

Safeguarding and protection from financial abuse

Safeguarding is everybody's business. The most vulnerable people in society, those who lack mental capacity, are at risk of exploitation and abuse. Knowing how to spot the warning signs can make a significant difference.

What is safeguarding?

Safeguarding is an important social action for the protection of vulnerable people. It requires organisations and individuals to work together to prevent and to protect people from abuse and neglect.

Types of abuse

Abuse of older and vulnerable people can come in many forms, including emotional, sexual and physical abuse.

One common issue giving rise to safeguarding concerns is suspected financial abuse of a vulnerable person. This has a wide definition, including misuse or theft of a person's money or property, defrauding an individual and the application of undue pressure on a person in respect of their money and/or property.

Spotting the warning signs

Any number of suspicious behaviours could indicate financial abuse. More commonly, the issues below could be an early indicator that something is amiss:

- Sudden change of use of accounts (e.g presence of online gaming or transactions)
- Unusual, unexplained or disproportionate transactions or gifts
- Unsustainable debt levels and credit cards without explanation
- Unexplained and/or frequent cash withdrawals
- Missing valuables, assets, jewellery or paperwork
- Unpaid bills and care fees
- Emergence of unknown relatives
- Sudden change of will
- Isolation of the vulnerable person from family and friends
- Living in a person's property rent-free
- Misuse of a Power of Attorney.

This is not an exhaustive list, nor does it necessarily indicate that financial abuse has taken place. Safeguarding is everybody's business and spotting the signs at an early stage could make all the difference to a vulnerable person and their family.

Consequences of abuse of a vulnerable person

A perpetrator of financial or other abuse could face several years in prison for various criminal acts relating to theft and frauds.

In addition, it is a specific criminal offence for a carer, Attorney or Deputy appointed by the Court of Protection to ill-treat or wilfully neglect a person who lacks mental capacity under the Mental Capacity Act 2005.

It is also a criminal offence to dishonestly abuse a position, which is otherwise held with the expectation of safeguarding a person's finances, with the intention of making a gain for himself or another or to expose the individual to risk of loss (s.4 Fraud Act 2006).

How can we help?

If you suspect financial abuse of a vulnerable person, it can be difficult to know what to do, or where to turn. We can advise on recoverability of assets through litigation and work closely with local Police and safeguarding teams to support families sensitively through suspicions of financial abuse and neglect, with practical advice and guidance.

Meet our team



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