

PSS Shared Lives Guidance

Banking – Guidance for People in Shared Lives and their Shared Lives carers

2019

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Introduction

Shared Lives schemes and Shared Lives carers support people in Shared Lives to manage their money and their benefits. They are often tasked with assisting people to open an account, access their money, budget on a weekly basis and save for the future. This guidance contains information on how people in Shared Lives can access bank accounts and other money services. It also covers an overview of the relevant legislation about banking and disabled people. It has been written directly to the person in Shared Lives but could also be used by Shared Lives schemes and Shared Lives carers to support someone in Shared Lives to access and use services.

Practicalities of banking

Choosing a bank and a bank account

The facilities available to make banking more accessible for people with disabilities varies from bank to bank and also depends on the type of disability a person has. Some banks are up to date with their ability to support people with visual impairment but not so prepared for someone with Autism or a Learning Disability. The Halifax now have Easy Read statements and other banks have large print cheque books which you may find helpful. So, it is important to have a look at what the bank offers in terms of accessibility for your particular needs and also how you would like to access the bank and your account. For example, do you want to access –

- Telephone banking
- Internet or mobile banking
- A cashpoint machine near you that's free of charge to use
- By post
- Or a branch service - if you like going into a branch, choosing a bank you can easily get to will be the most important factor

Each bank has a website that has a section on their services and facilities for people with a disability. Banks will also have written information on their accessibility, which is usually available in Easy Read or you can speak to a member of staff in a bank branch. All the banks have this information on their accounts and accessibility features, so you can make the right choice for you.

A Credit Union may be an alternative option for some people who have not had a bank account before. Some of the smaller Credit Unions still offer passbook accounts or allow you to cash a cheque which some people prefer to use a debit card and a security code. This will depend on whether there is a Credit Union in your local area and there is usually a monthly charge for their accounts. More information is available in the link below, including a list of all the Credit Unions -

https://masassets.blob.core.windows.net/cms/files/000/001/038/original/CU_Apr18_Edition_1_Eng_Diq.pdf

Opening a bank account

By law, all banks, building societies and other businesses providing financial services must check the identity of anyone who wants to open an account or buy any financial product or service from them. This is one of the procedures that they must undertake under the Money Laundering Regulations (which are law), to stop criminals from using them as part of their crime.

When you open a bank account you must prove who you are and where you live. Most people use a passport and a driving licence to do, but some people do not have these documents. The best documents are those that are issued by an official authority, cannot be easily forged and include a photograph. You need to provide original documents, as banks and building societies will not usually accept photocopies. Other documentation can be used, such as: a birth certificate; pension or benefit book; an NHS card; or a Housing Benefit letter. Some checks can also be made without asking you for proof (for example, checking the electoral register) but you will often be asked to provide direct proof. Some banks will accept a letter from a person such as your doctor or teacher to say they know you. Each bank decides their own list of what documents they will accept, so it best to contact them direct about this. This may also help with your decision of which bank to go with. There is more information in this leaflet by the British Banking Association -

<https://www.bba.org.uk/publication/leaflets/proving-your-identity/>

This animated video takes you through the steps to opening an account, quickly and easily <https://www.moneyadvice.service.org.uk/en/videos/how-to-open-a-bank-account-video>

How to access your money

Most accounts are accessed through a Debit card that can be used to get cash from an ATM (Automated Teller Machine) or cash machine, access your account when online or in the bank and to pay for goods and services in shops and businesses. These cards use a PIN (Personal Identification Number) - a 4 number security code that you must remember. When the card is issued you can change this number to one that you can remember more easily. However, it is important that if someone was to steal your card, they could not guess your number, so don't choose your birthday or 1234, for example. It is also important that you keep your pin number a secret, even from your Shared Lives carers.

This is to protect you and your Shared Lives carer. If your Shared Lives carer knows your security number, someone could accuse them of stealing your money, even if this is something they would never do. As remembering a four-number code consistently is difficult for a lot of people, most banks now have the facility to have a card that you sign for instead of using a code. This means that you need a consistent signature that you can do again and again in order to purchase things and access your account. If you find it easier to sign your name than remember a number code, this may be an option for you.

Alternatively, 'Contactless' cards allow you to pay for goods and services that cost up to £30 by touching the card to the machine and this means you don't have to remember your security code number. There are also now options to pay like this with your phone through Apple or Google Pay. This is very handy if someone has forgotten their bank card and

doesn't have enough cash on them. There is more information on this here - <https://pay.google.com/about/> and <https://www.apple.com/uk/apple-pay/>

Barclays were trialling contactless cash machines in 2017 and also have **bPay** which is a pre-paid alternative to using a debit card. It's contactless; it just needs to be topped up from your bank account and it will load money on to a wristband or keyring. This means that when you go out, it's a safe, secure way of paying for small items, without the need to use a debit card, especially helpful if you are struggling to use the chip and pin or tend to forget or lose your card regularly.

If you find it hard to physically write your signature the British Bankers Association says that English law recognises a facsimile (a copy) signature stamp as a valid signature. There's no blanket policy and it's the bank's responsibility to check someone's identity but the bank must avoid discriminating against disabled people who have capacity to enter into a contract with a bank. So, some banks will now issue you with a signature stamp or a verification letter to prove your identity, if you have difficulty in signing your name or your physical ability to do this varies.

Some banks now have cash machines that read the text aloud. You can also plug your phone earbuds into the machine, so only you can hear the instructions. The Money Carer Foundation can issue Shared Lives carers, for people needing support, with a 'Carers Expense Card' which is a pre-paid debit card that can be used to purchase household and personal items, topped up directly from your account held in your name by the Money Carer Foundation. More information can be found at <http://www.moneycarer.org.uk/services/carers-shopping-card>

Online banking is the preferred banking option for some people and can be accessed via a computer, tablet or mobile phone. If you have a 'smart' mobile phone, you can use your fingerprint as the way to access both your phone and your online banking account, which means you don't have to remember a number security code. If you choose to use a security code, it is important that you keep it a secret, even from your Shared Lives carers. This is to protect you and your Shared Lives carer. If your Shared Lives carer knows your security number, someone could accuse them of stealing your money, even if this is something they would never do. Most banks offer a service where they will help get you set up and using online banking so that you can feel confident to use it alone. Once you have online banking, you can access your accounts and statements, transfer money, pay bills and most things you can do in the bank. You can also arrange to have a web chat online with someone from the bank. You may prefer this option to using the telephone or going into a bank branch. If you are curious about using online banking but are not sure if it will suit you, there is an [online banking simulator](#) provided by Money Matters to Me that can help you learn. With the look and feel of a real online bank, the fun and simple-to-use simulator is designed to equip you with all the skills you need.

BILD (British Institute of Learning Disabilities) has a range of Easy Read booklets and easy to access videos on their website about accessing banks and looking after your money which you may find useful. Here is the link – <http://www.bild.org.uk/resources/easy-read-information/money/>

Additional services

Help from someone with managing your bank account

If someone has mental capacity for managing their money but has asked for more support to manage their finances, there are some bank account options –

- A basic bank account – this is an account which limits what you can do, for example, going overdrawn. You can ask your bank for more details about this.
- A joint account – an account where someone else, such as a family member has their name on and access to your account and can support you to manage it.
- A third-party mandate – this is when you give someone access to your account, so they can help you manage it, but their name is not on the account.

More information can be found at this link -

<https://www.bba.org.uk/publication/leaflets/guidance-for-people-wanting-to-manage-a-bank-account-for-someone-else-2/>

It is important that the banks have the policies and support in place to allow staff to make the necessary adjustments to enable individuals with support needs to access their services, including working with supporters, such as Shared Lives carers. Whilst many people use informal support, such as family and friends, it is important that banks are also able to offer their own support options which fulfil their obligations to make 'reasonable adjustments' under the Equality Act. These adjustments should enable individuals to get the help they need, in a safe way, which manages the risks of financial abuse and security breaches, without reinforcing financial exclusion.

If a Shared Lives carer is a DWP (Department of Work and Pensions) appointee for a person they support in Shared Lives, they will need to open a specific bank account for the benefits to be paid into. If the person using Shared Lives' benefits are being paid into an existing bank account the Shared Lives carer, as a DWP appointee, will need access to this account. The Shared Lives carer will also need to be able to claim, access and manage the welfare benefits received by the individual using Shared Lives. The bank or building society will need to see a completed BF57 form from the DWP. This form is provided once someone applying to be a DWP appointee has completed an application form, provided proof of their address and had an interview with a DWP representative to determine their suitability to take on the role of appointee. Once the bank has seen the completed BF57 form, a Shared Lives carer, acting as a DWP appointee, will be able to access the individual's bank account and administer the individual's benefits.

For more information on managing your day to day finances, receiving support with your finances from your Shared Lives carers and managing your benefits, please see the Appointees and other options for managing the money of people using Shared Lives (8.01) guidance.

What to do if there are issues

If you are unable to open a bank account then you should talk to the bank manager informally, before making a formal complaint. Other banks may be a better fit for you or their staff may be more aware and better trained to support people with disabilities, so you shouldn't be put off if the first bank you approach refuses you a bank account. If you are still unhappy, you should [contact the Financial Ombudsman](#).

If you believe you have been discriminated against, you should call the Equality Advisory Support Service (EASS). The helpline can provide advice and information on cases where individuals have been discriminated against when using or buying goods and services. It can also provide advice and information on human rights issues. Help is provided by:

- explaining what the law says and how this applies to you
- explaining how a situation could be resolved
- supporting you to try and resolve issues informally
- if the issues can't be resolved informally, referring you to a conciliation or mediation service
- if you need or want to seek a legal solution, helping you work out if you're eligible for civil legal aid
- if you're not eligible for civil legal aid, helping you find an accessible legal service, or helping you represent yourself by giving information and support on how to prepare and lodge a claim.

Equality Advisory Support Service (EASS) - Phone: 0808 800 0082 – Monday to Friday, 9am to 7pm, Saturday, 10am to 2pm or at <http://www.equalityadvisoryservice.com/> (The service is available in Welsh (Mondays to Fridays) and you can use Language Line to get advice in other languages and in Welsh at weekends. To access the service in Welsh, call the helpline number and select the option for a Welsh-speaking adviser).

Relevant legislation

The Equality Act

The banks are required by The Equality Act 2010 (and the Disability Discrimination Act in Northern Ireland) to provide 'reasonable adjustments' to make their services accessible to people with disabilities. This can include the rules and processes for delivering the service, as well as physical access to the service. The act says that it should allow better access for people with a range of disabilities, be forward thinking and ongoing. The bigger the organisation, the more adjustments that you would be expected to be made. You do not have to pay for any reasonable adjustment. Examples of reasonable adjustments for people with a learning disability would be giving you a longer appointment and allowing your Shared Lives carer to attend with you or Easy Read letters and bank statements. If the bank doesn't cooperate with their duty to make reasonable adjustments, the Equality Act states this is 'unlawful discrimination'. You can ask the person or organisation to make the necessary changes. If they refuse, you can make a discrimination claim under the Equality Act. However, a bank worker can make the decision not to allow someone access to a bank account, new or existing, if they reasonably consider, that is have 'good enough reason', that the person does not have mental capacity at that time.

More information and an Easy Read version of The Equality Act can be found here – <https://www.gov.uk/government/publications/easy-read-the-equality-act-making-equality-real>

More information and a Plain English version of The Disability Discrimination Act in Northern Ireland can be found here – <https://www.equalityni.org/ECNI/media/ECNI/Publications/Individuals/DisabilityDiscriminationGuide2011.pdf>

Mental Capacity Act 2005

According to the Mental Capacity Act 2005 in England and Wales; in Scotland, the Adults with Incapacity (2000) Act and the Mental Capacity Act (Northern Ireland) 2016, anyone over 16 must be presumed able to make decisions for themselves, with support if needed, unless it can be shown otherwise. Mental capacity is not a 'blanket decision' – it is situation and time specific. This includes decisions about managing money and bank accounts. For example, a person may have the capacity to make day-to-day spending decisions such as whether to buy a magazine, or what they need to buy at the supermarket for their evening meal but lack the capacity to make a decision about whether they have enough money to take out a contract for a mobile phone or to manage a credit card.

The important thing to remember is that having the mental capacity to understand something is not necessarily understanding all the complex and technical detail and jargon – it can be explained in a simple, clear, visual way, to make it more accessible.

In their 2014 research project into the access to banking for people with a learning disability, DOSH discovered that - 'Banks have been known to say someone does not have capacity before any efforts have been made to simplify the information or make it more accessible to the person involved. The banks have information on what to do if someone does not have the capacity to manage a bank account. They do not have a lot of information on how to support someone to have capacity or what to do if you are not sure. This risks violating the principles of the Mental Capacity Act 2005, which state that one should start by assuming capacity, that capacity should be assessed in relation to a specific decision and that the least restrictive option should be used when someone does not have capacity. Furthermore, once bank staff have a concern about capacity or have decided that someone does not have capacity, they refuse to cooperate with or talk to anyone supporting the individual who is trying to understand their decision or offer support to resolve problems.'

The full report and the Easy Read version can be found here – <http://www.dosh.org/content/uploads/2016/09/Access-to-banking-for-people-with-a-learning-disability-2014-v2.pdf>

For any person lacking capacity then the principles outlined in the Mental Capacity Act (2005), the Adults with Incapacity (2000) Act in Scotland and the Mental Capacity Act (Northern Ireland) 2016 should be followed. Shared Lives schemes should consult with Care Management/Social Work teams to determine whether an assessment of capacity has previously been done or if any Best Interest Assessments or decisions have been carried out. Also, if a Lasting Power of Attorney (LPA), Enduring Power of Attorney (EPA) or continuing Power of Attorney, in Scotland, has been granted (for property and financial

affairs in this case) to someone on the person's behalf, such as a family member. If any of these issues are unclear or in dispute then an application to the Court of Protection (CoP), the Sheriff Court in Scotland and the High Court in Northern Ireland, may have to be made to determine the person's capacity; their best interests and the validity of any Lasting or Continuing Powers of Attorney. In this instance Shared Lives schemes should liaise with the Local Authority's Deprivation of Liberty (DoL) team or The Office of the Public Guardian in Scotland, to action the process and the Care Management/Social Work team for advice and support throughout.

The Court of Protection in England and Wales, the Sheriff Court in Scotland and the High Court in Northern Ireland protects the rights of people who do not have mental capacity. When a person who does not have mental capacity has not made, or is not capable of making, a Power of Attorney, the Courts decide who can handle that person's affairs. Usually a close friend, family member or someone else who can be trusted applies to the Court for a court order to appoint a 'deputy' (or 'guardian' in Scotland). The court order will set out what decisions the deputy/guardian can make on behalf of the person who does not have mental capacity. Shared Lives carers shouldn't be asked to take on the role of the deputy/guardian, as it is an additional responsibility on the Shared Lives carer. This can cause problems if the arrangement breaks down or comes to an end and it means that the Shared Lives carer has control over the person's finances which could be considered a conflict of interest for a paid carer.

An Easy Read version of the Mental Capacity Act can be accessed here –

<http://www.oracle-pbs.co.uk/documents/MentalCapacityAct2005EasyReadSummary.pdf>

In Scotland, the Adults with Incapacity (2000) Act is in place and you can access a Plain English version here – <https://www.gov.scot/Publications/2008/03/25120154/1>

The Mental Capacity Act (Northern Ireland) 2016 can be accessed here –

<http://www.legislation.gov.uk/nia/2016/18/contents>

If you have any questions or queries about this Guidance, please contact your local office.