

Scams Team Smart Guides

Scams, Adult Social Care and The Care Act

The Introduction

Victims of scams, whether that is mass marketing fraud or doorstep crime, are victims of financial abuse. As a result, the Care Act 2014 puts all local authorities under a duty to take steps to prevent individuals being subjected to financial abuse. This paper outlines succinctly the legislative basis that requires local authorities to take responsibility for tackling scams and undertake activities which could prevent people being financially abused.

The Facts

Section 42 of the Act states that where a local authority has reasonable cause to suspect that an adult in its area —

- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
- (b) is experiencing, or is at risk of, abuse or neglect, and
- (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.

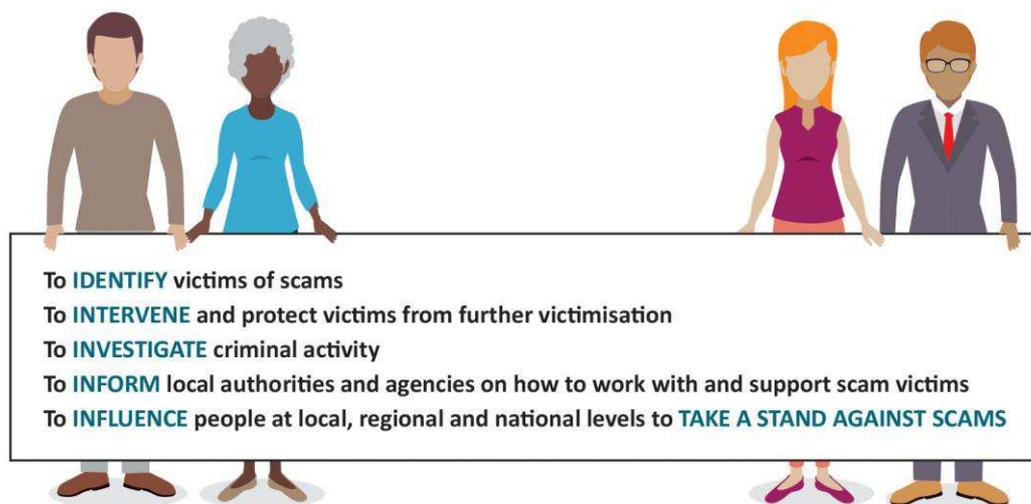
The local authority then must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case and, if so, what and by whom.

Section 42(3) clearly states that abuse includes financial abuse; and for that purpose “financial abuse” includes –

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

Added to this the most recent edition of the, “Statutory Guidance to support Local Authorities implement the Care Act 2014” recognises that trading standards have a valuable contribution to make in ensuring adults are safeguarded, saying:

14.29 In all cases this is financial abuse and the adult at risk can be persuaded to part with large sums of money and in some cases their life savings. These instances should always be reported to the local police service and local authority Trading Standards Services for investigation. The Safeguarding Adults Board will need to consider how to involve local Trading Standards in its work.



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14.30 These scams and crimes can seriously affect the health, including mental health, of an adult at risk. Agencies working together can better protect adults at risk. Failure to do so can result in an increased cost to the state, especially if the adult at risk loses their income and independence.

The Act also introduced statutory Safeguarding Adults Reviews (SAR). The Safeguarding Adults Board must conduct a SAR if there is reasonable cause for concern about how the Board, members of it or others worked together to safeguard the adult and death or serious harm arose from actual or suspected abuse.

Safeguarding adults with care needs who are subject to financial abuse via scams therefore need to be considered as part of a whole council approach. Furthermore, Section 2 also states local authorities must make provision for services that prevent or delay the need for care and support.

The Challenge

Adult Social Care teams may not recognise that responding to scams constitutes financial abuse and that steps need to be taken to protect these individuals. Adult Social Care managers and Directors may not recognise the scale of the problem and the need to resource dealing with this aspect of safeguarding as part of a whole council approach.

Local trading standards services are at the forefront of tackling financial abuse through their excellent work in visiting and supporting victims of scams. A recent survey we conducted showed that whilst 81% are engaged with adult social care to the extent that they can discuss/action concerns re financial abuse, only 26% have a place on their Safeguarding Adults Board.

It is beneficial to engage with your local Safeguarding Adults Board to ensure the needs of financial abuse victims are addressed through a co-ordinated range of activities, including:-

- To recognise the signs of financial abuse when council employees come into contact with vulnerable members of the public, especially when in their own homes.
- To be proactive in responding to information and intelligence which indicates an individual may be subject to financial abuse.
- To ensure that there is adequate intervention, prevention and support.
- To evaluate what the most appropriate method of intervention and support is, whether that is within the local authority or by using partners, including the voluntary sector.

The Help

The NTS Scams team are currently working with the Association of Directors of Adults Social Services (ADASS) to enhance understanding at a national level of the importance of tackling scams and supporting victims covered within the Care Act.

The team is also happy to support you with advice and guidance as necessary to increase the profile of scams within your authority. Furthermore, it has developed the Friends Against Scams initiative which, amongst other things, will provide an on-line training tool to help carers and others who visit people in their homes to identify financial abuse and report it.

It is essential that the signs of financial abuse are not missed or overlooked and recently we have been actively supporting the care sector and other professionals who particularly visit adults in their own homes to look out for and report any suspicions of abuse.

We want to engage with local authorities further in discussions about how we can forge greater working relationships and explore working practices so that together we can further improve safeguarding in this area.

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