

Safeguarding Adults at Risk

Financial abuse toolkit

Contents:

Chapter	Title	Page(s)
1.	Why do we need a financial abuse toolkit?	4 - 6
2.	What is financial abuse?	7 - 8
3.	Why is recognising financial abuse important?	9
4.	Recognising someone at risk of financial abuse	10
5.	Who is likely to perpetrate financial abuse?	11
6.	How can you recognise if someone is experiencing financial abuse?	12
7.	Planning an investigation/making s42 enquiries into financial abuse	13
8.	Responsibilities of practitioners	14
9.	Who can help with what?	15

Appendices

Appendices		16
Appendix A	List of Internal Teams	17 - 22
Appendix B	List of External Teams	23 - 27
Appendix C	Seeking Legal Redress	28 - 30
Appendix D	Strategies for Protecting Adults at risk of financial abuse	31 - 35
Appendix E	Case studies providing some examples of financial abuse cases	36 - 64

1. Why do we need a financial abuse toolkit?

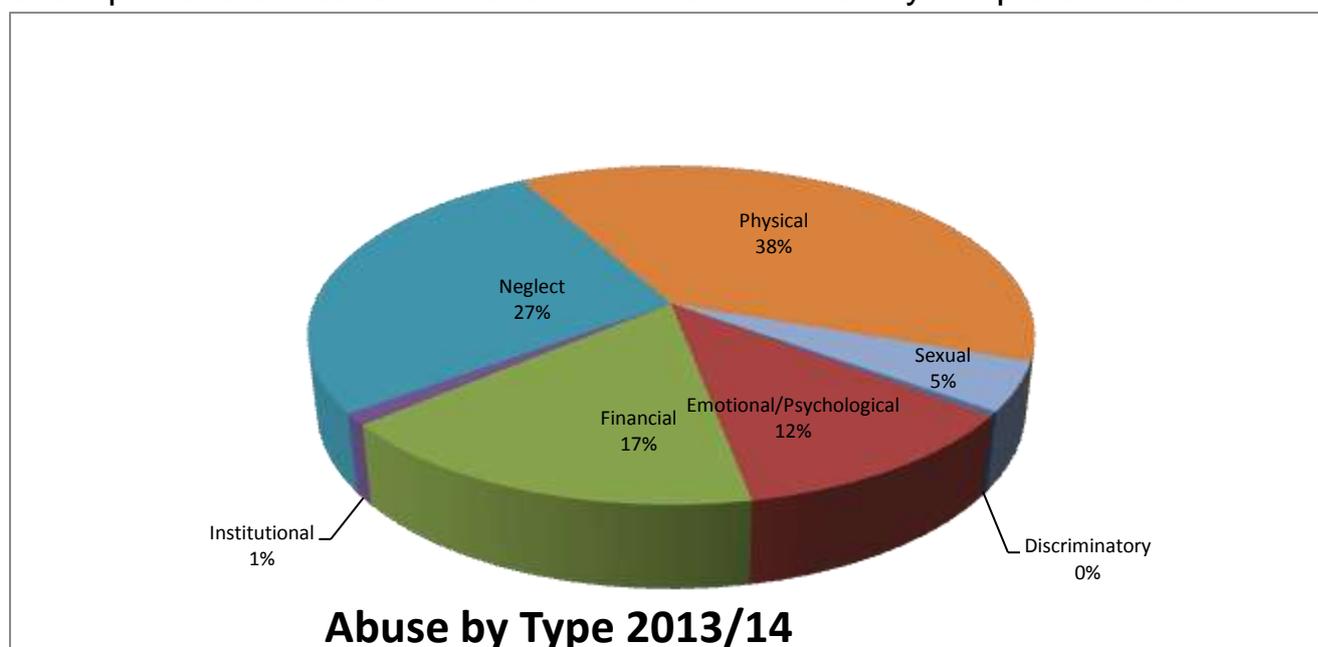
Reported incidents of financial abuse are on the increase, both nationally and locally.

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

This document should be read in conjunction with the Multi-Agency Safeguarding Adults, Adult Protection Policy, Protocols and Guidance for Kent and Medway.

Local context

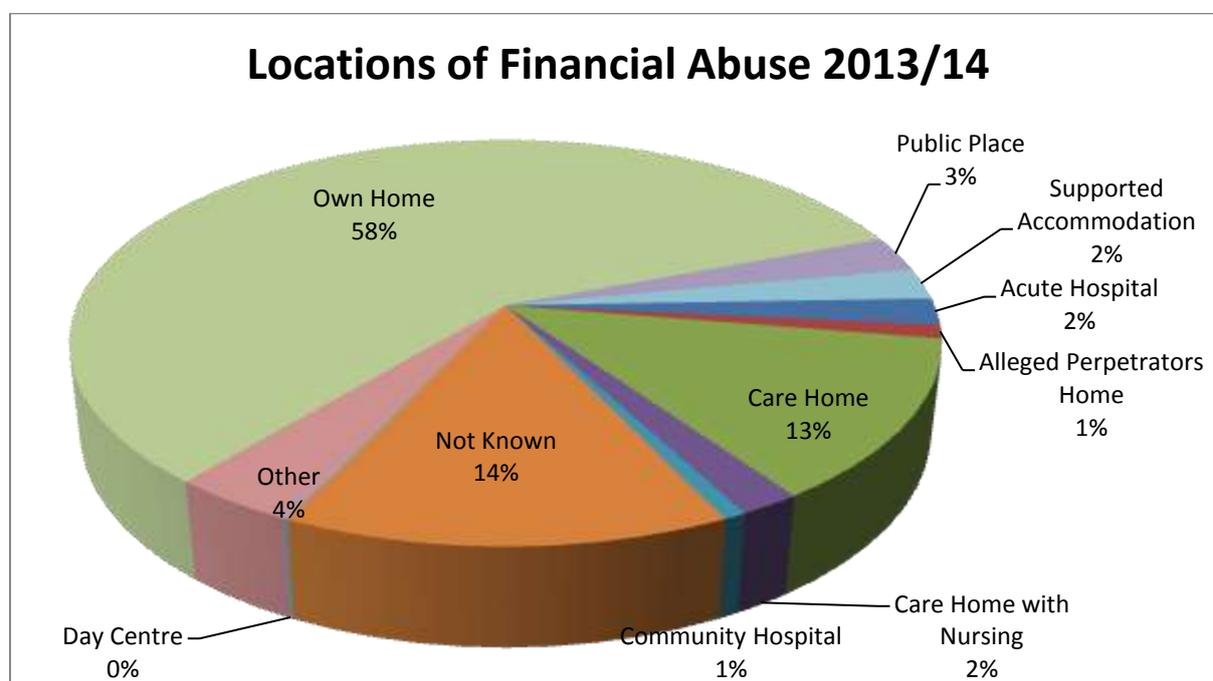
Kent has a population of 1,463,740 people, of which 185,519 are aged 70 or over¹. There are over 19,500 people known to have a form of dementia, and also a large number of people residing in residential care settings. Given that 31% of properties in Kent have a single occupancy and 58% of recorded financial abuse cases occurred in people's homes; the risk of people susceptible to abuse is increased. This is illustrated by the pie charts below:



2

¹ 2011 Census data

² KCC swift report



3

What is the purpose of the toolkit?

While practitioners may be experienced in recognising adults at risk, they may lack the awareness and experience of certain types of financial abuse, especially more sophisticated forms of fraud. This can lead to people experiencing financial abuse not being provided with appropriate responses and safeguarding concerns not being raised. The toolkit aims to provide practitioners with the information they need to respond appropriately to suspected cases of financial abuse. It will do this by:

- Highlighting how effective partnership working between departments, such as Internal Audit Counter Fraud Team, Trading Standards, Legal Services, Client Financial Affairs etc as well as external partners eg. Kent Police, CQC and NHS Counter Fraud Service may create better outcomes for our clients and offer more robust investigatory actions.

³ KCC swift report

- Providing case examples that demonstrate how financial abuse s42 enquiries can be conducted effectively.
- Providing information on additional resources for further reading and sharing with clients and partner agencies.

Feedback

Constructive feedback is welcome. Please email comments marked 'financial abuse toolkit feedback' to: james.flannery@kent.gov.uk.

2. What is financial abuse?

Financial abuse is: “The unauthorised and improper use of funds, property or any resources belonging to another individual⁴”

It includes:

- theft, fraud and exploitation,
- pressure in connection with wills, property, inheritance or financial transactions,
- misuse or misappropriation of property, assets, possessions, savings, capital or benefits.

Types of financial abuse

Financial abuse may include:

- Theft i.e. money or possessions stolen, borrowed or withheld without permission.
- Wrongfully controlling access to money or benefits.
- Preventing someone buying goods, services or leisure activities.
- Money being absorbed into a care home or household budget without the person’s consent.
- Being deliberately overcharged for goods or services, or being asked to part with money under false pretences.
- Not providing the care (1 to 1 and shared hours) but charging the client.
- Carrying out unnecessary work and / or overcharging.
- Postal, telephone and internet scams where the person has interacted with someone and has lost money.
- Unlicensed money lending (loan sharks) i.e. being offered a loan on very bad terms.
- Staff or volunteers borrowing money, or accepting gifts or money from clients.
- Misuse of a person’s assets by professionals.

⁴ DH / Home Office, 2000

- Altering ownership of property without consent.
- Exerting undue influence to give away assets.
- Pressure in connection with wills, property, inheritance, possessions or benefits.
- Putting undue pressure on the person to accept lower-cost / lower-quality services in order to preserve more financial resources to be passed to beneficiaries on death.
- Misuse of powers of attorney.

Types of financial misuse, abuse and fraud within the personal budget/direct payments system

Financial misuse, abuse and fraud within the personal budget/direct payment system may include:

- The client and/or their representative exaggerating the clients' needs to increase their entitlement. (misuse of the process)
- The client and/or their representative not declaring all their income or capital to reduce their client contribution.(misuse of the process)
- The client and/or their representative using the direct payment for items not covered in the care plan. (misuse of the process)
- The client and/or their representative not declaring a change in their financial circumstances which would affect their client contribution. (misuse of the process)
- A care provider (or Personal Assistant) charging for care which has not been delivered. (adult abuse and possible crime)
- Third party who has control of the direct payment not using the payment for the benefit of the client. (adult abuse and fraud)

3. Why is recognising financial abuse important?

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

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

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

How does financial abuse affect someone?

A person may experience any of the following:

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

4. Recognising someone at risk of financial abuse

Profile of an adult at risk of financial abuse

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

- The person is unable to manage their own finances due to lack of capacity or sufficient numeracy skills.
- The person is dependent on another person or people to manage their money.
- The person is dependent on others for all aspects of daily living, such as those who live in residential care.
- The person is known to be isolated or is regarded as at risk within the community.
- A person who is isolated or lives on their own may be more at risk of being exposed to financial pressure e.g. from salespersons, loan firms, rogue traders or bogus callers.
- The person is of a trusting or gullible nature.
- The person is susceptible to emotional grooming.
- For older people in particular, potentially increased assets coupled with low-cost lifestyles and a lack of awareness of the modern world may make them more susceptible.

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

5. Who is likely to perpetrate financial abuse?

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

Examples include:

- Staff in care establishments exploiting residents by gaining their trust and taking over their finances unlawfully.
- Care providers invoicing for services not provided.
- Powers of attorney exploiting their position by misappropriating funds.
- Some families may have a view that the income of individual family members, including benefits for disabled adults, should be pooled into the family income.
- The person managing a direct payments account (which can include the client) engaging in false accounting through the forgery of accounting records / payslips, to allow monies to be misappropriated.
- Financial abuse more commonly perpetrated by a stranger includes mass marketing fraud, identity theft or rogue trading.

The following organisations give examples of this type of financial abuse:

- The Office of Fair Trading (OFT)
- National Crime Agency (NCA)
- Trading Standards
- Think Jessica <http://www.thinkjessica.com/>

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

Indicators of financial abuse

The list below includes a range of possible indicators. It should not be considered an exhaustive list.

- Unexplained withdrawals from a person's bank account.
- Cheque withdrawals to unknown businesses / persons.
- An unexplained shortage of money, despite an adequate income or immediately following benefit day.
- Unpaid or a sudden inability to pay bills.
- Payment of client contribution suddenly stops.
- Disparity between assets and satisfactory living conditions.
- The person lacks belongings or services which they can clearly afford.
- Reluctance on the part of family, friends or the person controlling funds to pay for replacement clothes or furniture.
- Items purchased which are not appropriate for the person.
- Home improvements or repairs that are 'out of fashion' with the person's lifestyle or are 'worrying' the person or staff.
- Loans or credit being taken out by a person in circumstances that give cause for concern, such as the age of the person taking out the loan and the alleged reason for the loan.
- Pressure by family members and other people to sign over assets or alter wills.
- Recent change of deeds or title of house.
- A person's inability to explain what is happening to their own income.
- The disappearance of bank statements, other documents or valuables, including jewellery.
- Carer asking only financial questions of the worker, does not ask questions about care.
- Large volumes of 'junk' mail.

- Lack of records within a care home or supporting living accommodation, such as time sheets, invoices, receipts etc.

7. Planning an investigation/making s42 enquiries into financial abuse

Safeguarding s42 enquiries will need:

- To consider welfare and prevention alongside any investigatory actions.
- To work with the adult at risk to identify and manage their expectations and focus on their desired outcomes.
- To consider the breadth of remedies available to the person at risk of financial abuse. Please see Appendix D for more information.
- A well planned strategy which involves and utilises the skills of partners at the earliest opportunity. Please see Appendix A and B for a list of internal and external teams.

Enquiries into financial abuse will follow where appropriate the standard safeguarding procedures as set out in the Kent and Medway Multi-Agency Safeguarding Adults Policy, Protocols and Guidance.

Planning investigations/enquiries into the misuse of direct payments

The misuse of a direct payment will not always require a safeguarding alert to be raised, especially if the client manages their own direct payment. Care Managers and Direct Payment Co-Ordinators will need to consider:

- The clients' capacity to manage the direct payment.
- If there was an intention to misappropriate the direct payment.
- The clarity of the support plan and the understanding of the client.

If a third party is suspected of misusing a client's direct payment this will usually result in a safeguarding alert being raised. A s42 enquiry/investigation can be progressed by either the police and/or the counter fraud team within Internal Audit.

All direct payment misuse should be reported to Internal Audit via the generic e-mail address internalaudit@kent.gov.uk with the following information:

- The name and swift reference of the client.
- A copy of the support plan.
- A brief summary of the misuse, including details of the client's capacity to understand the support plan.
- What actions are being taken to stop the misuse.
- What actions are being taken to recover any monies misused.

The Care Manager will need to consider if the client is still capable of managing their direct payment, if not then they should consider alternatives such as a managed service or if there is a suitable third party willing to do this on their behalf.

There will be a need to carry out a mental capacity assessment to determine if the individual has capacity to manage financial matters. E.g. they may be able to manage small sums of money provided to them on a daily basis but not be able to cope with budgeting and paying bills.

8. Responsibilities of practitioners

Financial abuse involving Adult Social Care (ASC) monies

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

- If the irregularity involves the abuse of the client, raise an alert in accordance with the Kent and Medway Multi-Agency Safeguarding Adults Policy and Procedures for Safeguarding Adults at Risk,
- If the irregularity involves the abuse by the client, review the arrangements in place to ensure sufficient safeguards are in place to stop any further misuse.
- If the irregularity falls within the examples given within 'Types of financial abuse/fraud within the personal budget/direct payments system' and a loss has occurred report the matter to Internal Audit via internalaudit@kent.gov.uk,

Financial abuse within a regulated service

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

The CQC will need to attend adult safeguarding meetings if:

- The registered service is directly implicated.
- Urgent or complex regulatory action under the Health and Social Care Act 2008 is indicated.
- Any form of enforcement action has commenced or is under consideration in relation to the service involved.

9. Who can help with what?

A key element in an investigation/s42 enquiry is planning who to involve and what information needs to be gathered.

Appendix A provides a list of internal teams and details of their roles and how they can assist in the investigation/s42 enquiry into financial abuse.

Appendix B provides a list of external teams and details of their roles and how they can assist in the investigation/s42 enquiry into financial abuse.

.

Appendices

The appendices (A-E) form separate documents as part of the Finance Toolkit and can be found in the Safeguarding Adults at Risk Toolkit folder.

Appendix A
Internal Teams

Appendix B
External Teams

Appendix C
Seeking Legal Redress

Appendix D
Protecting adults at risk of financial abuse

Appendix E
Case studies

Appendix A – Internal Teams

The Assessment and Income Team

Financial documentation

- The team can provide financial documentation that may be held after the completion of a financial assessment.
- Requests for this information should be emailed to: financialassessments@kent.gov.uk clearly stating that the information is requested as part of a safeguarding s42 enquiry /fraud investigation.
- The team cannot share this information until a safeguarding alert or fraud investigation has been raised as financial information will be shared on a need to know basis, in accordance with the Data Protection Act.

Gathering and interpreting information

The team can also assist in gathering and interpreting information for the purposes of completing a safeguarding s42 enquiry. This can include providing contacts to banks, solicitors, Department for Work and Pensions and the Office of Public Guardianship etc as necessary to the enquiry.

Where possible, the finance team representative should be invited to the strategy meeting at the earliest opportunity.

Financial assessment visits

A financial assessment visit undertaken for the purposes of gathering information for a safeguarding s42 enquiry can only take place if the person being visited is aware of the reason for the visit and is complying with the enquiry. This visit should be undertaken with a Care Manager.

Client Financial Affairs

Referrals for Corporate Appointeeship or Deputyship

The team can accept appropriate referrals with a view to applying for a Corporate Appointeeship or Deputyship from a client's Care Manager where there have been allegations of financial abuse and where the

client lacks sufficient mental capacity to deal with their finances themselves. The client must have an ongoing involvement with Health & Social Care, cannot have savings/assets in excess of £23250 and must not own property or land. In those circumstances legal services may be able to assist with an application to the Court of Protection to appoint an external panel deputy. .

Managing a client's financial affairs

The team can take over the management of a client's financial affairs on their behalf and put measures in place to safeguard their finances. The team will then provide financial information as required to assist with their financial assessment and / or the safeguarding s42 enquiry.

Payment of client contribution

The team will ensure that the client's contribution for the cost of their care is paid from the date of Appointeeship, and will advise the Assessment and Debt Recovery Team of the client's financial position to be able to repay any outstanding debt to KCC, if possible and where funds are still available.

Involvement in safeguarding alerts / enquiries

The team will notify the relevant social care team where financial abuse is suspected or identified and the client is at risk.

The team can take an active part in safeguarding enquiries for Corporate Appointeeship and Deputyship clients, which can include attending meetings, providing advice and guidance and following-up on actions.

Removing Powers of Attorney or appointees

The team will provide advice to social work teams with regards to removing an existing Attorney or Appointee where it has been identified the person has not been carrying out their duties appropriately, and will support this process for clients that have been referred to the team to apply for a Corporate Appointeeship or Deputyship.

The Debt Recovery Team

The Debt Recovery Team has regular communication with clients or their representatives where invoices for their contribution remain unpaid.

The team determines reasons for non-payment and makes arrangements for the payment of income due to the department.

In pursuit of the collection of unpaid invoices, the team collects current information about the cause of financial difficulties. As there is a link between debt due to the department and potential for financial abuse, the team will be able to provide current financial information and knowledge that may be relevant to a s42 enquiry into financial abuse of the individual.

The Direct Payments Monitoring Team

The Direct Payments Team is responsible for undertaking financial monitoring of Direct Payments, where they check the validity of Direct Payment spend against what's been agreed in the Support and Care Plan. The team also checks that client contribution has been paid.

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

The Commissioning Team

The Commissioning Team may be able to assist a safeguarding s42 enquiry when possible financial abuse is identified within any of the following settings:

- a care home,
- a domiciliary setting,
- supported living, and day care.

The team, in conjunction with Internal Audit, may be able to inform the enquiry by looking at the relevant agency's financial recording systems.

Internal Audit and HR Advisory Services

Internal Audit has an important role in investigating financial abuse and in accordance with KCC Financial Regulations the Head of Internal Audit must be informed of all financial irregularities related to KCC funds and / or assets.

HR Advisory Services also has an important role in employee related investigations and must also be consulted in these circumstances. This may also include HR Services from larger provider organisations provided they are not implicated in the alleged abuse.

In the above cases, consideration should be given to inviting Internal Audit and / or HR Advisory Services to the strategy meeting, as their degree of involvement will be determined on a case by case basis.

In relation to financial abuse that doesn't involve KCC funds or assets, Internal Audit can still provide advice, support and expertise during the investigation.

Trading Standards

Trading Standards can assist in safeguarding s42 enquiries where the abuse relates to consumer protection issues such as rogue trading, scams, loan sharks, or doorstep crime. They can:

- Advise the chair if the TSO can assist in either a criminal investigative, civil law, or best practice capacity.
- Investigate fraud in relation to rogue trading, any regulatory offence where it is determined that the client has been subject to financial abuse by a business.
- Assist the Police in the development of intelligence in relation to the allegation of financial abuse.
- Support the adult at risk by offering advice.

Legal Services

Where financial abuse is suspected and legal advice is required, Legal Services should be contacted at the earliest opportunity.

Legal Services can provide advice regarding any remedies available as well as any legal processes available to safeguard the client e.g. Civil action, small claims court etc.

In certain circumstances, Legal Services may commission outside advice from suitably qualified professionals depending upon the nature of the matter.

Key contacts

Internal Audit – Counter Fraud Team

- Tel: 03000 416092
- Email: internalaudit@kent.gov.uk

The Assessment and Income Team

- Tel: 03000 418777
- Email: financialassessments@kent.gov.uk

Client Financial Affairs

- Tel: 03000 416565
- Email: cfao@kent.gov.uk

The Debt Recovery Team

- Tel: 03000 415426
- Email: Debtrecovery@kent.gov.uk

The Direct Payments Team

- Tel: 03000 415600
- Email: directpayments@kent.gov.uk

The Commissioning Team

- Tel: 03000 418345
- Email: accommodationsolutions@kent.gov.uk

HR Advisory Services

- Tel: 03000 421409
- Email: hradvisorycaseteam@kent.gov.uk

Trading Standards

East Kent

- Tel: 03000 412020
- Email: trading.standardseast@kent.gov.uk

West Kent

- Tel: 03000 412000
- Email: trading.standardswest@kent.gov.uk

Legal Services

- Email: Shejal.patel@kent.gov.uk
- Email: Sheena.harris@kent.gov.uk

Appendix B – External Teams

Kent Police

Where a practitioner is making enquiries regarding financial abuse and suspects that a crime may have been committed, Kent Police should be consulted. The Police Public Protection Unit or the Combined Safeguarding Unit will review the information and determine whether there is evidence to suggest that a criminal offence has been committed and whether Kent Police should lead the investigation.

Kent Police should be notified by following the procedure outlined in the Multi-Agency Safeguarding Vulnerable Adults Adult Protection Policy Protocols and Guidance for Kent and Medway Protocol 16 (Section Yellow 46).

NHS Counter Fraud Team

Where a practitioner has concerns that NHS funds are being defrauded or misused they can report their concerns by either calling 0800 028 4060 or by visiting www.reportnhsfraud.nhs.uk and completing an online reporting form

Office of the Public Guardian

The Office of the Public Guardian (OPG) protects people in England and Wales who may not have the mental capacity to make certain decisions for themselves, such as about their health and finance.

They also help people plan ahead for someone to make certain important decisions for them, should they become unable to do so because they lack mental capacity.

They support the Public Guardian in carrying out the legal functions of the [Mental Capacity Act 2005](#).

They are responsible for:

- taking action where there are concerns about an attorney or deputy
- registering [lasting and enduring powers of attorney](#), so that people can choose who they want to make decisions for them
- maintaining the public register of deputies and people who have been given lasting and enduring powers of attorney
- supervising deputies appointed by the [Court of Protection](#), and making sure they carry out their work in line with [Mental Capacity Act](#)
- looking into reports of abuse against registered attorneys or deputies

Contact the [Office of the Public Guardian](#) if you have concerns about an attorney or a deputy, eg the misuse of money or decisions that aren't in the best interests of the person they're responsible for.

Office of the Public Guardian

opg.safeguardingunit@publicguardian.gsi.gov.uk

Telephone: 0300 456 0300

Textphone: 0115 934 2778

Monday to Friday, 9am to 5pm except Wednesday, 10am to 5pm

The Office of the Public Guardian can help if there is a:

- registered [lasting power of attorney](#)
- registered [enduring power of attorney](#)
- [deputy](#) appointed by the Court of Protection

Court of Protection

The Court of Protection makes decisions on applications which involve people who lack mental capacity.

You can contact the court if you have a query about an application:

- that deals with someone's [personal welfare](#)
- [to become a deputy](#) or change an existing deputy order
- concerning [deprivation of liberty](#)
- [to sell jointly owned property](#)
- [to make a statutory will or gift](#)

- to cancel an [enduring power of attorney](#)
- [to object to a lasting power of attorney](#)

The HM Courts and Tribunals website has:

- [guidance on making applications](#)
- [a full list of application forms](#)

Court of Protection

courtofprotectionenquiries@hmcts.gsi.gov.uk

Telephone: 0300 456 4600

Monday to Friday, 9am to 5pm

You can also [write to the Court of Protection or visit the public counter.](#)

Emergency applications

Contact the Court of Protection if there's a situation that needs an urgent decision, eg when you want to stop someone who lacks mental capacity being removed from where they live.

Ask to speak to the urgent business officer when you call.

Emergency applications

Telephone: 0300 456 4600

Monday to Friday, 10am to 4pm

[Find out about call charges](#)

Out-of-hours emergency applications

Telephone: 020 7947 6000

[Find out about call charges](#)

Department of Work and Pensions

The department of Work and Pensions administers a number of benefits to people across England, Scotland and Wales.

Become an appointee for someone claiming benefits

You can apply for the right to deal with the benefits of someone who can't manage their own affairs because they're mentally incapable or severely disabled.

Only 1 appointee can act on behalf of someone who is entitled to benefits (the claimant) from the Department for Work and Pensions (DWP).

An appointee can be:

- an individual, eg a friend or relative
- an organisation or representative of an organisation, eg a solicitor or local council

Appointee's responsibilities

As an appointee you're responsible for making and maintaining any benefit claims. You must:

- sign the benefit claim form
- tell the benefit office about any changes which affect how much the claimant gets
- spend the benefit (which is paid directly to you) in the claimant's best interests
- tell the benefit office if you stop being the appointee eg, the claimant can now manage their own affairs

If the benefit is overpaid, depending on the circumstances, you could be held responsible.

Apply to become an appointee

Who you phone to apply to depends on the benefit:

- Attendance Allowance - contact the [Attendance Allowance helpline](#)
- Disability Living Allowance - contact the [disability benefits helpline](#)
- State Pension - contact your local [pension centre](#)
- Personal Independence Payment (PIP) - contact the [PIP new claims line](#)
- all other benefits - contact [Jobcentre Plus](#)

There's a different process for [tax credits](#).

Next steps

1. DWP arranges to visit the claimant to assess if an appointee is needed.
2. DWP interviews you to make sure you're a suitable appointee.
3. During the interview, you and the interviewer fill out an appointee application form (Form BF56)
4. If DWP agrees with the application you'll be sent Form BF57 (confirming you've been formally appointed to act for the claimant). You're not the appointee until this happens.

Once you're authorised, DWP will monitor the situation to make sure it's still suitable for you and the claimant.

Stop being an appointee

Contact DWP immediately if you want to stop being an appointee. Phone the benefit office that deals with the claim - the number will be on any letters they've sent you.

Your appointment can be stopped if:

- you don't act properly under the terms of the appointment
- the claimant is clearly able to manage their own benefits
- you become incapable yourself - let DWP know immediately

Read the '[Guide to appointees, agents, attorneys and deputies](#)'.

Appendix C - Seeking Legal Redress

The criminal courts

If a criminal offence, such as theft or fraud has been committed, the person experiencing financial abuse may wish to press criminal charges against the person alleged responsible.

For more information about theft and fraud, see [The Theft Act 1968](#) and [The Fraud Act 2006](#) – both available on www.legislation.gov.uk. As well as visiting the Internal Audit fraud web page on [Knet](#)

The civil courts

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

Undue influence occurs when a person's wishes regarding a gift or bequest are overruled as a result of coercion or undue pressure by somebody else.

Duress relates to a person entering into an agreement as a result of threats.

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

Office of the Public Guardian

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

donor lacks capacity case managers can refer concerns directly to the Office of the Public Guardian.

A local authority via Client Financial Affairs can make representations to the Office of the Public Guardian if there is reasonable belief that an attorney or deputy is not acting in the person's best interest.

The Court of Protection

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

These include:

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

In addition, the Court can simply set aside gifts or wills on the grounds that the person lacked capacity at the relevant time.

The High Court

The High Court can make:

- freezing injunctions to prevent money or property being disposed of, and
- search orders to allow access to the home or workplace of the person alleged responsible to search for documents.
- Injunctions can also be obtained to prevent the person alleged responsible from leaving the country.

A person acting as a 'litigation friend' (ie. representing a person with mental health issues) can also apply to the High Court for recovery of funds.



The Legal Ombudsman

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

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

The Legal Ombudsman can be contacted on 0300 555 0333 or at enquiries@legalombudsman.org.uk.

Further information can be found at www.legalombudsman.org.uk.

Appendix D – Strategies for Protecting Adults at risk of Financial Abuse

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

Appointeeship: An appointee is someone appointed under the Social Security (Claims and Payments) Regulations 1987 to claim and collect social security benefits on behalf of a person who lacks capacity to manage their own benefits.

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

Where a person lacking capacity does not have anyone to act as their deputy, or if there is a safeguarding issue, an application can be made by the local authority to act as deputy.

Lasting Power of Attorney (LPA): An LPA is a legal document made by someone (the donor) that allows another person (the attorney) to make decisions about the donor's health and welfare or property and affairs, or both.

An LPA can be made at any time and gives the attorney power to act at a time in the future when the donor may no longer wish to make decisions or may not have the mental capacity to do so.

For more details see: www.gov.uk

The Mental Capacity Act 2005

The Mental Capacity Act 2005 in relation to adult safeguarding, the Act introduces four key elements:

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

For more details see: The Mental Capacity Act 2005 and its Code of Practice

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

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

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

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

Phone line for reporting concerns: 0115 934 2777.

For more details see:

www.justice.gov.uk

Court of Protection: The Court of Protection has the power to:

- Decide whether a person has capacity to make a particular decision for themselves.
- Make decisions on financial or welfare matters on behalf of a person who is unable to do so.

- Appoint a deputy to act for someone who is unable to make their own decisions.
 - Enable a third party to look into the financial affairs of someone under the Court's jurisdiction where financial abuse is suspected, and to safeguard the person's resources, if appropriate.
 - Decide whether a Lasting or Enduring Power of Attorney is valid.
 - Hear cases concerning objections to the registration of a Lasting or Enduring Power of Attorney.
 - Remove deputies or attorneys who fail to carry out their duties.
- For more details see: www.gov.uk

Preventing financial abuse

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

Education and training

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

Working with clients

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

The following should be considered in individual cases:

- The risk of potential exploitation should be included in the client's support plan, and shared with care providers.
- The use of advocacy (or if an Adult Protection Alert is raised, an Independent Mental Capacity Advocate may enable an adult at risk to express themselves in a potentially abusive or actually abusive situation, or assist the person in moving towards self-advocacy and independence).

- Advising the adult at risk of sources of useful information eg. [The Money Advice Service](#).
- Working with partner agencies

Trading Standards

Trading Standards can help to protect against financial abuse by:

- Providing information and advice on how the adult at risk can protect themselves from being deceived in relation to doorstep crime, rogue traders, loan sharks and mass marketing scams e.g. lottery, postal or internet scams.
- Known scam victims can be supported by Trading Standards, and interventions can take place where necessary to support the person.

Policies and procedures

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

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

Supported living accommodation should have systems in place to support clients in managing their finances which do not put staff in conflict with their employer. Clear auditable records should exist to show the client has been invoiced in accordance with the care that has been delivered.

More information on the minimum financial and accounting standards/controls in care homes and supported living are available in section 17 of the Kent and Medway Multi-Agency Safeguarding Adults Policy, Protocols and Guidance.

Direct payments

There are a number of ways Care Managers/direct payment co-ordinators can reduce the risk of direct payment misuse by:

- Conducting a capability assessment on the client's/third party ability to manage the direct payment.
- Encourage Direct Payment recipients to have their Direct Payment through the Kent Card.
- Be clear that providers and PA's should not manage any of the finances associated with the Direct Payment
- Undertake a DBS check on the third party.
- Risk assess people the client is likely to be influenced by, especially if the client is living on their own/supported living and is easily influenced.
- Be specific in the Support and Care plan about what the direct payment can be spent on.
- Ensure the Direct Payment recipient or 3rd party understands the need to keep records of all Direct Payment spend.

Additional resources

Anti Fraud and Corruption Strategy

[http://knet/ourcouncil/Documents/Anti fraud and corruption strategy.doc](http://knet/ourcouncil/Documents/Anti%20fraud%20and%20corruption%20strategy.doc)

Confidential Reporting ('Whistleblowing') Policy

[http://knet/WorkingatKCC/Documents/Whistle Blowing Procedure.doc](http://knet/WorkingatKCC/Documents/Whistle%20Blowing%20Procedure.doc)

Assessment: Financial Crime Against Vulnerable Adults, Social Care Institute for Excellence, November 2011

www.scie.org.uk/publications/reports/report49.asp

The Financial Abuse of Older People – A review from the literature, Help the Aged, 2008

[www.cpa.org.uk/information/reviews/financialabuse240408\[1\].pdf](http://www.cpa.org.uk/information/reviews/financialabuse240408[1].pdf)

The Money Advice Service

www.moneyadviceservice.org.uk/

Elder Financial Abuse

www.elderfinancialabuse.co.uk/

Appendix E - Case Studies

The Case of Keith Jones

Nature of financial abuse: Recent change to a person's will

Key professional involved: Day centre manager

Background

Keith Jones is 87 years old, and lives alone with his wife Paula in a flat. Paula has end stage lung cancer, and is visited by the district nursing team twice a day. For the remainder of the time Keith provides all her care needs. Keith is himself fairly frail and has minor physical health problems and times when he is particularly depressed and anxious. In the past Keith had been referred to the day centre, as the district nurse was concerned that he was very isolated as he rarely left the house and was becoming withdrawn.

You arranged for Keith to visit the day centre twice a week so that he could have more social interaction and support. This seemed to work well, but whilst talking to Keith at the day centre he tells you that he now has an adopted daughter and wants her to be listed as his next of kin. In Keith's initial registration he indicated that he has no children, and only two siblings, a brother and a sister, and so you wonder who this adopted daughter is and where she has come from.

Questions

From the information given, do you have any concerns about this situation?

What would you do next?

In this instance the day centre manager began by gathering more information.

You ask Keith about his adopted daughter, and he tells you that when he was visiting his wife in hospital after she had recently been admitted he had run into a woman who was the daughter of one of his old friends who had died many years ago. She had comforted him about his wife, who had subsequently died, and had offered to give him any help he needed. Keith admits that he hadn't seen her prior to this for at least 16 years, but keeps referring to her as his adopted daughter.

You ask Keith if he is happy if you have a quick chat with her, and he agrees. You manage to speak to her, and when you ask about why she was being referred to as his adopted daughter, she tells you that she had said this to the staff in hospital so that she was able to sit with Keith and his wife as she was considered their immediate family, and that then Keith had taken to calling her his adopted daughter.

Because you have concerns about the situation, you keep in regular contact with Keith to monitor what is going on. On his most recent visit to the day centre he tells you that his adopted daughter is taking him out once a week in exchange for petrol money, and that he pays for all her children to have lunch out on their day trips. You then receive a phone call from another member of the day centre staff, telling you that Keith has changed his will so that his adopted daughter is the sole beneficiary.

Questions

Have your opinions about the adopted daughter changed?

What action would you take now?

In this instance the next step was that adult social services were contacted

Because you have concerns that Keith is being taken advantage of, you contact adult social care. In the meantime, Keith's health has declined, and he has been admitted to hospital. An attempt is made to try to prevent the adopted daughter visiting him in hospital, but he becomes very distressed and says that she is the only family he has now that his wife is dead and that he wants her to visit him. Social services contact Keith's brother and sister, and they tell you that Keith refuses to return their calls and that when they speak to the adopted daughter she tells them that she is caring for him now and that they shouldn't get involved.

Although they are worried about Keith, they are offended that he has seemingly chosen to have this woman involved in his life rather than them. After leaving the hospital, Keith moves in with the adopted daughter. He still visits the day centre, and tells you he is paying £800 a month to live with her, and that he buys all the food for the house as well as treats for the children. He never has any money when he visits the day centre. You ask him what has happened to his flat, and he tells you that his adopted daughter has cleared it out for him, and has suggested that he might like to rent it out. Again, you contact social services who speak to Keith and ask him if he would like any assistance but he tells them he doesn't want them involved in the situation as he is happy living with his adopted daughter.

Question

What impact do you think Keith's refusal to involve social services has had on what action can be taken in this situation?

What happened next?

A few months later Keith contacts you to ask if you can go and visit. You ask why and he says that his adopted daughter now has a new boyfriend, who wants Keith's rent to be increased to £1000 a month. You tell Keith that you will need to involve social services in this situation and he agrees, so you all have a meeting at the day centre where Keith can be seen on his own. At the meeting he tells you and the social worker that he can't afford to pay the increased rent, in particular because he has his own flat anyway. He tells you that he is scared to move back in on his own though now that his wife has gone. He wasn't sure if he could manage without the support of his adopted daughter. Social services talk to Keith

about the possibilities of him moving into respite care where he would receive an increased level of support until he felt more confident, which he was happy with. It was agreed that he shouldn't return back to the adopted daughters house on his own, so you accompany Keith and the social worker to collect Keith's possessions.

Keith was moved into respite care, and he has been living there comfortably ever since. He still visits the day centre twice a week and is now growing in confidence. Plans are being made for Keith to move back home, and he is now back in contact with his brother who is helping him with his finances to make sure no money is being diverted to the so called adopted daughter. She has been visited by the police and advised not to attempt to contact Keith. Social services continue to monitor the situation in case of any future changes.

The Case of Janet Pearce

Nature of financial abuse: Misuse of Lasting Power of Attorney

Key Professional involved: Care Manager

Background

Janet Pearce is 83 years old, and has recently been referred to you following a fall. Regular home care was arranged for her, as she was no longer able to move around the house without assistance. Following a recent visit, the care agency contacts you to say that Janet has told one of the carers that her next-door neighbour had asked her to sign a document, and she did not know what it was for. The neighbour had also left a note on the table saying that he knew social services were in contact with Janet, but could the carer postpone them visiting as he wanted to take Janet to see a solicitor.

Janet shows signs of confusion and her medical records suggest that she may be in the early stages of dementia. She has no immediate family, but is currently able to live in her own home with a care plan. The neighbour is known to have his own key to the house, and visits regularly to do jobs, such as mowing the front lawn.

Questions

*From the information given, what are the key concerns you have about this situation?
Do you think that Janet's neighbour is trying to take advantage of her financially? Could there be any other explanations?
What would you do next?*

In this instance the first step taken was to carry out a home visit

On the day that social services went to visit Janet at home, a solicitor arrived. He said he was there to provide documents for Janet to sign to give Lasting Power of Attorney to the neighbour to manage her financial affairs. He had a statement from a GP saying that Janet had capacity, but this was dated three months ago. Social services asked the solicitor if he felt from talking to Janet that she had sufficient memory or mental capacity to understand what the documentation meant. He said he was not an expert, and so was relying on the GP letter, which it transpired, had not been provided by Janet's regular GP. After discussing the situation, it was agreed that the meeting should be cancelled until Janet's mental capacity had been formally reassessed.

Social services tried to speak to Janet about what was going on, but she was extremely confused. After asking her a few basic questions it was apparent that she was not fully orientated. She was not aware that carer's visited her four times a day, and also wasn't able to answer basic questions such as how old she was.

Questions

What concerns do you have regarding the role of the solicitor in arranging Janet's neighbour to be appointed as holder of the

Lasting Power of Attorney to manage her finances?

What steps would you take to deal with this situation?

Social services next step was to speak to Janet's neighbour

Social services went to speak to the neighbour to get some background as well as an explanation from him as to why he thought he should hold financial Lasting Power of Attorney for Janet. The neighbour said that he was Janet's friend, and he could see she was beginning to struggle with things and so wanted to help her by getting her shopping and doing small jobs around the house and garden. He also thought that if he obtained financial Lasting Power of Attorney, he could prevent Janet going into a home because she always told him that this was something she never wanted to happen.

Social services tried to review Janet's finances, but a number of bank statements were missing, so it was hard to get a clear picture as to whether her finances were in good order. They struggled to gain information from her bank, as they would not share information unless social services were formally appointed as Janet's deputy. It was also difficult to manage Janet's bills as the utility companies would not let any details be changed without Janet's consent, and by that point she was not able to give consent.

A psycho-geriatrician carried out an assessment of Janet's mental capacity, and it became clear that she was unable to retain independent control of her finances. She thought her four-bedroom house was only worth £2,000, which raised social services concerns that she may be vulnerable to future financial abuse.

Questions

What challenges might you face working with financial institutions in cases of suspected elder financial abuse?

How would you minimise the likelihood of Janet being a future target of financial abuse?

Actions taken to prevent further abuse

Social services attempted to trace any of Janet's relatives, by looking through her old post and sending out letters to family members who had written to Janet in the past. They managed to get in contact with one of Janet's cousins to explain the situation and agree on an action plan. Social services and Janet's cousin discussed the potential impact that reducing contact with the neighbour might have. They knew that by taking away his key they would be depriving her of his visits, as well as the help he provided around the house. Despite this, it was agreed that the neighbour should no longer be allowed his own

key, and so it was arranged that the locks were changed. The neighbour could then only visit whilst someone else was at the property.

Social services spoke to their legal department, and it was decided that they should apply to the Court of Protection to become a formally appointed deputy to deal with Janet's financial affairs. No evidence could be found that the neighbour had taken money from Janet's bank accounts, but social services were suspicious about his motives. The neighbour was informed that social services would be dealing with all aspects of Janet's finances from that point onwards.

Questions

Do you think it was right that social services limited the contact between Janet and her neighbour?

What challenges might you face when dealing with cases of suspected elder financial abuse where the service user has no immediate family?

The Case of Margaret Smith

Nature of the financial abuse: Rogue Trader

Key Professional involved: Social Worker

Background

Margaret Smith is 72 years old, and lives alone in a bungalow. She has no immediate family, but does have one cousin whom she speaks to frequently, called Sarah. Sarah rings you to say that she is concerned that Margaret is being taken advantage of financially. Over a year ago, Margaret paid two builders to build a conservatory, but it has never actually been built. Sarah also thinks that the builders have overcharged Margaret for other jobs, for example she has recently paid £500 to have a single fence panel replaced in the back garden.

Margaret has minor physical health problems and also has a history of alcohol abuse, which means that sometimes her mental capacity can be in doubt as she can be confused and forgetful. Sarah is particularly worried that the builders are encouraging Margaret to drink again as Margaret has said that they are bringing her food shopping, including bottles of wine and spirits.

Questions

From the information given, what are the key concerns you have about this situation?

Do you think that the builders are financially abusing Margaret? Could there be any other explanations?

What would you do next?

In this instance the first step was to gather further information

Social services made a home visit to see Margaret. When they visited her she did not appear to have been drinking alcohol and seemed fully mentally aware, so there was no concern about her mental capacity on that particular day. She was not able to provide any contact details for the builders, and did not have anything in writing from them. When asked how she felt about the situation, she described the builders as her friends, and said she was grateful for the help they gave her by getting her shopping.

Although social services were suspicious, Margaret was adamant that she knew what she was doing. She said that she was in full control of her bank account, and she knew she had money, so there was no problem. Social services felt that the situation was not quite right, but because there was no tangible evidence, and, as at that particular time Margaret had full mental capacity, they felt no further action could be taken. The case was kept in review in case further evidence came to light at a later date.

Questions

What impact do you think that Margaret's response had on how social services felt they could respond?

Would you have done anything differently?

What happened next?

A few months later, Sarah phoned social services to say that Margaret had tried to book a holiday, but the cheque had bounced. Margaret had spoken to the bank and asked for a statement, which showed that she was £4000 overdrawn. Margaret had previously had savings in excess of £40,000, and so could not understand why her account was overdrawn. Margaret then admitted that the builders had seen one of her bank statements when they had visited her, and had suggested she move the money to a different account to earn more interest. She had given the builders her bank card and pin number to allow the money to be transferred. The statement showed that £2500 a month had been withdrawn from the account each month over the last year and a half.

Questions

What are the factors that make the situation more serious than it was previously?

What would you do in this situation?

Social services in this instance contacted the police and the bank

Social services contacted the police and gave all the details, but as Margaret had given the builders her pin number the police said they could not investigate unless it could be proven that Margaret did not have capacity. Social services were frustrated with the situation as they felt that the case should be investigated because Margaret had trusted the builders to put her money in another account in her name, but this had not happened.

Social services also contacted Margaret's bank, but experienced difficulty getting information from them. After a new police liaison member joined the local safeguarding team meetings, the case was then investigated further and the bank co-operated with the police by providing information. By this point, all Margaret's savings had gone.

Questions

Can you identify some of the challenges surrounding interdisciplinary working in this case?

What could have been done to improve interdisciplinary working?

How would you prevent Margaret being a future target of financial abuse?

Actions taken to prevent further abuse

Social services started providing Margaret with more care in case the builders returned. Signs were put up in her bungalow saying 'Please don't forget that your bank card and

cheque book are no longer in the premises. They are now held by social services'. It was hoped that if the builders returned they would know that social services were monitoring the situation. In terms of Margaret's mental capacity, Margaret's very poor short term memory meant that she was not able to make complex financial decisions independently. As such, social services carried out debt negotiation on her behalf. Money was also collected for Margaret each month from the bank as she needs it, and her bills were transferred to direct debit payments to stop debts accumulating.

Social services were never aware of any police prosecution in response to the case. The builders effectively disappeared and Margaret's money was not recovered.

The Case of Claire Jones

Nature of financial abuse: Stealing

Key professional involved: General practitioner

Background

Claire Jones is 92 years old, and lives in her own home supported by carers who visit three times a day. The carers help Claire with her personal care, as well as preparing meals. Claire is in relatively good physical health for her age, but is extremely confused and forgetful, and sometimes leaves her front door open during the day and does not close her windows at night.

Claire has a son Michael who lives in the same village, and a daughter Samantha who lives an hour away. Claire's children visit her regularly, and have reported to Claire's GP that they are concerned that local children are stealing from her, as money and jewellery have gone missing from the property and they know that local children visit her at home. Michael in particular is worried about the emotional impact on Claire of losing jewellery with sentimental value. Both children are keen that Claire should remain in her own home and live independently for as long as possible, but worry that she may be safer living in a care home in case the situation escalates.

Questions

What are the key concerns you have about this case?

Do you think Claire is having possessions stolen?

What other explanations could there be for the missing money and jewellery?

What would you do next?

In this instance, the GP informed the multi-disciplinary team who gathered further information

Claire was someone known to the primary care service staff, as she receives regular reviews following a hospital admission six months ago. The GP reported Claire's children's concerns to the social worker on the multi-disciplinary team, and asked the occupational therapists to make a home visit to try to find out more information. Claire knew that money and jewellery had gone missing, but did not think they had been stolen by local children as she did not think they would steal from her.

After speaking to Claire's neighbours, it seems that there have been a number of instances of children knocking at the front door, whilst others enter the property via the kitchen. The neighbours were not able to identify the children, and were reluctant to report their concerns formally to the police as they did not want to become a target for local gangs.

Questions

Have your thoughts about the case changed after hearing the new information?

What would you do next?

The multi-disciplinary team contacted the police

The police were contacted about the situation, but because Claire had cognitive problems she was not seen to be a reliable witness. The neighbours were also contacted informally by the police, but they were not able to give a good description of any of the children suspected of entering the property. Because of the lack of firm evidence about what was happening, the police were not able to take the case further.

Claire's son in the meantime visited her more often to act as a deterrent, but as he worked full-time he was not able to be at the property 24-hours a day. The children were both very worried about what was happening when they were not there.

Questions

What would you identify as the key challenges in this case in terms of establishing evidence as to what had happened?

How would you prevent Claire being a future target of financial abuse?

Actions taken to prevent further abuse

To avoid Claire being admitted into nursing or residential care, the multi-disciplinary team met with Claire's children and discussed a variety of ways to make Claire safer and more secure at home. Prompts were stuck on the back of the door, saying 'Claire, please make sure the door is locked'. The use of telecare systems was also explored, which notify a central office if the door was left open for longer than a certain period of time. If the alarm was triggered, someone would phone Claire to prompt her to make sure the door was closed and locked.

Claire's children felt reassured after the telecare system was installed, and Claire was able to stay in her own home for a number of years until her health deteriorated, with no further instances of money or jewellery going missing.

The Case of Sarah Watson

Name: Sarah Watson

Nature of financial abuse: Little money for necessities and minimal food

Key professional involved: Social services manager

Background

Sarah Watson is 68 years old, and has major physical health problems and some cognitive impairment as the result of a brain tumour, which has been successfully removed. She currently requires 24-hour care and this is likely to be the case in the future.

She currently lives in her own home with her husband who provides her care needs. Sarah is a recipient of direct payments, and so receives regular reviews of her care package to ensure her needs are being met. When carrying out a visit to Sarah's home with the direct payments officer you notice that she looks very unkempt and appears nervous and submissive around her husband. The house is also dirty, and when you help to make a cup of tea for everyone you notice that there is very little food in the cupboards.

You are very concerned that there seems to be a mismatch between the amount of money Sarah should be receiving via her direct payments, and both her living situations and the level of care being provided. Sarah's husband dominates the conversation during your visit, and is unwilling to leave her on her own even for a few minutes. You ask Sarah if she would like to talk to you on her own, but she says she doesn't need to.

Questions

From the information given, what are the key concerns you have about this situation?

Do you think that Sarah's husband is financially abusing her? Could there be any other explanations?

What would you do next?

In this instance, social services began by gathering further information

After further investigations you find out that as well as providing her with care, Sarah's husband also holds lasting power of attorney to deal with her financial affairs, such as her direct payments. You know from Sarah's past history that she was planning to appoint an attorney because the brain tumour had caused memory problems and information processing difficulties. Initially it had been planned that Sarah's brother would hold lasting power of attorney, but for some reason this had not happened.

After looking at the direct payments information in more detail, you also notice that Sarah's husband is claiming to provide 24-hour care, with no breaks. This raises concerns, as scheduled breaks should be taken during the day, meaning that a good care plan for Sarah should involve at least two people. You also have some worries about Sarah's safety, as she requires oxygen intermittently, and the cylinders are not stored securely as they are next to

the living room couch where she sits and smokes during the day. You ask some questions about Sarah's care, and the husband is very uneasy, giving conflicting answers about how money is spent. He says that a lot of money is spent on taxi fares to go to the supermarket, but on the other hand he says that they have to rely on takeaways for food. His makes it clear that both you and the Council are interfering in the situation.

Questions

Do you think Sarah's husband is justified in resenting people telling him how to care for Sarah?

What would you do next?

A strategy meeting was called

You contact the adult protection team, who hold a strategy meeting to discuss the case in more detail. After looking through past bank account statements, the direct payments officer reports additional concerns that Sarah's money is being badly managed. For instance, an initial start-up fund had been provided by social care to set up things like carer's insurance and an advertisement for a care worker but these had not been put in place. This was presumably because Sarah's husband had taken on all the caring responsibilities himself, but there was no evidence of how the money had been spent instead.

Because Sarah's husband was both managing the money and paying himself, the adult protection team was concerned that this was a conflict of interest, in particular given that Sarah did not seem to be being provided with adequate care. When asked about why he was fulfilling both roles, he seemed to think he wasn't doing anything wrong, and did not see that there was a problem with the situation. He was also confused about how he should document his time and was not clear about what he was and was not allowed to claim.

Questions

What potential issues have arisen in this case surrounding direct payments?

What recommendations do you feel would be needed in this case to safeguard Sarah's finances?

The Case of Clive Peterson

Nature of financial abuse: Anomalies in bank account

Key professional involved: Occupational therapist

Background

Clive Peterson is 79 years old and lives in his own home. Clive has limited mobility, and as such needs someone to accompany him to walk more than a short distance. He also suffers from chronic arthritis, and has reoccurring chest infections, meaning that he is a known service user. Because Clive has difficulty moving around, and with some aspects of his daily care, his next door neighbour Jane, has adopted an informal caring role, and visits him on a daily basis to cook for him and help out around the house. This arrangement has been going on for a number of years.

Clive has recently been discharged from hospital following a bout of bronchitis, and whilst on a home visit to see how he is progressing when Jane is out of the room making a cup of tea, he quickly tells you that he thinks some money has gone missing, and that she won't give him access to his bank books. Clive is quite anxious about the situation as doesn't feel he has any way to check what is going on. He doesn't want to accuse Jane though, so is initially unwilling to speak to her about it.

Questions

What are the key concerns you have about this case?

Do you think Clive's neighbour is stealing from him? Could there be any other explanations

What would you do next?

In this instance the Occupational Therapist began by gathering more information

It is clear that Clive is very dependent on Jane in order to remain living at home independently, and it seemed that he was worried that she might not want to continue helping him if he was to accuse her of something. He was therefore torn between wanting to know if his money was going missing, versus not wanting to jeopardise the help Jane provided. Because the neighbour is known to you, you are surprised to hear Clive's concerns, but arrange to visit again when Jane won't be there so that you can talk to him alone about what he thinks has happened and what he wants to do about it. In the meantime you speak to the social worker on your multidisciplinary team to check the procedure that should be followed in such cases.

She offers to visit Clive with you so that you can make sure the bank books haven't just been mislaid before any formal action is taken. A number of attempts are made to visit Clive over the next few days, but it becomes clear that Jane is aware that you will be visiting and so it is hard to get a time to see Clive on his own. After a few attempts you do manage to visit Clive at home alone, and no evidence of the bank books can be found.

Questions

Have your thoughts about the case changed?

What would you do next?

In this case the next step was to contact Clive's bank

Clive gives you the details of which bank he is a member of and you contact them to explain that because Clive isn't able to visit the local branch, is there anyway of verifying what has been happening with the account. They say that as long as Clive is able to speak to them on the phone and answer some security questions, they would be able to resend him a written account statement breaking down the transactions that had taken place on the account as well as the account balance. You tell Clive that if after contacting the bank it appears that there was an irregularity the next step would be to involve the police. He is reluctant, but gives his consent for the police to be involved if there was any clear evidence on the bank statement of wrongdoing.

When the bank statement arrives all the finances seem to be in good order, and it is clear that no money is missing. Clive is very relieved, both that his money is safe and that his arrangement with Jane can continue.

Questions

What would have happened if Clive had not given his consent for the bank to be contacted, and potentially the police dependent on the outcome?

How might the situation have been different if Clive had not had sufficient mental capacity to answer the bank's security questions in order to receive a replacement bank statement?

How can you ensure Clive is better placed to avoid this type of situation in the future?

In this instance Clive is provided with advice about keeping his money safe

You remind Clive that if he has any similar concerns in the future he can always phone the bank to ask for a statement to be posted to him. Jane is still visiting Clive on a daily basis to help him, and on one occasion when you visit she says to you directly that she has been worried Clive thinks she is stealing from him. Even though she is happy to be helping, she doesn't want to be put in a situation where she is accused of taking money.

She then suggests that someone else should have formal responsibility for Clive's finances, because she wanted to be above suspicion. You have a conversation with both Clive and Jane, and they both agree that it would be sensible for someone else to manage Clive's finances to avoid any problems in the future.

Questions

What issues does this case highlight in relation to financial management by someone in an informal caring role?

The Case of Emily Warren

Nature of financial abuse: A relative concerned about loss of inheritance

Key professional involved: General practitioner

Background

Emily Warren is 88 years old and lives in her own home with her son who is in his early 50's. Emily has been your patient at the surgery for the last year, and is now house bound. She is fairly frail, and has advanced dementia meaning that she requires full time care. Her son is currently unemployed and is providing her care.

You carry out a home visit to see Emily because she is suffering from confusion following a recent urine infection. You speak to Emily's son, and it is clear he is becoming increasingly frustrated looking after her. He says that she wanders off, and knocks things over round the house so he finds it difficult to have time to do anything as he has to watch her constantly. Although he admits Emily would probably be better off living in a residential or nursing home, he doesn't want to sell the house to pay for her care, because he would then be on the street.

Questions

What issues can families face in terms of balancing caring responsibilities with finances?

What would you do in this situation?

In this situation the first step taken was to gather further information

You discuss the care options that could be available to provide further support, but the son is adamant that there is no spare money to pay for Emily to have any formal care. He admits he is in effect dependent on his mother for financial support as the house belongs to her and he can't find a job. Although he stays at home with her during the day, it seems that the situation has deteriorated recently, as he now has difficulty helping her upstairs to bed, and so tends to leave her downstairs on her own. He admits to having locked her in the lounge on occasions so that he is able to do things around the house without her getting in his way.

Emily is a widow and although she has a daughter, her son holds lasting power of attorney to manage her financial affairs as the daughter is no longer in contact with the family. You are concerned that her son is not acting in her best interests by continuing to provide care himself when he is struggling to cope. Although it is clear he is trying to do his best, the situation seems to be taking its toll on his health in addition to concerns about whether Emily is being cared for adequately.

Questions

Do you think the son's actions are motivated by his financial dependence on his mother's money?

What would you do next?

In this instance, social services were contacted

In order to explore care options, you contact social services with Emily's son's approval. Social services carried out a home visit to go through what options were available, such as visits to the local day centre, or arranging for a carer to visit for an hour a day so that the son could have more of a break. Social services spent a lot of time with Emily and her son trying to work out what would be in everyone's best interests, but found it difficult to get the son to commit to any formal arrangements because of the financial implications. Eventually he agrees that she should visit the day centre twice a week.

You also contact a local voluntary organisation who provide a befriending service for carers, as they can also arrange to visit Emily at home for a few hours a week so that the son can go out and do things like food shopping. Although you feel that Emily would benefit from having increased help or assistance, and perhaps being in formal nursing or residential care, you are happy to monitor the situation for now as Emily is well settled at home and moving elsewhere would be an upheaval for her. You are also sympathetic to the son's situation in terms of the impact that selling the house would have on him, but encourage him to keep in contact and let you know if there are any problems.

Questions

Why do you think the GP was keen to maintain a good level of communication with Emily's son about the situation?

What challenges does it present when the son, as attorney, does not want to pay for formal care?

Recommendations

The recommendation was made that at least two people should be involved with Sarah's care; both to ensure her safety and to make sure Sarah's husband receives adequate breaks. This would also mean that someone else was actively involved in Sarah's care. The second carer was appointed who now visits Sarah at home for four hours each day.

To address the issue of Sarah's husband being both her carer and holding the lasting power of attorney to manage her financial affairs, Sarah's husband was told that unless someone else could be appointed as attorney, that Sarah would have to go back to receiving a traditional service provision where the council provides and pays for carers for her directly. Sarah's husband agreed to return to the initial plan that her brother should hold the lasting power of attorney, and this was organised successfully.

At the next case review Sarah's general living conditions had significantly improved, and her brother was effectively managing her direct payments. The case remains under regular review.

The case of Mrs Jarvis

Nature of financial abuse: Cash prize win

Key professional involved: Financial advisor

Background

Mrs Jarvis is a 76 year old customer who has come into the branch and asked to see you to discuss long term investment options for her savings. When talking to Mrs Jarvis she tells you that she has been promised three million pounds from a company in the United States, who have been writing to her regularly. She shows you one of the letters, which says she has won a prize draw, but an administration fee has to be paid before it can be claimed. She has been sending amounts ranging between, £20 - £50 at a time for the last five weeks, and says she has received at least 30 letters from the same company.

Mrs Jarvis asks you to transfer £5,000 from her savings account to her current account so that she can continue to send money.

She has no contact details for the company who sent her the letters but is convinced she is going to receive the prize money at some point. She believes that she must be entitled to the prize win as otherwise she would not still be receiving her letters. She is anxious to make the extra money available in her account as soon as possible so that she does not miss out on the prize.

Questions

Would you have any concerns about the situation?

Do you think Mrs Jarvis has won a prize draw?

What would you do next?

The financial advisor began by gathering more information and consulting internally with colleagues

You voice your concerns to Mrs Jarvis that this may be a scam and that she was not likely to receive any money. She does not believe you though, and is confused why it would not be true. She tells you that she needs the money so that she can help her son put down a deposit to buy a house. You ask her what her family think about the situation, and she tells you that her son has also told her it is a scam, so she no longer discusses her financial affairs with him. She has not talked about the situation with anyone else as the letters she has received told her to keep it a secret and to be careful who she told about it due to the amount of money involved.

Mrs Jarvis currently manages her own finances as she is fully mentally aware. She is also physically still very active, and is able to visit the bank independently to draw out cash and pay her bills. All the accounts are in her name only, so it is difficult to speak to any of her family about the situation without committing a breach of confidentiality. After reviewing her account history it also seems that whereas in the past she tended to withdraw small

amounts of cash on a regular basis, the amounts she is withdrawing are becoming larger and more frequent.

Questions

Why do you think Mrs Jarvis believes so strongly that she has won a prize?

Is there anything else that can be done about the situation?

The financial advisor also consulted with the police

Because there was no information about who or where the money was being sent to follow up with Trading Standards, you speak to the local police to ask for advice and to see if they could carry out a home visit. They say that they cannot visit based on a phone call from the bank - Mrs Jarvis would need to report the situation herself. They also said that because she did not think she was being scammed and did not see that the situation was a problem it was unlikely that their involvement would help.

Question

How do you think the situation was left?

The situation is currently being monitored

Even though you are very sure Mrs Jarvis is being scammed, because she is totally convinced that the prize is legitimate and that she wants to withdraw the money it is very hard to refuse her. Because she is willingly sending the money you know that is unlikely that she will be reimbursed even if in the future she realises there is no prize win.

At this point the only option is to monitor the situation, and keep speaking to her about it when she come into the branch in case she can be convinced further down the line.

Question

Why does Mrs Jarvis' reaction make the situation difficult to deal with?

The case of Mrs Munroe

Nature of financial abuse: Anomalies in bank account

Key professional involved: Financial Crime Manager

Background

Mrs Munroe is 82 years old, and has been a customer at the building society for more than 30 years. A cashier comes to see you, about a concern she has about Mrs Munroe's account. Mrs Munroe had come into the branch with her daughter to get her building society savings passbook made up with interest, and when the cashier checked the account it had been closed six months ago.

Mrs Munroe looks after her finances independently and previously had assets in excess of £50,000 in the savings account. She has minor physical health problems, and so needs assistance from family members to travel to the branch. Mrs Munroe said she had not closed the account herself, so wanted the situation to be investigated. She was very worried that someone had fraudulently accessed her account and taken her money.

Questions

Would you have any concerns about the situation? Why might Mrs Munroe's account have been closed?

What would you do next?

In this instance, the financial crimes team began by gathering further information

The financial crimes team began by gathering as much evidence as possible from the cashier who reported the information. Mrs Munroe's account was reviewed, looking at all of the cash that had gone out over the last few weeks, and checking the signature on the withdrawal slips. It was found that there had been a number of high value transfers from Mrs Munroe's account over the last six months. The financial crimes team investigated the pattern of transactions, and were concerned that it may have been a staff member taking the money. Using time linked CCTV footage, it was possible to trace who had processed the most recent suspicious transaction, which provided the initial evidence that it was one particular cashier who was responsible.

Because of data protection legislation, CCTV images were only available for the last 28 days, but it happened that one transaction had taken place in that time period. CCTV footage showed which cashier was working at the counter at the time the transaction was made, and Mrs Munroe was not at the branch. On the basis of this, all of the individual's cashiering records for the last few years were tracked.

The financial crime manager consulted with the police to take the case further. After searching customer records across the branch, two other accounts held by older customers

were found to show similar patterns of transactions. The police contacted the other two customers, and it was found that thousands of pounds had been stolen from their accounts.

Questions

Can you identify any challenges in this case, in terms of how the internal process to deal with the cashier might conflict with the police investigation?

Do you have any suggestions of good interdisciplinary working with the police which could minimise the risk of problems?

Challenges of interdisciplinary working

Initially it was difficult for action to be taken to discipline the staff member and dismiss her from employment, as the financial crimes team had to hold back whilst the police investigation was underway. Although the Building Society were also investigating the situation, it was important that the police investigation was not disrupted or tampered with as this could cause a problem in terms of the quality of the evidence presented if the case was taken to court.

It was found that in a number of instances the cashier accessed customers' accounts by using computers which other staff members were still logged into despite having left their work station on a lunch break. Other staff members therefore had to be interviewed by the police as over the last four years their signing in details were linked to numerous suspicious transactions. The staff members were very upset about this, as they felt they were a close knit unit within the branch, and were shocked as the cashier had worked within the branch for nearly ten years.

The cashier had also managed to circumvent processes to identify accounts where suspicious transactions had been made. The branch had a system in place whereby if there had been a high number of withdrawals from an elderly person's account they would be sent a letter asking them to verify that the balance on their account was correct. Because the cashier had a longstanding relationship with many of the older customers who visited the branch, she had managed to intercept the letters when they were brought in. She would reassure the customer that their account was fine, and the customers then returned the letters signed which meant that the accounts were not investigated further.

Questions

What staff training needs does this case example highlight?

How do you think the case was resolved?

How was the case resolved?

The cashier remained employed for five months whilst the police investigation was underway, but was ultimately dismissed from the Building Society. No money could be recouped, as the cashier was in a large amount of debt, and had spent everything. The building society replaced Mrs Munroe's money because the transactions had been made by a staff member acting on unauthorised instructions. It was more difficult to resolve the cases of the other customers whose money had been stolen. One gentleman was extremely

confused and forgetful, and the Crown Prosecution Service said that he was not a credible witness because he could not remember what transactions he had made himself, and which were fraudulent. None of the transactions on his account had happened within the last 28 days, and therefore there was no CCTV evidence to link to the cashier. It was therefore difficult to prove definitely what had happened. It is unknown at this point whether criminal charges will be brought against the cashier in relation to Mrs Munroe's case.

Questions

What would you identify as the key challenges in this case in terms of establishing evidence as to what had happened?

The Case of Mrs Rose

Nature of financial abuse: Unexpected overdraft request

Key professional involved: Branch manager

Background

A customer, Mrs Rose, has made an appointment to see you at the branch as she wants to withdraw an investment. After reviewing her account you explain to her that the investment she has is not of a sort that can be withdrawn straight away, and she says that in that case she would like to apply for an overdraft. Mrs Rose is 86 years old and manages her finances independently. She is not a regular customer at the branch, but in her account history you can see that she has a substantial balance and that recently she has been going to local branches in the area and transferring a number of thousands of pounds to a third party bank account.

You ask her why she needs the overdraft and she shows you a piece of paper which gives details of an account for £5,000 to be paid into. She had been told that the money was being sent from that account to someone in the Caribbean who was going to send her a gift.

Questions

Would you have any concerns about the situation? Do you think Mrs Rose should be given access to an overdraft?

What would you do next?

In this instance the branch manager declined Mrs Rose's request for an overdraft

You ask Mrs Rose what she has been told she will be sent, and she says that she is not really sure, but that it is OK because 'they' told me so on the phone. You ask her who it was that phoned her, and she is not able to give any information aside from saying that it was a young man who had called her. As the account Mrs Rose had been asked to pay money into is with your bank you are able to privately review it and can see a number of high value deposits, with the money then being transferred relatively soon after to other sources.

You express your concerns to Mrs Rose about her sending money, but she is adamant there is nothing wrong, and she thinks she is going to miss out if she does not send the money. Even though the computer system says that Mrs Rose could be given access to an overdraft, you are sufficiently concerned about who is contacting her for money that you decline the request. Although you are worried about the situation, you do not feel that at this point there is enough evidence to contact the police about your suspicions.

Questions

Would you have done anything differently faced with this sort of situation?

What do you think happened next?

In this instance the police contacted the bank independently about the situation

Mrs Rose leaves the branch, cross that you have turned her down for an overdraft. She then comes back a few days later though and without your awareness sees a cashier who does allow her to transfer £3,000 from her account to the third party, as she has sufficient funds and tells the cashier that she needs to transfer the money because she is having building work done on her house.

You then receive a phone call from the local community police team, who were aware of a number of people in the local area who have been contacted with the same request to send money to a third party account to be sent to the Caribbean, one being Mrs Rose.

It appears that Mrs Rose had a carer who had contacted the police about the situation as they were concerned she was being taken advantage of.

You arrange to meet with Mrs Rose and a local police officer in the branch. It transpires that Mrs Rose has been receiving a lot of phone calls in relation to the request for money. She is quite isolated as she struggles physically to walk even short distances, and so she enjoys the phone calls she has been receiving, as she feels the people calling are her friends.

Questions

What difficulties can be encountered when customers are adamant about making a transaction despite an identified risk?

How do you think the situation resolved itself?

How was the case resolved?

In this instance the involvement of the police means that you are able to stop Mrs Rose's last transfer of money to the third party bank account. Mrs Rose is still quite confused about what has happened and is adamant she is not being taken advantage of, but she does agree that the community police officer can contact social services to review her care provision.

The case was then officially handed over from the police to social services to manage, to ensure that Mrs Rose received appropriate care and support to minimise her potential vulnerability.

Questions:

How can the risk of this type of financial abuse be minimised for customers?

The Case of Mrs Hendly

Nature of financial abuse: Third party manipulation

Key professional involved: Cashier

Background

Mrs Hendly is a 78 year old customer, who used to regularly visit the branch in person to withdraw her pension credit. She is good physical health, and looks after her money independently. She often discusses with you her holiday plans and any work she is having done around the house when you are dealing with her transactions.

Whilst serving customers at the counter on a Monday morning, someone approaches you to make a third party withdrawal from Mrs Hendly's account. You know that you have not seen Mrs Hendly in the branch yourself for quite a while, and you can see from reviewing the previous transactions on the account that it has actually been a number of months since Mrs Hendly has made any withdrawals. The man has the correct documentation and identification, but despite the gap since her last visit you are surprised that Mrs Hendly has not come into the branch herself.

Questions

Would you have any concerns about the third party withdrawal from Mrs Hendly's account?

What type of arrangement could this be

and why might Mrs Hendly need it?

Would you take any action in this type of circumstance, and if so, what would you do?

In this instance the cashier reported her concerns to her manager

You mention your concerns to your line manager and it is decided to monitor the situation as branch policy is that third party withdrawals are only allowed on a temporary basis. If the situation was to continue, a more formal arrangement would be needed such as a third party signatory or a lasting power of attorney. Given that at the current time there was no firm evidence that the account was being abused it was decided no additional action could be taken.

Over the next few months the account is transferred into a joint account, and the balance starts to decline rapidly, with over £5,000 being withdrawn over a period of three months, which does not match Mrs Hendly's normal spending patterns.

Questions

What is the policy regarding third party access to bank accounts in your business? Are there any risks you can identify in relation to third party access to accounts?

Have your thoughts about the situation changed with the new information? What would you do next?

The branch manager tries to contact Mrs Hendly to discuss the situation

Given the sudden decline in the account balance the branch manager phones Mrs Hendly to discuss the concerns and check that everything is OK. The manager is unable to get hold of Mrs Hendly on the phone though, as every time he calls the house either Mrs Hendly's daughter or son-in-law answers and says that she is not available. She does not respond to any requests to call back the branch or visit in person, even after a series of letters are sent to her home address.

In the meantime Mrs Hendly's account balance is continuing to decline, at an increasingly rapid rate. As Mrs Hendly was not responding to any form of contact, the branch manager approached the adult safeguarding team at the local Council to report the concern that she may be being financially abused. At that point social services took over investigation of the matter, and reported the case to the police. You are still waiting to hear what the outcome of investigations by the police and social services are.

Questions:

Would you have done anything different in this case?

What are the challenges involved in protecting customers finances from potential abuse before there is firm evidence?

The Case of Sophie Clark

Nature of Abuse: Abuse of position for financial gain

Key Professional involved: Duty Officer

Background

Sophie is a 23 year old service user, who has physical disability that requires her to have personal care to assist her day to day needs. Due to her disability she is unable to carry out cleaning and gardening.

Every year a financial assessment of Sophie is carried out by the local authority that pays for her care. The assessment officer, Adrian Smith visits Sophie on the 20th May 2013 and refers her case to the Benefits team as he believes she may be entitled to additional disability benefits. On the 20th November 2013 Adrian carries out a procedural follow up visit. During this time Sophie builds a rapport with Adrian and he asks how she carries out gardening and cleaning in her house. Sophie told Adrian she is unable to carry out these activities so he said he will try and help her.

The next day Adrian calls Sophie and informs her that he can carry out this work for her for 'mates rates'. Sophie and Adrian agreed for work to start in the living room the following weekend and Sophie purchased the materials that were required. Adrian arrived and started to paper the living room, in order to make room he dismantled the dining room table and put it in the hallway. Adrian left the Living room unfinished on the Sunday and did not tell Sophie when he would next be round.

A few weeks later there was a knock at the door, Julie, Sophie's carer answered and Adrian and his wife Mel walked in, Sophie was not expecting Mel and asked why she was there. Mel told Sophie she was there to do her cleaning and will be doing it every Thursday 4-8pm. When Sophie told Mel she could not afford the cleaning, Mel said she will 'sort something out'. Adhoc continued on the house until Sophie started to get behind on her payments to her carer.

Questions

What are the key concerns you have about this case?

Do you think that the assessments officers acting in line with policy?

In this instance Adrian is abusing his position as a financial assessment officer

Sophie calls the care worker Sally, and explains she is unable to pay for her carer. She tells her about Adrien and his wife and that she has paid them £820 from December 13 to May 2014 and she is now in debt.

Questions

What should Sally do next once she has finished speaking to Sophie?

What procedures would you follow?

Should Adrian be allowed to continue working?

Adrian attended a disciplinary hearing and as a result was dismissed..

Sally passes the case on to you the Client Service Manager. You attend a Safeguarding meeting and raise the allegation with your line manager, Ruth, the Head of Service. On 8th August, you formally suspend Adrian in accordance with the principles of the Disciplinary Policy and Procedure. An investigation manager is assigned to the case and the following allegations are to be investigated; Financial abuse of a service user; Emotional abuse of a service user and Breach of Data Protection.

You obtain a statement from Sophie and ask her, how she met Adrian and how long she had known him for. You also meet with Adrian and take a witness statement from him. Further investigation was pursued. A hearing was held on the 20th August and found that Adrian had breached the organisations policies and procedures.

Following the hearing Adrian was dismissed.

Questions

What would you identify as the key challenges in this case in terms of establishing evidence as to what had happened?

How can the risk of this type of financial abuse be minimised for service users?

Do you think Adrian should have been dismissed?