



## Cynllun Diogelu Rhag Camfanteisio Ariannol Financial Exploitation Safeguarding Scheme



The Financial Exploitation Safeguarding Scheme (FESS) is a Multi-Agency Safeguarding Scheme created and developed by Carmarthenshire Trading Standards, to detect and prevent the financial exploitation of vulnerable persons.

It is a reciprocal voluntary participation scheme where organisations/departments sign up and undertake to work with the authority/department, to develop safeguarding policies and procedures and refer victims of financial exploitation.

In return they receive access to specialist training, officer presence, technical advice/measures and access to a priority referral gateway enabling them to quickly obtain advice and refer individuals vulnerable to financial exploitation.

The scheme brings with it private sector involvement from major high street banks and since the scheme's launch in December 2014 it has received the approval and endorsement of both Barclays and Halifax banks and the subsequent scheme membership of all branches within the county.

The scheme creates clear pathways and procedures ensuring that service users receive full protection, support and access to preventative measures provided by the authority

The scheme facilitates the early detection of vulnerable people and the implementation of a support package containing any or all of our protective/preventative measures and those of other social care departments to protect them from further exploitation.

The scheme underpins and brings together Carmarthenshire Trading Standards' current portfolio of practical safeguarding measures

It enables these measures to be taken one step further by creating working relationships with other departments, extending the reach of the service beyond the traditional Trading Standards service role. The measures currently used are listed below:

- National Trading Standards Board (NTSB) Scams Hub Intelligence Led visits
- trueCall Nuisance Telephone Call Blocking and Monitoring

- NTSB Royal Mail Staff Training Programme
- Local Authority No Cold Calling Zones
- Consumer Awareness and Education Campaigns
- Vulnerable Consumer Advice Interventions
- Moneywise Financial Education/Literacy Programme
- Debt & Mental Health Interventions
- Financial Services and Public/Private/Third Sector Safeguarding Protocols
- Intelligence led mapping/forensic profiling
- Citizens Advice Bureaux Awareness Training

The scheme then facilitates for other types of social care intervention to ensure that vulnerable people obtain access to the full level of support appropriate to their needs.

**The scheme does this by creating reciprocal working relationships with:**

- Adult Protection Services
- Mental Health Services
- Housing Services
- Public Health Services
- Police/ 3rd Party Enforcement Agencies
- 3rd Party Advice and Support Services
- Private sector organisations, for example, banks, building societies, postal services etc.

The scheme brings with it many benefits and pre-empts legislative requirements imposed by the Social Services and Wellbeing (Wales) Act 2014 by providing for 'co-operation and partnership within the authority to improve the well-being of people, care and support for adults at risk'.

**The scheme does this by:**

- Providing a range of proactive, reactive and preventative initiatives to protect and prevent vulnerable people from financial exploitation (and other forms of abuse where identified).
- Providing new ways of working with other social care departments and private sector organisations to ensure that vulnerable people access and receive the necessary support.
- Extending safeguarding principles into the private sector and increasing awareness of safeguarding policy and providing clear referral pathways for vulnerable people.
- Detecting and mapping the demographics of vulnerable individuals to proactively facilitate targeted awareness campaigns and early social care interventions.
- Providing a valuable intelligence gateway and hub for the detection of criminality and information sharing that may provide valuable evidence in the prosecution of offenders.

**Section 4 of the Social Services and Wellbeing (Wales) Act 2014 provides several facets for promoting wellbeing and TS activities are highly relevant in the promotion of:**

- Social and Economic Wellbeing
- Protection from Abuse
- Control over day to day life

**Further, section 14 of the Act provides a strategic duty on local authorities to assess the extent of need for a range and level of preventative services and under the new legislation authorities will have a duty to provide or arrange preventative services that will, amongst other things:**

- Reduce the needs for care and support in its area
- Contribute towards preventing people from suffering abuse or neglect
- Enable people to live their lives as independently as possible

Trading Standards have an existing portfolio of measures that pre-empt these requirements and the scheme provides a model for these requirements to be more formally integrated into any new or refined social care model brought about by changes in the law.

The scheme promotes health, wellbeing and the independence of service users by implementing a package of interventions that go beyond the offering of any one given department and provides for a multidisciplinary approach and social care intervention, meeting all the needs of service users and of which one given department could not facilitate alone.

Trading Standards measures enable service users to resume a certain level of control over factors previously beyond their control and of which may exacerbate health conditions or prevent them from participating fully within the community.

Trading Standards are unique within the authority, as they possess specialist technical measures, knowledge, experience, and enforcement powers in relation to issues that tend to underpin financial exploitation. However, Trading Standards Services are not equipped to deal with the specialist behavioral, health, emotional or psychological impact the abuse may have on the service user, neither are they equipped to advise on other social factors that may contribute to or underpin the exploitation such as housing, benefits, education or employment.

We have at our disposal a portfolio of measures which we customise to fit the needs of service users and with continued engagement from other departments (who bring with them their own unique specialism) believe that there is much more that can be done through multi-disciplinary social care interventions to improve health, wellbeing and independence.

We believe that such measures will lead to long term cost savings where health and wellbeing is improved, where financial detriment is reduced and where independence is maintained.

## **WHY TRADING STANDARDS**

Primary responsibility within the authority for the enforcement of consumer protection legislation lies with Trading Standards, who are the accountable team and the obvious choice for consumers to turn when they experience 'consumer protection issues.'

The vast majority of 'scam' complaints Trading Standards receive are in relation to scams perpetrated on the doorstep, over the phone, through the mail or via the internet.

The very nature of such 'scams' means that they will almost always involve the use of

misleading statements, actions, omissions or aggressive commercial practices that fall foul of the criminal legislation enforced by Trading Standards Services (for example the Fraud Act 2006 and the Consumer Protection from Unfair Trading Regulations 2008).

Trading Standards have a statutory duty to enforce this legislation and to investigate such matters and there is the Chartered National Institute, National Intelligence and Enforcement Framework as well as published National Enforcement Priorities that sit behind and support Trading Standards activities in this regard.

Further to the investigation and enforcement of the criminal aspects of 'scams,' Trading Standards Services are also responsible for the enforcement of the Consumer Credit Act 1974 which provides the legal framework for 'all' consumer lending and borrowing activities in the UK.

Under this legislation Trading Standards have powers to investigate and intervene where lending and debt collection practices may break the law. This is highly complex and specialist legislation not delegated to any other local authority team.

Further to this Trading Standards are also responsible for enforcing the Administration of Justice Act which again provides unique powers to police enforcement officers/bailiffs engaged in debt collection/ orders etc.

Consumer credit and debt collection are areas that present a high risk for vulnerable consumers to experience detriment that can have massive knock on social effects which may impact on a consumer's health and wellbeing.

As the only local authority team with the legal authority, experience and knowledge in this area, it is only fitting that such work is undertaken by the team.

Therefore 'Scams' along with consumer credit issues in the form of aggressive debt collection or inappropriate lending/debt collection practices concerning vulnerable persons are clearly areas of financial abuse where Trading Standards services have a clear statutory role to play.

The authority as a whole, owes a duty of care to its residents and individual officers in discharging the functions of the authority, are responsible for ensuring that those functions are discharged in a manner consistent with both statutory and corporate policies and that such functions do not fall short of that duty.

Thus a failure of an officer to adequately handle a complaint where there is obvious vulnerability or where it would be reasonably foreseeable that inaction, or negligent/irresponsible action or advice could lead to further issues i.e. damage property or endanger the resident in any way could ultimately breach this duty of care. This can lead to both civil and criminal liability where the failure is so serious that it becomes criminally negligent. Such cases are particularly sensational/damning when they involve children and/ or other vulnerable groups.

The creation of the Financial Exploitation Safeguarding Scheme came about through officers responding to complaints and the realisation that through inaction, capability, training, lack of skills or delegated responsibility that it was 'absolutely necessary' to address the issue not only in the interests of protecting the consumer from harm but to enable the officers to discharge their duty and thus the duty of the authority.

The Social Services and Wellbeing (Wales) Act 2014 has removed barriers by reducing the eligibility threshold for accessing services and has provided a clearer means for Trading Standards Officers to refer victims who traditionally would not have met the safeguarding threshold. A failure of the authority to comply with the obligations of the act would mean not only failing in its duty but expose the authority to serious case reviews, policy challenge and or central government intervention i.e. special measures.

Thus Trading Standards as the recipients of consumer complaints that initially begin as 'consumer protection' issues can (in some instances) find these complaints mutating into safeguarding issues and perhaps ultimately into health and social care issues.

So whilst Trading Standards are a major information/intelligence gateway into the authority for consumer 'scam' complaints, they may not be the most appropriate resting place for the complaint, however it is only through working with a victim and investigating their initial complaint and deploying specialist knowledge, skills and experience that officers can scratch beneath the surface and identify further issues that may warrant further specialist interventions and support the victim accordingly.

Trading Standards services have been working with vulnerable consumers in this context for many years and the issues experienced by many victims are not new, modern means such as the advent of technology and the use of the internet have simply served to increase the reach of criminals and provided them with a more efficient means to take advantage of victims. Old fashioned, paper based or physical scams have simply been transposed into the digital arena. The increase in private payments service providers and the use of electronic money transfers and online banking services means that both companies and the public have to identify and implement increasing security measures to combat modern forms of criminality.

not only but.... and to quote... safeguarding is everyone's business....

Issues surrounding the failure to pick up, address or recognise scam complaints as potential cases of financial abuse may further fuel both employment rights and health and safety issues where employees are not facilitated with the means to carry out and discharge their duty.

An obvious starting point was to identify vulnerability and to cross reference the victims with social care to establish if they were open/ had been open to services. The logic being that if they were open to services we could prioritise them as being identified as vulnerable.

We could then further obtain some background information from social care which may prove useful in both the investigation of any potential criminal issues but may also furnish social care with information that may enable them to provide further support or identify other underlying issues the financial abuse may be a contributory factor such as debt, poor lifestyle, social/ housing issues, stress, anxiety or other physical/mental social care, health and wellbeing issues.

From this we could also identify issues that may serve as a warning to officers looking to support those victims such as flags re serious mental health issues/ serious ex-offenders living in the community or other information that may be relevant to lone officers visiting the person in their home.

The Financial Exploitation Safeguarding Scheme by its very nature will identify such victims and a protocol is in place to ensure that those victims are referred to the appropriate agency.

Trading Standards Officers skills and experience of both the civil and criminal law, investigation and education compliance, civil and criminal enforcement lend themselves well to the delivery of the Financial Exploitation Safeguarding Scheme project and the experience and skill sets of the Trading Standards Officers who have created and delivered the scheme should not be underestimated in their contribution to emergent practice in this area and the further development of the scheme. Three officers involved in the scheme are undertaking postgraduate research degrees in this area and the work of the team has been recognised nationally by both their peers in Trading Standards and in the wider Public Sector. The team, are taking the lead nationally and pioneering the use of nuisance call blockers and are currently the largest UK user of this technology outside of Scotland.

Due to the vast amount of legislation enforced by Trading Standards some forty five acts of Parliament and over a thousand associated regulations, officers possess an extremely wide knowledge base and this is required to fulfill their day to day role. The nature of the work that Trading Standards undertake day to day mean that they have significant knowledge of financial affairs and the ensuing problems and complaints associated with such affairs.

Promoting and undertaking financial education in the form of Moneywise has established relationships with education services and ongoing relationships with various stakeholders who require educational talks and presentations delivered to their staff or to their service users.

Trading Standards have far reaching public profile and popularity that attracts much media attention and promotion, television programmes such as Watchdog, Fake Britain, X-Ray, The Ferret, as well as regular one offs on the One Show, Week in Week Out, Panorama and Horizon. Further to this consumer affairs journalism is a staple of many newspapers local, national, tabloid and broadsheet. Organisations such as 'Which' only serve to highlight the public interest and appetite in consumer affairs and promote the fact that local authority Trading Standards are the immediate public guardians of UK consumers.

*We are all consumers and will in one way or another be affected by consumer protection issues ...*

All Trading Standards Officers employed by Carmarthenshire County Council are educated to a minimum of level 6 on the National Qualifications Framework (NQF) i.e. Graduate level, with many officers possessing Postgraduate Certification including Masters Degrees and other Level 7 qualifications.

Further to this officers of the department come from a wide variety of backgrounds having formal qualifications in law, education, the liberal arts, investigation, advice, not to mention extensive real world experience in criminal law enforcement and training in dealing with vulnerable consumers and witnesses.

Whilst the Police are the Primary enforcers of the Fraud Act 2006 the extent of the issues we are seeing and the official figures reported by the Office for National Statistics and the feedback received from consumers and officers in relation to their dealings with the Police Fraud reporting centre Action Fraud indicate that there is clearly not the capacity with the Police either locally or nationally to take full accountability and investigate all such issues. This may leave consumers in a continuing state of exploitation and without any adequate support mechanism to address what may not only be financial considerations but more

worryingly the associated social, health and wellbeing issues that can accompany such abuse.

Current performance:

Consumer redress £70,000 – Money returned to Carmarthenshire residents

Prevention - £454,700 – Money prevented from leaving residents accounts

Newly Identified Detriment - £435,647 – (Money that would otherwise have gone undetected).

Debt written off using DMHEF - £23,000

