including [Jessica's Story](#).

## 10.2 Doorstep Sellers

Three mobile fish sellers used aggressive sales practices to pressure more than one hundred elderly victims into buying excessive quantities of poor-quality fish at exorbitant prices. The fraudsters deliberately targeted vulnerable and older people, including people with serious health conditions, in the belief they were less likely to question the sale or complain. Some victims felt threatened in their own homes if they challenged the price of the fish or couldn't afford to pay. A 90-year-old victim described feeling bullied and pressurised into purchasing a large quantity of fish, after one of the fraudsters entered her home uninvited. Despite agreeing to pay £56.00, she was charged £156.00 without her knowledge.

A significant amount of the produce sold by the trio was such poor quality that it was unfit for human consumption. Food safety management procedures were often ignored, including monitoring the temperature for storing fish. One victim became unwell with vomiting and sickness within a few hours of eating the fish supplied by the defendants.

The perpetrators were each handed prison sentences. One pleaded guilty to fraudulent trading and was sentenced to almost six years in prison. The other two were sentenced to thirteen months each for their role in the crime. They both pleaded guilty to contravening professional diligence, contrary to consumer protection legislation. The investigation was led by the National Trading Standards Regional Investigations Team and this conviction sent out a very strong message that such activities will not be tolerated.

## 10.3 Banking Protocol

Josef was an elderly male who lived an independent life and cared for his disabled wife. He was in charge of all of his own finances. Josef began receiving calls from persons claiming to be from his bank. The males convinced him that they were from the Fraud Team and directed him to put apps on his mobile phone so that they could assist him properly. Using these apps, and without his knowledge, they then took over his phone and downloaded online banking apps. Using these apps they made an application for online banking.

Josef did not do online banking and did all his banking in person at his local branch. As such, the staff were familiar with his habits and use of his account and knew that this would not be the type of banking he would engage in. The bank blocked the application for online banking made by the fraudsters. Due to this being blocked and Josef still being unaware that this was a fraudster trying to gain access to his bank; when asked by the offenders to attend the bank and withdraw £2500 to send to an address given to assist in the fraudulent investigation the victim gladly did so.

Upon attending the bank, the staff immediately invoked 'The Banking Protocol', Josef was safeguarded by the bank and the police were called. Fraud officers attended to give advice to Josef and ascertain if there was a crime in action. As a result of the quick response by the bank Josef did not lose any money and was made aware that this was a fraud. His phone was 'cleaned' and advice about how to protect himself in the future was given.

At this point it was identified that Josef was struggling to keep on top of all the commitments in relation to his and his wife's care and as such social care were informed for their assistance.

It is highly likely that Josef would now be on a 'scammers list' and would become a victim again in the future. In order to safeguard that from happening in the future Trading Standards were contacted and assisted by providing a telephone that would block withheld numbers so that Josef did not have to 'field' calls from future scams.



## 10.4 Financial Abuse and Exploitation within a Friendship

This case involved a persistent approach to develop a relationship and assess risk. There were complex relationship dynamics between the service user and family, as well as the person alleged to have caused harm. The concerns that were initially reported did not include financial abuse/exploitation, but further enquiries and time led to new information about this.

Anna had a complex friendship with somebody called Suzie of similar age. There were ongoing concerns of controlling and coercive behaviour from Suzie towards Anna as well as allegations of physical abuse. Anna had a strained relationship with her family. It was reported that Suzie had told Anna she had been diagnosed with end-of-life cancer and was under a Police witness protection programme. She reportedly used this information to manipulate Anna into forming a close relationship and Anna became empathetic towards her. All professionals believed this was false information. Suzie was reportedly acting as a carer for Anna, but it was unclear what sort of support she was providing.

The challenge was that Anna had never been seen at home or seen alone without Suzie. Anna had not been told the nature of the safeguarding enquiries from the outset. Anna's family reported that Suzie was living and sleeping in the same flat as Anna. Suzie had an unknown, underlying mental health need and professionals considered she would benefit from some psychological support. Suzie was alcohol dependent.

To progress the enquiries, the professionals involved agreed that Anna needed to be seen alone, a full explanation of the original safeguarding concerns given, her outcomes sought, and a robust assessment of the risks made. As the enquiries continued there was new evidence emerging that Suzie was accessing Anna's bank card on a weekly basis to help fund her alcohol dependency. Professionals met Anna in a local housing office, and she revealed financial abuse/exploitation spanning several months.

A Safeguarding Protection Plan was agreed. This included securing Anna's finances by cancelling the bank card. Anna decided to end her friendship with Suzie and rekindle her relationship with her family, they began to assist informally with Anna's financial management. A Mental Capacity Act assessment in relation to managing finances was completed and the outcome was that Anna was incapacitated in this area. Anna's family took on the responsibility of her finances and decided, in Anna's best interest, to apply for Appointeeship. The Safeguarding Protection Plan also involved supporting Suzie to leave the property and find her own accommodation. Concerns were shared with Suzie's GP and Suzie consented to a referral to the Community Mental Health Team to access appropriate psychological support. She was signposted to alcohol support.

The success in this case was attributable to partnership working and creative thinking. Professionals slowly built up a rapport. This was used as a focus to enact change and see Anna alone. Without this approach, the concern of financial abuse/exploitation may never have been revealed or fully understood. The safeguarding meeting and informal discussions on the case were used to critically reflect on the competing issues and dynamics of the relationships.

## 10.5 Loan Sharks

Sarah is a single female, with an ongoing mental health condition and autism diagnosis. She moved into a new address and was befriended by her neighbour and her family. In the following months, Sarah was asked to help out with caring for the neighbour's children, to drive them places in her car and was placed under increasing pressure. The relationship became more difficult, and the police were involved.

A relative of the neighbour offered to lend Sarah some money so she could move, he was known within the community as a money lender who could be quite threatening, but she thought he was a friend. She

felt desperate so took the money, made arrangements to pay the debt plus interest on a monthly basis and moved to a new house.

This individual called at Sarah's new home and sexually assaulted her on several occasions as 'payment in kind', but she felt unable to tell anyone for risk of violence from him. Sarah attempted to take an overdose and due to self-harm injuries presented at hospital, at which point she was referred into Adult Social Care. Sarah was supported to speak to both the Police and the Illegal Money Lending Team, and an assessment of her needs was also completed. This recommended that she be moved to supported accommodation.

Jay is a 41-year-old vulnerable male. He has been diagnosed with schizophrenia, depression, and post-traumatic stress disorder. He is mistrusting of authority and finds it difficult to engage with organisations trying to help him.

The Illegal Money Lending Team (IMLT) were told that Jay owed £19,000 to a money lender who had befriended him over a number of years. The friend was purchasing unwanted goods for Jay and then charging him lots of interest. Goods purchased included 7 different cars which Jay had outside his property. Jay was paying £50 from his benefits to the friend every two weeks and was sometimes accompanied to the bank to make further withdrawals. Jay had paid the friend thousands of pounds over a number of years. Jay started to ask a family member if he could borrow money to purchase food and to help pay the bills. An anonymous call was made to the IMLT hotline.

The IMLT investigation did not find any other individuals that the friend was loaning money to, and the case was recorded as financial abuse. IMLT worked with other local agencies including the safeguarding teams, outreach support workers, housing provider, trading standards and the police and together devised a plan of action to put measures in place to safeguard Jay. The friend was warned by IMLT not to have any further contact with Jay. Jay's family continue to work with all local agencies to ensure he is safe, happy, and well.

## 10.6 Lasting Power of Attorney and Changing a Will

Ethel is a 93-year-old woman. She joint owned her house with her partner who passed away. She now lives alone in an isolated farmhouse with her cat. Ethel has no other known family members. Ethel continues to express her wish to stay and live at the farm as she advises that 'freedom is the best thing'. She often refuses support or help from various agencies including providing access for necessary repairs to install central heating and other repairs to the farm. She has recently accepted three calls daily from a care agency.

Ethel has a Local Authority Deputy appointed by the Court of Protection (property and financial affairs) which was granted three years ago. The Local Authority Deputy received a letter from a local solicitor requesting information about Ethel's financial situation. The letter was written as if Ethel had instructed the solicitor. However, the current worker and care team supporting her did not believe she had capacity to instruct a solicitor and concerns were raised about possible coercion being used by a 'friend' who had been visiting Ethel since her partner passed away. Ethel's 'friend' had also completed paperwork for Lasting Power of Attorney (property and financial affairs and health and welfare) despite Ethel being assessed as not having capacity to make decisions about finances, accommodation, care, and support. Ethel's care coordinator who knew her very well discussed the letter with her and Ethel said she knew nothing about it and hadn't signed it. She did not recognise the name of the solicitors.

A safeguarding strategy meeting was undertaken, and concerns were also raised about whether Ethel's Will may have been changed. She was supported to write her initial Will. This had been agreed and signed four years ago. Ethel requested that all her assets were left to a horse and donkey sanctuary. At the safeguarding strategy meeting, it was agreed that her Deputy should write to the solicitor outlining the concerns about the request for information and that all correspondence should go through her.

It was agreed the concerns raised met threshold for a safeguarding enquiry (section 42 of the Care Act) as Ethel has care and support needs, there was reasonable cause to believe abuse was occurring and she was unable to protect herself. The categories of abuse identified were Financial and Psychological related to potential coercive behaviour and grooming by her 'friend'. In order to address the concerns the Local Authority solicitor and a member of the counter fraud team were invited to all strategy meetings; the concerns were reported to the Office of Public Guardian and the Court of Protection; letters were sent to the beneficiaries of the original Will advising them to contest the 'new' Will; regular Team around the Adult meetings were held to share information with all involved in Ethel's case; and Mental Capacity assessments were undertaken related to Ethel's decision making to manage her finances, change her Will, apply for LPA, accommodation, care, support and treatment. She was deemed to lack capacity in all these areas. It was recognised that when the Local Authority applied for 'deputyship' Ethel lacked capacity to manage her finances. She was deemed to have capacity to make her Will when it was written and signed.

The Office of Public Guardian and Court of Protection investigated the concerns and did not register the request for appointeeship by her 'friend' who was informed of this in writing. The 'new' Will was contested and the original beneficiaries stood. Ethel's needs increased and she went to live in a local residential home close to her home. Her 'friend' did not visit and no longer had Appointeeship or beneficiary of her Will. Ethel's quality of life and finances are now safeguarded.

## 11 Training and Resources

11.1 Across Oldham, training has been agreed to meet the needs of all workers, from those who require or would like a basic awareness (through self-directed online learning or face to face learning) to training in more detail for those who work directly with children, young people, families, and adults:

- [OSAB Multi-Agency Training](#)
- [OSCP Multi-Agency Training](#)

Pennine Care NHS Foundation Trust have also produced a 30-Minute Training Session about Financial Abuse available to watch online: [Financial Abuse Training](#).

11.2 Please find links below to specific resources that are available:

- [OSAB 7-Minute Briefing – Financial Abuse & Exploitation](#)
- [OSAB Fraud and Scams Frequently Asked Questions](#)
- [OSAB Policies, Procedures and Guidance](#) and [OSCP Policies, Procedures and Guidance](#)
- [Don't Fall for a Scam! leaflet/guide](#) from Think Jessica, National Trading Standards, Action Fraud and West Midlands Police
- [Elder Financial Abuse – Research and Training Brunel University](#)
- [Greater Manchester Police Advice and Information about Fraud](#)
- [The Little Book of Big Scams](#) from Greater Manchester Police
- The National Centre for Post-Qualifying Social Work and Professional Practice guidance:
  - [Safeguarding practice for those at risk of financial abuse from scamming](#)
  - [Cyber Fraud and Scamming](#)
  - [Scams: the power of persuasive language](#)
  - [Financial Scamming Defining Terms](#)
  - [Financial Scamming and Fraud](#)
  - [Scam Prevention and Support toolkit](#)
- [UK Finance's guide: How financial services firms can help if you are a victim of financial abuse](#)

## References

1. [Newcastle Safeguarding Adults Board Financial Abuse Guidance](#)

2. [North Somerset Safeguarding Adults Board Financial Abuse Toolkit](#)
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5. [Financial Abuse Evidence Review, Age UK Research, 2015](#)
6. [Refuge and Co-operative Bank, Money Matters. Research into the extent and nature of financial abuse within intimate relationships in the UK](#)
7. [Communications Consumer Panel, Communication Networks and Fraudulent Activity Research, 2020](#)
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