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GENEALOGISTS AND INTERNATIONAL
PROBATE RESEARCHERS

PAUL SMITH CONSULTANCY

SPECIALIST INVESTIGATION SERVICES



LITIGATION SUPPORT

Webinar with Fraser and Fraser

Presented by

Paul Smith

Forensic Accountant, Paul Smith Consultancy Services Ltd

Hosted by

Nick Howitt

Business Development Manager, Fraser and Fraser

Fraser and Fraser

Our Services

- Location of Missing Beneficiaries
- Missing Beneficiary Insurance
- **Free** Family Tree Check
- Risk-free Administrator Search Service
- Overseas Bankruptcy Searches
- Medallion Signature Guarantee
- Flexible Fee Options (including time spent and fixed fee)





Working collaboratively to combat Elder Financial Abuse: Where Public Sector meets the Private Sector

10 April 2024

Paul Smith

Forensic Accountant, Paul Smith Consultancy Services Ltd

Agenda

- Extent of the problem
- Extent of the problem
- Signs of abuse
- Difficulties in investigation
- Reluctant victims
- Understanding the issues
- MCA & Safeguarding
- Compensating victims
- Criminal & Civil route
- Enhanced Multi-Disciplinary Teams Forensic Centres

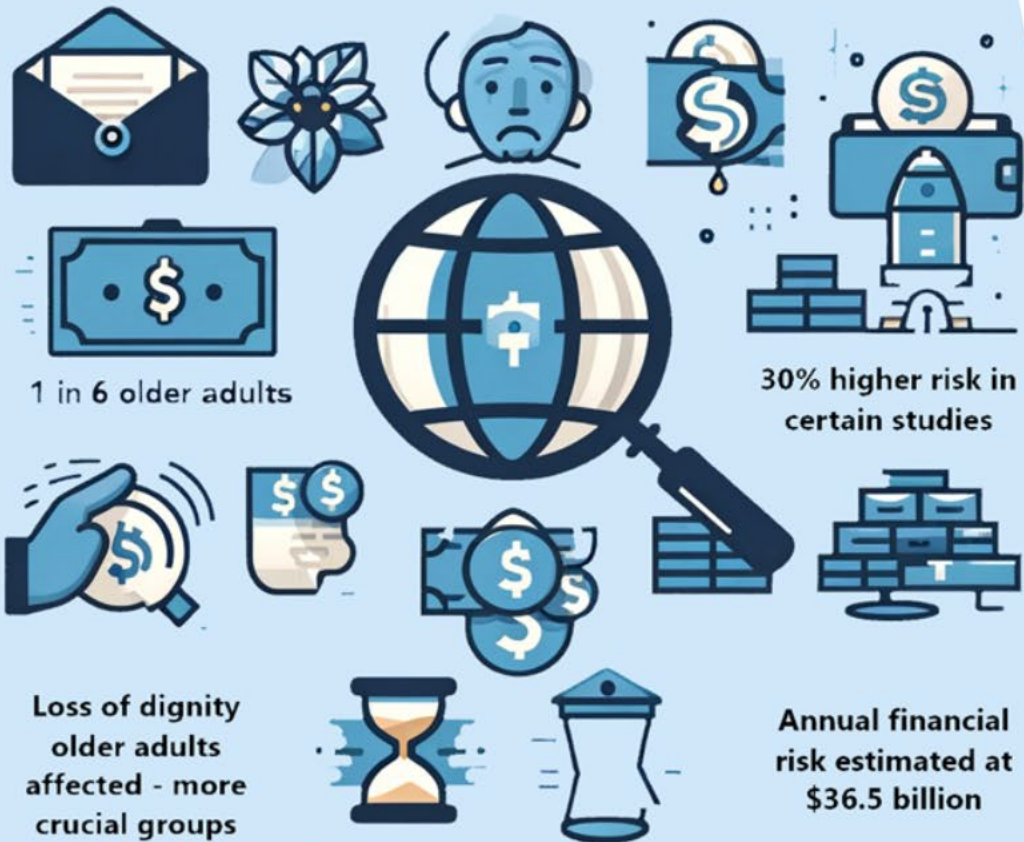
Who am I?





The Iceberg Theory of Elder Abuse

ELDER ABUSE & FINANCIAL EXPLOITATION AMONG OLDER ADULTS



The extent of the problem

Signs of financial abuse

Unusual Banking Activities	Changes in Financial Documentation	Discrepancies in Lifestyle and Expenses	Missing Personal Items
<p>1</p>  	<p>2</p>  	<p>3</p>  	<p>4</p>  
 <p>unexpected withdrawals uncharacteristic transactions frequent large transfers</p>	 <p>alterations in wills or powers of attorney forged signatures sudden changes in financial documents</p>	 <p>living conditions not matching income unexplained luxury purchases inconsistent financial records</p>	 <p>valuables unaccounted for personal belongings missing unexplained loss of property</p>

Difficulties in detecting financial abuse





Victim Fears

Reluctant victims



West Yorkshire Police

The Case of Bob

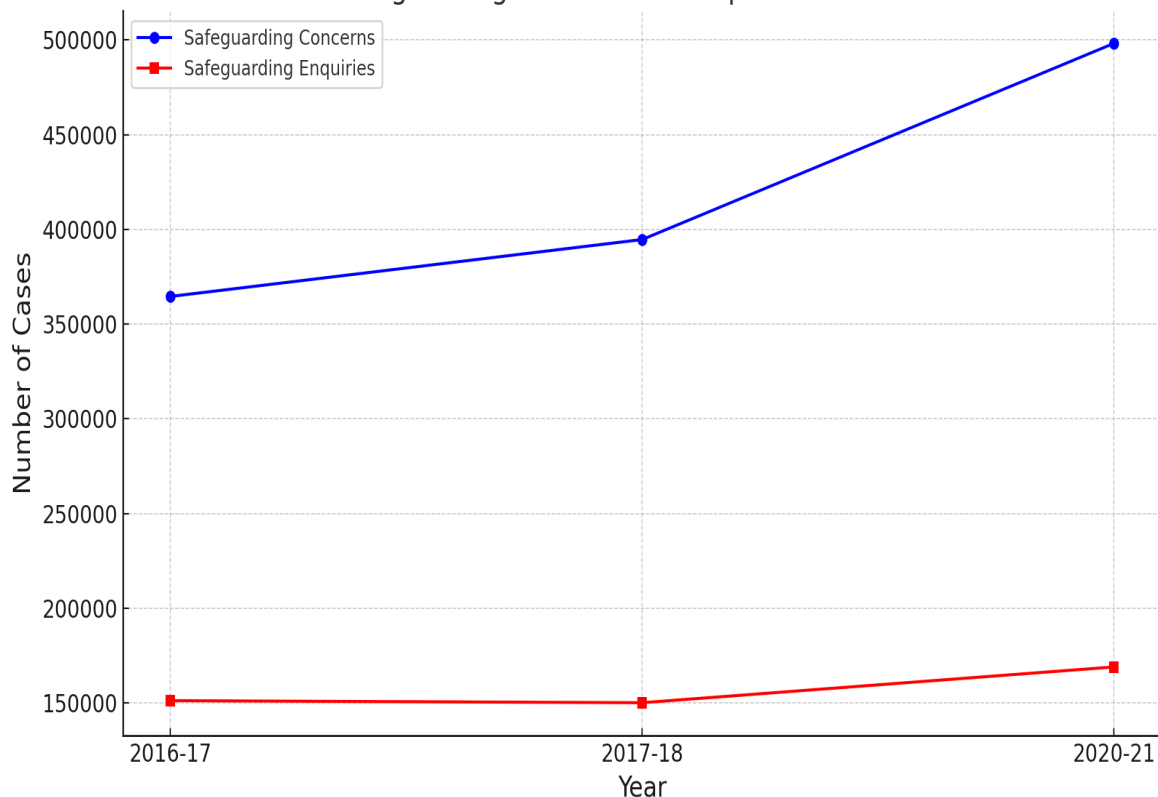




The issue for the Police

Stark reality

Safeguarding Concerns vs Enquiries Over Time



- From 2016-17 to 2017-18:
 - Safeguarding Concerns: Increased by approximately 8.24%
 - Safeguarding Enquiries: Decreased by approximately 0.72%
- From 2017-18 to 2020-21:
 - Safeguarding Concerns: Increased by approximately 26.25%
 - Safeguarding Enquiries: Increased by approximately 12.59%

Source: Community Care UK <https://www.communitycare.co.uk/>

Lincolnshire Sar

- *“Mental Capacity Act was being inappropriately used as a reason to screen referrals out”*
- Has capacity therefore able to make unwise (or eccentric) decisions!
- But what about situational incapacity brought about by coercive and controlling behaviour and the ‘Inherent Jurisdiction’ of the High Court?

(DL v A Local Authority [2012] EWCA Civ 253, [2012] MHLO 32)



LSAB

Making safeguarding personal

Safeguarding Adults Review

A Thematic Review of Financial Exploitation (TH19)

Overview Report



The key issues distilled

Intrafamilial Abuse :

A Case Study





Compensating Victims

(Litigation considerations)

Compensating Victims

— (The role of the Specialist Forensic Accountant)





Compensating Victims (Undue Influence)



Compensating Victims

(Burden of proof)

Picture attribute: IPVANISH

Compensating Victims

(Evidence of improper conduct)



Compensating Victims

(Timelines)





Compensating Victims

Compensating Victims

(Multi-Purpose Report)





The way forward

The Answer

- US style Multi-Disciplinary Teams with access to expert advisors:
 - Forensic Accountants
 - Geriatricians/Geriatric Psychiatrists (MCA Experts)
 - District Attorneys (CPS)
 - **Specialist Lawyers**
 - Specialist Financial Advisors
 - +ve Multi-agency input and decision making
 - +ve Common experience advises training and public awareness campaign



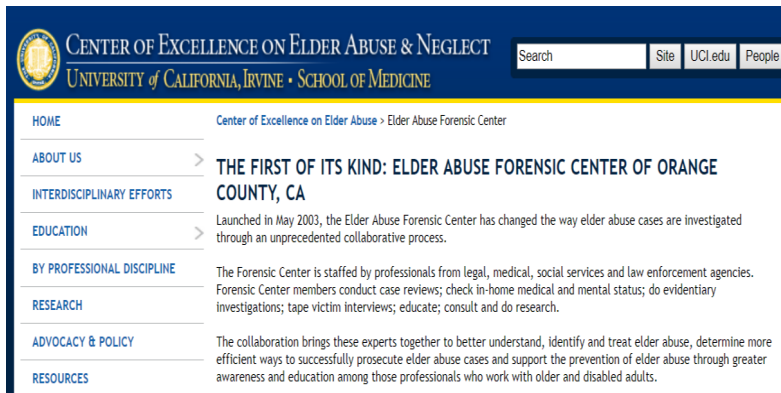
NYS Enhanced Multidisciplinary Team Initiative





Enhanced Multi-Disciplinary Team

- E-MDT within the UK could include:
 - Representatives from financial Institutions
 - Trading Standards officers
 - DWP Investigators
 - Deputyship/Attorneyship legal specialists
 - Financial Advisors
 - Police/Social workers/health/CPS



How are these teams financed

- DoJ Elder Justice Initiative
- Central government grants
- Employed coordinators



DEPARTMENT OF JUSTICE
Elder Justice
INITIATIVE

Stop Elder Abuse and Fraud.

Learn how you can investigate and address elder abuse, neglect, financial fraud and scams.

elderjustice.gov/law-enforcement

 U.S. DEPARTMENT OF
JUSTICE

The Benefits



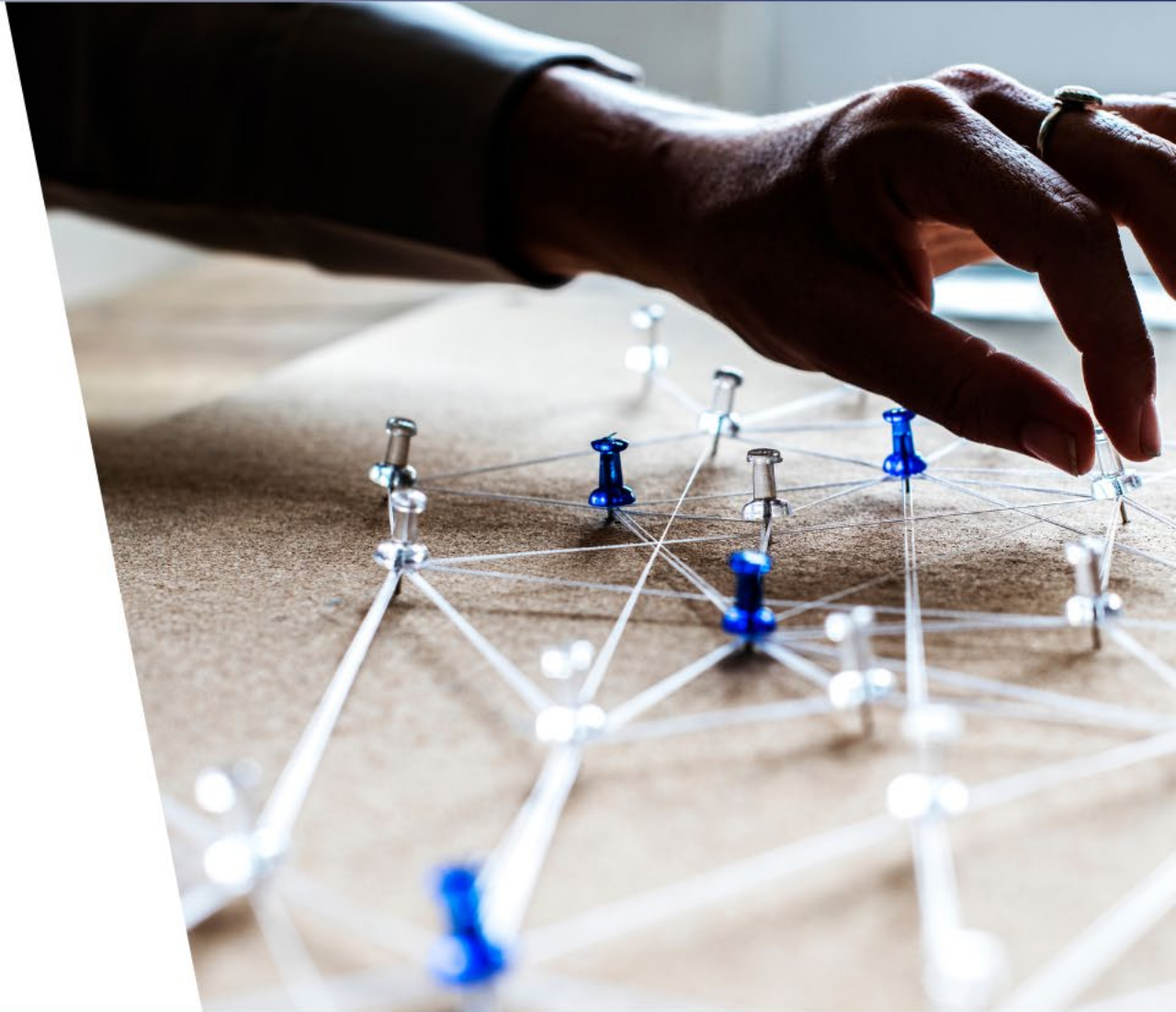


Cooperation

Connecting the dots

(Case Study)

- Mismanagement of finances
- MCF instructed to act
- MCF suggested forensic audit is required
- I'm instructed to carry out investigation
- Conducted with consent
- File of evidence handed to the police for consideration by CPS
- Report provided to social care setting out findings and key recommendations
- 27 victims = 26 vulnerable adults and 1 company!





LPOA Bonds

Power Of Attorney Bonds

**A pioneering Bond to safeguard those who make a
Property & Financial Power of Attorney**

- Security Bonds Ltd LPOA Bond
- Bond modelled on success from recent Appointee Bond
- Available in England, Wales and Scotland,
- Provides peace of mind to Donors/Granters and their families.
- Bond offers a level of protection for Lay Attorneys for an honest mistake.

Questions?



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