

Financial Scamming

Our Campaign and Research to Date



Updated

Working in partnership with:



Foreword



Trading standards have, for a long time, worked to disrupt scammers and rogue traders operating on Britain's streets. However, in recent years the issues surrounding financial scamming, and of the hidden victims of these scams, many of whom live alone and are isolated in their own homes, have moved to the fore as we begin to understand more and more about the sheer scale and impact of this issue.

Since the founding of the National Trading Standards Scams Team in 2012, trading standards' involvement in this area has evolved and expanded. The Scams Team's work with local authorities and corporate organisations, including several of the UK's major banks, is helping to identify victims, allow increased numbers of interventions, and disrupt the criminal activity of financial scammers operating all over the world.

However, we recognise that despite continuing good work from our colleagues, just 5% of victims report being scammed. Thus much work is still needed to understand victim psychology and to reach out to all those who need help. It is therefore imperative that the important research being undertaken by Bournemouth University and partners is able to continue and develop in order to facilitate increased understanding across every aspect of financial scamming.

At CTSI, we hope that the research into effective early intervention strategies, definitions of vulnerability, victim psychology, and effective partnership working between local trading standards and adult social care teams, will not only lead to wider academic recognition of these issues, but will also enable our local colleagues to effectively implement strategies on the ground and help create more empowered communities, better able to recognise and protect themselves against the threat of financial scamming.

CTSI is pleased to be working with Bournemouth University on such innovative and influential research and, looking to the future, we are keen to continue to foster strong partnership working across the sector. The policy aims outlined in this document are a welcome part of this. Any step that reduces the risk of a scam or provides the chance to safeguard individuals should be welcomed and heeded by the government.

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Foreword



Financial scamming and its impact have been receiving a higher public profile in recent months, yet though it is recognised as a growing problem, there is a lack of clear research and evidence into the scale of the problem, its causes and the impact on the public.

The National Centre for Post Qualifying Social Work and Professional Practice at Bournemouth University have been working with key national organisations in the UK to develop a better understanding of this issue, seeking ways and solutions to reduce the risk of financial scamming.

I want to thank the many organisations who have shared their experience and data with us to help formulate our thoughts and understanding. In particular The National Trading Standards Scams Team, Chartered Trading Standards Institute, North Yorkshire Trading Standard, The City of London Trading Standards Team, and The Burdett Trust for their help in funding part of this research.

We are continuing to work with these bodies plus other leading agencies in this field to develop a clearer understanding of the scale and impact of scams and their implications for society.

This document has been updated to include further research and initiatives. Listed on the next page are our three campaign points which we believe are both achievable and would make the greatest impact in reducing the risk of being scammed for the most at risk citizens in our society. In particular, those at risk are lonely older people, and specifically those with a cognitive impairment (Dementia) who may be unable to safeguard themselves as a result of their health or social care needs. This document can be used in conjunction with our Financial Scamming: Defining Terms and Next of Kin leaflets (available to download from www.ncpqsw.com) to offer further insight and advice.

This work is far from complete and we are continuing to research and develop our ideas and understanding. If you would like to contribute your thoughts or ideas please contact me. It is only via our collective efforts that we will be able to tackle this growing issue and we positively welcome your input and support.

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Our Campaign asks that...

1. All agencies, especially financial institutions should:

- Recognise that consumers/clients with Dementia are by definition more at risk of being scammed. Therefore measures to protect this population group are required as part of a 'duty to care', and those with a diagnosis of Dementia have by definition a cognitive impairment which means that their potential 'unwise decision' is a result of their cognitive state rather than simply an unwise decision.

2. All organisations that hold personal data should:

- Only share or pass on personal details and information to other organisations via a clear opt in as opposed to an opt out process. Data should only be held for a maximum of 12 months before permission needs to be sought again.
- Recognise that the normal default position should be that charities do not share, pass on or sell personal details to help prevent 'Suckers Lists'. The exception being to report a safeguarding concern to statutory agencies where there is a suspicion that the person(s) is/are at risk of harm or scamming and this information should be used in accordance to The Care Act (2014).

3. Citizens who feel at risk of financial scamming should be able to:

- Formally notify their bank or building society in writing stating that they feel at risk and requesting that all transactions to new payees above a defined threshold (perhaps £1000) have a 72 hour delay before being processed.
- At the start of the 72 hour delay period, an email/text alert is automatically sent to the customer's nominated representative (relative/friend) stating that the customer is attempting to make a large transaction. This will give the opportunity for the proposed transaction to be challenged with a view to potentially stop it leaving the consumers account.

Key Points



Scam is a slang term for personal fraud. The term scam is used throughout this document to focus on personal rather than business or organisational fraud.



Financial scamming can affect anyone. It is vastly under reported and the true scale of the detriment is unknown.



Lonely older people are more likely than the general population to be at risk of being scammed. Older people are at increased risk of dementias, isolation and feelings of loneliness.



Older people are targeted by certain types of scams such as doorstep, mail, telephone and investment scams.



Dementia can interfere with mental capacity, making it difficult for people to understand risk and apply caution to decision making. This makes people with dementia at increased risk of responding to a scam.



Scamming has been a long-term problem but the internet and growing use of e-communications has accelerated the problem in recent years.



Many people who have responded to a scam are put onto 'suckers lists'. These lists are sold globally between fraudsters who target vulnerable people.



Vulnerability is not a term that is defined in law which means it is difficult for professionals to introduce measures to protect vulnerable people. However 'adults at risk' is now used in adult safeguarding policy.



An ageing population is likely to put pressure on the health and social care economy. These services are already struggling to manage the present demand. Older victims of financial crime will experience loss of assets and may become financially dependent on the state for funding future care needs.



Financial scamming has seriously damaging consequences for individuals and society. The impact is often underestimated. Falling victim to a scam can be a life-changing event undermining health, wellbeing and quality of life.

What is the problem?

The Annual Fraud Indicator 2016 (University of Portsmouth, 2016) calculates that up to £9.7 billion was lost to personal fraud in the UK with 3.25 million victims each year (p26). This loss significantly impacts on individual and societal wealth, reducing personal assets as well as money spent within the UK economy as many scams are sited outside of the UK (Lonsdale et al, 2016, p64).

Victims

The Care Act (2014) recognises the risk posed to individuals and society from financial abuse and identifies scamming as a specific form of abuse. The Care Act imposes duties on Local Authorities to prevent and protect citizens from abuse and neglect (Care Act, 2014, Section 1(3)(g)).

Financial scamming is a growing problem and if we fail to respond appropriately to the threat by safeguarding those at risk through prevention, early intervention and the prosecution of perpetrators it is likely that the financial and social impact will only grow.

What is financial scamming?

Scams are a form of fraud or financial abuse designed to extort money from people using misleading or deceptive 'selling' techniques. Scams are often disguised as business practises that rely on the premise of false promise. They offer, for example, a product, investment or relationship that either does not exist, or the value is considerably less than advertised.

The estimated average detriment to victims of mail scams is £1,012.

(National Trading Standards Scams Team, 2016)

3.25 million people per year fall victim to a scam.

(Age UK, 2016)

The 'success' of scams rely on the victim choosing to respond or participate. To make the transaction appealing scammers utilise business skills using techniques of persuasion and legitimate marketing.

What is a 'suckers list'?

Many people who have responded to a scam are put onto 'suckers lists'. A 'suckers list' is a form of criminal catalogue which holds personal details of scam victims. These lists are sold globally between fraudsters who are looking to target vulnerable people. The selling of 'suckers lists' can lead to people being repeatedly targeted by scams.

The average confirmed victim age based on 'suckers list' intelligence was 75.

(National Trading Standards, 2016)

The details recorded in these lists will vary but can include names, contact details, dates of birth, age, items bought, types of scams previously responded to and amounts of money handed over to scammers.

The National Trading Standards Scams Team have accessed 15 'suckers lists' to date, obtained from various different sources and partners. These lists contain over 240,000 names. These lists are traded between scammers.



What are the different types of scam?

Scammers use a wide range of techniques, methods and communication media to make contact with victims. This means many different types of scams evolve as technology develops. Scams are designed to appeal to different people in a variety of circumstances, for a range of motivational reasons. For example an investment scam may appeal to someone with capital who is looking to invest in a business opportunity, whereas a clairvoyant scam may appeal to someone recently bereaved. Here are some of the most common:

Lottery or prize draw scams

Victims are notified that they have won a large prize on a lottery or draw that they didn't enter. To claim the winnings victims must send a fee to release the funds or cover taxes.

419 scams

Victims are offered a share in a large sum of money in return for helping to transfer it out of the country. Once scammers have bank account details they empty the accounts.

Romance scams

Involve fake online dating or chat rooms which groom the victim by building an online relationship. Victims are often persuaded to hand over money to help their 'partner'.

Clairvoyant scams

Lure victims by offer of a contact with a deceased relative or a prediction of their future - bereaved individuals may be particularly susceptible.

Catalogue scams

Sell 'miracle cures', products and vitamins at bargain prices. Products either do not arrive or are of little or no value. Victims are sometimes entered into a fictitious prize draw as an incentive to continue ordering products.

Charity scams

Pocket donations, use details to access accounts and use premium rate phone numbers.

Pension scams

Pension liberation schemes target older people by offering to convert pension benefits to cash benefits. Victims pay high fees and often face tax bills as a result of such schemes.

Investment Scams

Investment opportunities offered in products such as wine, diamonds and land. These are high loss scams with the average loss being over £32,000 (Action Fraud, 2016). The products are either non-existent or of low value. Most (77%) victims of investment fraud are men with the average age of 65 (Action Fraud, 2016).

Recovery Room Scams

Victims who have already lost money to an initial investment scam are contacted again to be told that their investments can be recovered on payments of further fees or on purchase of other commodities.

Mail Scams

Scammers commonly contact people through the post. Some victims, particularly older people, receive hundreds of scam letters a week. Despite the growth of the internet there is no evidence to suggest a reduction in mail scams. Common mail scams include lottery and prize draw scams, Nigerian letter scams, clairvoyant scams and catalogue scams.

Mrs. M, 92, lives alone. When Trading Standards visited her house there was little evidence of scam mail in the living room, but it transpired she had been responding to prize draw mail scams for over 10 years and had been hiding the mail. Mrs. M's estimated spend was £500 a month, amounting to a detriment of approximately £60,000. 34 bags full of scam mail were removed from her house.

It is estimated that prize draw scams cost the UK public £60 million per year.

(National Trading Standards, 2015)

2 in 5 of all postal scams are lotteries or prize draws.

(Citizens Advice, 2015)



Don't pay anyone in advance for a prize or cash sum.



Don't send money abroad or to someone you don't know.



Check for poor spelling and grammar.



Ask about the Mail Preference Service. This will not prevent all scam mail or international mail.

Doorstep Scams

Scammers commonly pose as legitimate doorstep sales people and attempt to sell goods or services that are of poor quality, unnecessary, faulty, overpriced or which do not exist. In some cases victims are unaware of the inflated price for goods or services. Victims are often billed for services that they did not ask for or which were worth considerably less. Doorstep fraudsters put people under pressure and can appear friendly, polite and trustworthy.



Don't pay for any agreed goods or services up front.



Don't immediately agree to any offer or service.



Get all agreements for any goods or services in writing up front.



Check credentials such as ID, address and telephone numbers.

There were 17,264 reports of doorstep crime in 2014/15, but this could be as low as 1% of cases.

(National Trading Standards Board, 2015)

The Most Prominent Doorstep Scams



(National Trading Standards Board, 2015)

Telephone Scams

Scammers commonly make contact over the telephone to obtain personal details. These scams are referred to as 'vishing' and are becoming more prevalent. Common telephone scams include courier scams, pension scams, investment scams and charity scams.

Courier scams are evolving into different variations. It usually consists of two parts; firstly scammers cold call, claiming to be from the bank or other authority and persuade victims to offer their PIN. Secondly, scammers send a fraudulent courier to pick up their bank card which will also give them their address.

Mrs. A suffered a power cut after a storm which resulted in her telephone blocking device disengaging. During the four hours without power her daughter received 10 phone calls. After investigation, it was found that Mrs. A was receiving an average of 70 nuisance calls per month. During the worst month 121 calls were received.

58% of people received suspect calls, an increase from 41% the previous year.

(Financial Fraud Action, 2014)



Don't return a call without calling a friend first or using another telephone.



Don't give out your PIN to anyone.

£23.9 million lost to vishing in one year, which is up £7 million in one year.

(Financial Fraud Action, 2014)



Ask about the Telephone Preference Service. This will not prevent all scam calls or international calls.



Install a call blocker.

Online Scams

The internet has extended the reach of scammers enabling them to contact potential victims around the world whilst retaining their anonymity. Online scams are diverse and include identity theft, internet auction fraud, scam investment opportunities, romance scams and pension scams.

Get Safe Online Survey, Action Fraud, 2016 Research summary



Don't send confidential personal or financial information by email.



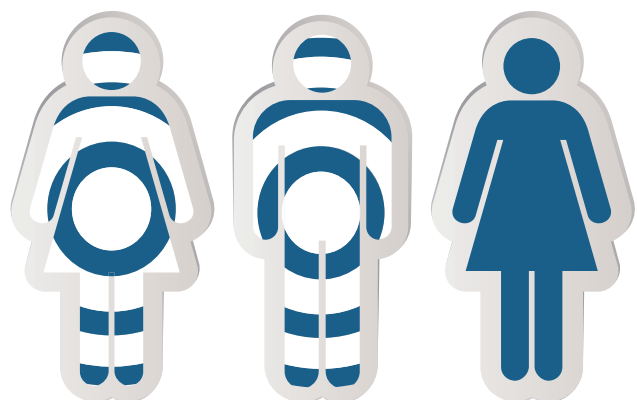
Don't respond to any emails requesting money, or to have money transferred into your account by someone you don't know and trust.



Do thoroughly research all investment opportunities and consult trusted family and friends before parting with any cash.



Do break off all contact with the scammers immediately.



Over 2 out of 3 people have been targeted.

Most people do not realise that they have been targeted.

(Action Fraud, 2016)

Emerging Threats

National Trading Standards have used intelligence gathered from across all NTS work areas to identify the Top 7 rogue trading threats for 2016/17:

Energy saving scams

The end of the Green Deal has coincided with increasing numbers of cases involving energy-related scams dealt with Trading Standards officers –many focused around nuisance calls.

Criminals selling on social media

The trend is for an increasing variety of what can be bought through Facebook, Gumtree and other sites – for example there's been a spate of 'clocked cars' (where a car's mileage is adjusted downwards to add value) being sold in this way.

Telephone preference scams

The Scams Team has seen a growing number of companies selling 'call blocking' devices that are ineffective and lead to unexpected charges. Known as telephone preference scams, the scammers cold call people claiming to be from the Telephone Preference Service (TPS) and then charge them for registration or for useless call blocking devices.

New opportunities for loan sharks

Created by the combined effect of changes to welfare and the cap on pay day loans. Loan sharks take advantage of those on a low income who may struggle to obtain credit via other means.

Subscription traps

Consumers or businesses are enticed to sign up to a free trial of a product or to pay a small fee to access an offer. But the offer is – intentionally or not on the part of the company – misleading and so without realising it, the victim is then trapped into making costly monthly payments without their informed consent, which can be difficult to stop.

Investment scams

Changes to pensions that came into effect in April 2015 mean that people can access their pension money when they reach the age of 55. Criminals have been quick to create new scams such as a free pension review, where criminals contact you and offer to transfer your pension fund into a high risk investment.

Secondary ticket sales

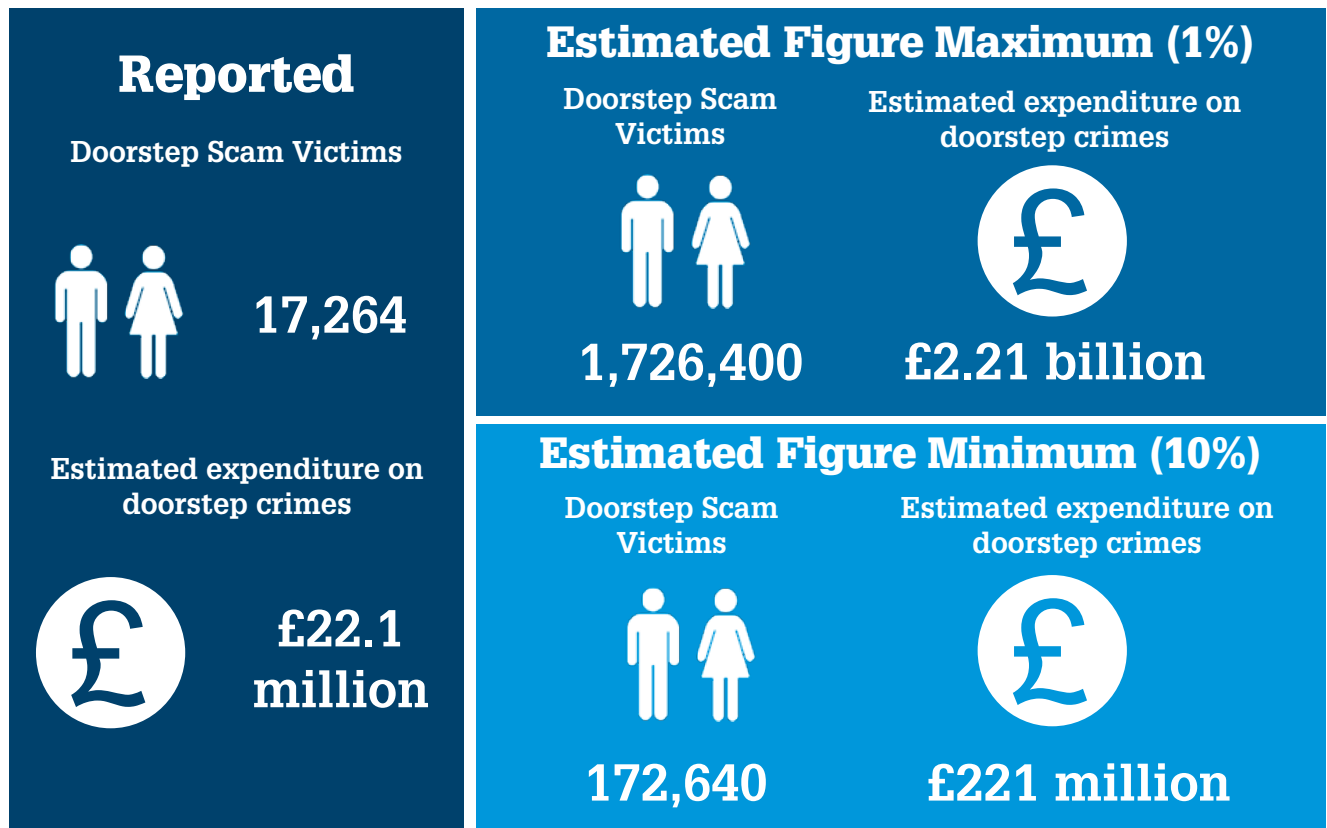
With the explosion in secondary ticket selling platforms such as StubHub and SeatWave and more people than ever informally selling tickets through social media platforms, it has never been easier for fraudsters to pose as official dealers or genuine fans with a couple of spare tickets to sell.

How big is the problem?

Financial Fraud Action UK have identified 1,007,094 cases of financial fraud (payment card, remote banking and cheque fraud, not doorstep or mass marketing scams) occurring between January to June 2016, an increase of 53 per cent on the same period in 2015 (Financial Fraud Action UK, 2016). However victims of financial scamming underreport incidents which means the true scale of the problem is unknown. For example it is estimated that only between 1-10% of doorstep scams are reported (2014-2015):

Doorstep Scams in England (2014-2015)

“Reporting levels of doorstep crime are believed to be between 1% - 10%”



(National Trading Standards Board, 2015)

Why is it under reported?

Victims may be reluctant to report involvement in scams due to embarrassment or concerns that their financial loss is too insignificant to be investigated seriously. Scammers commonly target small amounts of money from large numbers of people as insignificant loss is less likely to be reported. Scams are vastly under reported, and are less frequently reported by older people (James et al, 2014). Low levels of reporting make it difficult to achieve accurate information about the scale of financial scamming, and as a result reported figures are likely to represent only the tip of the iceberg and the true detriment could be much higher.

Is scamming a growing problem?

Different types of financial scams have been taking place for many years. However, an increase in use of the internet and e-communications for mass marketing fraud has given fraudsters a new way to target a global audience (Chang, 2008). This has provided fraudsters with the opportunity to collate victim information into 'suckers' lists' which are easily sold on the web to other scammers.

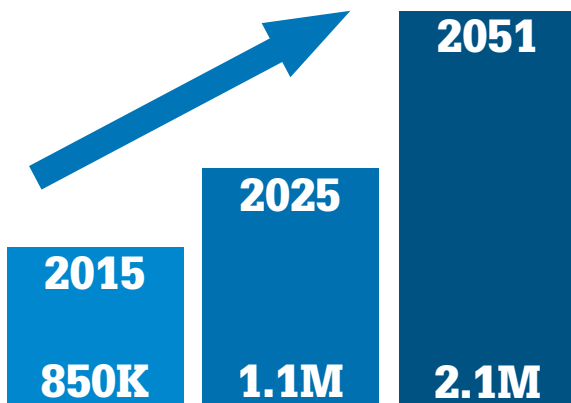
How big will the problem get?

The UK has an ageing population and this means that the proportion of older people in the UK will increase. There will be greater pressure to meet the needs of an ageing population over the next 15 years.



Older adults are more at risk of developing Dementia and of living alone and are at particular risk of being targeted by scammers.

Alzheimer's Society Predictions from the Population with Dementia in the UK



If current trends continue and no action is taken, the number of people with dementia in the UK is forecast to increase to 1,142,677 by 2025.

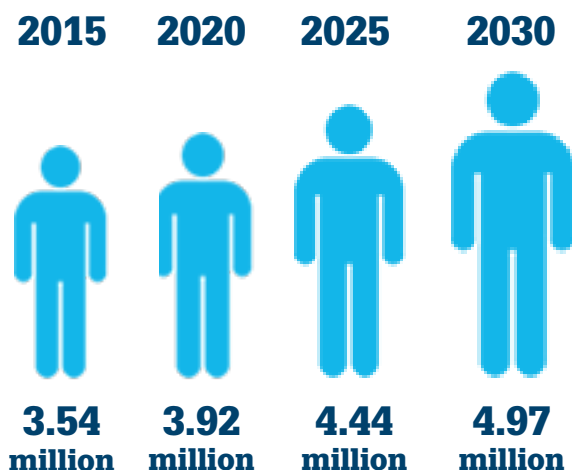
(Alzheimer's Society, 2016)

Therefore an ageing population in a future that is increasingly living alone may predict increased numbers of older people at risk of financial scams.

In 2015, 68% of people who were living alone were female, in comparison to 32% of males.

The demand and costs for health and social care are likely to increase over time as the population ages. Older people who lose savings to scams will be unable to contribute to care costs in old age resulting in a higher burden on state funded provision.

Predictions for People Over 65 Living Alone in England



(Poppi, 2015)

Who is at risk from scamming?

Everyone can be affected by and respond to a financial scam. Research by the Office of Fair Trading shows that in 2006, 48% of the adult population in the UK were likely to have been targeted by a scam, and 53% of people aged over 65 believe they have been targeted by a scam (Age UK, 2015). Scams are often targeted at specific groups of people. Fraudsters customise the type and content to fit the profile of those targeted.

This could mean that a staggering half a million older people have fallen victim to losing savings.

(Age UK, 2015)



Those most at risk of financial scams are:

- Older people are often specifically targeted by particular types of scams including consumer fraud, telephone and mail contests, and get rich-quick investment schemes (Crosby et al. 2008).
- People who are socially isolated are at increased risk of responding to scams because of having fewer opportunities to meet with others to discuss finances, scams or their judgements with others (Age UK, 2015).
- Those with dementia and cognitive impairment may lack financial literacy skills and judgement. It is also difficult to detect scams and financial abuse in people who have dementia because of a lack of confidence in their credibility (Alzheimer's Society, 2011).



Many victims fall prey to scams because scammers combine different scam types together. Multiple scams are used to reinforce scam messages and can have a more persuasive effect on individuals. Many people do not even recognise they have been targeted by scammers or that they have responded to a scam.

65% of doorstep scam victims were aged 75 and over.

(National Trading Standards Board, 2015)



Risk Factors

Loneliness

Loneliness is a significant but under recognised problem for society and people experience it differently. There is a difference between social isolation and loneliness. People who are socially isolated are likely to feel lonely, but people who feel lonely may not be socially isolated (Luo et al., 2012).

Social isolation is an objective term to describe a lack of contact with others including friends, family and the community.

Loneliness is a subjective term to describe how a person feels about themselves and how their level of contact with others differs from their desired social interaction.

Social factors such as loneliness and isolation have been identified as contributing to scam susceptibility and socially isolated older adults may be particularly vulnerable to financial scams' (Lubben et al 2015). Older adults are vulnerable to feelings of loneliness because of a combination of the following psycho-social factors (Victor, C. et al., 2005);

- **Socio-demographics** (Age, gender, family, living arrangements)
- **Social Resources** (Friends, family, community network, time spent alone)
- **Material Circumstances** (Education, income, wealth)
- **Health** (Disability, cognitive impairment, mental health)
- **Life Events** (Bereavement, divorce, admissions into residential care)

Loneliness is not only a problem for older people; however, older adults are more vulnerable because of a combination of the above factors. Older adults are more likely to live alone because of infrequent contact with family, divorce and sequential loss including bereavement or friends and loved ones moving into care. Income and wealth will affect an individual's ability to participate in social events or recreational activities and older adults are less likely to have as much of a disposable income for such interests.

3 in 10 of those aged 80 and over report being lonely

(Office of National Statistics, 2015)

Older adults are more likely to suffer with health problems or disabilities which can reduce their mobility and engagement with the wider community. Cognitive impairments are more prevalent in older adults and can make it difficult to maintain or create new relationships.

Loneliness is a social problem which can have an impact on health, well-being and quality of life. Chronic feelings of loneliness can lead to health problems including poor sleep quality, memory problems, increased blood pressure, cardiovascular disease, depression, anxiety and feelings of worthlessness or emptiness (Age UK, 2014).

“Over one million older people said they always or often feel lonely”

(Age UK, 2014)

Half of people aged over 65 said the television or pets are their main form of company.

(Age UK, 2014)

Older people who are socially isolated are often without social support such as relationships or contact with other people in the community. For some their only form of social contact comes from market-based communication such as telemarketing phone calls and scam mail. For some people, responding to these calls or this type of mail forms a relationship. Strong relationships can form between socially isolated individuals and market-based individuals because frequency of contact becomes more highly valued than quality of contact (Kang and Ridgway, 1996). These relationships are socially supportive and can have a positive impact on health and well-being.

9% of older people feel trapped in their own homes.

(Office of National Statistics, 2015)

Loneliness makes older adults more vulnerable to responding to scams. Older people who experience loneliness are more likely to respond to telemarketing phone calls, doorstep sales and scam mail and so loneliness is related to higher frequencies of telephone and doorstep contact. Older people who have no other form of social support are more likely to listen to a sales pitch (Lee and Geistfeld, 1999). This type of contact is more likely to expose older people to scammers.

People who do not have a social support network can find it difficult to talk to others about their finances or about scam offers. Socially isolated individuals may be less aware of good business practice or popular scams in the local area. There may be fewer opportunities for others to identify or intercept scams for people who are isolated.

For some older people who experience loneliness, responding to scams gives them a form of social contact that would be lost should they stop responding. In some cases it is not easy for individuals to stop their involvement with a scam because there is nothing to take its place.

Mr. G is 67 and has lived alone since his wife died. Awaiting a hip replacement he has poor mobility and cannot drive. Mr. G received clairvoyant scams after the loss of his wife and he responded because he felt lonely. He then started receiving and responding to prize draw and catalogue scams in his wife's absence until he got caught up in a daily routine of repeat orders to pass the time.

After intervention from Trading Standards it emerged that Mr. G had £41,000 of debt across five credit cards he had taken out to fund scams. Wardrobes and cupboards in his house were stacked with goods that were of no use to him.

Ms X is in her mid-70's and has been replying to clairvoyant scams for over 20 years following the loss of her husband. Although Ms X remains fairly active and has a family, her family do not visit and responding to clairvoyant letters helps her with feelings of loneliness. Ms X received 10-15 scam letters per week, sometimes more, and encloses between £10-40 in every response, the majority of her disposable income.

Trading Standards have attempted to intervene but Ms X gets comfort from the frequent 'social' scam contact and chooses not to stop responding.

Dementia

Dementias result in cognitive impairments that can interfere with everyday life. The prevalence of Dementia increases in old age. Symptoms include memory loss and difficulties with communication, problem solving and reasoning. It is a progressive condition affecting a person's abilities and mental capacity over time.

Dementia can cause fluctuations in mental capacity, and ability to make decisions and judge risk. Dementia can make it more difficult for people to identify and understand risk and to apply caution to decision making. This makes people with Dementia particularly vulnerable to scamming.

1 in every 14 of the population aged 65 years and over have Dementia.

(Alzheimer's Society, 2016)

Dementia currently costs the UK £26.3 billion a year.

(Alzheimer's Society, 2014)

The financial sector is changing rapidly and people with Dementia may find it difficult to understand new methods of financial transactions; for example, online banking, telephone banking and cash machines. People with Dementia may require support to safely manage their finances.

Managing finances can be a difficult and complex process for everyone, This process can be more difficult for people with Dementia putting them at higher risk of financial abuse. Having Dementia can also make it more difficult to detect financial abuse.

62% of carers said the person they care for had been approached by cold callers, or doorstep sales people.

(Alzheimer's Society, 2011)

70% of carers said that nuisance telephone cold callers routinely targeted the person they cared for.

(Alzheimer's Society, 2011)

Scammers target people with Dementia because they are more susceptible to scams. They may be unable to identify the value of money or identify the risks of sending money in advance.

Mr. K, 86, lost his wife 22 years ago and lives alone. He has health and mobility issues and does not leave his property. He is in the early stages of Dementia. Mr. K replied to lottery, clairvoyant, inheritance and other scams. He wanted to pay for improved, social living accommodation in a care home. He receives 80-120 scam mail letters and 20 scam phone calls a week. Mr. K has spent at least £30,000 on scams in three years, although this is likely to be much higher. With no savings, Mr. K survives on his state pension and benefits. His Dementia is such that he has moments where he understands that he has been replying to scams, but he quickly forgets.

Dementia Care



£26.3 Billion per year



£32,250 per person

Social Care

£10.3

Billion per year

Private



£5.8

Billion per year

Public



£4.5

Billion per year

(Alzheimer's Society, 2014)

The Mental Capacity Act 2005

The Mental Capacity Act 2005 was implemented in England and Wales in 2007. It was introduced to correct of a lack of consistency in the law concerning mentally incapacitated adults and best interest decision making on their behalf. Prior to 2005 the law did not always respect independence and autonomy.

The Mental Capacity Act is a statutory framework that allows for decision making on behalf of people over the age of 16 who have a mental incapacity. The Act covers personal welfare decisions, mental healthcare decisions and financial decisions. It has 5 principles:

- It must be assumed that a person has capacity unless proved otherwise.
- All practicable steps must be taken to help a person make a decision before it is deemed they are unable.
- People are able to make unwise decisions without being deemed as incapable of making a decision.
- Any decision or action taken on behalf of another must be done so in their best interest.
- Before decisions are made or actions taken on behalf of another, consideration must be given to alternative and less restrictive ways of doing so.

Section 3 of the Act outlines a test to be used to test for mental capacity. If any of the four conditions cannot be satisfied, a person would be deemed incapable.

A person is unable to make a decision for himself if he is unable-

- to understand the information relevant to the decision,
- to retain that information,
- to use or weigh that information as part of the process of making the decision, or
- to communicate his decision (whether by talking, using sign language or other means).

'Next of kin' does not exist within the law. The law does not allow for a next of kin to consent to treatment on behalf of another adult unless legal formalities have been put into place. Prior to the implementation of the Mental Capacity Act in 2007, care providers had no legal obligation to consult family or next of kin when making decisions about care and treatment and families had to rely on good practice to stay informed and involved.

Unwise Decisions

It should not be assumed that a person lacks mental capacity if their decisions are thought to be unwise. We all have a legal right to make an unwise decision. Distinguishing between a lack of capacity and an unwise decision can be difficult. Responding to a scam could be seen as an unwise decision unless the victim has been diagnosed with a cognitive impairment.

Lasting Power of Attorney

A lasting power of attorney allows a person to appoint someone of their choice to make decisions on their behalf should they become unable to do so. It is a legal tool which can help a person plan for their future and manage their finances and health and social care. Lasting Powers of Attorney can help protect vulnerable people from financial scamming.

Why do people respond to scams?

Most of the research into financial scamming to date has focused on the reasons why people fall victim to scams. This includes understanding the persuasive techniques used by scammers to encourage responses, the process of grooming an individual to respond to a scam and the characteristics of victims which make them more susceptible.

Persuasive Techniques

Scammers are skilled in exploiting the everyday decisions that people make. Heuristics are cognitive shortcuts which allow people to quickly make judgements. Scammers encourage people to use heuristics that make them vulnerable to making quick and unwise decisions.

Many scams represent a form of marketing and scammers use similar techniques to people in sales, although the interaction is based on fraudulent practice. In some types of scams, for example romance scams, grooming can continue for long periods of time before the victim loses any money. Believing a scam to be true is a key mechanism for scam involvement and therefore a key aspect of falling for a scam is assessing the scam to be plausible (Modic, 2012; Olivier et al. 2015). Research has found that there are four main psychological processes utilised to increase scam compliance:

Deterioration of decision making with incentive

The potential to win a large amount can lead to ineffective decision making, particularly when faced by a scam offering a financial windfall which is just too tempting (Ariely, et al, 2009). People with cognitive impairment may be particularly vulnerable to this type of scam.

Acceptance of cues that create trust

Scammers use different techniques to elicit trust, including legitimate names and logos, faked customer reviews, positions of authority and common ground. People who put more importance on the interpersonal interaction than the details of the offer will miss the scam cues.

Social influence and consistency

People influence other's behaviour in different ways, including conforming to behaviour, reciprocating offers and gestures and being consistent in actions. Establishing similarity with victims or repeatedly asking for payments are a manipulation used in scams.

Urgency and scarcity

Scams which require immediate response to claim a prize increase the likelihood of scam involvement. Scams which create a sense of urgency or scarcity prompt visceral responses linked to reduced impulse control, and this may be particularly heightened when faced with large potential gains (Knutson and Samanez-Larkin 2014).

(Fischer, P., Lea, S. and Evans, K. 2013)



Each scam will also have an element that appeals to basic needs such as greed, fear and companionship, invoking a visceral response. This visceral response can stop victims from deliberating the scam for too long and is why scammers often put focus on the high rewards offered.

The more proximate the reward, the greater the visceral response will be.

(Langenderfer and Shimp, 2001)

Individual Characteristics

Most people will have received some form of scam, but only those who respond become victims. Victims appear to be more open to persuasion particularly by people they do not know. People who use heuristics to make decisions are vulnerable because of the short-cuts made in decision making. Victims are more likely to be scammed because of a number of errors made in decision-making processes.

Involvement in scams may also provide the victim with a sense of utility through engagement with meaningful activity, and a sense of purpose (Olivier et al, 2015). This can make victims reluctant to give up their involvement.

Urgency and scarcity

Some people are more vulnerable to the pressure put on by scammers. People who struggle to make decisions under pressure are likely to be more vulnerable to scams.

Consistency and commitment

Scammers may ask for small steps of compliance such as regular payments or contact. People who are comfortable with routine and consistency are likely to respond to such scams.

Gambling rewards

Some people view scams as a gamble and are prepared to pay the relatively small costs for the chance to gain high rewards. The relationship between costs and rewards, the susceptibility to gambling, can make people more vulnerable to scams.

Emotional control

Some victims have less control over their emotions compared with non-victims. People who struggle to regulate their emotional attachment are likely to be more vulnerable to scams.

(Office of Fair Trading, 2009)

What victims had to say

“ It gave me something to do, take my mind off ... Like a little job, because I had nothing else. ”

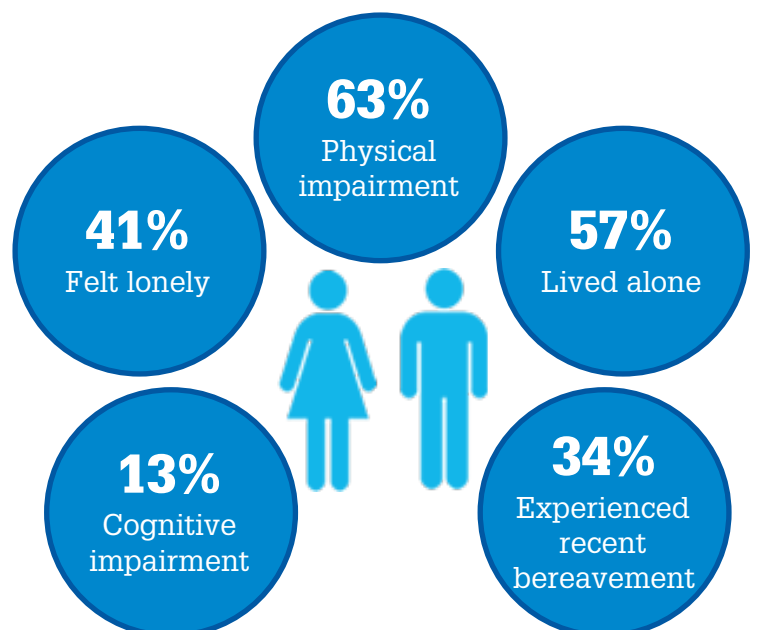
“ They play on that you see, your emotions and everything. It wasn't until sometime after my husband died that I really began to get involved with it because it gave me, I know this sounds silly, something to take my mind off my grief ”

“ They kept saying we can wait, there is no hurry, we understand. We're sorry for your loss. They were comforting me in one way, it's ridiculous to say it you know, quite friendly and believable. Took me over really ”

(Olivier et al, 2015)

Victim Profile:

The Doorstep Crime Victim Impact Survey



(National Trading Standards Board, 2015)

What impact does scamming have?

Financial scamming can have seriously damaging consequences on individuals and society. The impact is often underestimated. Becoming a scam victim can be a life-changing event.

Individuals

The financial detriment to victims can range from a few pounds to hundreds of thousands of pounds, depending on the type of scam and the number of times a victim has responded. In many cases the financial loss is severe enough to impact an individual's well being and day-to-day standard of living. Scam victims may go without food, sell or re-mortgage their home or take out loans to fund scams or debts caused by scams.

Scams can cause long lasting or permanent damage to an individual's health and quality of life. Many victims experience injury to their confidence and trust, and some victims are left with the psychological effects of stress, anxiety, fear, depression and shame. Many victims face denial and others place blame on their own shoulders.

Scams can be a major factor in the decline of health in older people. The Home Office carried out a study in 2003 on burglary and it was reported that older victims of doorstep crime decline in health faster than non-victims of a similar age (Donaldson, 2003).

Mrs. M began responding to prize draw scams, sending £10-£15 regularly to 'win' the money to pay off her daughters debts. This could bring her daughter home from overseas. Over 15 years Mrs. M spent her life savings, over £20,000, on scams and admitted she had become addicted to responding. She became seriously ill, couldn't work and lived off benefits. Mrs. M went without food to fund the scams and showed Trading Standards Officers empty food cupboards and piles of daily scam letters. Whilst recovering from a stomach operation, Mrs. M survived purely on liquid supplements supplied by the hospital. She accrued a debt of £2,000 to her bank.

Society

Scamming causes financial detriment to both individuals and wider society. Scamming increases the pressure on public services who have a duty of care as a result of the Care Act (2014) to safeguard individuals from financial abuse. The Care Act (2014) recognises the significant threat that financial abuse poses to adult health and wellbeing and places a responsibility for protection on Local Authorities. This will result in increased demand for 'safeguarding' responses from Local Authorities, the police and Trading Standards.

Loss of assets and finances may result in individuals being unable to contribute to their health and social care costs in old age, increasing the financial burden on society for future care provision.

People with Dementia are particularly at risk of financial abuse and scamming, and this puts additional pressure on community and residential Dementia care services. The average annual cost in 2007 of supporting a person with severe Dementia in the community was £37,473 and in a care home was £31,296 (Alzheimer's Society, 2007).

With more scam victims losing large sums of money, there is more pressure on public funding. Financial scamming will continue to be a challenge for the economy if it is not tackled in the future. Scams can undermine the health and wellbeing of victims resulting in increased demand for health and social care support.

What can be done?

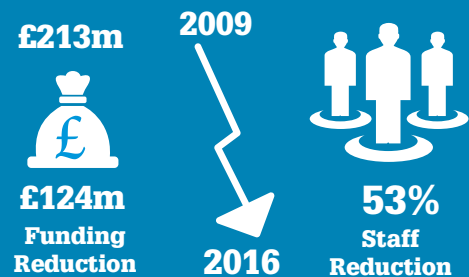
Enforcement

Local authorities have a duty to protect and prevent, it is a whole authority responsibility including Police, Trading Standards and Social Care.

Leon Livermore, CEO CTSI: Councils must also consider the government's enforcement priorities (their role in), the first of which focuses on consumer protection, doorstep crime, counterfeit goods and mis-selling by measurement.

Council Trading Standards teams discharge about 250 statutory duties concerning everything from disease outbreak to product safety and rogue trading (Spicer, 2014). The total GB budget for trading standards has fallen from £213m to £124m since 2009, resulting in a 53% cut in staff (Chartered Trading Standards Institute, 2016).

Total GB budget for Trading Standards



Police Enforcement of doorstep crime:

There is a lack of uniformity of service delivery to vulnerable victims and to offending despite 95% stating that their crime plan/PCC strategy includes protecting the vulnerable.

The Doorstep Crime Report 2015 shows that 14% of police forces gave DSC high priority, whereas it was a low priority for 32% of forces. 72% said this was due to resources, 78% said they had higher priorities, 33% lack of awareness, 17% lack of training, 17% said low crime levels.

The lack of a crime code, or flag, for rogue trading/doorstep crime incidents is currently a barrier for retrieval of incidents from crime recording databases and consequently the sharing of intelligence and the scrutiny of not just crime rates, but also the response that the crimes receive.

The report identified 32% of forces acknowledged they didn't investigate DSC to the same standard as other crimes and 62% were unable to monitor or analyse levels of DSC. That 86% of forces said the introduction of a crime code would improve their response to DSC.

Trading Standards Enforcement of Doorstep Crime:

The average number of prosecutions per LA in England and Wales has remained at 1 prosecution per year (1.07 in 2013/14 and 0.95 in 2014/15). 25 LAs had taken two or more prosecutions in 2014/15 (20% of responding LAs, 15% of all LAs) (down from 32 in 2013/14).

Support from Social Care

Over the last six years local authority budgets have been cut and now 26% fewer older people get help. "No one has a full picture of what has happened to the people who are no longer entitled to publicly funded care: the human and financial costs to them and those who care for them are mounting" (Humphries, et al, 2016, p.3).

National Initiatives

A number of national initiatives are recognising the scale of the problem by financial crime and financial scams. Some of these include:



The National Centre
for Post-Qualifying
Social Work and
Professional Practice

The National Centre for Post-Qualifying Social Work and Professional Practice

The National Centre for Post Qualifying Social Work and Professional Practice believe that it is important that certain groups are recognised to be at increased risk of scam involvement, including lonely older people and those with dementia, who often have decreased ability to manage their finances.

Banks and other financial institutions have a code of conduct which should be extended into a 'duty of care' to ensure consumers are protected and this is especially important for those with cognitive impairments. Health and Social Care agencies along with the police and Trading Standards need to work together to identify and support those individuals most at risk.

The Centre is engaging in opportunities to work collaboratively with the financial sector, local authorities Adult Safeguarding Boards, Trading Standards and other partners to bring this issue to national consciousness and developing learning tools for professionals.

Friends Against Scams

Friends Against Scams is a National Trading Standards Scams Team initiative which aims to protect and prevent people from becoming victims of scams by empowering communities to... 'Take a Stand Against Scams.'



**NATIONAL
TRADING
STANDARDS**

Scams Team

Friends Against Scams is designed to inspire action, highlight the scale of the problem, change the perceptions of why people fall for scams and make scams a community, regional and national topic.

By attending a Friends Against Scams awareness session or completing the online learning, anyone can learn about the different types of scams and how to spot and support a victim. With increased knowledge and awareness, people can make scams part of everyday conversation with their family, friends and neighbours, which will enable them to protect themselves and others.

Anyone can be a Friend Against Scams and make a difference in their own way.

(Friends Against Scams, National Trading Standards Scam Team 2016)

Joint Fraud Taskforce

The new Joint Task Force brings together banks, payment providers, police, wider law enforcement and regulators to jointly tackle this threat. It builds on the success of the Joint Money Laundering Intelligence Taskforce set up in 2015. Five workstrands are identified:

- **Understanding the threat**
- **The collective response**
- **Victims and vulnerability**
- **Behaviour change**
- **Tackling systemic vulnerabilities**

The development of a national taskforce is positive and to be welcomed, and will encourage greater cooperation between banks, law enforcement and government to respond to fraud. It will be important for the taskforce to consider the impact of fraud on individuals as well as businesses, and to collaborate with other agencies involved in this work including Trading Standards, The National Trading Standards Scams Team and Bournemouth University.

We believe it is important that certain groups are recognised as being at increased risk of scam involvement, and this includes older people and those who are socially isolated and living alone. In particular those with dementia find it difficult to understand risk and apply caution to decision making due to their cognitive deficits and reduced financial capability. This makes people with dementia at increased risk of responding to scams. Therefore banks and other financial institutions should have a 'duty to care' for those with cognitive impairments who may make an 'unwise decision' a result of their cognitive state. It is important to ensure that vulnerable citizens are protected and supported in the best way possible.

(Home Office, 2016)

Call Blockers

New research by Trading Standards (East Renfrewshire Council, 2016) has found that using new call blocking technology blocked up to 98% of nuisance calls. Residents reported positive impact, leaving them feeling safer and in greater control of who contacts them.

Recommendations, which are now being investigated further by the councils who participated in the research, include:

- **Installation of call blocking technology in all council sheltered housing**
- **The technology being made available to vulnerable adults or victims of scams like community alarms and to**
- **Empower residents and consumers to protect themselves through education about the risks of nuisance.**

A resident, who's mother trialled the call blocking technology, said: "This has made a huge difference to my mother who as dementia and lives alone. She no longer gets anxious and agitated from PPI, insurance and cold calling calls. I cannot impress on you the positive impact this has made."

(National Trading Standards, 2016)



Operation Broadway

(An example of multiagency work to prevent scams)

Operation Broadway is a multi agency approach to tackling the serious issue of investment fraud. It brings together a number of partners – the City of London Trading Standards Service, the National Trading Standards Tri-Region Scambusters Team, the City of London Police, the Metropolitan Police, the Financial Conduct Authority and Her Majesty’s Revenue and Customs. Investment fraudsters cold call consumers, particularly those of more senior years, in an attempt to sell “fantastic” investment opportunities in products such as wine, diamonds, rare earth metals and even car parking spaces. The sale of these products is not regulated and the products are normally over-priced, are actually a very poor investment and often do not even exist. Individual consumers have been known to lose hundreds of thousands of pounds which has a devastating effect on the victims and places additional burdens on the welfare system in the future. The fraudsters like to be associated with prestigious addresses in the City to create the impression of respectability in their glossy brochures and on their web sites and they use mail forwarding businesses to give the impression that they are based in the Square Mile.

Operation Broadway is an intelligence led approach to tackling this crime and partners meet every two weeks to share intelligence and decide on deployments to addresses in the City. It also engages closely with the network of mail forwarding businesses and virtual offices that may be inadvertently facilitating this type of crime. The useful provisions of the London Local Authorities Act are rigorously enforced, making it more difficult for the fraudsters to use a seemingly respectable address. Public awareness campaigns are also orchestrated in order to make consumers aware of the serious risks of dealing with cold callers.

Every incident of investment fraud involves the transfer of money from the vulnerable consumer to the criminal and Operation Broadway is now hoping to work with the financial services sector to build safeguards into the system to prevent this despicable type of financial abuse.

(Action Fraud, 2016)

The Fundraising Preference Service

The Fundraising Regulator (FR) is the independent regulator of charitable fundraising. Established in 2015, following the Etherington Review (2015) into unscrupulous fundraising practices by charities, the FR will be launching the Fundraising Preference Service in 2017. This has been developed to align with both the Telephone Preference Service and Mail Preference Service and aims to enable people to manage their contact with charities.

The regulator's role is to:

- Establish the standards for fundraising practice in consultation with the public, fundraising stakeholders and legislators.
- Investigate cases of poor fundraising practice.
- Adjudicate public complaints which cannot be resolved by the charities themselves.
- Operate a fundraising preference service.
- Recommend best practice guidance and take remedial action when necessary.

(Fundraising Regulator, 2016)

Information Commissioner's Office

The Information Commissioner's Office aims to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

Their goal is to achieve a society in which:

- "All organisations which collect and use personal information do so responsibly, securely and fairly.
- All public authorities are open and transparent, providing people with access to official information as a matter of course.
- People are aware of their information rights and are confident in using them.
- People understand how their personal information is used and are able to take steps to protect themselves from its misuse"

(Information Commissioner's Office, 2016)

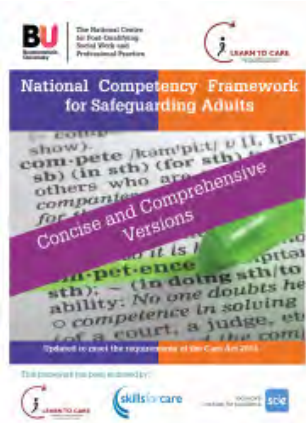
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Other Publications of Interest

Safeguarding Adults at Risk Resources

These workbooks provide the information and training needed to establish the minimum standard of competence required of those who work with adults.



The National Competency Framework for Safeguarding Adults and these workbooks, used together, enables employers and employees to establish consistency in approach to Safeguarding Adults.

These workbooks will enable the employees to demonstrate competence in their practice in a way that is in line with their occupational role and responsibilities.

Next of Kin: Understanding decision making authorities

The term 'Next of Kin' is often used in Health and Social Care as a euphemistic shorthand for 'Who is the person we communicate with about you and who do we contact when you are dead?'

This helpful leaflet clarifies how people can plan ways, with those they love, to ensure their wishes are taken into account if through illness they cannot take decisions for themselves. I cannot stress enough how important it is to plan ahead and let our wishes be known, in the event we cannot express them.



Financial Scamming: Defining Terms



Financial Scamming is a growing problem that is now being recognised as a crime. The negative impact it has on individuals and society as a whole is gradually becoming clear as further research probes into the consequences and damage caused by financial scamming.

We have been working with key national organisations in the UK to develop a better understanding of this issue, seeking ways and solutions to reduce the risk of financial scamming.



Contact details

We are able to offer a single point of contact for all questions and enquiries regarding all the educational and research programmes we administer. Our contact details are below:

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