



Banking rights research project: final report

Access to banking for people with a learning disability

February 2014





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Author: Meike Beckford

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Dosh Ltd
The West House, Alpha Court
Swingbridge Road
Grantham, Lincolnshire
NG31 7XT

0300 303 1288

www.dosh.org

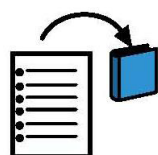
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Easy Read

Dosh report: access to banking for people with a learning disability

Easy Read summary



written

This is an Easy Read summary of a report about the access to banking for people with a learning disability.

This report is written by Dosh. Dosh supports people with a learning disability with their money.



bank account

More people now need a bank account to spend their money, get their benefits and manage direct payments for their personal budget. This means that access to banking is important.



report

This report is about how people with a learning disability get access to banking and the problems they have with banks and building societies.



problems

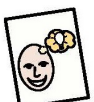
The Dosh financial advocates have written about the problems they have seen. We have looked at these stories and other research to write this report.

This report:



explain

1. explains the 4 main problems we have found with access to banks



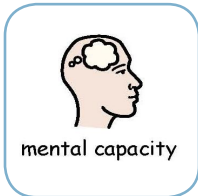
suggestion

2. suggests 5 ways to make it easier for people with a learning disability to use banks and building societies.

Problems



We have found 4 main problems that people with a learning disability have with banks. They are:



1. Mental capacity

Mental capacity means being able to make a decision about something, for example deciding to open and manage a bank account.



The Mental Capacity Act is a law that says that everyone should be supported to make decisions for themselves if they can. Banks must follow this law, but sometimes they do not do everything they should.



For example, we have found that banks sometimes say that someone does not have the capacity to open a bank account. They say this before they have supported the person to understand and decide to open a bank account.



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.

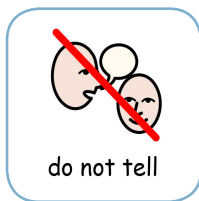


2. Proof of identity and proof of address

When you open a bank account you have to prove who you are and where you live.



Most people use a passport and a driving licence to do this. Some people do not have these documents.



The banks have lists of what other documents people can use. The problem is that the banks do not always tell people about the other documents.

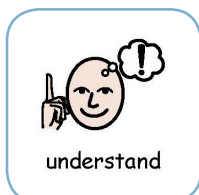


3. Access to money

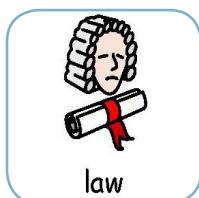
We have found problems with:



- people getting money from the counter and from cash machines
- using a card and PIN (a security code of 4 numbers that you have to remember)
- accessible information
- banks giving support in the branch
- banks working with support workers, advocates and families who are supporting the person.



If people get the right support to access and understand a bank account then they can be more independent. They will be able to use their money in the way they want. They need the bank's help to do this.



The Equality Act is a law that says that banks have to make changes to their services so that people with a disability can access them.



Banks make some changes, but we have found that they do not always make all the changes they should.



Banks are worried about the bank accounts not being safe enough if they make too many changes. Banks need support with this so that they know what changes they can make.

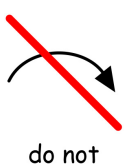
4. Always getting a good service and good information



We have found that some banks and some people are very good at supporting people with a learning disability with their money.



The problem is that this does not always happen. This means that some people are stopped from managing a bank account by themselves.



They do not get information that they can understand or they do not get the right support.

Recommendations



We have made 5 suggestions for how to stop these problems.



1. Research

We need to do more research with lots of people with a learning disability.



The research should try to find out how many people have problems with banks and what the problems are.



2. A guide for banks

Banks should write a guide for staff about how they can support people with lots of different needs.



The guide should say what changes they can make to their services. The guide should also explain how to check if someone has the capacity to make a decision about banking.



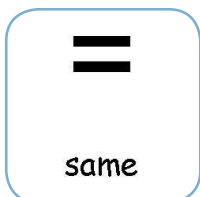
3. Training for banks

Banks should do training for all their staff about what the guide says.

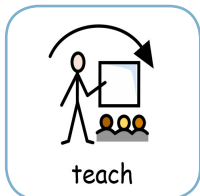


They should do training on:

- mental capacity
- how to support someone
- different ways someone can prove who they are.



They should make sure everyone does this so that everyone gets the same good support and information.



They should also teach everyone about what a learning disability is and the ways it might affect people's banking.



4. Easy Read

Banks should write information in Easy Read.



5. A guide for people with a learning disability

We should write a guide for people with a learning disability and their supporters. The guide should tell everyone what the laws say and how to work with banks.



Dosh has started to write this guide. We want lots of other people and organisations to help us to share and develop this.

Conclusion



conclusion

We have shown that there are some problems for people with a learning disability accessing banking at the moment.



work together

Our suggestions show how we can make changes. It is important that banks, people with a learning disability and their supporters all work together to make these changes.



important

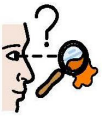
It is important that everyone who wants to has support to access banking.



independent

A bank account gives people control over their money and makes them more independent.

Find out more



find out

You can find out more about some of the things we talk about here:



links

- Barclays (2012) '**Banking Made Clear**'
- BILD and Barclays **banking videos and EasyRead money links**
- The **Making Money Easier** resources from United Response
- The **Money Matters to Me** website
- Money Made Clear '**Help Looking After Your Money**'



written

This report was written for Dosh Ltd by Meike Beckford in February 2014.



Full Dosh report: access to banking for people with a learning disability

Introduction

In 2011, there were estimated to be 1,191,000 people with a learning disability in England alone¹. This makes them a significant customer group that the financial services should be engaging with, particularly in the context of welfare reform and direct payments for care and support, which increasingly require people to have their own bank account to receive and spend money. Today, exclusion from financial services, of which bank accounts are a central part, is a serious limitation on someone's independence, choice and control².

Government and banking industry initiatives, such as the Financial Inclusion Taskforce and Money Advice Service, show that financial inclusion is high on the agenda. Despite this, the need has not gone away, with fewer disabled people³ accessing basic financial products such as current accounts and savings than non-disabled people, suggesting that financial exclusion is still a real concern.

Furthermore, analysis shows that people with a learning disability tend to fare worse than disabled people in general. For example a poll conducted by Ipsos MORI in 2013 in association with Scope found that 23% of people with a learning disability found it physically difficult to access their bank or building society, compared with only 12% of people across all disabilities. In addition, 71% of people with a learning disability are confident with managing their personal finances, compared with 84% of people across all disabilities⁴.

This report builds on this research to present evidence and stories from Dosh Financial Advocates documenting their experience of supporting people with a learning disability to access personal bank accounts⁵.

¹ E. Emerson, C. Hatton, J. Robertson, H. Roberts, S. Baines, F. Evison. & G. Glover, (2012) *People with Learning Disabilities in England 2011: Services & Supports*, IHAL2012-04, Improving Health and Lives: Learning Disability Observatory.

² L. Mitton, (2008) *Financial Inclusion in the UK: Review of Policy and Practice*, York: Joseph Rowntree Foundation, University of Kent, p. 1.

³ Scope/Ipsos MORI (2013) *Financial Wellbeing* p. 52

⁴ Scope/Ipsos MORI (2013) *Financial Wellbeing*

⁵ Please note, the terms "bank" and "banking" are used throughout to refer to banks, building societies and other similar financial institutions unless otherwise stated.

It highlights four key areas: mental capacity, proof of identity, access to money and consistency of service and information where problems continue to exist.

It demonstrates the crucial importance of reconciling the financial inclusion agenda and banks' ambitious rhetoric with the day-to-day experiences of people trying to access banking.

The report then makes a number of recommendations to improve the situation and support the banking rights of people with a learning disability. These include the development of improved guidance for bank staff, training, accessible information and guidance for people with a learning disability and their supporters.

Dosh calls on support organisations and the banking sector to engage with it on implementing these recommendations and thereby improving access to banking for everyone.



introduction

Introduction to Dosh

Dosh supports people with a learning disability with their money. We want people to be more independent and have more control over their money.

We provide person-centred appointeeship. This means we are the Corporate Appointee with the Department for Work and Pensions for people and receive their benefits on their behalf. We also support them with financial advocacy.

We support a number of people with self-directed support, including Individual Budgets and Individual Service Funds. We also provide financial advocacy for a few people that have a Court of Protection Deputy.

We are part of the Thera Group of companies. We provide financial support to some people supported by Thera and we also work with other care and support providers across England, Wales and Scotland.

As Appointees or account managers for self-directed support, we hold client bank accounts for the people we support. We are responsible for these, but work with each individual and their circle of support to manage the money in the way they want. This includes transferring money to their personal bank accounts.

Our financial advocacy work also includes support with budgeting and understanding money.



why

Why have we written this report?

We started this research because our financial advocates reported that many of the people they support were having problems with banking. We wanted to capture their stories and the experiences of the people they support.

We wanted to understand the root of the problems they experience by looking at the relevant laws and regulations. This would allow us to understand the different perspectives and issues involved and thereby provide a foundation upon which we could then build a common understanding and framework for further work.

Dosh knows how vital money is for everyone's independence – we strive to support and enable greater control and independence in all our work and nowhere more so than in this research.

We are committed to leading a collaboration which creates mutual understanding and practical solutions to promote the banking rights of people with a learning disability.



what

What are the next steps?

This report aims to document and present the experiences of people supported by Dosh as a prompt for future collaboration between banking services, care and support organisations, people with a learning disability and their families to improve access to banking for all.

It aims to highlight the key issues of (1) mental capacity, (2) proof of identity, (3) access to money and (4) consistency of service and information and puts forward 5 recommendations to tackle these issues.

We are committed to working with other organisations and the banking sector to implement these recommendations and promote greater access to banking.



how

How did we do this research?

This research was based on figures and stories provided by all seven Dosh financial advocates in March 2013. As financial advocates, they support over 200 people across England and Scotland to manage their money and have substantial experience of supporting people to access banking services.

The initial motivation for this research came from the experiences they shared of difficulties supporting people to access banking services. This prompted us to further investigate their experiences and the situation for the people they support.

The financial advocates were all asked to provide information on how many of the people they support have a bank account and what type it is. They also provided stories to illustrate their experiences of supporting people with their personal banking. These are included in their entirety in the appendix at the end of this report.

Given the relatively small number of people supported by Dosh as a percentage of people with a learning disability, this work was reinforced through a wider consultation with other organisations working in this sector, including care and support providers, advice organisations, researchers and members of the financial services sector.

Due to the limited resources available to this project, a direct survey of people with a learning disability or a “mystery shopper” exercise were not feasible; however this was compensated for by the use of previous research, in particular the Ipsos MORI (2013) poll conducted on behalf of Scope on the financial situation of disabled people and the research conducted by the Association for Real Change (ARC) in 2007.

This report aims to update and review some of the findings from this and other research, as well as provide evidence of continuing difficulties in this area and make recommendations on this basis. It is recommended that the new evidence presented here is reinforced by a more extensive research project. Nevertheless, this report provides an important prompt for debate around these issues and presents a valuable perspective on them from Dosh as an organisation with firsthand experience.



analysis

Analysis of the issues

This report will set out the key issues encountered in Dosh's experience and more widely when trying to access banking services, before discussing potential solutions and setting out our recommendations.

The issues analysed are grouped into four categories: mental capacity, proof of identity, access to money and consistency of service and information. This will highlight key themes around the challenges of reconciling the security focus of banking regulations with the inclusion focus of laws such as the Mental Capacity Act and Equality Act.

Furthermore it will argue that discrepancies between the Government's promotion of financial inclusion, banks' policies on the support they can offer and people's everyday experience of banking in local branches are at the root of many of the problems encountered.



mental capacity

Mental Capacity

Mental capacity is a difficult issue, but at its core it relates to whether someone is capable of making a decision about something. The Mental Capacity Act (2005) has clearly set out how mental capacity is defined and how and when a judgement should be made about someone's capacity. It is designed to ensure that capacity is dealt with in a supportive and individual way. Unfortunately, this has not always been translated into practice when service providers in the financial sector deal with concerns about capacity.

In particular, Dosh financial advocates have experienced regular problems arising from staff making assumptions about someone's (in)capacity without seeming to follow the process set out in the Mental Capacity Act for assessing someone's capacity. These include bank staff deciding that someone does not have the capacity to operate a bank account, only offering them access to limited accounts, or requiring extra authorisation from the Court of Protection, a Deputy, or a Power of Attorney.

This risks violating the principles of the Act, 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.

It also suggests that a status approach is being used whereby all “people with a learning disability” receive the same treatment because of assumptions about their disability⁶. Research shows that this status approach is often still experienced by people with a learning disability⁷.

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 problems⁸.

This has meant that Dosh financial advocates are not able to establish the reason for a refusal of service, ask for a justification in relation to the Mental Capacity Act, or discuss other options. Consequently, people with a learning disability are significantly disadvantaged because of such comprehensive exclusion from financial services.

A significant research project by the Association for Real Change (ARC) from 2007 concurs with the experience of the Dosh financial advocates presented here. It found ‘many instances of assumptions being made about a person’s capacity and capability to look after their money’ and showed that more work was still needed in this area, in particular regarding where it was appropriate to bring in legal measures through the Court of Protection and the support needed for decision-making⁹. The Dosh stories suggest that these issues remain.

Whilst this does have serious implications for someone’s ability to access and control their money it is important to note that it does also stem from legitimate concerns about responsible banking, security, data protection and safeguarding from financial abuse. This leads to a conflict between the drive for financial inclusion and independence, which is supported by the Mental Capacity Act, and the desire to reduce risk by involving third parties such as those with a Power of Attorney and court-appointed Deputies¹⁰.

⁶ See Dosh stories, financial advocate 5.

⁷ V. Williams, M. Jepson, B. Tarleton, A. Marriott and L. Ponting, (2008) *‘Listen to what I want’: The potential impact of the Mental Capacity Act (2005) on major life decisions by people with learning disabilities*, Bristol: Norah Fry Research Centre & Social Care Institute for Excellence.

⁸ See Dosh stories, Advocate 1.

⁹ J. Livingstone (2007) *Banking Matters to Me: The Experiences of People with a Learning Disability Seeking to Use Banking Products and Services*, Dorking: Friends Provident Foundation, Association for Real Change, pp. 63-4.

¹⁰ L. White (2007), eds. B. Gor & C Grinyer, *Barriers to Financial Inclusion: Understanding the Mental Capacity Act for Banks and Building Societies*, Employers’ Forum on Disability: pp. 22-27.

Current guidance focuses on the use of Deputies and Powers of Attorney, such as the British Bankers' Association (2013) *Guidance for people wanting to manage a bank account for someone else*¹¹.

**“The counter staff and local manager informed the support worker that any further communication would have to be conducted on K.’s behalf by a Court of Protection deputy as K. was no longer able to operate the savings account himself.”
(Financial advocate 2a)**

Whilst it is important to clarify how banks are to work with Deputies and Powers of Attorney where a lack of capacity has been established, there appears to be a lack of guidance for staff in situations where they have doubts or where someone needs support to enable them to make a decision.

¹¹ British Bankers' Association (2013) *Guidance for People Wanting to Manage a Bank Account for Someone Else*, AE254, London: British Bankers' Association.



mental capacity

The Mental Capacity Act

The Mental Capacity Act 2005 mainly came into force in 2007. It aims to guarantee everyone's rights to make their own decisions as far as possible and protects vulnerable people when they cannot make a decision. It says that:

1. It should always be assumed that someone does have capacity.
2. People should be supported to make their own decisions.
3. Making an unwise decision does not mean you do not have the capacity to make the decision.
4. If someone lacks capacity, decisions on their behalf should be made in their best interests.
5. If someone lacks capacity, any decision on their behalf should be the least restrictive on their rights and freedom.

For someone to lack capacity both of the following must be true:

1. They have an impairment of the mind or brain. This includes a learning disability.
2. The impairment must mean that they cannot make the decision.

This part is judged by finding out whether the person can:

- Understand the relevant information
- Retain the information long enough to make the decision
- Use the information to weigh up the pros and cons
- Communicate their decision in a way that others can understand (with aids as necessary)

Capacity is a time- and decision-specific assessment.

The Act should be used by everyone, both professionals and personal contacts, when they support someone who may have impaired capacity, may need support to make a decision, or may lack capacity for a particular decision.



identity

Proof of Identity

Banks require proof of identity and proof of address, which act as ways of preventing money laundering and identity theft¹². This can be a problem for people who do not possess the standard forms of proof such as a driving licence, utility bill or passport.

A number of organisations drew attention to this issue in the consultation we conducted for this research. It affects not just people with a learning disability, but many people who have been traditionally excluded from financial services¹³. Despite these apparent difficulties with non-standard forms of proof, banks do in fact have significant discretion in what they can accept¹⁴. Problems arise when branch staff members are not aware of alternative options or do not readily provide the information, so that potential customers are put off by a lack of information.

Concerns about money laundering have made banks and bank staff risk averse and hesitant to offer alternatives¹⁵. In particular, staff members' individual liability under the Proceeds of Crime Act 2002 for opening a bank account for someone who does not have adequate identification has understandably provoked this hesitancy¹⁶. ARC's 2007 research called for clarification in this area¹⁷, as did the Treasury Committee's 2006 report¹⁸; however continued reports of problems, from Dosh and others, suggest that it is still a cause for concern.

“[One of the people I support] had an issue with his ID and we were trying to get to the bank with him and take ID in to activate the account.” (Financial advocate 5)

¹² Mitton (2008) *Financial Inclusion in the UK* p. 24.

¹³ Ibid. p. 24.

¹⁴ Treasury Committee (2006) *Banking the Unbanked: Banking Services, the Post Office Card Account, and Financial Inclusion*, Thirteenth Report of Session 2005–06, HC1717, London: The Stationery Office Ltd, p. 25.

¹⁵ Mental Health Foundation (2008) *Banking on good decisions: How can the Mental Capacity Act help you with your bank, building society or post office account?*, London: Mental Health Foundation, p. 31.

¹⁶ Treasury Committee (2006) *Banking the Unbanked*, pp. 23-24.

¹⁷ Livingstone (2007) *Banking Matters to Me*, p. 62.

¹⁸ Treasury Committee (2006) *Banking the Unbanked*, p. 25.



money

Access to money

This is one of the biggest areas of concern and covers a number of areas. These include physical access to branches; access to cash via ATMs and counters; use of telephone and internet banking; security requirements such as a PIN; accessible information; support from branch staff; and cooperation with support staff and family members. Many people will be able to access banking if they are given the right support and information; however this often requires banks to put alternative arrangements in place and spend extra time with the person in question.

Our financial advocates reported that 89% of the people Dosh supports are dependent on either their support team, Dosh, or both for access to their money. This highlights the importance of good support, but also raises questions about the need to enable greater independence and provide clarity on appropriate, long-term support methods and facilities authorised by banks. The stories from our financial advocates further illustrate this need.

“K.’s physical health was in decline but all the support team, who had supported him for years, agreed that his mental health was unchanged over the last few years.

On one occasion K. was unable to go to the branch to withdraw his weekly amount needed to pay his bills so a staff member took the passbook and personal I.D. to the branch, to identify who he was and who he wanted to talk about. They asked if there was any means of the account being used to transfer a set amount each month to another bank account closer to where K. lived so as to make withdrawing his money easier, as he was getting more frail.

The counter staff and local manager informed the staff member that the passbook was being withdrawn and that any further communication would have to be conducted on K.’s behalf by a Court of Protection Deputy as K. was no longer able to operate the savings account himself.”

(Financial advocate 2a)

As the story above illustrates, when someone with a deteriorating physical condition found it difficult to access the branch, bank staff did not offer alternative ways for them to access their money.

Furthermore the information requested by K's support worker was likely to be available to the general public and as such providing the information would not have caused any problems with regard to security or data protection issues.

It is clear that some requests for support can cause concerns regarding security and unauthorised third party access. Whilst a bank cannot recommend or encourage that someone share their PIN with support staff, the example below suggests a lack of alternative offers of support, which has prevented people from accessing the services of a bank or building society. This is therefore likely to have contributed to greater financial exclusion for the people in question.

Another financial advocate highlighted 'recent problems finding anywhere that offers a passbook account', which can be an easier way for people to access their money and keep track of their spending¹⁹. Limiting the ways someone can access and manage their money, as well as only offering one account, as in the above examples, puts significant limitations on someone's access to financial services. It indicates that the banks did not show themselves to be willing to discuss a person's individual requirements, both in terms of the account and any support required.

"Recently I have had difficulty opening a secondary account for the people we support. I approached various banks and building societies ... Most said the only account they could offer was an appointee account which would mean I (as appointee) would accompany the individual to the bank each time they wish to withdraw money. The CSL [Community Support Leader] or SSW [Senior Support Worker] could not have access to the account as a third party or know the pin details etc."
(Financial advocate 3)

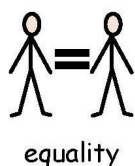
These examples are supported by wider research concerning accessibility. Livingstone notes that the term accessibility is generally understood to refer to physical accessibility, such as wheelchair access and large print leaflets, whilst understanding of other impairments, such as learning disabilities, is much lower and as such support options are much more limited²⁰.

¹⁹ Financial advocate 7.

²⁰ Livingstone (2007) *Banking Matters to Me*, p. 11.

The Equality Act (2010) provides significant scope for ‘reasonable adjustments’ to be made to services to promote the access of people with a disability, as well as other groups with a ‘protected characteristic’.

These adjustments include providing information in different formats, and changing the way the service can be accessed. They can range from providing chip and signature cards for those unable to remember a PIN, to providing a quiet room where information can be explained face-to-face and questions can be asked²¹.



The Equality Act

The Equality Act 2010 says that service providers (including banks and building societies) must not discriminate against anyone with a “protected characteristic”. One of these characteristics is disability.

The Act outlaws direct discrimination; discrimination arising from disability; indirect discrimination; discrimination by association; discrimination by perception; harassment and victimisation.

It requires service providers to make reasonable adjustments to the way they provide a service, the rules or practices for delivering the service and the physical access to the service. These must cover a range of needs; they should be anticipatory and on-going and their availability should be clearly advertised.

The amount of adjustments an organisation has to make depends on the size and resources of the organisation – so a big, national bank must make lots of different adjustments, whereas a small, local credit union would only have to make a few adjustments because it has less money, staff and time to do it.

There are some exceptions to these laws, including if the bank has a reasonable belief that the person does not have the capacity to hold a bank account.

Research has shown that 48% of people with a learning disability know a lot or a fair amount about chip and signature cards, whilst 12% have heard of them but know nothing about them and 9% know nothing at all²².

²¹ Livingstone (2007) *Banking Matters to Me*, p. 65.

²² Scope / Ipsos MORI (2013) *Financial Wellbeing*

Whilst some work has been done in this area, there is still much more that can be done, in particular with regards to ensuring that all staff members are aware of how they can best support customers with a learning disability and what non-standard options are available to them. Interestingly, the Scope/Ipsos MORI 2013 research found that a significantly higher percentage of people with a learning disability report difficulty accessing banking due to staff not understanding their disability (29% of those reporting difficulties) compared with 9% for all disabilities. 7% also report that staff not trusting them to make their own financial decisions has caused them problems, compared with only 2% of people across all disabilities²³.

Access to adequate information in an appropriate format is essential in enabling someone to use banking services. Information in braille or large print is becoming more common place; however knowledge of Easy Read, a way of writing with simple words and pictures which can be particularly useful for people with a learning disability, is still very limited²⁴. A lack of information can have serious consequences, including financial and social exclusion²⁵, as can a subsequent lack of support to access a service.

A key element of the test of capacity is whether someone is able to understand the relevant information. It has been repeatedly shown that whilst unclear information can leave many people, not just those with a learning disability, confused and unsure (which could raise concerns about their capacity to make the decision), information that is presented in a suitable format for the individual concerned can make a significant difference. 'Everyone can find learning and understanding new concepts and making decisions difficult without access to the right level of information and support²⁶'.

²³ Scope / Ipsos MORI (2013) *Financial Wellbeing*

²⁴ Livingstone, J. (2007) *Banking Matters to Me*, p. 6.

²⁵ V. Williams, D. Abbott, J. Rodgers, L. Ward & D. Watson (2007) *Money, Rights & Risks: A Scoping Review of Financial Issues for People with Learning Disabilities in the UK*, Friends Provident Foundation & Norah Fry Research Centre, University of Bristol, Dorking: Friends Provident Foundation, p. 12.

²⁶ White (2007), *Barriers to Financial Inclusion*, p. 5.

Similarly to the issues around mental capacity, staff members have legitimate concerns around offering alternatives where these change standard security procedures (such as a PIN being required to withdraw money); however with the recent push towards greater financial inclusion, banks and building societies do have policies on what alternatives they can offer.

The evidence from the ARC research project in 2007 and the more recent Dosh stories shows that whilst banks have these policies in place, staff members' knowledge or readiness to share these in branches is limited²⁷.



Consistency of service and information

consistency

One of the clearest messages from the Dosh stories was the inconsistency people experienced between different banks, staff members and areas. As one financial advocate illustrates:

**“In one town the situation is dire and I am reluctant to open any accounts as I know these could be closed again if a manager moves on... However interestingly in two other towns there have been little or no issues with opening accounts.”
(Financial advocate 6)**

This inconsistency and the concern that banks could enforce changes to someone's account at will is shared by many of the Dosh financial advocates, as well as being highlighted in ARC's 2007 research. This illustrates that it is both a widespread and long-term problem, going beyond the experience of our financial advocates²⁸.

“I don't think that we would be able to get bank accounts open for two men I support and I don't want to draw attention to the other accounts, as the bank may decide to change those accounts to appointee accounts too.” (Financial advocate 5)

These restrictions on account opening often stem from banks' concerns about people's capacity, which have been discussed above; however these examples demonstrate the added difficulties and worry caused by the insecurity and poor communication of these seemingly arbitrary changes. They also however highlight a wider theme that has run through the three previous sections - that whilst there are examples of excellent service supported by banks' policies, they are limited in their range and frequency.

²⁷ Livingstone (2007) *Banking Matters to Me*.

²⁸ Livingstone (2007) *Banking Matters to Me*, p. 51.

This inconsistency often stems from the extra support, time and alternative arrangements that these adjustments require. They will depend on bank staff having the training, knowledge and authorisation to exercise their discretion and spend more time than that which would normally be expected.

This can sometimes clash with banks' own priorities. Toynbee Hall research shows that banks also have their own targets and practices, for example that bank managers tend to move 'every 18 months' and that each branch will have targets for the number of accounts they open²⁹.

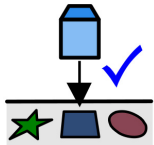
This can explain some of the inconsistency, as extra support does not fit with staff members' targets and managers are not there long enough to build up a relationship with customers. This risks making good, flexible customer service for people who need extra time and support the exception rather than the rule.

Much of the consultation conducted as part of this research also touched on this issue and highlighted the difference between head office policy and local branch practice. In particular, poor communication, such as a lack of information about support options and alternative formats places unnecessary barriers in the way of those wanting to access banking services³⁰.

Whilst a bank's head office may be engaging with financial inclusion initiatives, looking at disability issues and creating documents in alternative formats, if this information and these values are not effectively transmitted to the branch level, they risk becoming mere window dressing.

²⁹ Toynbee Hall (2005) *Access to Banking Information Booklet*, London: Toynbee Hall, p. 19.

³⁰ Livingstone (2007) *Banking Matters to Me*, p. 6, 54.



solution



mental capacity

Solutions

Mental capacity

It is clear that mental capacity can be a complex issue and that an incorrect judgement of capacity can cause serious problems and lead to significant financial exclusion for those concerned. Equally, those that do lack capacity for something do need appropriate support and protection to ensure that they do not end up in financial difficulties because they agreed to something they did not understand or did not have the capacity to decide. Guidance and training is therefore required for bank staff regarding how to make a judgement of capacity and when to defer it to the Court of Protection or other body. This should focus on how to support decision-making; what adjustments can be made to facilitate this; and how to follow the Mental Capacity Act.

Staff should be reassured as to what adjustments they can make and what support they can offer without breaching banking regulations, data protection laws and other legal provisions which have often made them cautious in offering alternatives. In particular, guidance should emphasise that staff should provide relevant and accessible information and support before questioning someone's capacity to manage a bank account or make other financial decisions³¹.

Furthermore, where front-line staff members do not feel able to make a judgement, one member of staff should be trained to provide additional information and support. This should ensure that clear information is shared and proper judgements are made where necessary. This will help to avoid premature judgements of lack of capacity which create problems for individuals, their financial advocates and other supporters when they are prevented from questioning a potential unlawful or discriminatory decision because staff members insist on the authority of the Court of Protection or other legal agreement before any further action, including explanation, can be taken. Moreover, it would enable more people to control their own finances in an appropriately supported way, thereby promoting financial inclusion.

³¹ Livingstone (2007) *Banking Matters to Me*, p. 64.



identity

Proof of identity

Similarly to the issues around mental capacity, it would appear that there is a conflict between the protection and checks provided through banking legislation and the goals of greater inclusion expressed in the Equality Act and Mental Capacity Act. Whilst the guidance exists to show how these two elements interrelate³², staff members require the training, support and information to be able to put this into practice, such as by making decisions about reasonable adjustments and changes to standard practice.

There is already significant legislation and guidance on accepted alternative forms of proof of identity and address, including from banks and building societies themselves. As such, the focus in this area needs to be on implementing rather than writing the guidance, in order to provide access to this information for staff and potential customers and support staff to use it appropriately.



money

Access to money

One of the Dosh stories illustrates how good support can enable someone to open and manage their own bank account, without the need for an intervention from the Court of Protection. With the appropriate support, these two men were able to choose how to manage their money and access banking services.

“Two men I support wanted to have access to personal spending money as they were both feeling more confident in accessing the local community and in choosing how to spend their money.

As bills were now being paid on a regular basis, they both felt that they could make more decisions with their own money if they could access their own bank accounts, with support if needed by staff. After a circle of support meeting, accounts for both men were opened.

To open these accounts both were supported to take bills with their names on, a passport and a £1 coin. A budget was worked out as to how much money was needed to be transferred every 4 weeks to the new Building Society accounts and both men now cannot wait to get down to town to withdraw their own money and spend it on what they want, when they want.”
(Financial advocate 2b)

³² Toynbee Hall (2011) *ID Handbook*, 2nd edition, London: Toynbee Hall, Transact.

It is important that banks have the policies and support in place to allow staff to make the necessary adjustments to enable someone to access their services, including working with supporters. Whilst many people use informal support³³, 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 (2010). These adjustments should enable people to get the help they need in a safe way which manages the risks of financial abuse and security breaches without reinforcing financial exclusion.

Consideration should be given to adjustments beyond just those for physical disabilities; in particular around Easy Read information and involving support workers, family members and so on in enabling someone to understand the information they are given.



consistency

Consistency of service and information

An obvious theme running throughout this research is that clear and accessible information and good support are essential. This section highlights that this must also be consistent, so as to ensure that all customers and potential customers of a bank have access to the same level of service and information about that service.

There are indications that changes are being made; for example, that staff reward systems are no longer so focused on rewarding those that sell (and thereby discouraging staff from spending extra time on 'unprofitable' customers). These however need to be reinforced, supported and shared across every branch and bank.

This research shows that the key issue here is the circulation of information and the support offered to staff to enable them to adapt their services and information to the needs of their customers. This requires above all good training and internal communication which informs staff about the variety of support needs of people with different disabilities, as well as the banks' policies on reasonable adjustments. This will not only allow banks to more consistently fulfil their obligations under the Equality Act (2010), but will also promote an informed and empowered customer base of people with a learning disability who are financially included, not excluded.

³³ Toynbee Hall & Policis (2012) *Consumer Research with 'Older Old' Consumers and Those Living with Cognitive, Physical and Sensory Disabilities: Final Report*, Payments Council.



recommend

Recommendations

1. Further, more extensive research on access to banking.



research

In order to build on the trends highlighted in this report, research should be carried out on the state of access to banking for people with a learning disability today. This will provide an update of ARC's 2007 research as well as giving an increased learning disability focus to the Scope / Ipsos MORI 2013 research. It will also look at the effect of the Mental Capacity Act (2005) and Equality Act (2010).



guidance

2. Produce written guidance for banking staff on how to support someone to access banking and how to understand mental capacity.

This guidance should clarify how banking regulations, security measures and other rules can be safely adjusted to allow someone to access services. It should focus on the need for clear information (such as Easy Read) and support and give information regarding how to judge capacity, including when to require a formal assessment by a medical professional and when to require the involvement of the Court of Protection.

It should emphasise that good information and support should always be provided before questioning someone's capacity to manage a bank account or make other financial decisions.



training

3. Training for banking staff on the guidance above, the bank's policies, good practice in support and disability awareness.

This should aim to tackle the inconsistency found in current services and information and reinforce the guidance in the first recommendation.

This should focus on examples of good practice and could be delivered by people with a learning disability to give staff valuable experience of working with people with different needs and an understanding of the issues they face.

Key members of staff in each branch should be given further training and the authority to make decisions about adjustments and exceptions so that staff can consult them in uncertain situations.

4. Development of Easy Read information in leaflets, agreements, bank statements and other aspects of the service.



Easy Read

This should be offered as one of a number of alternative formats or could even be used in standard documents given its value not just for people with a learning disability, but for many people with difficulties reading or understanding financial information. This should be easily available in branches and online and staff members should be able to signpost people to this information.

5. Clear, accessible information explaining what the law says, how to get support and how to deal with problems.



information

It is important that everyone involved has the information they need to get the service and information they are due, to know what to ask for and to understand the different perspectives of those, such as bank staff, that they are working with. This should be made available to people with a learning disability, their support workers, advocates, and family members.

By giving everyone the information they need, we can ensure that they work constructively with banks to get the support they need and can hold banks to account when they are not offering the support they are due.

Dosh is in the process of developing a booklet for this purpose. This will include information on the Mental Capacity Act and Equality Act; guidance on what regulations banks are subject to and how they should be behaving; as well as a summary of different third party support options and how to deal with problems. At the end, it will include a list of useful resources for further information on key issues. We look forward to contributions from our partners in banking and the third sector to ensure its success.



conclusion

Conclusion

Access to banking services is becoming an increasingly important tool for financial inclusion as the personalisation agenda gives people increasing control of their care and support, including managing personal budgets, and promotes control and independence. Access to a bank account allows someone to control, manage and access their money in the way that they want. For many people, this is taken for granted and yet this research has shown that for many people with a learning disability this basic access is denied or made more difficult by a lack of support and understanding within banks and building societies.

This research has highlighted four key issues in relation to this: mental capacity, proof of identity, access to money and consistency of service and information. Within these, a number of common themes emerged, notably around lack of clarity about how to reconcile the inclusive and supportive message of the Mental Capacity Act and Equality Act with the security and regulations focus of banking laws. These problems were compounded by the inconsistency between the service and information received in different branches which seemed to stem from head office policies not being effectively communicated to, or implemented in, branches, as well as a lack of guidance and training for all staff.

This report therefore makes five recommendations which call for further research, improved guidance for staff, training, accessible information and guidance for people with a learning disability and their supporters. This will require cooperation between the banking sector, support organisations including Dosh and many others in order to create a collaborative and mutually-beneficial solution which will promote the financial inclusion of people with a learning disability and many others that are currently excluded from banking services.

Dosh hopes that this research will provide a starting point for this work and looks to others in this field to support its development. This will ensure that everyone can exercise their right to banking, take control of their money and lead independent lives.



resources

List of online resources

A short list of a few key resources in this area.

Easy Read information and support

- BILD and Barclays [banking videos and EasyRead money](#) links
- The [Making Money Easier](#) resources from United Response
- The [Money Matters to Me](#) website
- Money Made Clear [‘Help Looking After Your Money’](#)

Banking

- British Bankers Association (2010) [‘Banking for people who lack capacity to make decisions’](#)
- British Bankers Association (2013) [‘Guidance for people wanting to manage a bank account for someone else’](#)
- Barclays (2012) [‘Banking Made Clear: Easy Read’](#)
- Money Advice Service (2011) [‘Help with managing your money if you, or someone you care for, lacks mental capacity’](#)

Proving Identity

- British Bankers Association (2009) [‘Proving your Identity’](#)
- Money Advice Service, [‘Identity Requirements for Basic Bank Accounts’](#)
- Toynbee Hall [‘ID Handbook’](#)

The Equality Act

- Disability Law Service (2010) [‘Financial Services and the Equality Act’](#)
- Equality and Human Rights Commission (2011) [‘Guide to the Equality Act: Easy Read’](#)
- Equality and Human Rights Commission (2011) [‘Equality Act 2010 Code of Practice’](#)

The Mental Capacity Act

- Ministry of Justice (2007) [Mental Capacity Act 2005 Code of Practice](#)
- Ministry of Justice, [The Mental Capacity Act: Easy Read Guide](#)
- Ministry of Justice, [Mental Capacity Act webpage](#)
- Office of the Public Guardian (2009) [‘Making Decisions: A Guide for Advice Workers’](#)
- Office of the Public Guardian (2009) [‘Making Decisions about your health, welfare or finances. Who decides when you can’t?’](#)

Research & guidance

- ARC (2007) '**Banking Matters to Me**'
- ARC (2011) '**Guidance on Money Management for people who may lack capacity to make some decisions about how their money is used**'
- Gov.uk '**Lasting Power of Attorney, being in care and your financial affairs**' webpage & links, including Court of Protection

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Please note that this does not constitute an endorsement by Dosh of any organisation or individual.

Equally, the individuals and organisations mentioned here do not necessarily recommend or endorse this research or Dosh.



story

Appendix

Stories from Dosh

Financial advocate 1

"I have some major issues with the banks and have been to every high street branch in ***[town]*** to try and open local accounts for the people we support but they do not seem to want the business. I've had to 'threaten' existing branches with discrimination when they have refused to allow signatory changes etc.

Up to a few months ago the ***[bank]*** offered a BF57 account which did as suggested and allowed an account to be opened and administered by the appointee. I opened one such account but since then this facility has been withdrawn and they can offer no other products to suit the people we support. The banks are fixated on Powers of Attorney or Court Appointed Deputies and do not seem to want to work outside these restrictions."

Financial advocate 2a

"An individual, "K", had a savings account at the *** Building Society *** branch with around £14,000 in the account.

This had been accessed by the individual with no problems for several years. K.'s physical health was in decline but all the support team, who had supported him for years, agreed that his mental health was unchanged over the last few years.

On one occasion K. was unable to go to the branch to withdraw his weekly amount needed to pay his bills so a staff member took the passbook and personal I.D. to the branch, to identify who he was and who he wanted to talk about, and asked if there was any means of the account being used to transfer a set amount each month to another bank account closer to where K. lived so as to make withdrawing his money easier as he was getting more frail.

As this request was asked the counter staff and local manager informed the staff member that the passbook was being withdrawn and that any further communication would have to be conducted on K.'s behalf by a Court of Protection deputy as K. was no longer able to operate the savings account himself.

I wrote to *** asking why this action had been taken but was informed that they would only talk to a COP deputy and referred me to the head office.

K. died in late December 2012 and the savings are still in his account at ***."

Financial advocate 2b

"[Two men I support] wanted to have access to personal spend monies as they were both feeling more confident in accessing the local community and in choosing how to spend their money.

As bills were now being paid on a regular basis [they] both felt that they could make more decisions with their own money if they could access their own bank accounts albeit with support if needed by staff.

Dosh had worked very closely with the *** Building Society and after a [circle of support] meeting accounts for both [men] were opened. To open these accounts both were supported to take bills with their names on, a passport and a £1 coin.

I had previously arranged Dosh I.D. cards and these were shown to the staff in the ***[town]*** branch and with all this both [men] walked away with passbooks.

A budget was worked out as to how much money was needed to be transferred every 4 weeks to the new *** Building Society accounts and [both men] now cannot wait to get down to ***[town]*** to withdraw their own money and spend it on what they want, when they want.

Financial advocate 3

"Recently I have had difficulty opening a secondary account for the people we support. I approached various banks and building societies including ***, *** and ***.

Most said the only account they could offer was an appointee account which would mean I (as appointee) would accompany the individual to the bank each time they wish to withdraw money.

The CSL [Community Support Leader] or SSW [Senior Support Worker] could not have access to the account as a third party or know the pin details etc."

Financial advocate 4

“None of the individuals I currently support have their own bank accounts and neither I [n]or their circle of support are aware of any family members holding accounts for them.”

Financial advocate 5

“***[care and support organisation]*** - (where we are the appointees), all of the people they support had *** Building Society accounts with a Team Leader as a secondary signatory. The Building Society told ***[organisation]*** that they were not happy with those kind of accounts anymore, so ***[organisation]*** tried to open ***[bank]*** accounts and close the ***[building society]*** accounts. They were successful, apart from 2 people.

When we tried to open the last 2 accounts, (they asked me to be present as the appointee), we were told that ***[bank]*** were not opening standard bank accounts for [the people we support] anymore (or I guess people with learning disabilities) and that they could only open appointee bank accounts, where we would have to apply for a court of protection order, if obtained, send a letter confirming the person's assets with a BF57 letter from DWP. If assets are more than £3500 (which were likely) the office of public guardian would have to be contacted.”

In terms of the people that Thera support, most have standard bank accounts with debit cards and have started to use them without any problems. [One of the people I support] had an issue with his ID and we were trying to get to the bank with him and take ID in to activate the account. Due to various reasons we were unable to get this done before the issue with ***[organisation]*** came up, so I have not followed this up as I don't think we would be able to get the account open.

I [support] another 2 [people] that didn't have ***[bank]*** accounts opened for them at the same time as the other [people they support], as the staff team didn't feel that it would be useful for them. They now think it would be good for [these 2 gentlemen] to have personal accounts with debit cards, but I have not followed up on this as I don't think that we would be able to get them open and I don't want to draw attention to the other accounts, as ***[bank]*** may decide to change those accounts to appointee accounts too.

From my experience so far, the issues we have are actually opening the bank account. I've seen that a lot of banks and building societies have literature about accessibility of information and policies about discrimination but not much information about opening bank accounts."

Financial advocate 6

"It is my belief that it really depends on the individual bank manager as to the quality of service received by the people we support and indeed whether they would be willing to open accounts in the first place. In ***[town]*** the situation is dire and I am reluctant to open any accounts as I know these could be closed again if a manager moves on. As all people in *** are supported by Thera this is not an issue.

However interestingly in ***[county]*** and ***[town 2]*** there have been little or no issues with opening accounts, though the individuals do have 'more capacity'."

Advocate 7

"1. Security issues barring discussion/refusal to share information on occasion. Difficulties around this where the account has been previously opened for the person by someone else and I do not know who that person is. Normal security protocol.

2. Recent problems finding anywhere that offers a passbook account - apparently (I asked today) even the Post office no longer do this and most Building Societies (eg. ***) also no longer offer."

Author: Meike Beckford
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Dosh Financial Advocacy
The West House, Alpha Court
Swingbridge Road
Grantham, Lincolnshire
NG31 7XT

0300 303 1288
www.dosh.org

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