



**POLICE  
SCOTLAND**

Keeping people safe

**SAFEGUARDING THOSE AT RISK OF FINANCIAL ABUSE**

**THE ROLE OF POLICE SCOTLAND**

**DETECTIVE SERGEANT KIRSTY BAIRD**

# Legislation

## Adult Support and Protection (Scotland) Act 2007

- Sets out the duties and powers of statutory agencies to investigate and plan support and protection for Adults at Risk

## Adults with Incapacity (Scotland) Act 2000

- Helps protect those who are deemed to lack capacity

## Mental Health (Care and Treatment) (Scotland) Act 2003

- Sets out legal arrangements for compulsory measures of care for persons with a mental disorder
- Sec 315 protects against ill treatment or neglect

## Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

- Creates a statutory offence against care givers and providers who ill- treat or wilfully neglect individuals



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## Adult at Risk – Definition

Adults, aged 16 and over who

- are unable to safeguard their own well-being, property, rights or other interests,
- are at risk of harm, and
- because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected

An adult is at risk of harm if:

- Another person's conduct is causing (or is likely to cause) the adult to be harmed, or
- The adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm



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# Harm

Harm includes all harmful conduct and, in particular includes:

- Conduct which causes physical harm
- Conduct which causes psychological harm
- Unlawful conduct which appropriates or adversely affects property, rights or interest
- Neglect or acts of omission
- Institutional harm
- Conduct which causes self-harm

Financial Harm can include theft, fraud, embezzlement, extortion, pressure in relation to wills/inheritance/pensions/financial transactions, scams or the misappropriation of property, possessions or benefits

## Who can be harmed? Who can cause the harm?

- It need not be a person lacking capacity or a person deemed to be an adult at risk who can be harmed
- At any given time a person can present with situational or individual vulnerabilities due to a number of differing or collective factors which have an impact on their wellbeing and at times puts them at risk of harm
- Persons who commit harm can be extremely clever in their methods and even persons who would not ordinarily be taken advantage of, can find themselves the victim of financial harm

ANYONE CAN CAUSE THE HARM!



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# What to do?

## Duty to report

- No matter what agency, staff have a duty to report all concerns about an adult at risk, whether suspected, witnessed or disclosed

## To do nothing is not acceptable

- A family member, neighbour, friend or any member of the public can contact the local authority if they have a concern or if they believe a crime has been committed they can contact police



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## What happens next?

- If the matter is reported to the Local Authority in the first instance and the person meets the criteria for the 3 point test then a council officer has a duty to inquire
- If the matter is reported to police in the first instance the front line officers attending should carry out initial enquiries and raise a concern report on the National Interim Vulnerable Persons Database
- Each division within Police Scotland has a Concern Hub where concern reports are assessed, and where necessary and proportionate, disseminated to statutory partners and third sector organisations
- Although not a statutory requirement, many areas will carry out an IRD (Inter-Agency Referral Discussion) to allow joint information sharing, assessment and decision making



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## Police Roles and Responsibilities

- Ensure the safety of the adult at risk /adult with incapacity or the person who presents with vulnerabilities
- Ensure that STORM incident, Concern Report, Crime Report, SID(Intelligence) log and SPR are submitted as appropriate
  - Ensure the incident is fully investigated
  - Ensure all systems are fully updated at the conclusion of the enquiry
  - Police attendance at any subsequent ASP case conference



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## Who may participate in/plan an interview?

- The Mental Health (Care and Treatment) (Scotland) Act 2003 defines a mental disorder as 'any mental illness, personality disorder, learning disability however caused or manifested' This includes acquired brain injury and autistic spectrum disorder.
- The role of the Appropriate Adult is to facilitate communication between an individual with a mental disorder and the police.
- Guidance can be taken from speech and language therapists, psychologists/psychiatrists or other professionals in respect to how best to interview a victim/witness/accused to ensure the best information can be obtained from them and they understand the process
- Independent Advocacy Support



# How do we find out crimes are being committed?

- OPG (Office of the Public Guardian)
- SARS (Suspicious Activity Reports)
- Banking Protocol
- Helplines

YOU!

MEMBERS OF THE COMMUNITY!

- Suspected harm can come to light in a number of ways
- An indicator is a statement or comment by the adult themselves, by their regular carer, or by others, disclosing or suggesting harm
- An indicator is a change in behaviour, unusual phone calls, emails/letters, visits from workmen, visits to bank



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# Financial Harm

- Doorstep Crime
- Cyber Scams
- Theft/Fraud/Embezzlement