



South Tyneside  
Safeguarding Adults Board

# Practice Guidance: Financial Abuse

In South Tyneside, financial abuse is on the increase. It is a type of abuse that is specifically mentioned in the Care Act 2014 but is often hidden behind other forms of abuse such as physical or emotional abuse.

The purpose of this guidance is to supplement South Tyneside's Multi-Agency Safeguarding Adults Policies and Procedures. It will help ensure early identification of financial abuse, supported by a response which will be proportionate, appropriate and carried out in a timely manner.

This practice guidance has been developed as a direct response to identified trends in local data, national and local reviews and is designed to support and improve front line practitioners and managers in their daily practice.

## Contents

### 1.1 Introduction

- National Context, including link to Care Act 2014 3
- Links with South Tyneside Safeguarding Adults Multi-Agency Policy and Procedure 4

### 1.2 Financial Abuse Policy Background

- Definitions 5
- Financial Abuse 5
- Potential Indicators of Financial Abuse 6
- Who are the perpetrators? 6
- Who is at risk? 7
- Beware of 7

### 1.3 Key Considerations

- Consent 8
- Capacity 8
- Partnership and Co-operation 9
- Prevention Principles 10
- Support Planning Roles and Responsibilities 10
- Protection Principles 11
- Quick Reference Reporting Pathway 12

### Section 2: Operational Procedure

- 2.1 Concern/Enquiry 13
- 2.2 Further Enquiry 14
- 2.3 Planning Meeting 15
- 2.4 Safeguarding/Care Plan 15
- 2.5 Involving the Police 16
- 2.6 Signposting and Referral Pathways 16
- 2.7 Financial Management Options 17
  - Attorney 17
  - Appointee 18
  - Deputyship 18

### Section 3 Quality Assurance

- 3.1 Governance and Accountability 19
- 3.2 Key Contacts 19

## Section 1: Policy

### 1.1.Introduction

#### National Context

**The Care Act 2014 places a statutory responsibility and clear legal framework for how local authorities and other statutory partners should protect adults at risk of abuse or neglect.**

**The Care Act defines an Adult at risk as someone who:**

- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs, is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Local authorities must promote wellbeing when carrying out any of their care and support functions in respect of a person. This may sometimes be referred to as “the wellbeing principle” because it is a guiding principle that puts wellbeing at the heart of care and support.

The wellbeing principle applies in all cases where a local authority is carrying out a care and support function, including safeguarding, or making a decision, in relation to a person and it applies equally to Adults with care and support needs and their carers. The local authority must begin with the assumption that the individual is best placed to judge their own wellbeing and their views, wishes, feelings and beliefs are taken into account fully before any decisions are made.





## The Guidance also enshrines the six principles of safeguarding:

**Empowerment:** “I am asked what I want as the outcomes from the safeguarding process, and this directly inform what happens.”

**Prevention:** “I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help.”

**Proportionality:** “I am sure that the professionals will work in my interest, as I see them, and they will only get involved as much as needed.”

**Protection:** “I get help and support to report abuse and neglect. I get help so that I can take part in the safeguarding process to the extent to which I want.”

**Partnership:** “I know that staff treat my personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me.”

**Accountability:** “I understand the role of everyone involved in my life and so do they.”

## Links with South Tyneside Safeguarding Adults Multi-Agency Policy and Procedures

The Care Act 2014 explicitly refers to financial abuse because some definitions of abuse may not ordinarily include this type of abuse.

This Practice Guidance is intended to supplement, and should be read in conjunction with, South Tyneside’s Safeguarding Adults Multi-Agency Policy and Procedures which can be found at:

<http://South Tyneside Multi-Agency Safeguarding Policies and Procedures>

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## 1.2. Financial Abuse Policy Background

### Definitions

**S42 (3) of the Act defines Financial Abuse to include:**

- (a) having money or other property stolen,
- (b) being defrauded,
- (c) being put under pressure in relation to money or other property, and
- (d) having money or other property misused.

**The Guidance provides further detail and defines Financial or Material Abuse as:**

Theft, fraud, internet scamming, coercion in relation to an Adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

A study into the abuse of older people in the UK (O'Keeffe et al. 2007) found that financial abuse is the second most prevalent type of mistreatment after neglect.

Financial recorded abuse can occur in isolation, but as research has shown, where there are other forms of abuse, there is likely to be financial abuse occurring. Although this is not always the case, everyone should also be aware of this possibility.

**Financial Abuse is:**

- Person paying / gifting money.
- Taking someone's money or property.
- Forging a person's signature.
- Carers keeping change or reward points buying two for one and keeping one.
- Getting a person to sign a deed, will, or power of attorney through deception, coercion, or undue influence.
- Using the person's property or possessions without permission.
- Promising care in exchange for money or property and not following through on the promise.
- Confidence crimes ("cons") i.e. the use of deception to gain victims' confidence.
- Scams i.e. fraudulent or deceptive acts.
- Fraud i.e. the use of deception, trickery, false pretense, or dishonest acts or statements for financial gain.
- Telemarketing, Online Scams (when perpetrators call victims with the intention of deceiving them)
- Bogus callers and rogue traders.
- Romance Fraud including Predatory Marriage (where vulnerable people - who may lack capacity are duped into marriage)
- Sextortion: a type of online blackmail where criminals threaten to share sexual pictures, videos, or information about you.

## **Potential indicators of financial abuse include:**

- Change in living conditions.
- Lack of heating, clothing or food.
- Inability to pay bills/unexplained shortage of money.
- Unexplained withdrawals from an account.
- Unexplained loss/misplacement of financial documents.
- The recent addition of authorised signers on a client or donor's signature card.
- Sudden or unexpected changes in a will or other financial documents.
- Unpaid care home fees or lack of personal money/possessions.
- Signatures that do not resemble the person's normal handwriting – or a signature when the person is too unwell to be able to write.
- Sudden changes in bank accounts or unexplained large withdrawals.
- The sudden and unexplained transfer of assets to someone else.
- Deliberate isolation of an older person from friends and family, resulting in the care giver alone having total control.
- Change of ownership of a property.
- The purchase of items that the person does not require.
- Numerous unpaid bills or overdue rent when someone else is supposed to be paying the bills – or apparent lack of amenities that the older person should be able to afford;
- Power of Attorney obtained when person lacks capacity to make the decision;
- New "best friends".

- Illegal Money Lending, i.e. people who obtain loans without any paperwork or repayment end date.

This is not an exhaustive list, nor do these examples prove that there is actual abuse occurring. However, they do indicate that a closer look and possible investigation may be needed.

## **Who are the perpetrators?**

### **Anyone can be a perpetrator of financial abuse; common perpetrators are:**

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

### **Friends and Unofficial Carers who may:**

- Be living in poverty
- Have the view "well they can afford it"
- Take advantage of someone who has Dementia or lacks capacity
- Seek it as "payment" for unofficial caring duties

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

- Profess to love the person (“sweetheart scams”) or befriend them including Predatory Marriage which is a form of financial abuse that can be heartbreaking for all involved and can cause the victim and their family to lose everything. The perpetrator gains control of everything as marriage revokes a will
- Seek employment as personal care assistants, counsellors, etc. to gain access.
- Identify vulnerable persons by driving through neighbourhoods (to find persons who are alone and isolated) or contact recently widowed persons they find through newspaper death announcements.
- Move from community to community to avoid being apprehended (transient criminals).

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

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

**Who is at risk?**

There are certain characteristics that might mean that a person is more likely to be a victim of financial abuse. The following are general indicators that, if present, may increase the risk of financial abuse occurring:

- The Adult has communication difficulties
- The Adult is socially isolated i.e. does not have other friends or visitors
- The Adult is dependent on the carer for financial purposes
- The Adult has mental health, substance misuse or alcohol issues

**The following protected characteristics will also make people more vulnerable:**

- Age
- Disability
- Gender Reassignment
- Marriage / Civil Partnership
- Pregnancy / Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

**Beware of:**

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



## 1.3 Key Considerations

### Consent

The person at the centre of any Safeguarding Enquiry must always be at the heart of any action to prevent further financial abuse. In South Tyneside, the Safeguarding Adult Policies and Procedures clearly state that consent must always be sought before action is taken - if the person concerned is able to give consent. If the person has capacity then they are able to refuse any action. If they lack capacity then a best interests decision can be taken and it may be necessary, in certain circumstances, to go to Court of Protection. Advocacy (whether statutory or other) should be offered..... Making Safeguarding Personal is an approach which ensures that the person is at the centre of the safeguarding with their wishes, feelings and beliefs at the heart of the conversations.

**The Care Act guidance document states that if, after discussion with the Adult who has mental capacity they refuse any intervention, their wishes will be respected unless:**

- there are wider public interest concerns, for example, not acting may put other Adults or children at risk.
- there is a duty of care to intervene, for example, a crime has been or may be committed.

If the person at risk refuses to accept a risk management / support plan, ongoing work should be attempted to agree a plan that is acceptable. If the person lacks capacity, consideration should be given to Best Interest Decisions and potentially Court Of Protection. (Appropriate legal advice should be sought and recorded).

### Capacity

All Adults have the right to take risks and behave in a way that may be construed as self-neglectful, if they have the capacity to do so without interference from the state . This is central to promoting independence and lifestyle choice. Eliminating all risk is neither possible nor desirable. It is also essential to remember that it must be presumed that a person has the capacity to make their own decisions and should be provided with all available help and information to continue to make decisions before it is established that they do not have capacity .

**Any intervention, which limits a person's independence and autonomy when they lack capacity to make their own decisions, should be:**

- the least restrictive option necessary to address the risk; and
- made in the best interest of the person concerned.

In coordinating a response to identified risks of financial abuse, professionals should always consider the balance between exercising a duty of care to offer protection and upholding human rights. It should be acknowledged that situations will occur where the person at risk will not engage with structured support, and it may not be possible to prevent harm. In these circumstances, it is crucial to ensure that there is well documented evidence of coordinated and proportionate multi-agency efforts, which include all relevant individuals or groups, to facilitate appropriate intervention and support.



Poor or unwise decision making is not evidence that a person lacks capacity. The assessment of capacity must be based on the person's ability to make a decision in relation to the relevant matter. In cases of financial abuse, where a person is repeatedly making decisions that place them at risk and could result in preventable suffering or damage, an assessment of capacity should be undertaken. For further guidance on assessing capacity, see the link to the mental capacity act above.

Executive Function is a symptom that happens with conditions that disrupt your brain's ability to control thoughts, emotions and behavior. It's common with conditions like ADHD, but can also happen due to brain damage or degenerative brain diseases. It can also affect the skills that you use to manage everyday tasks like making plans, solving problems and adapting to new situations.

## Partnership and Cooperation

The Care Act imposes a duty on all public bodies to cooperate in order to ensure that care and support is delivered in a more joined up way. This integrated working seeks to eliminate disjointed approaches to dealing with support needs, which could lead to poor standards of care and practice but could also have a detrimental effect on the wellbeing of those receiving the care and support, as well as those who are working to address those care needs.

The Act is very clear that local authorities must discharge their care and support responsibilities with the aim of promoting greater integration with NHS and health-related services, which also includes housing services. The Act also specifies that local authorities must also work cooperatively with the following bodies or organisations: other local authorities; NHS bodies including NHS foundation trusts, Integrated Care Boards and NHS England;

Department for Work and Pensions and police and probation service providers for the local area.

This is not an exhaustive list and cooperation would be expected with other agencies such as care and support providers, NHS primary health providers, the Care Quality Commission and providers of social housing.

The Care and Support Statutory Guidance stresses the importance of ensuring that each local authority makes the necessary internal arrangements to make certain that its officers with responsibility for Adult care and support, housing, public health and children's services work collaboratively. Under the principles of well-being, prevention and making safeguarding personal, it is crucial to ensure that all of the care and support needs of an individual are considered alongside the personal views and wishes of the individual to ensure that the approach taken is person-centred.

To support collaborative multi-agency and where appropriate please refer to the Safeguarding Partnership also have a Multi-Agency Information Sharing Agreement and An Escalation and Challenge Policy available from: <https://www.southtynesidesafeguardingapp.co.uk/>

## Prevention Principles

### **Everyone – Agrees the following Prevention Principles:**

- The Adult is the expert in their own wellbeing
- The Adult should be empowered and enabled to use and manage their own money/finances.
- Where the Adult requires support, this support must not override their right to access their money whenever they want and to spend it as they decide.
- All concerns about financial abuse or financial mismanagement must be reported immediately.
- Everyone who may be involved in an Adult's money management knows their roles and responsibilities and the procedures of their organisation.
- Individual agencies will have their own procedures relevant to their work to identify concerns as early as possible and report them.
- Multi-agency working and proactive information sharing will take place to protect Adults from harm and abuse.
- Records will be kept in order to identify patterns/trends.

## Support Planning – Roles and Responsibilities

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

- Involving the Adult and empowering and enabling them to use and manage their own money / finances
- Identifying as early as possible whether someone is already providing financial support to the Adult and ensuring that they know what is expected of them (especially family members).
- Developing financial profiles/care and support plans.
- Keeping Adult's financial profiles and care and support plans under regular review so changes in an Adult's capacity can be identified at an early stage or concerns about how someone else is supporting an Adult can be identified at an early stage to reduce the possibility of significant harm and abuse.

## Protection Principles

The first priority should always be to ensure the safety and well-being of the Adult.

The Adult should experience the safeguarding process as empowering and supportive. Practitioners should wherever practicable seek the consent of the Adult before taking action. However, there may be circumstances when consent cannot be obtained because the Adult lacks the capacity to give it, but it is in their best interests to undertake an enquiry. Whether or not the Adult has capacity to give consent, action may need to be taken if others are or will be put at risk if nothing is done or where it is in the public interest to take action because a criminal offence has occurred. It is the responsibility of all staff and members of the public to act on any suspicion or evidence of abuse or neglect and to pass on their concerns to a responsible person or agency.

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

- The Adult's views and wishes must be ascertained as quickly as possible. They must be made aware of the concerns and the possible consequences. They must be supported to make informed decisions – this may be by the provision of information and/or the support of an advocate.
- All suspicions or incidents of financial abuse of an Adult must be reported to the Let's Talk Team with the consent of the Adult unless the Adult is unable to give consent due to mental capacity or, there is an overriding public interest.

- Where a crime has been committed the Adult should also be encouraged to make a report to the police. Where the Adult cannot give consent due to a lack of mental capacity or there is an overriding public interest the responsible person should report to the police.
- Recognise factors which will affect the Adult's decision to make a complaint or not: such as duress, willingness to please, family relationships or the effects "grooming" has on the Adult.
- What happens as a result of an enquiry should reflect the Adult's wishes wherever possible, as stated by them or by their representative or advocate. If they lack capacity a decision will be made about what is in the Adult's best interest and proportionate to the level of concern.
- Priority must be given by all agencies to participate in safeguarding Adults' multi-agency enquiries so a multi-agency plan to protect the Adult and investigate the concerns can take place.
- The Adults' capacity to make a specific decision, if in question, must be assessed.
- Work closely with the police to ensure the Adult can make a complaint and give a statement – this may include accessing advocates, interpreters, speech and language therapists, victim support etc. (See section on Police Involvement).
- Consider what other forms of abuse may also be present. Financial abuse is often accompanied by emotional abuse and neglect and sometimes physical abuse.
- Keep the whole process under review so it can be concluded in the shortest time possible.

# Quick Reference Reporting Pathway

**Concern:** An Adult at risk has been financially abused by hospital staff.



**Worried about an Adult** (Adult Concern Notice)  
The Local Authority Safeguarding Adults Team will consider allegations management, make further enquiry with the hospital safeguarding team and ICB

**Concern:** An Adult at risk has been financially abused and the abuse is a crime. The 'victim' has capacity and wants to report to the police.



**Worried about an Adult** (Adult Concern Notice)  
The adult and/ or Local Authority Safeguarding Adults Team / practitioner will report to Police if there is a wider public interest. If an Illegal Lender details to be sent to: [reportaloanshark@stoploansharks.gov.uk](mailto:reportaloanshark@stoploansharks.gov.uk)

**Concern:** An Adult at risk might have been financially abused – individual does not want to report to police at the moment – capacity not a concern.



**Worried about an Adult** (Adult Concern Notice)  
The Safeguarding Adults Team will report to Police if there is a wider public interest. If an Illegal Lender details to be sent to: [reportaloanshark@stoploansharks.gov.uk](mailto:reportaloanshark@stoploansharks.gov.uk)

**Concern:** The Appointee of an Adult at risk might be financially abusing the individual.



**Worried about an Adult** (Adult Concern Notice)  
The Safeguarding Adults Team will liaise with DWP and Financial Protection Team.

**Concern:** An attorney acting under a registered Enduring Power of Attorney or Lasting Power of Attorney, or a Deputy appointed by the Court of Protection is financially abusing an Adult at risk.



**Worried about an Adult** (Adult Concern Notice)  
Report as a Safeguarding Adults Concern. The Safeguarding Adults Team will report to the Office of the Public Guardian (OPG) and liaise with the Financial Protection Team.

**Concern:** An Adult at risk has been financially abused by the manager and or owner of a CQC Regulated Service.



**Worried about an Adult** (Adult Concern Notice)  
The Safeguarding Adults Team will liaise with CQC.

**Concern:** An Adult at risk has been the victim of a rogue trader.



Report to Police/South Tyneside Council's Trading Standards. Police/Trading Standards to then report as a **Worried about an Adult** (Adult Concern Notice)

**Concern:** An Adult at risk has been the victim of a bogus caller/ distraction burglar.



Report to police. Police will then report as a **Worried about an Adult** (Adult Concern Notice)

**Concern:** An Adult at risk has been the victim of a scam.



Report to Trading Standards AND as a **Worried about an Adult** (Adult Concern Notice)

## Section 2: Operational Procedure

### 2.1 Concern/Enquiry

**All concerns or suspicions of financial abuse are reported to the Safeguarding Team who will record the details and ascertain:**

- Whether the individual meets the criteria for safeguarding as defined in the Care Act 2014 and at this stage it is imperative that the views of the Adult at risk are sought before any decisions are made. The duty worker will make contact with the Adult at risk via telephone to gather more information and ascertain whether financial abuse is occurring, whether it is significant harm or more, and what support the Adult at risk requires.

Where significant financial abuse is confirmed, there are no clear referral pathways and multi-agency interventions are required, further enquiries will be made, and the case will be allocated to an appropriate Safeguarding Adults Manager (SAM).

The scope of that enquiry, who leads it and its nature, and how long it takes, will depend on the particular circumstances. It will always start with asking the Adult their view and wishes which will often determine what next steps to take. Everyone involved in an enquiry must focus on improving the Adult's well-being and work together to that shared aim. At this stage, the local authority also has a duty to consider whether the Adult requires an independent advocate to represent and support them in the enquiry.

Where the financial abuse is lower level, the concern will not progress to further enquiry, however there may be other actions or referral pathways implemented.



#### Example 1

Mrs Smith is a resident in a nursing home, her son Peter manages her finances in an informal capacity. Peter has not paid the care home fees for a number of months and there is a considerable debt outstanding.

The Let's Talk duty officer has made some enquiries and established that Mrs Smith is aware that Peter is not paying her care home fees but she explained that he has some personal problems at the moment. Mrs Smith has capacity to understand the consequences of non-payment of the care home fees; but she still wants Peter to manage her finances.

The concern is not progressed to enquiry as Mrs Smith has capacity to understand the consequences of non-payment of her care home fees but she still wants Peter to manage her money. Debt recovery action is initiated by the council's legal section.

## Example 2

John has a mild learning disability is unable to read or write and lives independently in a rented flat. His best friend Colin looks after his money. Colin has John's bank card and collects John's benefits each week.

John gets £94.00 per week in benefits; Colin gives John £5.00 per day which he uses to purchase takeaway food. John and Colin have fallen out and John has not had any money or food for a few days. John's support worker, Jane, has raised a safeguarding concern with John's consent.

The safeguarding duty officer has spoken to John, and he has asked for help as he is frightened to ask Colin for his bank card, and he does not want to report this to the Police. The concern is progressed to enquiry.

The social worker contacts John's support worker and arranges a joint visit to see John. John tells the social worker that he wants his bank card back from Colin; he also discloses that Colin has a key to his flat and he also wants this back. He says that his post from DWP and his bank goes to Colin's address. After further discussion with John some actions are agreed with him to protect his finances.

John's support worker contacts John's bank by telephone; John gives permission for the bank to speak to Jane. The bank cancels John's bank card and issues a new card and PIN number to John's address; John's correspondence address details are also changed to his own address.

Jane also contacts DWP with John's consent and has the correspondence address changed back to John's address.

Jane also arranges with the Housing Company for the locks to be changed on John's property to prevent Colin from accessing John's flat. The concierge is also alerted to the situation and will prevent Colin from accessing the building unless John gives his permission.

Jane arranges for some reablement support for John in relation to cooking skills so that John is able to cook for himself and not rely on takeaway food.

## 2.2 Further Enquiry

Once the facts have been established, a further discussion of the needs and wishes of the Adult is likely to take place. This could be focused safeguarding planning to enable the Adult to achieve resolution or recovery, or fuller assessments by health and social care agencies (e.g. a needs assessment under the Care Act). This will entail joint discussion, decision taking and planning with the Adult for their future safety and well-being.



## 2.3 Planning Meeting.

This part of the Safeguarding Adults process is very important when financial abuse is identified or suspected. On receipt of a safeguarding referral a decision will be made within 24 hours around further action to be taken. **Any further action should be multi-agency (where appropriate) which may include Police, DWP, Financial Protection Team, Legal, Social Worker and Advocate.**

Ensure all the right agencies are invited to the meeting or discussion. This might include Police, DWP, Financial Protection Team, Legal, Social Worker and advocate.

The wishes of the Adult are very important, particularly where they have capacity to make decisions about their safeguarding. The wishes of those that lack capacity are of equal importance. Consideration should be given to the level of intrusion that the Adult wants for example they may request that the local authority becomes their appointee to manage their benefits, or they may wish to be helped in less intrusive ways, such as through the provision of advice as to the various options available to them and the risks and advantages of these various options.

The Adult's relationship with the perpetrator should also be considered particularly where they are a family member and there is a risk of breaching the Adult's right to family life if not justified or proportionate.

Safeguarding should recognise that the right to safety needs to be balanced with other rights such as, rights to liberty and autonomy, rights to make unwise decisions and rights to family life.

## 2.4 Safeguarding /Care Plan.

The safeguarding / care plan will entail joint discussion, decision taking and planning with the Adult for their future safety and well-being. This applies if it is concluded that the allegation is true or otherwise, as many enquiries may be inconclusive.

The safeguarding /care plan should consider what is required in order to stop the abuse or harm that has occurred or to keep the risk of abuse or neglect at a level that is acceptable to the Adult or to support the individual to continue in the risky situation if this is their choice and they have the capacity to make that decision.

**Where financial abuse has occurred or there are ongoing concerns about financial management the following may be included in the safeguarding / care plan:**

- Change in Appointeeship
- Criminal prosecution
- Application to the Court of Protection to change Lasting Power of Attorney - or Deputyship
- Bank account suspended/changed
- Set up direct debits or standing orders
- Action required in relation to the perpetrator
- Provide new or increased support services
- Complete Financial Profile and Financial Care and support plan
- Empower the individual to take control of the situation

Please see Appendix 2 for details of Financial Management Options. Safeguarding plans should be reviewed every 3 months.

## 2.5 Involving the Police

Everyone is entitled to the protection of the law and access to justice. Behaviour which amounts to abuse and neglect, for example theft and fraud also often constitute specific criminal offences under various pieces of legislation. Although the local authority has the lead role in making enquiries, where criminal activity is suspected, the early involvement of the police is likely to have benefits in many cases.

Where a crime has been committed the Adult should be encouraged to make a report to the police. Where the Adult lacks capacity to make the decision to report to the police or there is an overriding public interest the responsible person should report to the police on behalf of the Adult.

Immediate referral or consultation with the police will enable them to establish whether a criminal act has been committed and this will give an opportunity of determining if, and at what stage, the police need to become involved further and undertake a criminal investigation.

A criminal investigation by the police takes priority over all other enquiries, although a multi-agency approach should be agreed to ensure that the interests and personal wishes of the Adult will be considered throughout, even if they do not wish to provide any evidence or support a prosecution. The welfare of the Adult and others, including children, is paramount and requires continued risk assessment to ensure the outcome is in their interests and enhances their wellbeing.

If the Adult has the mental capacity to make informed decisions about their safety and they do not want any action to be taken, this does not preclude the sharing of information with relevant professional colleagues.

This is to enable professionals to assess the risk of harm and to be confident that the Adult is not being unduly influenced, coerced or intimidated and is aware of all the options. This will also enable professionals to check the safety and validity of decisions made. It is good practice to inform the Adult that this action is being taken unless doing so would increase the risk of harm.

## 2.6 Signposting and Referral Pathways

Where a safeguarding concern does not meet significant harm threshold or there are other more suitable pathways the safeguarding duty worker will refer the concern to the appropriate team or agency for support.

### Example 3

Stephen lives in supported housing and has a history of alcohol abuse. His 'friends' visit him often and they use his property to drink alcohol and take drugs. Stephen's friends usually visit him on the day that he receives his benefits. Stephen will report to his support worker that he has no money to buy food. Stephen has also been assaulted by his friends and has received hospital treatment. Stephen will not make a report to the Police and says that he has fallen.

Stephen's support worker has raised a safeguarding concern as he believes that Stephen's 'friends' are exploiting him financially and are physically assaulting him.

The safeguarding duty worker contacts Stephen to discuss the concern and Stephen says that these people are his friends, and they are not taking his money or assaulting him. Stephen has capacity to manage his finances and to make decisions about his friendships.

The concern cannot be progressed to enquiry as Stephen denies there is any abuse occurring.

The concern is referred into the MASH for discussion and consideration of any actions that can be taken for Stephen or for the alleged perpetrators.

## 2.7 Financial Management Options

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

**Where financial abuse has occurred or there are ongoing concerns about financial management the following may be included in the protection plan:**

- Change or taking on an Appointeeship
- Application to the Court of Protection to change Lasting Power of Attorney - or to change/appoint a Deputy

The information below summaries the options available but the Let's Talk Team team will discuss the most appropriate options available in more detail, depending on the individual circumstances.

### Attorney

- When an Adult has capacity, they can appoint another Adult to help them make decisions or make decisions on their behalf.
- They do so through a legal document called a Lasting Power of Attorney (LPA).
- This gives more control over what happens to you if you can't make decisions at the time they need to be made (you 'lack mental capacity').
- You can appoint an LPA to deal with your health and welfare or property and financial affairs, or both.
- Your attorney must act in your 'best interests' and it could be financial abuse if your attorney misuses your money or makes decisions that are not in your best interests.
- If you, or someone else, have concerns about someone who is acting as your attorney, you can contact the Office of the Public Guardian who can act to remove them as your Attorney.
- Where an existing Attorney is removed, the council will look at the most appropriate way to support the individual to manage their finances. Where the individual has capacity, this could be by supporting them to appoint another Attorney, or where they lack capacity, one of the options detailed below will be considered.

## Appointee

In cases where a person has lost capacity to make decisions in regard to finances but whose income is limited to Social Security benefits, and they do not own property, such as a house, that person's financial affairs can be effectively managed on their behalf by the Appointment of an Appointee by the Department for Work and Pensions (DWP).

The DWP can appoint a third party to act on the individual's behalf regarding their benefits. Where there are no suitable relatives to act, an application can be made for the council to apply to take on this role for service users either in residential or nursing care and for those living in the community.

## Deputyship

### What is a Deputy

A deputy is a person appointed by the Court of Protection to manage the affairs of someone who lacks the mental capacity to manage their own affairs. A deputy is usually a friend or relative of the person who lacks capacity, but in some circumstances, it could be a professional such as a solicitor or the council. A deputy is usually required where the individual has capital and/or assets that cannot be dealt with by someone acting as appointee.

A deputy must at all times act in the best interests of the individual, in good faith and with due care, at all times complying with the directions of the Court of Protection.

### Where there are concerns about an existing Deputy

It is the responsibility of the Court of Protection to protect the person with dementia and to support people in their role as deputy.

However, where this relationship breaks down and financial abuse by the deputy is identified, the removal of an existing deputy may be the option identified in the protection plan.

The Office of the Public Guardian will deal with any concerns and where there is a clear risk that someone may suffer serious loss or harm, an application can be made to the court for someone else to be appointed as deputy. In some instances, the most suitable person may be the council.

The option for the council to become deputy for an individual can be discussed in detail with the Deputyship team.

## Section 3: Quality Assurance

### 3.1 Governance and Accountability

This Financial Abuse Practice Guidance has been developed by South Tyneside Safeguarding Adults Board following identified learning and will be reviewed on an annual basis.

### 3.2 Key Contacts

#### Adult Social Care Let's Talk Service

Tel: 0191 424 6000

Email: [letstalk@southtyneside.gov.uk](mailto:letstalk@southtyneside.gov.uk)

Contact the team - South Tyneside Council

#### Illegal Money Lending Team

Hotline Number: 0300 555 2222

Email: [reportaloanshark@stoploansharks.gov.uk](mailto:reportaloanshark@stoploansharks.gov.uk)

Text: text loan shark and your message to 60003

#### Office of the Public Guardian

Tel: 0300 456 0300

Textphone: 0115 934 2778

Email [opg.safeguardingunit@publicguardian.gsi.gov.uk](mailto:opg.safeguardingunit@publicguardian.gsi.gov.uk)

#### Care Quality Commission

Tel: 03000 616161

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

#### Police

Tel: 101 or 999

Department for Work and Pensions

#### ACTS (Age Concern South Tyneside)

Tel: 0191 456 6903

#### Your Voice Counts (Advocacy)

Tel: 0191 478 6472

Freephone 0800 048 7856

If you are worried about an adult please contact:

**Let's Talk Team:** 0191 424 6000

(Mon – Thurs 8.30am -5pm and Fri 8.30am – 4.30pm)

**Out of Hours:** 0191 456 2093

(Evenings, Weekends and Bank Holidays)

Email: [Safeguardingadults@southtyneside.gov.uk](mailto:Safeguardingadults@southtyneside.gov.uk)

**Report Concerns:** <https://www.southtynesidesafeguardingapp.co.uk/resources/forms-leaflets-and-posters/>

**DISCOVER  
MORE SCAN HERE**



Acknowledgement and thanks go to Gateshead Safeguarding Adults Board for sharing their original document; Practice Guidance Summary - Financial Abuse.