

# Safeguarding People from Financial Abuse



# Ann Craft Trust: ACTing against abuse

- Established in 1992, and part of the University of Nottingham, the Ann Craft Trust (ACT) is a national charity.
- ACT works with staff in the statutory, independent and voluntary sectors in the interests of children and adults with learning disabilities who may be at risk of abuse.



ACTing against abuse

# Introductions

Everybody has the right to the money and property that is legally theirs and to live free from financial abuse.

Financial abuse is unacceptable, and in many cases illegal. It can occur in a person's own home, whilst they are receiving a service or in their community.

The abuse may be perpetrated by a professional, friend, family member or a stranger. Financial abuse is a complex area and can be hard to recognise and prove.

# Introductions

Studies show that in some areas it is the most widespread type of abuse

Statistics are startling:

- At least 20% of all UK cases of adult abuse are financial

One area reported that

- 60-80% cases of financial abuse take place in a person's own home
- Nearly 70% of financial abuse is carried out by a family member

# The financial abuse project



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A two year partnership project, funded by the Department of Health

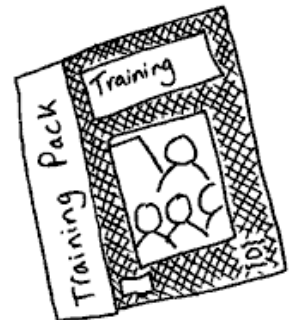


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all about people

A resource offering a flexible training on the issues relating to financial abuse of people with learning disabilities; including **prevention, detecting,** and **reporting** of abuse.



# The financial abuse project



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It is very important that people with learning disabilities know about their rights not to be financially abused and that others can recognise and prevent it. We have developed a separate accessible information and resource for people with learning disabilities to help raise people's awareness of financial abuse.



# Themes from our survey



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We had an amazing response rate to the survey and received:

**368** responses: professionals and paid carers

**293** responses: unpaid carers and family carers

**53** responses: people with learning disabilities

We also spoke to **72** people with learning disabilities in focus groups



# Themes from our survey



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Financial abuse seems to occur **wherever people live** – residential care, supported living, in the family home

The subject of **mate crime** and the vulnerability of people with learning disabilities has been raised often

Reluctance to raise matters with **the police** or get the police to take action has been a common issue

Just about everyone has said they would like **more information or training** on the subject



# Themes from our survey



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People are increasingly expected to **manage their own money**

Alongside this we must not lose sight of the **potential risks** of abuse or crime

There is a clear need for a lot **more support and advice** for those working with people with learning disabilities to prevent, detect and deal with financial abuse.

# Key issues from professionals



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- Banks issuing credit cards/ overdraft facilities with no clear instructions
- Difficulty involving the police
- Low priority of training on financial abuse
- 'Private carers' – issues such as large fees, grooming of people, accepting gifts
- Mate crime –being taken advantage of by 'friends'
- Family carers looking on person's income as 'family money'
- People with learning disabilities not understanding or recognising financial abuse or knowing how to complain

# Key issues from families



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- Big concerns about financial abuse and many shared their stories
- Not being consulted on decisions about financial capacity and risk assessment
- Worries around when people are not living at home
- Concerns around reporting crimes and support from police
- Not understanding their rights and responsibilities when their child becomes an adult

# Key issues from people with learning disabilities



- Limited understanding about definition of financial abuse (often confused with other forms of abuse)
- Some awareness of financial abuse in own lives or those of friends (more stories from focus groups than surveys)
- Main examples given were family members controlling or mishandling money, staff taking advantage (eg BOGOFs) and 'mate crime' or targeting by people on the street.
- Very little training or information received but was strongly desired
- Lack of reporting to or follow up by police
- Mixed experiences with banks

# What is financial abuse?



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Financial or material abuse – including theft, fraud, exploitation, 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.

Care Act guidance 2014



# Financial Abuse

Much financial abuse is theft and fraud and therefore for the police to investigate. It may also be a significant threat to people's health and well-being and may require more attention and collaboration from a wider group of stakeholders, including financial institutions such as banks.

Care Act guidance 2014

# What is financial abuse?



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## **The dynamics of financial abuse include:**

- The intentions of the (potential) abuser and their relationship with the person
- The nature of the actions taken to access the money
- The extent to which the money is being used to meet the person's needs
- The degree of harm/loss to the person
- Any conflicting interests the (potential) abuser or other interested parties (eg relatives) have in terms of access to the money or property

# What is financial abuse?



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## A working definition of financial abuse:

The intentional or opportunistic appropriation of the income, capital or property of a vulnerable person through theft, fraud, deception, undue influence or exploitation; including the hoarding of vulnerable person's resources for future gain which is also a form of exploitation and may be associated with culpable neglect.

**Brown 2003**



# What is financial abuse?



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At its most basic financial abuse is very clear and straightforward. Criminal offences such as theft, fraud and extortion leave no room for doubt. They are plainly abusive. However there are other, rather more subtle examples of financial abuse, some of which are a lot more common in practice than we might like to think.

<http://stuartsoresen.wordpress.com/>



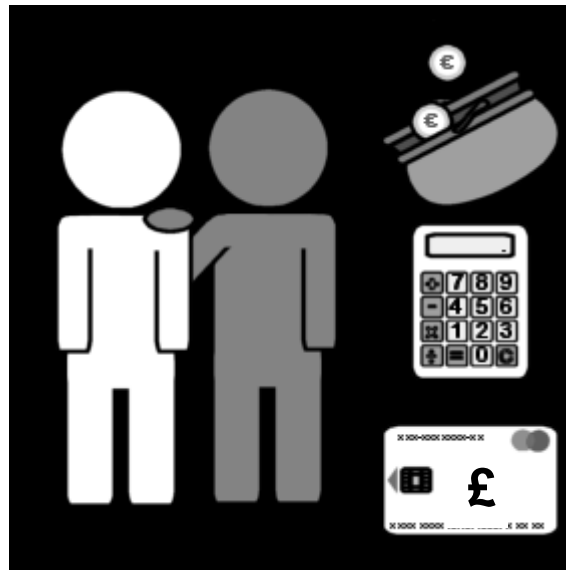
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# Key risk factors for £ abuse

- Person is **unable to manage their own finances** due to lack of capacity or insufficient numeracy skills
- Person is known to be **isolated or is regarded as at risk** within the community
- Person who is isolated or lives on their own may be more at risk of being **exposed to financial pressure** e.g. from salespeople, loan firms, rogue traders or bogus callers
- Person is **dependent on another person or people** to manage their money

# Appointees and Attorneys

If someone is not capable of managing their own affairs they may have an **appointee** or an **attorney**.



# Some indicators of £ abuse



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- Unexplained loss of money
- Inability to pay bills, overdue rent
- Person unable to access their own money or check their own accounts
- Deterioration in standard of living, for example an inability to purchase items that they could normally afford
- Unusual activity in bank accounts
- Cheques being signed or cashed by other people without someone's consent
- Signatures on cheques etc, that do not resemble the person's signature, or signed when the person cannot write

# Some indicators of £ abuse



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- Inappropriate granting and/or use of a Power of Attorney
- Missing personal belongings
- Sudden changes in bank accounts, including unexplained withdrawals of money
- The inclusion of additional names on a person's bank account
- Loans or credit being taken out by a person in circumstances that give cause for concern
- Concern that an excessive amount of money is being expended on the care of the person

# Some indicators of £ abuse



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- Lack of amenities, such as TV, personal grooming items, appropriate clothing, that the person should be able to afford
- Deliberate isolation of a person from friends and family, resulting in the caregiver alone having total control
- A person's inability to explain what is happening to their own income
- Items purchased which are not appropriate for the person
- A person asking only financial questions of care workers, not asking questions about care

# Minimising the risk

## The balancing act

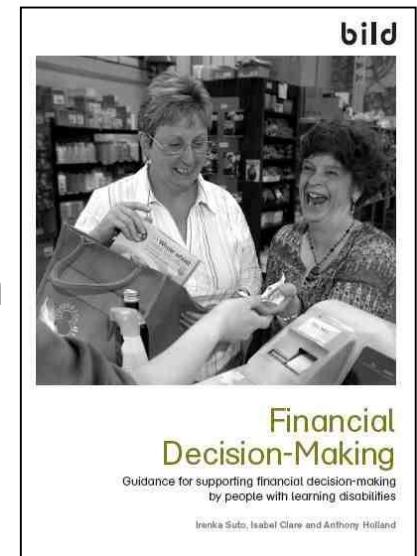
- Enabling people to have respect, autonomy and as much control over their finances as possible
- Protecting people from abuse and exploitation

Must work within the **Mental Capacity Act**

Take a look at:

### **Financial Decision Making**

for help on how to carry out an assessment of financial decision making capacity



# Minimising the risk

- It's not a one person job!
- Appoint deputies and attorneys where appropriate.
- Talk to those who know person well: especially family
- If concerned, consider a capacity assessment,
- Discuss risks in any care planning meetings
- Include level and type of support in personal plans,
- Keep under review
- Be aware of your role, responsibilities and limitations of dealing with someone's finance
- Keep good records





# Minimising the risk

## Applying good practice to the people you support and care about;

- Don't give out personal PIN number for cards
- Don't give anyone a blank cheque
- Don't keep large sums of cash at home or with you.
- Don't throw papers with personal details (eg name, address, date of birth, in the bin. If possible shred.
- Don't sign up for store or credit cards, or loans if you do not understand the charges.



# Minimising the risk

## Applying good practice to the people you support and care about;

- Avoid traders with no landline phone or office details
- Do not sign or agree to anything on your doorstep.
- Ask callers to provide identification and agree a time when they can call again
- Don't leave strangers alone in your home
- Be very wary of doorstep traders offering to carry out work on your home such as roof repairs, hedge trimming or drive cleaning.



# Managing financial risk

An acquaintance of a young man with learning disabilities was fraudulently using his bank card. The young man attended a safeguarding meeting with an advocate so that decisions could be made alongside him about how the risks might be reduced. The person already had the support of an appointee at the council in managing his finances. However he retained his own bank account. He wanted to maintain some degree of financial autonomy.



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The advocate supported the young man in working out and then sharing with the meeting the steps he would take if he became aware again of fraudulent use of the card (calling the bank, cancelling the card, calling the police) and steps he was taking to monitor his account. It would have been easy for professionals to take a restrictive view point about his vulnerability and arrange for all his money to be deposited with the appointee so that he would have to come into the office to collect his money. With appropriate support and advice he is empowered to protect himself and to retain some autonomy

# Ann Craft Trust: ACTing against abuse



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