

Financial Harm

Strategy and Guidance

Updated 2022

Introduction

In Fife financial harm has been one of the three most frequent types of harm reported in annual data returns to the Scottish Government. Financial harm is complex and requires a collective response to tackling it.

The financial harm strategy was developed from the Fife Adult Support and Protection Committee's Improvement Plan, which included the priority area of responding to harm occurring adults at risk of harm in their own homes.

There are many examples of financial harm but these types have most commonly been reported in Fife.

- ◇ theft of money, benefits, property, possessions
- ◇ telephone call scams
- ◇ unfair trading practices and aggressive sales pitches
- ◇ internet scams
- ◇ unsolicited mail
- ◇ befriending for the purpose of committing crime

This document outlines the ASPC financial harm strategy, the role of the financial harm working group and guidance for practitioners including role profiles for a range of agencies that have the opportunity and responsibility to help prevent financial harm and/or to intervene in such situations.

Role of Financial Harm Working Group

The role of Fife Adult Support and Protection Committee's Financial Harm Working Group (FHWG) is one of strategic development and encouraging a commitment to working within the local multiagency policy and procedures across agencies in relation to financial harm. A further role of FHWG is to analyse partner data and share information about where financial harm is occurring, types and recommend actions to lower the likelihood of it recurring.

The drafting of joint guidelines related to preventing and intervening in situations of financial harm of adults at risk is undertaken as part of that role along with awareness raising and dialogue across all partners to enhance protection.

The Adult Support and Protection Committee will facilitate communication on financial protection issues widely ensuring that both national and local developments/guidance are disseminated as appropriate. The Adult Support and Protection Committee will give advice on policy and monitor its effectiveness in practice.

The impact of actions below will be reported via the FHWG updates to Fife Adult Support and Protection Committee. These will be provided on a quarterly basis to highlight progress as well as any barriers which are preventing progression.

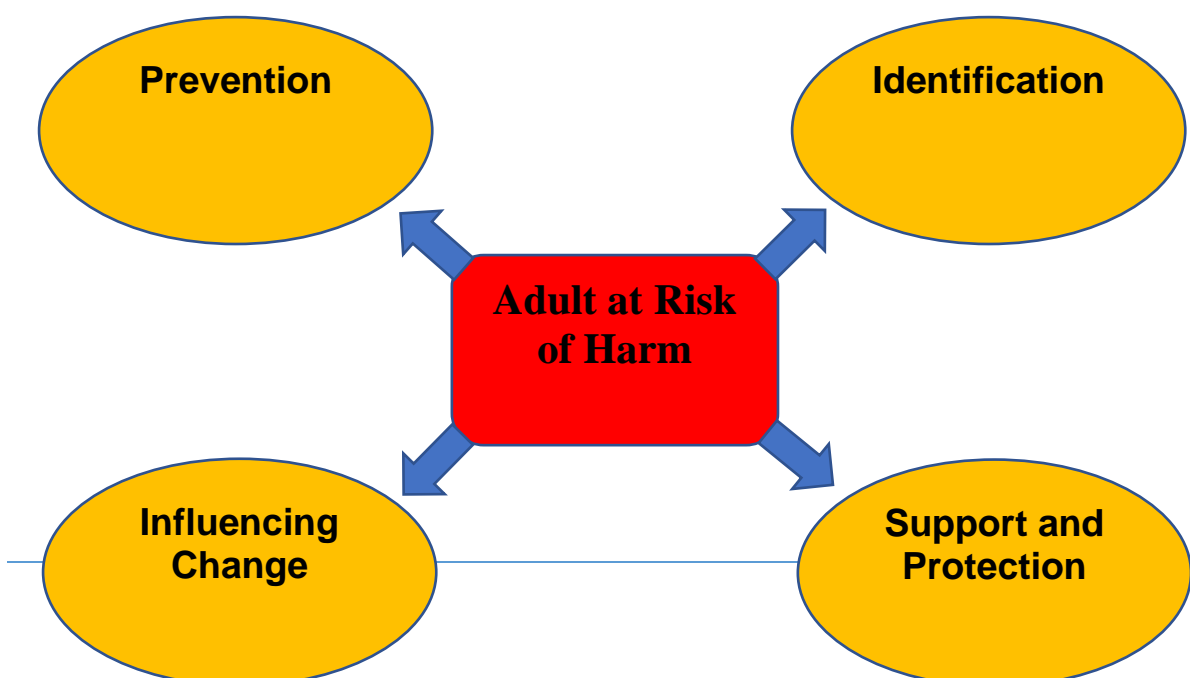
Annual summaries of success will also be published at the end of each financial year. All local agencies will be asked for feedback on the impact of actions contained within the strategy. Data will continue to be collected via performance figures submitted in June each year to the Scottish Government with analysis thereafter.

There will be links to a new service user engagement and participation strategy being developed. This will enable a capturing of views from service users in relation to financial harm interventions and supports including feedback via frontline staff and advocacy services. In addition, in relation to financial harm other support services such as Action on Elder Abuse Recovery Project should be able to report how adults view services provided.

1. Fife's Strategy

The financial harm strategy in Fife will continue to focus on prevention, identification and support and protection. At all times the adult should be at the centre of activity given the difficulties in identifying financial harm. Section 4 of the Adult Support and Protection (Scotland) 2007 Act places a duty on Councils to make inquiries about an adult at risk's well-being, property or financial affairs where the Council knows or believes intervention may be necessary to protect the adult. The Council lead for adult support and protection inquiries is the social work service.

Positive results to help make adults at risk safer from financial harm will only be achieved if partner agencies work together and take responsibility for actions contained within the four areas identified below.



Prevention

It is key to continue to raise awareness amongst individuals, communities and agencies to try and avoid harm occurring in the first place.

What we want to achieve	How we will continue to achieve this	Progress made
<p>Increase awareness of financial harm across Fife.</p> <p>Reduce the occurrence of financial harm.</p> <p>Early intervention in relation to financial harm</p>	<p>► Raise awareness of Fife Adult Protection Committee guidance through all agencies, particularly for frontline staff who visit people in their homes.</p>	<p>- Significant work has taken place to raise awareness of Fife Adult Protection Financial Harm Protocol across all agencies, particularly for frontline staff who visit people in their homes. This includes how to report financial harm and make reports to Police Scotland in cases where a crime is suspected.</p> <p>An example of this is 'A Year of Financial Harm Awareness Raising' which launched in 2021, with monthly themed bulletins launched for different aspects of financial harm.</p> <p>SCAMS talks for practitioners are also being taken forward at present. This will increase confidence in our frontline workers to support community members in the identification of SCAMS. A briefing paper has been provided for the</p>

	<p>► Agencies such as housing, use communication channels with members of the public to optimise awareness. To continue to use these networks to support message and reach wider audience.</p> <p>► To continue work with local support groups and forums, such as Fife Forum and People First, to provide guidance and messages about financial harm to communities.</p> <p>► Review and disseminate easy read information amongst at risk groups highlighting what financial</p>	<p>ASPC.</p> <p>-“A Year of Financial Harm Awareness Raising” was circulated to all agencies incorporating good communication networks. The group will continue to use this network to support message to reach wider audience.</p> <p>- Members of the FHWG have distributed monthly Sways to raise awareness of financial harm, working with People First and DWP. Links and offers of support have been made with Fife Forum, Fife Carers Centre, St Andrews University, Fife College, University of the 3rd Age, and LGBTQ+ spreading the word far and wide in terms of financial harm. Easy to read publications have been also been included within this to support.</p> <p>Financial Harm awareness training is being taken forward within</p>
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	<p>harm is and how to report harm.</p> <p>► Work in partnership with financial institutions locally to take action where financial harm is suspected.</p> <p>► To continue to include financial harm as an example of harm in any public awareness media campaigns such as national adult support and protection week each year. Back up with information and advice about where to get help.</p>	<p>Sheltered and very Sheltered housing and is reaching an audience of 50+ age group. The training is being adapted as it progresses following feedback and review.</p> <p>The FHWG has made links with financial institutions locally to act where financial harm is suspected. This has allowed pertinent information to be shared at FHWG and highlight where campaign and resources should best be targeted.</p> <p>DWP are now represented by on ASPC and FHWG. A link has also been identified at RBS bank.</p> <p>National Adult Support and Protection Day took place on 21 February 2021. The theme of this within Fife was financial harm. Prior to this, a radio campaign was arranged to run</p>
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		<p>throughout February in partnership with Fife's Kingdom FM related to financial harm, mate crime and freeloading to raise awareness throughout Fife on how to report this harm and how to identify it. In terms of post-campaign analysis, the following was identified:</p> <ul style="list-style-type: none"> • Airtime 140 x Plays – 52,870 Reach (each person will hear 6.2 times). • Digital Display– 75,439 Impressions – 75 clicks. • Admessenger – 170,009 Impressions – 2408 taps on website. • Of people surveyed at the start of the campaign 43% recalled hearing the advert and at the end this had significantly increased to 67%. • “Concerned” was the most common emotional reaction chosen by listeners in response to the advert. <p>This indicated significant reach within the Fife area and effective awareness raising of</p>
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Identification

This links closely to prevention work. Early and effective interventions are vital. Individuals, communities and agencies need to know what constitutes financial harm and how to report suspected harm in a timely manner.

What we want to achieve	How we will continue to achieve this	Progress made
<p>Staff within all partner agencies know how and where to raise reports of suspected or actual financial harm and are confident in doing so quickly.</p> <p>▶ Best use of joint working and protocols with banks, building societies and post offices to identify financial harm by perpetrators</p>	<p>▶ Continue to distribute updated ommittee guidance widely which contains specific advice about identifying financial harm and how to report it.</p> <p>▶ Aide memoire to be developed to support guidance procedure</p> <p>▶ Include financial harm in all inter-agency, single agency and new Harm in the Home training for adult support and protection and adults with incapacity training. This is particularly important for frontline staff who make home visits.</p> <p>▶ Work in partnership</p>	<p>Fife's financial harm strategy was approved by Fife Adult Support and Protection Committee on 8 May 2019. This is currently being updated prior to approval at ASPC in February 2022.</p> <p>This has been completed. Any new training moving forward will also include financial harm.</p>

<p>allowing quick Police intervention.</p>	<p>with financial institutions locally to take action where financial harm is suspected.</p> <p>► External agencies are informed if harm is suspected or is caused by someone who has authority to manage an adult at risk's money, such as the Office of the Public Guardian or Department for Work and Pensions.</p>	<p>The FHWG has made links with financial institutions locally to act where financial harm is suspected. This has allowed pertinent information to be shared at FHWG and highlight where campaign and resources should best be targeted.</p> <p>This has now been taken forward as an agenda item at each FHWG meeting as part of information sharing protocols.</p>
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Support and Protection

Adults at risk of harm impacted by financial harm should always be offered advice and support. Frontline staff should be aware that this may require a pro-active and sensitive approach if individuals feel embarrassed to accept such assistance. Supports suggested may be wide and include several agencies.

What we want to achieve	How we will continue to achieve this	Progress made
<p>Support adults who have been harmed.</p> <p>Adults at risk report that they feel safer.</p>	<p>► Recognise the emotional impact financial harm can have when providing supports.</p>	<p>This is considered as an agenda item at each FHWG and allows group members to</p>

	<ul style="list-style-type: none"> ▶ Supports available for those affected by financial harm to continue to be promoted by all partners ▶ Raise awareness of technologies available which can reduce the risk of harm such as telephone scams and secure the use of these for adults at risk if agreed. ▶ Scottish Government's (2018) national strategy to tackle social isolation and loneliness to be taken into account when responding to episodes of financial harm. 	<p>consider this on an ongoing basis.</p> <p>Use of technology will be taken forward in the updated FHWG workplan.</p>
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Influencing Change

What we want to achieve	How we will continue to achieve this	Progress made
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2. Reporting financial harm

This should be done using the inter-agency adult support and protection guidance or by contacting Police Scotland if a crime has occurred or been suspected. The adult protection phone line is 01383 602200. A Report of Harm form should also be completed and emailed to sw.contactctr@fife.gov.uk

Local authorities have a duty to inquire where they believe or know that an adult is at risk of harm as detailed in the Adult Support and Protection (Scotland) Act 2007. This is the case for adults aged 16 and over. Wherever

possible, individuals should be informed of the intention to report the financial harm and to have their views of the circumstances ascertained if possible.

If financial harm is suspected or caused by someone who has been formally appointed to manage the person's finances, such as a financial guardian, financial attorney or benefits appointee these must also be reported where relevant to:

The Office of the Public Guardian www.publicguardian-scotland.gov.uk

The Mental Welfare Commission www.mwscot.org.uk

Department of Work and Pensions

<https://www.gov.uk/organisations/department-for-work-pensions>

3. Definition of financial harm

Financial harm is caused by the illegal or improper use of an individual's resources (both financial and property) by another person, without their informed consent or through the exercise of undue pressure.

It can include theft, fraud, internet scamming, identity theft, misuse or stealing of property, possessions or benefits. Other examples may include unfair trading practices and aggressive sales pitches.

4. Impact of financial harm

It is common that individuals may experience more than one type of harm. Research indicates that financial harm is frequently linked to physical and/or psychological harm and neglect. Evidence of any of these should alert professionals to the potential for financial harm.

The impact of financial harm can leave individuals feeling embarrassed, anxious and distressed, possibly leading to a marked deterioration in health and wellbeing. Loss of confidence may reduce independence. Adults may be unable to recoup monies lost. Financial harm reduces the adult's assets, which impacts on quality of life and in some cases may increase reliance on state intervention.

When financial harm does occur or is identified, it is crucial that responses are effective and efficient from all services involved.

5. Risk factors

Possible risk factors

Lack of understanding about finances and what is happening.

Dependency on others to manage care or finances.

Cognitive impairment, arising for example from dementia, impacting on decision-making and communication difficulties.

Reduced or lowered level of financial capability (the ability to deal with financial products and services or lack of financial and technological knowledge to, for example, operate on-line banking and having to use PIN numbers rather than cheques).

Social isolation, living alone, bereavement and loneliness, providing an opportunity for exploitation (some adults may be so lonely that they will permit harm to continue just to maintain some contact with another human being).

Over-trusting nature.

Increased assets coupled with low cost lifestyle and a limited awareness of scams and fraud and other risks may make individuals more susceptible.

Misunderstanding by both professionals and non-professionals of what constitutes financial harm and a lack of appreciation of the seriousness of financial harm and how it can lead to an escalation and other types of harm.

Sadly, people may become repeat victims.

Research cited by With Scotland (2014) suggests that older people experiencing mental health issues are at increased risk from financial harm.

6. Possible signs of financial harm

Financial harm may take time to be uncovered. This means that the adult at risk of harm may be exposed to its effects for long periods before it is identified. Individuals may be unaware of the harm or be unwilling to accept it is happening. This means it may be less likely to come to light.

Possible indicators of financial harm

Unexplained or sudden inability to pay bills or getting into debt, for example rent arrears or unpaid care costs.

Unexplained or sudden withdrawal of money from accounts.

Failure to provide receipts for shopping or other financial transactions carried out on behalf of the person.

Disparity between assets and satisfactory living conditions, for example, lack of food in the house or non-provision of toiletries/new clothes for adult in hospital ward or care home.

The adult or their relative is resistant to spends which may provide items or resources to provide support, where there should be funds available. (The natural thriftiness of some people should be borne in mind, however).

Extraordinary interest by family members and other people in the adult's assets including selling possessions.

Adult becomes secretive about transactions and attempts to hide things.

Expenditure of no benefit to the adult, by those with a responsibility to act on the adult's behalf and/or prevalence of good.

Sudden or unexpected changes to someone's will or other financial documents.

Changes in how an ATM card is being used, for example, more frequently or from different locations.

Missing personal belongings.

A lack of clear financial accounts held by a care home or service.

Unnecessary property repairs.

Adult hoarding unsolicited mail.

7. Perpetrators of financial harm

Financial harm can be perpetrated by anyone. This includes family members, professionals such as solicitors, paid health and social care workers, volunteers, other adults at risk of harm, residential and nursing home managers or workers, neighbours and friends. Third parties can cause financial harm by trying to steal or extort money through pressure sales by

telephone, online or doorstep crime. This includes people convincing adults that purchases or unnecessary work is required on a home.

There is a growing issue with online scamming which can originate in this country or abroad. Sometimes adult's details are sold on to other organisations that also then target the person. Concerns have been expressed nationally about some charities using aggressive tactics or sending gifts, etc. to people making them feel obliged to contribute. This has become particularly common.

A distinction should be drawn between those acting in a position of trust and others. Financial harm may be opportunistic; however those in a position of trust have greater opportunity to commit financial harm. Research by the Social Care Institute for Excellence (2010) suggested most financial harm was perpetrated by someone in a trusted capacity. Even when an adult suspects harm they may be reluctant to say anything, worried about the consequences of upsetting or challenging someone. Such cases are complex if someone is deemed to have capacity and voluntarily discloses bank details for instance but nevertheless a range of options should still be considered.

Some families may fail to recognise their behaviour as criminal. They may not consider taking money from a vulnerable relative as harmful believing it is acceptable, (even seeing this as an 'entitlement') particularly if ultimate inheritance of the assets is anticipated or likely.

The perpetrator of financial harm does not have to be with the victim in order to commit harm. Once the perpetrator has access to bank details, they can make financial transactions remotely, and the victim may be unaware of these actions.

8. Partnership working and roles of different agencies

Being familiar with the wide group who have different but overlapping roles connected to the recognition, identification, support and protection of those experiencing financial harm is essential. Once identified good information sharing and partnership working can provide appropriate and timely intervention.

8.1 Social Work Service

The Adult Support and Protection (Scotland) Act 2007

Section 4 requires the Council to inquire where it knows or believes that a person's well-being, property, rights or other interests are at risk and that protective measures may be necessary.

A Council Officer can request access to financial records, under section 10. Such a request must be in writing if made without a formal visit under section 7. This can be a useful way to obtain financial information from a local bank, although anecdotal evidence suggests that some banks are more willing to comply with these requests than others. The law is clear that to fail to comply with a valid section 10 request is a criminal offence, so this can be stressed where difficulty is encountered, (see later section on Financial Institutions re section 10). Raising concerns with banks can provide a quick, short-term means of preserving such funds which are left in an account in some circumstances. Some banks will agree to freeze accounts where there appears to be abuse of a joint account holder's funds by another, but there is no strict legal basis for such action, so this cannot be insisted upon. In any event, assurances would need to be sought that the adult will have access to some funds to pay for day to day living expenses whilst matters are investigated and/or resolved. Where the security of a PIN card has been compromised banks are generally willing to suspend its validity, even where PIN information has been shared on purpose, but this will depend on the bank in question.

Fife Council has a duty to prevent financial harm when applying for a Removal Order as underpinned by this Act and must take reasonable steps to avoid loss or damage to the adult's property when the adult is unable to do so and no other arrangements are in place.

Assessments

The Social Work Service may become aware that an adult is, or may be at risk of financial harm through assessment, care planning and scheduled reviews.

The Personal Outcome Support Assessment (POSA) provides opportunities for the adult, family, carers either paid or informal and other professionals to contribute information which may indicate financial harm.

Where the adult is unable to financially safeguard themselves, it is necessary to establish the existence of a financial proxy such as a financial attorney, guardian or benefits appointee and their views must be sought as part of the assessment and information gathering.

Adults with Incapacity (Scotland) Act 2000

Fife Council has a duty under the *Adults with Incapacity (Scotland) Act 2000*, section 12 to co-operate with the Office of the Public Guardian (OPG) investigating whether property and financial affairs of an adult who lacks capacity require safeguarding.

Withdrawers appointed by the Access to Funds Scheme are subject to regulation by the OPG. Any concerns in relation to the exercise of their powers should therefore be reported to them. The OPG may suspend or terminate any withdrawal certificate granted in response to such a report. Section 57 of the *Adults with Incapacity (Scotland) Act 2000* requires the Council to apply for the appointment of a financial guardian when required, and where no-one else has applied, where an adult lacking capacity requires protection in relation to property and finance. While Social Work may make the guardianship application it cannot be appointed as financial guardian.

Continuing (financial) attorneys

The primary responsibility in terms of the oversight of continuing attorneys (i.e. attorneys with powers in relation to the management of an adult's finances which continue after the adult has lost capacity) lies with the Office of the Public Guardian (OPG). In many cases the appointment of an attorney can help safeguard someone's finances and may deter exploitation. Where there are concerns in relation to the actions of an attorney and the adult is considered to be at risk of harm, this should be reported as adult protection via the Reporting Harm Protocol.

The indication from the Mental Welfare Commission's report on Mr. and Mrs. D¹ is that, even with continuing attorneys, the Council should consider whether it is appropriate for it to make an application to have the attorney removed, to be made subject to the supervision by the OPG or to be given directions in the use of their powers by the Sheriff. The latter could include the attorney being required to submit regular accounts to the Public Guardian.

In some circumstances, it may also be worthwhile considering the appointment of a Financial Guardian. This appointment would have the effect of removing the attorney's power, insofar as they are granted to the Guardian.

Financial guardianship/intervention orders

Financial guardians and interveners with financial powers are also subject to the oversight of the OPG and concerns should therefore be addressed to them, in the first instance. The Local Authority can make an application for the removal of a guardian or intervener, either altogether, where the Order is no longer required, or to be replaced by another, more suitable individual.

Mental Health (Care and Treatment) (Scotland) Act 2003

¹ Mental Welfare Commission 2013

Section 33 of the Act places a duty on a local authority to inquire into the situation of a person who appears to have a mental disorder and is living in the community. This duty to inquire is triggered, for example, where that person is suspected of being at risk of neglect or ill-treatment, where the patient is living alone or without care and where their property may be at risk of suffering loss or damage because of their mental disorder.

Co-operation by the Mental Welfare Commission, the Office of the Public Guardian, Care Inspectorate and NHS Fife can be requested where this would assist the inquiry.

National Assistance (1948) Act, Section 48

The Social Work Service, as part of the Council, must secure and protect the property of an adult admitted to hospital either informally or under the Mental Health (Care and Treatment)(Scotland) Act 2003.

8.2 Police Scotland

The Police must be notified promptly where adults at risk of harm are identified as victims of suspected or actual financial crime.

Police will be contacted by Social Work Services to participate in an Interagency-referral discussion (IRD), where assessment of the information and risks are jointly considered and plans about how to address the issue are agreed. While the Social Work Service remains the lead agency throughout any adult protection investigation, the police will lead on any interview where there is a possibility of a crime having been committed. It is important that the adult is not subjected to unnecessary questioning prior to Police involvement as this could have a negative impact on the investigation; evidence could be concealed or destroyed and the adult's statement may be compromised by repeated questioning.

The scale and complexity of the criminal aspect of the financial harm will determine which department leads the investigation. Local Divisional Officers predominantly deal with low level incidents and larger, more complex investigations are dealt with by the Criminal Investigation Department depending on the geographic location of the incident. Police can obtain advice and guidance from the National Fraud Intelligence Bureau. All incidents are subject to an entry on the Vulnerable Persons Database (VPD) which will be shared with partners where applicable.

The Police role includes securing evidence, management of the investigation, the development of joint risk assessments regarding the victim's vulnerability and implementation of proactive measures which will mitigate risk, and consideration of the need for an Appropriate Adult.

Where appropriate, Investigating Police Officers will liaise with the Local Policing Division Adult Protection Co-ordinator for guidance and information sharing.

All investigations will be reported to the Procurator Fiscal providing there is sufficient evidence to prove criminality.

All incidents are recorded on the Scottish Intelligence Database for monitoring purposes and future dissemination to other Local Policing Divisions.

8.3 NHS Fife

NHS staff are involved with a variety of vulnerable groups, in both in-patient and community based settings and can have a key role in identifying financial harm. NHS employees must be vigilant, during the course of assessment and treatment, to situations of potential or actual financial harm.

Members of the multi-disciplinary health team have a role in relation to assessing an individual's mental capacity, specifically around their ability to participate in financial decisions and actions/transactions.

Within an in-patient setting, NHS staff must follow the current Financial Operating Procedures to reduce the risk of financial harm to patients from staff members. Where patients have been assessed as lacking decision-making capacity, the Health Board may oversee the management of residents' finances through corporate appointeeship or arrangements under part 4 of the Adults with Incapacity (Scotland) Act 2000. Where the adult is a resident of a care home, these arrangements would be carried out by the care establishment manager. Any issues of financial harm arising in a care home or hospital setting would be investigated by the OPG. Where the placement is purchased by the Council, any remedies available in terms of the contract should also be explored and the concerns notified to Contracts Compliance.

If it has been disclosed, or it is suspected, that there is a situation of potential or actual financial harm, health professionals can instigate multi-agency involvement through referral to social work and submission of completion of the reporting an adult at risk of harm form. Additionally, NHS staff must also complete a DATIX incident report.

8.4 Quality Assurance and Contracts

Fife Council's Finance and Corporate Services carry out financial assessments for adults who have been assessed as requiring long term nursing or residential care. This is carried out in line with the National Assistance (Assessment of Resources) Act 1992 (as amended) and the supporting guidance charging for residential accommodation (CRAG).

As part of the financial assessment process, Revenues Officers request copies of bank and building society statements and/or passbooks, details of any capital held and details of any property ownership. The information provided determines the weekly contribution the adult will make towards their care costs. Revenues now sits under Customer and Online Services, Communities, Fife Council.

In some instances the information provided can highlight withdrawals from the adult's accounts (both large and small), systematic withdrawal of their income (perhaps whilst the adult has been in hospital or unable to access the funds themselves) or full transfer of ownership of both capital and/or property. The Revenues Officer will investigate to determine if the adult is, or has been, at risk of financial harm. This investigation will include making contact with the noted next of kin, power of attorney or financial guardian to ascertain the reasons for the withdrawals, transfers etc and if they were carried out with the adult's knowledge or permission.

Where it is determined the adult has had no knowledge of the transactions or through their illness did not have capacity to make financial decisions and has therefore possibly been subject to financial harm, Revenues Officers will complete and submit a report of harm form to the Contact Centre. Officers will also make contact with the Office of the Public Guardian to ascertain what legal powers (if any) are in place to manage funds on the adult's behalf.

Where it is established a Power of Attorney or Financial Guardian is in place and actions have been taken by them which would indicate possible financial harm, the Office of the Public Guardian, will take steps to prevent funds being accessed in the future.

These steps may include income being re-directed from the Department for Work and Pensions to Fife Council (Corporate Appointee), bank accounts being frozen, the individual who has been granted the Power of Attorney or Financial Guardian being placed under review by the Office of the Public Guardian or their powers being withdrawn fully.

Where it is established the adult is at risk of, or has been the victim of, financial harm the Revenues Officer will liaise with the allocated Social Worker/Social Work Team to implement measures to ensure the adult's remaining and future income and capital are safe guarded. This may include the Social Worker nominating a third party (i.e. Solicitor or Accountant) to apply to the Court to become Financial Guardian. In addition, the Revenues Officer and Social Worker will liaise with Police to establish if a crime has been committed and determine what further action can be taken.

Suspected financial harm can also be highlighted during the annual financial reassessment. Representatives of adults who are in care are contacted on a yearly basis to obtain updated information on income and capital.

If it is identified that capital levels have been depleted without any explanation as to why, this will be investigated and the appropriate steps taken if financial harm is suspected.

In addition, where invoices have been raised to collect an adult's contribution towards care costs and they are unpaid or direct debits continually cancelled, this will be highlighted through the Council's Income Recovery Service.

Officers will investigate the reasons why and follow the process as outlined above if required.

8.5 Trading Standards

Trading Standards role in relation to Adult Protection is one of enforcement and prevention.

Trading Standards investigate crimes in relation to doorstep crime offences which may include financial harm in the form of mass marketing fraud by mail, telephone or online. It also includes cold calling and carrying out potential unfair and aggressive practices. Vulnerable people are often groomed and targeted and it has been known for the victims' details to be passed on to other unscrupulous traders.

Trading Standards have a role in prevention by educating people who may come into contact with victims. They can offer preventive advice to victims and their families. The service also reports criminal activity to the Procurator Fiscal. The service encourages vigilance and seeks information to prevent further financial exploitation and reduce the risk of further victimisation.

Trading standards welcome referrals and discussion from other agencies who would like advice or have concerns regarding a person who may have been financially harmed. The services will engage with the adult support and protection process when invited, as they may have knowledge of victims and be able to give advice regarding bespoke prevention methods. Trading Standards relies on partnership working in order to ensure local priorities are met and mass marketing and consumer fraud issues are identified. These issues are useful in establishing intelligence gaps when it comes to investigating potential criminal actions.

In Fife, consumer advice is provided by Advice Direct Scotland who offer practical advice and assistance with consumer issues: 0808 164 6000. Any relevant information will be passed to the appropriate Trading Standards authority for consideration of further investigation.

8.6 Care Inspectorate

The Care Inspectorate is the independent scrutiny and improvement body for care and children's services. It has a significant part to play in improving services for adults and children across Scotland. They regulate and inspect care services. They make sure that people receive the highest quality of care and that their rights are promoted and protected.

The Care Inspectorate recognises that procedures alone will not ensure that people's finances are within their control or managed with their best interests in mind. Any form of mismanagement, neglect or harm is the result of human interactions and so cannot be completely eliminated. However, good financial

management and procedures to safeguard adults help minimise risk of harm and increase the likelihood of harm being detected.

Robust arrangements must be in place for the storage of users' monies and valuables and for recording all financial transactions carried out on behalf of a user. This should encompass the requirements under the terms of the Adults with Incapacity (Scotland) Act 2000, (SSI 2002 No 114, Regulation 19(3) (h)). Care services must have procedures in place so that staff can help people with their finances appropriately. Staff also need to be aware of the signs of financial harm and know how to respond appropriately.

Anyone concerned about how an adult's finances are being managed by a residential/care home or a hospital can make a complaint to the Care Inspectorate or to the local Health Board.

8.7 Department of Work and Pensions

The Department for Work and Pension's (DWP) policy for disclosure of personal information for "vulnerable adults, is that as long as a requester can provide sufficient informative detail as to the indicators of the person's vulnerability and risk, factual and relevant information will be disclosed in order to ensure the safety of the person.

8.8 Office of the Public Guardian (OPG)

The OPG has certain key responsibilities in relation to adults with impaired capacity. These are:

- Registration of all appointees (includes financial attorneys, interveners, guardians and withdrawers);
- Supervision of persons appointed to manage the property and finances of others e.g. withdrawers under the Access to Funds Scheme; Interveners and Guardians;
- Provide information, advice and guidance;
- Investigate complaints or concerns about the way someone's property and financial affairs are being managed, including obtaining information on the actions of appointees;
- Consult with the Mental Welfare Commission and local authorities to safeguard the interests of persons with impaired capacity;
- Initiate or participate in court proceedings when necessary to safeguard the property or finances of a person who is incapable;
- Grant authority under the Access to Funds scheme for a person or organisation to access information on the bank accounts belonging to an adult with incapacity; and
- Allow a person or an organisation to access funds to pay for daily living expenses of an adult who is unable to do so for him/her self

8.9 Financial Institutions

Local banks and building societies can play an important role in helping to prevent financial harm to customers. Staff may get to know a customer well because of her/his regular visits to a local branch and consequently may form a view of the level of vulnerability of a particular customer or if something unusual occurs with a customer. For example, they may become aware of a customer's increasing forgetfulness which might be manifested by the customer visiting the bank with increasing frequency to withdraw money. Staff will aim to work with and support customers.

There is a national Section 10 protocol regarding the process for seeking financial information from financial institutions in Scotland when undertaking an investigation into the circumstances where it is believed an individual is an adult at risk of financial harm. Under Section 10 of the Adult Support and Protection Act a council officer may require any person holding health, financial or other records relating to an individual whom the officer knows or believes to be an adult at risk, to give the records, or copies of them to the officer, to enable or assist the Council to decide whether it needs to do anything to protect an adult at risk from harm. The pro-forma and guidance notes are located in the adult protection procedures (ref: Template AP15A).

All banks/building societies have procedures which aim to protect a customer from financial harm and steps that they will take if a customer is the victim of financial harm. Often this will involve specialist areas within the bank rather than the local branch, often via a financial crime manager, fraud team or similar.

8.10 Advocacy

An independent advocate can play a crucial role in supporting adults at risk of financial harm or those who have been subject to such harm by taking time to explain matters and the options open.

Through the use of an advocate, relevant agencies should be able to develop strategies to promote the safety of the adult, which, having been developed by the adult themselves are more likely to be effective. Advocacy provides an indispensable measure to balance against over protection and paternalism, by ensuring that the views and wishes of the adult are heard and respected.

More information on advocacy is detailed in Fife's advocacy strategy.

8.11 Housing

Housing staff are well placed to identify financial harm.
The key staff who will do this are -

- Housing Technical Officers when they are out on visits for repairs may identify neglect, lack of money etc.

- Housing Management Officers may find neglect which could relate to lack of money. This could come up when staff are discussing how to pay the rent, or in relation to a lack of furniture in the property. Concerns may be identified when considering fuel poverty. Housing Management Officers can provide “Tenancy Assistance” which can look at how tenants handle financial issues in relation to their tenancy.
- Very Sheltered Housing Officers when providing housing support may spot financial harm. Retirement Housing Officers could also find financial harm in their work with tenants in Retirement Housing complexes.
- Housing Options Officers when conducting housing advice/enhanced housing management may spot neglect/lack of money.

All Housing Staff will sensitively question further, to try to support the service user and will complete a Reporting Harm form if appropriate.

8.12 Self-Directed Support, including Direct Payments

The Social Care (Self-directed Support) (Scotland) Act 2013 and subsequent Regulations (2014) aim to give people eligible for social care more choice and control around the selection, arrangement and management of their social care support. There are four available options which supported people may be offered where eligible for social care support, which includes direct payments.

Direct Payments provide supported people and/or their legal representatives, who are eligible for services, money in lieu of directly provided support services. Individual budgets are paid directly to the person from Fife Council and can be used to:

- ▲ Purchase services, (i.e., commission agency support directly)
- ▲ Employ individuals, (i.e. Personal Assistants [PA's])
- ▲ Purchase items to meet agreed outcomes/needs.

Fife’s Health and Social Care Partnership (HSCP) has an SDS Team which provides SDS support and guidance to the HSCP and Education and Children’s Services. People in receipt of a direct payment can access support and guidance through an independent external organisation, which includes support with:

- ▲ Recruitment and employer guidance/information;
- ▲ Financial record keeping;
- ▲ PVG requirements – strongly advising PVG’s are undertaken during recruitment of personal assistants.

Direct Payment users’ transactions are monitored on a quarterly basis by the contracts section within HSCP. There is an annual review carried out by assessing/reviewing social work staff which includes a check that funds are being used to address assessed outcomes/needs. These processes may help identify financial harm. Should any concerns arise around financial

mismanagement/impropriety in accordance with the service level agreement (between the supported person and Fife Council), the HSCP² can terminate the direct payment in circumstances such as:

- ▲ Where the payment is used, wholly or partly, for purposes other than the provision of the support for which they were intended (without prior social work agreement);
- ▲ Theft or embezzlement of funds;
- ▲ Employment of family members without prior approval from the HSCP.

8.13 Care at home, Shared Lives Fife, Regulated care settings and day care provision

Regulated care and support services, whatever the setting, have responsibilities which include having policies and procedures designed to safeguard individual's finances and protect staff from accusations of financial impropriety.

Services must comply with National Care Standards which include management of risk, record keeping as well as recruitment, staff training and whistle blowing. Depending on the service, standards may be more explicitly expressed regarding support with finances. Where individuals require practical support to manage his/her finances this is provided in a professional person centred manner. Staff working in or visiting these settings are in a strong position to identify whether an adult may be experiencing financial harm. Understanding what harm is, how it may present and how and when to report should be included in staff induction and ongoing training.

Regular checks on financial records (receipts and transactions) are conducted to ensure that procedures are being followed and people are safeguarded as far as possible from financial harm. Many supported people, who are deemed to lack capacity around financial management may have a private Financial Guardianship Order which is monitored through the Office of the Public Guardian.

² Social Care (Self-directed Support) (Scotland) Act 2013; Self-Directed Support (Direct Payments) (Scotland) Regulations 2014

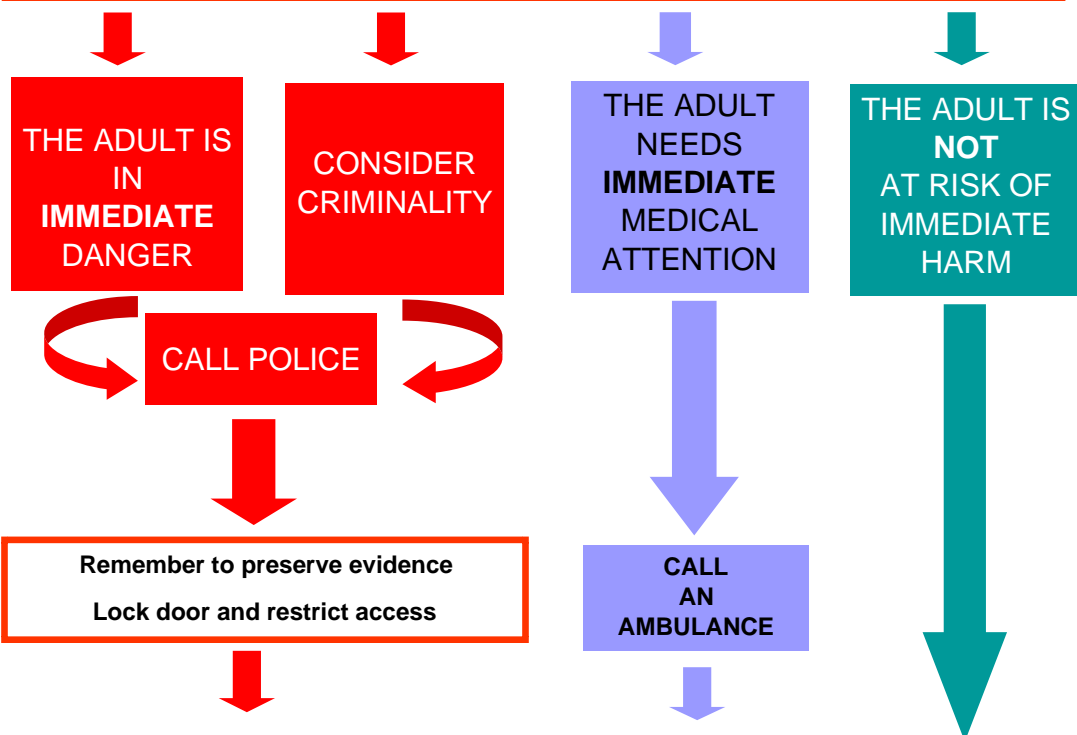
Procedure-Reporting Harm Protocol

ADULT PROTECTION REPORTING HARM PROTOCOL



INFORMATION RECEIVED

You suspect an adult is being harmed
You have seen an adult being harmed
An adult has told you they are being harmed
What is harm? Who is an adult at risk of harm?
See Fife Inter-agency Adult Protection Guidance, page 18



Immediately call Social Work Contact Centre on 01383 602200
Or contact allocated social worker (if known)

IN ALL CASES

You have a duty to report harm, even if the adult does not want you to
It is good practice to inform the adult that you are reporting harm
Inform your line manager and follow your organisation's
Adult Protection procedures
Complete a Report of Harm referral form

Police ONLY— Complete a Vulnerable Person Report - Adult at Risk
Fire Service ONLY - Complete AP1 Form Adult at Risk

References/Contacts

Action Fraud www.actionfraud.police.uk

Action on Elder Abuse Scotland
Support those who experience or at risk of harm
Freephone 080 8808 8141 (Monday to Friday 9am to 5pm)
scotland@elderabuse.org.uk

Adult Protection Phone Line (Fife) 01383 602200

Adult Protection Procedures (January 2022) available:
<https://www.fife.gov.uk/kb/docs/articles/health-and-social-care2/help-for-adults-and-older-people/adult-support-and-protection>

Age UK (24 July 2017) '*Nearly five million older people have been targeted by scammers*'. www.ageuk.org.uk

ARC Guidance on money management for people who may lack capacity to make some decisions about how their money is used
arcuk.org.uk/publications/files/2011/09/Guidance-on-Money-Management.pdf

Circles Network Advocacy Service
New Volunteer House, 16 East Fergus Place, Kirkcaldy 01592 645360
www.circlesnetwork.org.uk

Citizen Advice Consumer Helpline 0345 4040506
www.citizensadvice.org.uk/scotland

Easy read leaflet (2017) '*Keeping your money safe*'.

<https://www.fife.gov.uk/kb/docs/articles/health-and-social-care2/help-for-adults-and-older-people/adult-support-and-protection/easy-read>

Fife Inter-Agency Adult Support and Protection Guidance
https://www.fife.gov.uk/_data/assets/pdf_file/0016/161530/Fife-Inter-Agency-Adult-Support-and-Protection-Guidance.pdf

Fife Advocacy Strategy available from Fife Direct and more details on advocacy at
<http://www.fifeadvocacyforum.org.uk/>

Financial Abuse of Older People: *Help the Aged report*
[www.cpa.org.uk/information/reviews/financialabuse240408\[1\].pdf](http://www.cpa.org.uk/information/reviews/financialabuse240408[1].pdf)

Financial Conduct Authority
www.fca.org.uk

Help manage the money of someone you are caring for:
<https://www.moneyadvice.service.org.uk/en/articles/help-manage-the-money-of-someone-youre-caring-for>

Help the Aged (2007) *The Financial Abuse of Older People*
[www.cpa.org.uk/information/reviews/financialabuse240408\[1\].pdf](http://www.cpa.org.uk/information/reviews/financialabuse240408[1].pdf)

Mail Preference Service www.mpsonline.org.uk Tel: 0207 291 3310

Mental Health and Debt:

http://images.moneysavingexpert.com/attachment/mentalhealthguide_2014

Mental Welfare Commission (2016) *Supported decision making, Good Practice Guide* www.mwcscot.org.uk

Mental Welfare Commission (2013) *Powers of Attorney and their safeguards, Mr and Mrs D* www.mwcscot.org.uk

Money and Mental Health

<http://www.mind.org.uk/information-support/tips-for-everyday-living/money-and-mental-health/>

Money advice service 0300 500 5000

www.moneyadvice.org.uk

Office of the Public Guardian based in Falkirk 01324 678398

www.publicguardian-scotland.gov.uk

Scam Mail advice: www.Thinkjessica.com

Scottish Fundraising Standards Panel: Making complaints about charities.

<https://www.goodfundraising.scot/>

Scottish Government (2007) *Adult Support and Protection (Scotland) Act*

www.scot.gov

Scottish Government (2014) *Adult Support and Protection (Scotland) Act 2017, Code of Practice* www.scotland.gov.uk

Scottish Government *Adults with Incapacity (Scotland) Act 2000* www.scot.gov Part 3 deals with Access to Funds scheme where an adult lacks capacity.

Scottish Government *Social Care (Self-directed Support) (Scotland) Act 2013 and Self-directed Support (Direct Payments) (Scotland) Regulations 2014* www.scot.gov

Scottish Government (2014) *Adults at risk of financial harm: Project Review and Closure Report* www.scot.gov

Social Care for Excellence (SCIE) (2010) '*Assessment: financial abuse against the vulnerable*'. www.scie.org.uk

Telephone Preference Service

Register to reduce unwanted calls

034 0700707 www.tpsonline.org.uk

Trading Standards

Email: trading_standards@fife.gov.uk

Tel: 0808 164 6000

<https://www.fife.gov.uk/kb/docs/articles/community-life2/trading-standards>

Trading Standards, K Hart, Fife Council (2016) *Safeguarding our communities from telephone fraud and nuisance calls, prevention and detection*

With Scotland (2014) *Financial Harm briefing* www.withscotland.org

Many thanks to the working group (2021) who helped compile this guidance. The group comprised –

Melanie Durowse, Social Work Service (Chair)
Lisa Duncan, Trading Standards
Louise Nicol, Social Work Service
Danielle Archibald, Adult Support & Protection Coordinator
Joe Fitzpatrick, Scottish Fire and Rescue Service
Fiona Stewart, Revenue Services
Richard Howes, Trading Standards
Hilary Houston, Social Work Contracts
DS John Jarvie, Police Scotland
Graeme Watson, Housing
Ruth Smith, Engagement and Participation Coordinator
Karen Allan, Adult Protection, NHS Fife
Evelyn Neish, ARK Housing Association
Elaine Thomson, Ark Housing Association
Carol Sadler, DWP



Adult Protection Phone Line 01383 602200