



**VERA BAIRD**<sup>QC</sup>  
POLICE & CRIME COMMISSIONER

## All-Party Parliamentary Group on Financial Crime and Scamming

### Northumbria Response 17.10.18

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Thank you for the opportunity to contribute to the APPG on Financial Crime and Scamming. We welcome the closer scrutiny and challenge to the response to fraud from law enforcement, government, and the public, private and charity sectors, and we hope that our response provides a good oversight of the work in Northumbria.

We have structured our response against the six key questions that you pose and have used views from our stakeholders in the police and members of our Age Advisory Group, which includes representatives from a wide range of voluntary and community sector organisations. We understand your inquiry concerns all vulnerable people with a focus on older people as they are the predominant victims of financial crime and scamming.

#### 1. Definition of vulnerability

##### a) What definition of vulnerability do you or your organisation apply to your customers or clients?

Northumbria Police utilise the following definition: “A person is vulnerable if as a result of their situation or circumstances, they are unable to take care of, or protect themselves or others, from harm, exploitation or other adverse impact on their quality of life.”

(Adverse Impact: deterioration of health, mental and/or emotional well-being or; an inability to carry out normal day to day routine though fear & intimidation).

We believe that vulnerability is not fixed or static. It is not reliant on an individual’s age or their physical / mental capabilities and it can be triggered by a combination of circumstances, situations and external influences.

The following factors may indicate that someone is vulnerable:

- Repeat Victimisation (not restricted to the type of crime/ASB reported)
- Family Circumstances (e.g. child at Risk, carer for vulnerable child or adult)
- Personal Circumstances (consumption/dependency upon drugs/alcohol; homelessness; experience of trauma)
- Health (physical / mental / emotional well-being)
- Equality & Diversity (race, age, gender, sexuality, disability, religion, nationality, lifestyle choice.)
- Economic Circumstances

In terms of financial crime and fraud Northumbria Police receive monthly victim reports from the National Fraud Intelligence Bureau (NFIB) which provides details of any victim who has filed a report with Action Fraud, together with a brief outline of their report. Each month this data is triaged to determine if any of the victims listed may be vulnerable. Thereafter a face to face visit is conducted by Community Support Officers (CSOs) to discuss the report with the victim and provide suitable

fraud prevention advice to minimise the victim being subject of further frauds. In addition they will complete a victim needs and vulnerability assessment, make a referral to Victims First Northumbria (VFN) and partners and where the criteria is met, submit an Adult Concern Notification. This is known as Operation Signature.

This triage to make an assessment whether a victim is potentially vulnerable includes:

- Consideration of the age of the victim (75 years and over / 65-74 years) or if DOB cannot be ascertained
- Other intel markers held by police i.e. medical condition, child concerns submitted, hearing impairment, disability, domestic violence, learning difficulty, mental health, self harm or suicidal
- Previous adult concern submitted
- Repeat victim.

This allows Northumbria to identify potential vulnerable victims who have made a referral to Action Fraud, ensuring they receive the most appropriate service from Northumbria Police.

Age alone is not a sign of vulnerability. We of course recognise that anyone with any physical and/or mental impairment is potentially more vulnerable than those in better health. Lack of information and understanding, for whatever reason, can also make a person vulnerable.

**b) Do you see any concerns with different organisations using different definitions of vulnerability (e.g. law enforcement using a different definition to charities or banks)?**

In practical terms, YES - it is inevitable that organisations will share intelligence based on their own vulnerability definition, which may not be in keeping with recipient organisations. Each organisation will then provide differing levels of service /and or support to that “vulnerable” individual. However, it is very difficult to enforce any one definition of vulnerability on organisations requiring them to work to this definition only.

**c) Should age ever be accepted as a factor alone in defining an individual as vulnerable? If so, what factors do you consider in an age-related assessment?**

Age should not be a consideration alone. Consideration should be given to other supporting factors to a person’s age, for example any existing medical condition, learning difficulty, mental health, disability, self-harm evidence, suicidal. All factors outlined in our adopted definition of vulnerability.

**d) Should medical conditions that directly cause cognitive decline, such as dementia, render a person “vulnerable” upon diagnosis? When a person is suffering from a medical condition what are the factors that need to be taken into account when assessing that person as vulnerable?**

There are so many different diagnosis of Dementia, many of which has varying impacts on the person diagnosed. Any rationale for determining whether a person diagnosed with dementia should be deemed “vulnerable” should be based on expert opinion obtained from the medical field.

It depends on the stage of the cognitive decline that is recorded at first diagnosis. If it is an early stage diagnosis then maybe the classification could make the person vulnerable, at this point advice or referral could be given for some prudent precautions e.g. making a will; giving power of attorney to a trusted person.

**2. The Issue**

**a) What assessment have you made of the scale of vulnerable citizens/consumers falling victim to fraud and financial abuse?**

NFIB prepare a Fraud and Cyber Crime profile twice yearly and disseminate their findings to each force. This is shared with the local force intelligence bureau. Our main focus is the supporting vulnerable victims requiring visits in accordance with Operation Signature.

Financial crime and scamming has increased over recent years and our understanding and response to it is still developing. As use of the internet grows in all communities, including vulnerable people the potential risk of financial crime and scamming grows.

Age UK have reported crimes against older people are increasing and this is backed up research by the National Trading Standards indicating doorstep crime, distraction burglary and violent crimes against older people are increasing. There is very little available data on the proportion of crimes against older people reported to the police; however elder abuse studies suggest only 6% of elder abuse is reported to the police and a report by Action on Elder Abuse suggests that less than 1% of all elder abuse results in a conviction.

**b) What assessment have you made of the kind of fraud and scams vulnerable individuals are more likely to fall victim to?**

Force Intelligence Bureau use the monthly Action Fraud victim data to identify any trends previously highlighted in force profiles and relevant crime prevention information is then disseminated within the local area command via the tactical assessments.

Crimes against older and vulnerable people are increasing and research indicates that the crime type most experienced by older vulnerable people is theft which includes:

- Theft in dwelling, including supported living accommodation
- Theft from handbags (purse dippings)
- Withdrawing money from bank accounts without consent
- 'Bogus Officials' and 'rogue trader' type offences

Information from Action Fraud tells us that crimes in our area are predominantly identity fraud, online fraud, telephone scams and cyber-crime and harassment.

**3. Consent**

**a) What basis of consent do you or your organisation use to protect vulnerable customers/clients from financial abuse?**

Any victim who reports a crime to Northumbria Police is subject to a victim needs assessment. The victim is asked specific questions:

1. Is this a repeat victim, and if so, are the offences becoming more frequent?
2. Does the victim feel vulnerable, isolated, intimidated or targeted?
3. Does the victim lack adequate support from family and friends or would they benefit from emotional support?
4. Does the victim have any needs in relation to: Housing or Accommodation?
5. Health or Disability? .Drugs and/or Alcohol? Employment, Finance or Benefits? Home Safety/Security?
6. Is the victim interested in exploring restorative justice options if they become available?

7. Does the victim consent for their details to be passed to “Victims First Northumbria” who can provide additional help and support to the victim.

Victims First Northumbria will not contact any victim without their consent to do so.

**b) Do you notify your customers/clients if you consider them to be vulnerable?**

NO – As part of the discussion the officer is assessing how the victim is presenting, the information being shared, and should be informing the victim of any support available and signposting appropriately.

**c) Should we accept, without evidence, a person who self-declares to be vulnerable? Do we need safeguards?**

If a person perceives themselves to be vulnerable rather than through any assessment made by the police or other professional, it is important to ascertain the reasons why. It is this information which allows organisations to identify any appropriate support which can be offered to that victim based on their “vulnerability” or signpost them to the relevant agencies.

**d) Do you have any examples of where self-declaring vulnerability (as above) has worked?**

NO

<b>4. Transitional vulnerability</b>
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**a) Do you believe that ‘transitional vulnerability’ such as a bereavement, loss of a job, first time living away from home, etc... can make an individual vulnerable to financial crimes or scams?**

YES

**b) Where a person has experienced ‘transitional vulnerability’ should we treat them as vulnerable?**

YES (it should be a dynamic assessment based on the vulnerability the victim is highlighting at the time they have “contact” with the organisation).

**c) If we treat them as vulnerable what judgement can be applied as to when the period of vulnerability is at an end?**

Whilst an organisation may retain information of a victims’ vulnerability on their records, any future contact that organisation has with the victim for another matter should be assessed based on the vulnerability presentation at that time, although we should be mindful of past vulnerability.

**d) Do you have example of best practice or where an organisation has protected individuals from transitional vulnerability?**

NO.

**e) Do you think loneliness can be a reason for transitional vulnerability? If so, what do you think organisations can do to protect individuals who are vulnerable due to loneliness?**

YES. Loneliness can affect a person's mental wellbeing which may then impact on their susceptibility of being a victim of a crime. Other organisations will have relevant links or information leaflets to share encouraging people suffering from loneliness to join activities to allow them to meet other people within their community. Offering to do some voluntary help is also a medium for meeting people in the community.

Loneliness can be a reason for transitional vulnerability. We would suggest that by introducing measures to relieve loneliness such as direct programmes and non-robotic helplines would assist.

## **5. The collective response**

### **a) Does society listen to and adequately address the needs of those who are vulnerable?**

We believe that more can always be done to listen to our vulnerable communities and understand their needs. In Northumbria my Age Advisory Panel which has representatives from organisations such as Age UK, the Alzheimer's Society, the Elders Council Newcastle and Dementia Care consult with their members to help shape my views on policing and community safety. I am very keen to listen and understand so we can provide the best policing service. Many of the group are vulnerable or work with vulnerable people and their role has been to influence on key issues such as community safety, service provision, influencing policy decisions on aspects of life which has the greatest impact upon them.

### **b) Are current services to vulnerable people too generic, do we need to move to a more tailored flexible model?**

Within Northumbria and most specifically the police we continue to review how vulnerable persons are supported; whether it be a police response to a report of a crime, in the capacity of a witness and capturing "best evidence" or how a person is treated as a suspect if he/she is deemed as vulnerable.

### **c) Are there sufficient safeguards in place to protect those who lack capacity and are subject of a court order of protection, what more could and should we do to protect them from fraud and financial abuse?**

Any person can agree to a friend, or relative acting as a Power of Attorney (POA) in respect of a person's financial matters or in the event that the person loses capacity.

However, police investigations into financial abuse can be very difficult to prosecute, often due to the lack of documentation / receipts held by the POA when handling the "person's" financial affairs. Often an explanation will be provided by the POA regarding the dissipation of monies, but lack of records and receipts does not enable police to evidence "abuse of the POA's position" to a sufficient level to meet criminal threshold. Consideration to improved monitoring of POAs by an organisation such as Office of Public Guardian may curtail the ongoing financial abuse.

### **d) What initiatives or measures has your organisation put in place to protect vulnerable citizens and consumers from financial crime?**

Northumbria Police have introduced Operation Signature as outlined in a previous question. In addition Northumbria Police, together with Cleveland and Durham adopted an initiative called the "Banking protocol", which you will read about at question 6.

I have also collaborated with my PCC colleagues in Durham and Cleveland to produce 'The Little Book of Big Scams' which raises awareness of some of the ever-evolving ways to scam the public from face-to-face fraud to those carried out by someone anonymously online. This booklet empowers individuals to identify potential frauds and to take preventative measures to avoid becoming a victim of fraudulent activities. This resource is available on my website and has been disseminated through members of my Age Advisory Group and their networks.

I have also funded Age Concern in South Tyneside to pilot a project through existing digital inclusion programmes for older people, offering support to victims of cyber and online fraud where they can access one to one support and advice in an informal setting with a trusted local charitable organisation. Sessions are promoted as a safe environment where victims, and those that feel they may have been a victim, can access confidential advice and offered support.

## **6. Data sharing and joint working**

### **a) Do you find that in protecting a vulnerable person from fraud or scams that there are data sharing hurdles or barriers to overcome? If so what are the barriers?**

YES – it is not uncommon for agencies to share intelligence in an effort to prevent vulnerable persons being a victim of fraud or a scam. However, the agencies rationale as why the person is vulnerable varies extensively. Some base it on an “elderly” person automatically being vulnerable by reason of age, others perceive that the manner in which a person spends retirement funds as potential exploitation as activity being out of character. Secondly when enquiries are made with the person perceived as vulnerable, there are times when that person is adamant that they are not a victim of fraud. When it is ascertained that the person has capacity, it leave little opportunities for police to progress further, other than providing prevent advice in the absence of a reported crime. When organisations are sharing intelligence regarding a person being vulnerable, it would be very useful for the organisation to document the rationale as to why the person is “vulnerable”. This may assist the receiving organisation in making informed decisions when assessing the intelligence shared.

### **b) What examples of best practice are there in collaborating across different organisations and sectors to protect vulnerable consumers and citizens from financial abuse and fraud?**

Northumbria Police, together with Cleveland and Durham adopted an initiative called the “Banking Protocol” in March 2017. This was a multi-agency initiative between the Police, Banks, Building Societies, the Post Office and Trading Standards. Key staff are trained to identify customers making withdrawals/transfers which are out of character. The agreement, with UK Finance, means that banks can alert the Police using the 999 system and if, as sometimes does happen, the fraudster is present at the bank with the victim the Police can provide an immediate response, and in all other cases prioritise attendance accordingly.

In July 2018 Northumbria Police’s Banking Protocol partnership reached a significant milestone as we passed the one million pounds worth of halted fraudulent transactions. One of the significant challenges of financial fraud is that by the time it gets reported to police it is often too late to save the victims money, but by utilising the skills of our partners in the High Street financial institutions, and intervening earlier in the frauds, we have saved over a million pounds worth of Northumbria resident's life savings. Since its inception to the end of September 2018 Northumbria Police have responded to 171 incidents. 94 victims, who might not have come to our attention earlier, were subject to adult concern reports and the value of transactions halted is £1,333,927.