

CONCERNS ABOUT FINANCIAL ABUSE

Financial abuse can cover a variety of issues from mishandling finances to fraud. One of the group of people who are particularly at risk of this are the elderly. Almost anyone can commit financial abuse of the elderly, including very close family members such as spouses, children or grandchildren, carers and those in a position of trust and responsibility. The abuser may be formally appointed as an attorney or deputy (by a Court Order) or sometime the assistance is on a more informal basis.

Whenever there are personal (financial or social) pressures combined with other factors such as old age, disability or ill-health this may make someone more vulnerable to potential financial abuse by someone that they trust.

What is financial abuse?

Financial abuse can take many forms, but some more common examples are set out below

Taking money or property

This might be theft from a purse or taking more money from a cashpoint than authorised. It might also involve over-claiming of benefits by overstating the severity of the situation. It might mean taking away small items from the property without authority.

Overcharging for services

Being asked to pay large amount of money for simple tasks such as gardening or basic property maintenance.

Forging signatures or documents

Where someone's signature becomes more fragile, it might be easier to forge – perhaps on a cheque or even a Will. Forged wills can sometimes result from family difficulties but sometimes fraudsters target lonely and vulnerable people who do not have any close relatives or friends. In these situations, there may be nobody to challenge the will as no-one knows the true wishes of the person who has died.

Signing documents by coercing or influencing them to sign

Has someone been asked to sign a transfer of shares or a car? What about making a gift?

Wrongful use of Powers of Attorney or Court Orders

Acting as an attorney means that someone must abide by the provisions in the Mental Capacity Act 2005 and its Code of Practice. An attorney cannot use the money that belongs to the donor (other than in very limited circumstances) for anyone other than the donor of that power of attorney. They must keep all money separate and will need authority from the Court of Protection to make large gifts, transfer of property to family members and borrow money.

However, mixing money in bank accounts or borrowing money can be financial abuse as this is also not permitted.

What should I look out for?

Any change in routine may mean that there is something amiss. Some more obvious things might be:

- Strange cash withdrawals from bank accounts
- Unusual bank transfers that cannot be easily explained
- Bills that are not paid when they would normally be paid promptly
- New relationships with friends or long-lost family
- Concerns about spending money because of concern
- A new name being added to a bank account;
- A loss of confidence or increased anxiety

What can victims do?

Victims of such abuse are often reluctant to act against their abusers because they feel ashamed of having been taken advantage of, or because they do not want the abusers to withdraw their care and support.

What can I do?

Consider whether you should contact the police, adult social care, or the Office of the Public Guardian who may start their own investigations – but it is important to try and not cause any distress to anyone who is to be vulnerable. You may also want to consider making an application to the Court of Protection for:

- the revocation of any power of attorney; or
- a review of the deputy's actions

Often, if something does not seem right, then there is no harm in asking questions. There may be nothing untoward happening, but it is good thing to check out.

How can GL Law help you?

We have specialist lawyers who will take time to get to know you in order to provide you with advice tailored to your specific needs and wishes.

Full and transparent information about our fees structure will be provided at the outset, and the basis of our charging agreed before we begin work.

For more information or to speak to a solicitor please contact us by calling 0117 906 9400 or email hello@gl.law

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