



## Supporting Carer Awareness of Financial Abuse and Risk Factors Summary

*The abuse and neglect of older people is everybody's business. The challenge is to create a ... community which does not tolerate a culture of abuse and neglect. This will be a community which offers information and support to its vulnerable citizens, informing them of their rights and offering protection through legal and social mechanisms which prevent abuse, provide easy pathways to help and provide a mandated service response so that vulnerable older people are offered help and opportunities for ongoing assistance.*

Dr John Brayley, Public Advocate of South Australia

### 1. Creating a Culture

The most valuable way to bring awareness to the issues of financial abuse for older people and older carers in particular, is by creating a culture to safeguard the rights of our most vulnerable citizens and their carers and is at the heart of this work. Nobody wants a carer to end up in trouble with the law or worse, because of their actions in supporting their loved one through the management of their financial affairs. We know that managing more than the health and well-being of someone we love brings responsibilities we may not be ready to take on, and we need to find a way to protect ourselves as carers as well as the person we are caring for.

The South Australian government takes a rights approach to the prevention of elder abuse where there is a role for the community to participate in safeguarding the rights of older people enabling the highest possible level of autonomy. Promoting the awareness of elder abuse is a major step towards its prevention, but it has obvious limitations in terms of providing legal protections, and reporting and coordinating interventions. Having an understanding and definition is helpful and to that end Carers SA subscribes to the definition used by the Aged Rights Advocacy Service (ARAS) and others, echoed and supported by the Commonwealth Department of Health and Ageing as: *the illegal or improper use and/or mismanagement of a person's money, property or resources*. Multiple forms of financial abuse have been identified. Financial abuse encompasses not only outright theft, but also more subtle methods such as putting pressure on an older person to act in ways that are not in their best interests financially and withholding financial information.

This work is underpinned by the South Australian Government's *Strategy to Safeguard the Rights of Older South Australians<sup>1</sup> 2014-2021* that outlines the approaches that can be undertaken by

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<sup>1</sup> Available at:

<http://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/about+us/publications+and+resources/plans/strategy+to+safeguard+the+rights+of+older+south+australians+2014-2021>

government and non-government organisations and by members of the community. It is also supported by research<sup>2</sup> that this approach ensures better education for service providers to identify abuse, establish appropriate protocols and build stronger social networks.

Carers SA, together with the SA Government through the Office for the Ageing, leads the effort to create a culture that supports carers' awareness of financial abuse and risk factors. A rights approach is central to building this culture of safeguarding carers at risk. It is also supported by research<sup>3</sup> that this approach ensures better education for service providers to identify abuse, establish appropriate protocols and build stronger social networks.

## **2. Active Safeguarding of Carers at Risk**

To actively safeguard the rights of carers at risk, a number of strategies are required. These are:

1. taking a proactive approach to raise awareness of the human rights of the person being cared for
2. raising the financial literacy of carers to help them make important decisions about banking and finances
3. raising awareness about financial abuse to enable carers to recognise inappropriate behaviours
4. providing information about services and supports so that carers are aware of and can access the services and tools available to support them
5. deterring financial abuse by making clear that it will not go unnoticed and that there are penalties for financial abuse

This work is not done in isolation and is actively supported by a wide range of organisations such as the South Australian Police, the Aged Rights Advocacy Service, Australian Bankers Association, SA Health and researchers in the field. These endeavours also benefit from the support of networks and inter-agency cooperation.

South Australian carers keep Carers SA informed of the issues and challenges they face in supporting their loved ones and provide advice on what works best for them. Their voice informs and guides decision-making about the best systemic and individual responses to build financial literacy, confidence, information and risk mitigation. Carers contributed to original research in this project through focus groups, providing information via carer advisory groups in the city and regional areas and online via social media.

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<sup>2</sup> Bagshaw, D., Wendt, S. and Zannettino, L., 2009, *Preventing the abuse of older people by their family members*, viewed April 2015, [http://www.adfvc.unsw.edu.au/PDF%20files/Stakeholder%20Paper 7.pdf](http://www.adfvc.unsw.edu.au/PDF%20files/Stakeholder%20Paper%207.pdf)

<sup>3</sup> Bagshaw, D., Wendt, S. and Zannettino, L., 2009, *Preventing the abuse of older people by their family members*, viewed April 2015, [http://www.adfvc.unsw.edu.au/PDF%20files/Stakeholder%20Paper 7.pdf](http://www.adfvc.unsw.edu.au/PDF%20files/Stakeholder%20Paper%207.pdf)

### 3. Signs of Financial Abuse

Evidence generated through research and in consultation with carers in South Australia has shown that carers will benefit from more information about the potential for financial abuse. It will also assist the wider financial system to develop and tailor customer service and products for carers managing the financial affairs of their caree. Carers SA joins with other organisations in raising awareness of financial abuse, nature and signs, and assisting carers and those they care for to improve their financial literacy, find appropriate services and supports and taking steps to deter it.

There are a number of key factors that come into play, namely:

- relationship of the carer to the caree and if that relationship is endowed with other familial responsibilities, gender roles or expectations (e.g. as a parent, child or partner)
- access and experience with digital interfaces such as online banking, email, electronic payments
- cultural and generational expectations

#### **Signs of financial abuse**

- bills unpaid
- papers, credit cards, personal belongings missing
- unusual activity in bank accounts
- people asking for money, including financial scams
- changes to a Will or other documents when the person has no capacity to make such decisions
- confusion regarding assets, property and income
- lack of confidence to make major financial decisions alone
- the older person not clearly understanding decisions that someone else is making about their money or property

### 4. Next Steps

Carers SA will champion ways to safeguard the rights of older carers who are at risk of financial abuse. These practical next steps include:

- Providing information directly to carers, service providers, financial institutions about the issue
- Working with financial institutions, financial service providers, in providing information to support better decision-making for their customers who are carers
- Promotion and publicity to describe behaviours to be aware of through carers networks, online and social media platforms and brochure
- Online list of key resources and contacts, service providers advised of resources for carers and carer networks
- Making visible (e.g. through case studies, carer stories) the consequences of financial abuse in public settings (e.g. carer networks, forums and online).

## Safeguarding Tips

1. Get independent legal advice. Never sign any legal documents under pressure without getting advice about the consequences of signing. You always have a right to get your own independent legal advice. Legal documents such as loans, mortgages and guarantees can be difficult to understand. Don't rely on family or friends to explain these to you. Make sure the lawyer you see is independent, and can be spoken to in private.
2. Know what is at stake. If you use your home as security for a loan, you risk losing your home and potentially being made bankrupt. If the borrower cannot pay back their loan, the bank can take your home. You can still be evicted even if you transferred your home to someone else on the condition that you would still have a right to live in it. Find out how your Age Pension will be affected before you agree to anything such as giving away money or selling property. These actions can mean your pension payments will be affected.
3. Think about whether your family or friends can repay money. This is important if you are thinking about acting as a guarantor, loaning money, or taking out a loan in your name for someone else to repay. You have probably been asked for help because their bank thinks they cannot repay the loan on their own. The person seeking a loan from you may be optimistic and might not have thought carefully about what will happen to you if they do not meet repayments. Be realistic about whether the loan will be repaid.
4. Consider all your options. Before you give others access to your money decide what kind of help you need. This will prevent you giving away too much control over your affairs. If you have many concerns about managing your money and you are not sure who to trust, there are public services to help you manage your affairs.
5. Get it in writing. If you give money to a friend or family member make it clear in writing whether you intend to give the money as a gift or whether you expect the money to be repaid. If there is nothing in writing it will be difficult to show that money was given as a loan and not intended to be a gift. Putting the arrangements in writing will assist if there are problems in having the money repaid. The written agreement should state all the terms of the agreement and be signed by both of you. Seek legal advice before you sign.
6. Don't be afraid to say no. You always have the right to protect your own financial security by saying no.
7. Be vigilant. If you have authorised others to access your finances or made a loan that you expect to be repaid, keep a close eye on what is happening to your money. Check your bank account statements regularly. If you don't understand decisions that someone else is making about your money or property, ask questions and seek help.

If you need information or support relating to this topic please contact



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