1. CONTEXT

Financial abuse of older people is a widespread problem with harmful consequences, affecting an estimated 3-7% of older people in Australia. Financial asset management on behalf of older people often takes place in a context of (1) competing interests among the state, service providers, and family members, and (2) competing frameworks of the right to decide by older people, and the responsibility of the state to provide a regulatory framework to protect them. Following the introduction of Enduring Powers of Attorney (EPAs) and Advance Health Directives (AHDs) in Queensland in 1998, concerns were raised by aged care service providers, professionals, and individuals about the uptake, understanding, and appropriate use of these documents. Financial abuse of older people was emerging as a problem that needed to be better understood and alleviated. The researchers were also aware from social work practice experience in aged care settings that informal arrangements among family members and formal EPAs and AHDs were open to abuse. By combining a social work frame of reference (grounded in what is fair and promotes well-being) with legal expertise, the research team sought to better protect older people from financial abuse. A social work and social policy background led them to: (1) feature the perspectives of those who are at risk of harm in research, and (ii) to seek to translate the findings of the research into policy and practice change.

2. SUMMARY OF IMPACT

The researchers have developed sustained relationships with industry throughout a 17 year multidisciplinary program of research that has impacted in the following areas:

- Improved understanding of problem: The research put financial elder abuse firmly on the public agenda in Queensland, challenging the view that families can or should manage such assets without support or oversight. It exposed the financial risks and harm that can result from older people’s reliance on informal financial management of their assets and transfers within families, and the limits of EPAs and AHDs, which are also open to misuse. It provided evidence to inform Public Trustees, policy makers and practitioners in legal and social care fields about the need for more formalised policies and practices to better protect the financial interests and well-being of older people who require support or substituted decision making.

- Changes to policy and practice: The research led to a review and subsequent changes to government–issued forms used in Queensland to enact EPAs and AHDs, so they were more easily understood by parties, including older people subject to them. It facilitated new practices aiming to reduce the risk of financial abuse within residential care. The researchers proposed improvements to the interventions social work practitioners used to identify and prevent financial abuse of older people, which were published and followed up with workshops and conference presentations to the target group of social work practitioners, legal practitioners and government and nongovernment service providers.

3. RESEARCH UNDERPINNING IMPACT

From 2000–2017, the research team explored the nature of risky financial management practices; the prevalence of financial abuse in informal and formal arrangements; and ways to alleviate financial abuse of older people, substitute and supported decision making, and estate planning. In total, 12 grants were obtained for this program of research, generating more than 40 peer-reviewed publications and conference/workshop presentations. The main projects and their findings were:

1. Minding the Money. A 2002 national telephone survey of 3,466 adults provided data on the prevalence of asset management, the practices occurring, and the experiences of families and friends who acted as asset managers. Interviews with 81 asset managers and 34 older people who had their assets managed provided new understandings of the issues, experiences, and practices in this field. Findings showed that ‘minding the money’ is a common informal care task and mostly undertaken in the private sphere using some risky practices, such as authorisation to use a bank account, poor record keeping and intermingling of assets and personal accounts. The researchers showed how current substitute decision-making provisions, such as EPA and guardianship legislation, were insufficient to support care-givers and protect older people. The research team initiated a community demonstration project in 2006 to translate research findings to inform practice interventions and awareness raising.

2. Enduring documents: Improving the form, improving the outcomes. The Department of Justice and Attorney-General (DIAG) convened a Practical Guardianship Initiatives Working Party, which identified the limited evidence base available to address concerns about EPA and related processes. Following this, in 2009 the researchers were awarded funding from the Legal Practitioners Interest on Trust Account Fund to undertake a review of the current EPA and AHD forms. The research investigated the content and usability of the forms from the perspectives of stakeholders, particularly those completing the EPA and AHD, witnesses of the documents, attorneys appointed under an EPA, and health professionals involved in the completion of an AHD or using it in a clinical context, for example, when treating a patient. Focus groups and interviews (77 people) were conducted and 116 people completed on-line surveys. The project made recommendations to improve the content and usability of the forms as well as policy changes. Government officials were receptive to the report’s findings and instigated changes to the forms and processes.

3. Keeping it in the family and having the last word. This incorporated a 5 year program of research about will-making that featured:

- A judicial case review of contested cases in Australia in 2011, which identified the legal grounds relied on (215 cases involving 195 estates);
- A national telephone prevalence survey of will-making adults (2405) in August 2012 (ARC Linkage 10200891);
- A review of Public Trustee files (139) involving disputed cases; and
- Interviews (68) with people identified as facing particular challenges in drafting a will.

The first time in Queensland that Indigenous perspectives on wills, AHDs and EPA were obtained, using an Indigenous researcher. This report is being used in current reviews by the Public Trustee of the instruments used in Qld.

Findings: There was little evidence that judicial officers or will-makers recognised relationships, obligations, or entitlements outside the traditional nuclear family, or that wills were being replaced by other mechanisms of wealth transfer. Findings reflected current social norms about entitlements to ‘family’ money, a narrow view of what and who constitutes ‘family’, limited obligation for testators to recompense individuals or organisations for care and support provided, and limited commitment to charitable organisations and civil society. Recommendations for policy and practice were: to encourage people to see wills as serving a broader purpose in family planning beyond asset distribution; to challenge a sense of entitlement among family members; and to undertake community and legal education to encourage informed will-making, reduce contestation, and reduce sense of entitlement.

4. Predictors of financial capacity. Interviews were conducted with a clinical group and healthy older people group. The financial capacity of participants was measured using the 38-item Financial Competence Assessment Inventory, an instrument developed in Australia to assess financial capacity. Findings: A
variety of indicators, including informant reports, objective testing results, and a careful history, were superior to any one source of data (such as the FCAI) alone. Findings influenced training and guidance for practitioners provided by the research team for social workers in hospitals and staff in residential care settings.

5. Guidelines for staff in residential care settings. This project was part of a larger study exploring financial asset management and financial abuse in residential aged care in Australia. It analysed the responses of care managers in 62 aged care facilities to survey questions and case scenarios presenting issues of alleged financial abuse. Findings: Although most care managers accepted an obligation to act on suspected financial abuse, inconsistency and a lack of familiarity with the law and policy were evident. Despite most having policies and protocols in place in the event of alleged theft, these were not often used. The research demonstrated the need to enhance understanding, support, and training to further develop practice in this setting, particularly in relation to understanding and implementing adult protection and substituted and supported decision making principles.

4. DETAILS OF IMPACT

Approach to impact: The Assets, Ageing and Inter-Generational Transfers Research Program planned from the outset to influence professional awareness and action to better protect the financial well-being of older people. The interdisciplinary research teams included social workers, lawyers, neuropsychologists, and more thereby broadening the base of evidence and the impact on a range of disciplines and community members. Early in the research program major industry bodies and government agencies collaborated with the researchers to establish a focus for the research questions, funding, and action to implement findings.

Impact on policy and legislation. The research moved the consideration of financial abuse from within the elder abuse literature and theory to that of a broader consideration of the competing interests in the field of asset management (including housing) and decision-making of older people. The researchers found evidence of the prevalence and nature of risky practices and ways to avoid financial abuse of older people. The research provided impetus for change on forms, legislation, and practices within government, family, and residential care settings. The research program continues to have a significant and cumulative impact in:

- Improving the understanding of policy makers, legal, and social care practitioners about the risks and harm associated with the mismanagement of financial assets.
- Influencing changes to practices regarding EPA, use of the documents and forms associated with the management of financial assets and transfers for older people with impaired decision-making.
- Influencing changes to practices of professionals involved in EPA and AHDs, including legal professionals, professionals in hospitals and aged care settings, and other social care workers.

Submissions to public inquiries:


Queensland Law Reform Commission (QLRC) Review of Guardianship Laws Qld (2010). The researchers contributed submissions based on their research findings. Their findings and recommendations were affirmed by other submissions and influenced the greater protections from financial abuse for older people with diminished capacity that arose from this inquiry.

In August 2015 the Parliamentary Communities, Disability Services and Domestic and Family Violence Prevention Committee published its report into the adequacy of existing financial protections for Queensland’s seniors. The submission provided by Wilson and Tilse (Aug 2015) was cited p. 118 and the research partner UnitingCare submission was also cited extensively on the topic of financial protections and abuse s.565.

Law Reform Commission of Inquiry into Elder Abuse (2017). The researchers made a submission to the inquiry and they were interviewed as part of national consultations, cited in the report Elder Abuse—A National Legal Response (ALRC Report 131) 2017. The researchers were also invited to join reference group for ongoing research arising from this inquiry.

The researchers met with decision-makers in government and private industry to promote awareness and action from the research. Examples include: (1) Leadership in a Roundtable discussion with the Banking Ombudsman and Minister for Seniors. Western Australia (Tilse) and (2) Tilse, C. Wilson, J. Setterlund, D. and Rosenman, L. (June 2007). Financial abuse, guardianship and administration. Invited seminar to staff Office of the Public Advocate, W.A. Followed by ABC radio interview.

Final report Having the Last Word was cited in the Australian Law Reform Commission’s most recent report on elder abuse and project findings in other outlets have been cited in Commonwealth and State reviews as well as in the Supreme Court of New South Wales.

Impact on service delivery: The researchers have made considerable effort to better inform legal and social care practitioners, families, carers, and older people, enabling more positive action to prevent abuse. These include:

The research partners have taken significant and sustained action, prompted largely by evidence from the research program, to develop improved processes and practices that reduces the risk of elder abuse and encourages more formal financial and asset management and substitute decision-making with older people in Australia. This is evident in numerous training/ information sessions at Princess Alexandra Hospital, seminars, and conferences. Industry partners have used the finding to fine tune marketing campaigns, consider systematic data collection and inform practice. A Critical Reference Group (medical, social work, legal practitioners and advocacy and guardianship representatives) was established in 2015 to provide expert input and review of research tools.

Provision of new procedures and practices within legal, financial, residential care and social work settings to promote fair, responsible and more formalised financial management arrangements with older people, their families and/or care providers. Findings on wills and transfers were disseminated through a web based short report, a national presentation to Public Trustees and a symposium of invited stakeholders (Having the Last Word, Brisbane August 2015). An example includes: http://www.publicguardian.qld.gov.au/__data/assets/pdf_file/0009/269307/OPG–Fact-Sheet_Guidelines-for–Witnessing-Enduring–Documents.pdf

New referral pathways: A community demonstration project funded by the Qld Government and Wicking Trust in Redcliffe in 2008 used the evidence from the research to bring together service providers, financial institutions and community members to develop: Facts Sheets on Managing Money for Carers and Older people; a referral pathway for service providers, and an Indigenous Handbook on Assets and Older People.

Impact on the well-being of older people: This research program promotes the rights and financial interests of older people, and in doing so promotes their well-being, which is core to the social work mission. The research has not directly assessed impact on well-being.

Impact on research directions: The research received international recognition reflected in a scoping study in the UK, replication of the study in Hong Kong and an invitation to an expert workshop in Canada. In the replication study with colleagues at the University of Hong Kong the research tools developed by the team were used, see: The Management of Older People’s Financial Assets in Hong Kong (2010–2012) Hong Kong University. In Canada, the team published work on decision making with colleagues at the University of British Columbia.
5. Engagement

Significant appointments, memberships and recognition. Appointments to reference and advisory groups recognise the team’s expertise in aged care research and provide opportunities to use research findings to influence policy and practice.

- Public Advocate of Queensland. Advisory Group on Supported Decision Making (Tilse)
- Seniors Legal, Advocacy and Support Services Reference Group (Tilse)
- Elder Abuse Prevention Unit Reference Group member and research committee member (Tilse)
- Queensland Government. Age Friendly Queensland Reference Group (Tilse)
- UnitingCare Chair of Research (Wilson).
- Chair and membership of the Prevention of Elder Abuse Strategic Plan Committee 2001 for Qld Govt. Office of Seniors. (Setterlund and Tilse)

While not directly connected to this program of research, Prof. Wilson was awarded the Medal of the Order of Australia in 2004 in recognition of her work in social work and disability.

In 2007 the researchers were active in a reference group assisting Seniors Legal Services in Australia to develop information sheets for consumers on the financial/legal needs of older people. The reputation of the researchers grew in Queensland with recognition for their expert advice via a letter from the Queensland Attorney General in 2018 thanking them for “...invaluable advice provided for the development” of the Guardianship and Administration other Legislation Amendment Bill (2017).

Professional development and training

Diverse practitioner communities were targeted for this research, including social workers, health and residential care workers, policy officers and legal practitioners and public trustees and guardians. Cancer Councils in Queensland, New South Wales and Victoria, seniors peak bodies, Aged Rights Advocacy Service (SA), and residential care providers have sought out the researchers as invited speakers to practitioners’ forums and public events. A noteworthy engagement activity is the World Elder Abuse Awareness Days (WEAAD) at which the researchers have been invited as keynote/plenary speakers on four occasions. WEAAD is sponsored by rights organisations and governments in South Australia, Western Australian and Victoria. These events are attended by social, legal and health practitioners, policy makers and researchers from government and NGOs and older people consumer/advocacy groups. A typical audience is 100 people, usually accompanied by media coverage in each state.

Examples are:


Other notable practitioner engagement activities are: Legal Practitioners and Australian Guardianship and Administrators Council (AGAC).


Social, Legal and Health Care Workers

- Keynote speaker at Qld. State wide SLASS conferences (2017; 2016)

Media

The researchers have gained widespread media attention in Queensland and nationally that has raised public awareness of the risks of abuse associated with informal family financial arrangements for older people. Examples include:


The symposium “Having the Last Word” (2015) resulted in considerable media comment (the Age, Sydney Morning Herald) and culminated in the national broadcaster SBS featuring the research on an insight program that triggered public debate nationally. https://www.sbs.com.au/news/insight/tvepsode/ where-theres-will


Tilse, C. (2005) Extensive interview with Tilse and stakeholders, such as Elder Abuse Prevention Unit (Qld) on research findings. Sunday Program. Channel 9.

Reports for industry: Industry reports enhance access to research for policy makers, practitioners, and community members. Examples are:

Findings on wills and transfers were disseminated through a web based short report, a national presentation to Public Trustees and a symposium of invited stakeholders (Having the Last Word; Brisbane August 2015).

Redcliffe Community Project (2008) – This led to the development of facts sheets on Managing Money for Carers and Older people; a referral pathway for service providers, and an Indigenous Handbook on Assets and Older People.


Tilse, C., Wilson, J., White, B., Rosenman, L. and Strub, T. (2013) Families and generational asset transfers: making and challenging wills in contemporary...


**Industry partnerships.** Major funding partners are:

The Office of the Public Trustee in various jurisdictions, the Queensland Public Advocate and Public Guardian — all statutory agencies that have funded and participated in the research and who have engaged the researchers in advisory roles, public awareness raising, reform of service delivery and public forms. UnitingCare Queensland—Prof. Wilson was appointed as Chair of Research for UnitingCare Qld, which facilitated work with many services and practitioners in the UnitingCare network across Qld.

Departments of Justice and Attorney-General and Office of Seniors in the Department of Communities, Qld — funding partners who have also engaged the researchers in advisory roles in the provision of information and practitioner awareness to prevent financial abuse.

**Research supervision and teaching**

Professor Wilson and Assoc Prof. Tilse have supervised many postgraduate students; examples of those specific to this research program who have pursued a career in the field include:

- Brook, G. (2016). *A cog in the wheel or an agent of change: Knowledge use and practice with older people who are abused in Aotearoa/New Zealand*. This thesis presents a qualitative exploratory study of elder abuse practice as reported by twenty social workers engaged in frontline elder abuse work throughout Aotearoa/New Zealand. Brook is Program Evaluator in A/ New Zealand and is on the Social Work Registration Board competency assessment panel group.

- Walsh, Gael Marie (2013). *Older people’s perspectives on managing their assets while living in residential aged care. Walsh works as a social worker in aged care.*

- McCawley, A. (2007). *Financial Abuse and Older People with Impaired Capacity: A Secondary Analysis of Tribunal Files*. McCawley is the State wide Clinical Educator for Social Work in Qld Health. In her current position McCawley has a strong focus on education around EPAs and asset management.

- Meissner, E. (2013). *Becoming and being a middle manager in the Australian Aged Care Sector – Let’s talk about change*

**6. RESEARCH INCOME**

**Category 1 (international and national competitive)**


**Category 2 (government)**

7. Wilson, J & Tilse, C. A prevalence survey of will making in Queensland and an investigation of Queensland Indigenous perspectives on will making, 2011. The Public Trustee of Queensland $76,852.


**Category 3 (Other industry)**


11. Chui, E, Wilson, J., & Tilse, C. The Management of Older People’s Assets in Hong Kong (Australian component), 2009–2011. Cadenza and the University of Hong Kong $55,000.

**7. RESEARCH OUTPUTS**

There are over 40 research outputs pertaining to this program of research. Selected publications are:


11. Chui, E, Wilson, J., & Tilse, C. The Management of Older People’s Assets in Hong Kong (Australian component), 2009–2011. Cadenza and the University of Hong Kong $55,000.

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