

AGE UK RESEARCH

# Financial Abuse Evidence Review

November 2015

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This Evidence Review is intended to sum up what is known about the financial abuse of older people. It does not cover commercial abuse (scams) in any detail, nor the abuse of younger people. In particular, it aims to provide the best available answers to the following questions:

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## 1 What is financial abuse?

The most cited definition of financial abuse is from the World Health Organization (WHO): 'The illegal or improper exploitation or use of funds or other resources of the older person.'<sup>1</sup>

Similar wording was used in most reports read in this review; for example:

'Financial abuse was defined as "the unauthorised and improper use of funds, property or any resources of an older person." This included the use of theft, coercion or fraud to obtain or try to obtain the older person's money, possessions or property.'<sup>2</sup>

Behavioural definitions are used in the major piece of UK research conducted in the last decade, the *UK Study of Abuse and Neglect of Older People*:

'One or more instance of financial abuse during the last 12 months, as with:

- Stolen money, possessions or property.
- Attempted to steal money, possessions or property.
- Made you give money, possessions or property.
- Tried to make you give money, possessions or property.
- Used fraud to take money, possessions or property.
- Tried to use fraud to take money, possessions or property.
- Taken or kept power of attorney.
- Tried to take or keep power of attorney.'<sup>3</sup>

Similar lists of behaviours have been used widely in the literature, for example the very useful definition aimed at potential victims of abuse from the Welsh Government:<sup>4</sup>

- Being pressurised to lend money to a relative or friends.
- Being charged excessive amounts of money for service.
- People frequently requesting small amounts of money from you.
- Family members moving into your home without your consent and without a prior agreement on sharing costs.
- Pressurising you to sign over your house or property.
- Taking money, cashing a cheque or using credit or debit cards without your permission.
- Pressurising you into changing a will.
- Someone else taking charge of your benefits and not giving you all your money.

The definition used for *No Secrets* (DH/Home Office, 2000) is:

Financial or material abuse, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.<sup>5</sup>

Section 42 (3) of the Care Act (2014) notes that:

- (3) “Abuse” includes financial abuse; and for that purpose “financial abuse” includes
- (a) having money or other property stolen,
  - (b) being defrauded,
  - (c) being put under pressure in relation to money or other property, and
  - (d) having money or other property misused.

The associated statutory Care Act guidance also contains the following definition of financial abuse (Care Act Guidance 14:17):

‘Financial or material abuse – including theft, fraud, *internet scamming*, coercion in relation to an adult’s financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.’

The guidance goes on to provide further context around financial abuse in far greater depth than the other forms of abuse (other than domestic abuse).

Additional forms or alternative categories of financial abuse found in the literature include theft,<sup>6</sup> misappropriation of money or property,<sup>7</sup> misuse of assets,<sup>8</sup> exerting undue influence to give away assets or gifts,<sup>9</sup> and putting undue pressure on the older person to accept lower-cost/lower-quality services in order to preserve more financial resources to be passed to beneficiaries on death.<sup>10</sup>

Earlier definitions included wording around risk of abuse for ‘vulnerable adults.’ Since 2000 (*No Secrets*), these definitions have been extended and amended. A 2011 literature review<sup>11</sup> says: ‘...*Safeguarding Adults* (DH, 2008) highlighted a number of changes in perceptions of abuse and key points of concern surrounding how consistent the response by social services is to cases of abuse, as well as the extent to which different agencies are able to work together in response to cases.’

The Care Act (2014) sets out a new definition of those who may be affected by issues which require an adult safeguarding response. The safeguarding duties apply to an adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

## 2 What is the prevalence of financial abuse of older people?

Prevalence estimates vary not only because of different definitions used, but probably also as a result of different methods used, differing local or national circumstances and laws, and other factors such as culturally influenced expectations. For the purposes of this review, we have taken the wider version of the WHO definition used in the *UK Study of Abuse and Neglect of Older People* prevalence study (funded by Comic Relief and the Department of Health, so hereafter called the CR/DH study).

There is also the distinction between prevalence on an on-going basis (e.g. at any time where the victim of financial abuse is aged 65 or over) and time-limited prevalence, usually at a certain age such as 65-66 and over the previous twelve months. For the purposes of this review, the **focus is on prevalence since turning 65** unless otherwise stated.

On average, the best estimate for the UK is that **between 1 and 2 per cent** of people aged 65 or over in the United Kingdom today have suffered (or are currently suffering) financial abuse since turning 65. For estimation of numbers of those older (65+) people living in the community in the UK, there is no strong reason given in the literature to change the original CR/DH study estimate of **1.2%**,<sup>12</sup> which would mean **approximately 130,000 people living in the community aged 65+ in the UK have suffered financial abuse at some point since turning 65.**<sup>13</sup>

This is likely to be a conservative estimate, and the suspicion remains that the true extent of financial abuse – particularly if we use the wider definitions – is actually much greater. This may emerge from the new research planned to update the CR/DH study findings.

Because of the widely different interpretations, national laws and circumstances, it does not seem particularly meaningful to give an overall figure worldwide, but rather to use national estimates for those countries where robust studies exist. If a figure is needed, the prevalence of financial abuse for people living in the community at age 65 or over across the world would have to cover the broad range of **1 – 5%** which makes between 6 and 30 million people.<sup>14</sup>

There is not enough information here to give one-year prevalence for the world. The results found in this review are:

### United Kingdom

For people aged 65, the research for the CR/DH study found that, for those living in the community and turning 65 in the year of the study, the prevalence of financial abuse among the general population of that age group was 1.2%.<sup>15 16</sup> For the last 12 months, the prevalence was 0.7%.

A 2008 literature review found a prevalence range of 0.5-2.5% of older people living at home.<sup>17</sup>

In addition, a more recent report from the Social Care Institute for Excellence (SCIE) also found that 17 per cent of 'general public' respondents knew a vulnerable adult (18+) who had been a victim of financial crime and that 24 per cent of 'vulnerable adult' respondents knew a vulnerable adult (18+) who had been a victim of financial crime.<sup>18</sup>

The Office of The Public Guardian (Safeguarding Policy 2013) notes that financial abuse is the main form of recorded abuse by them amongst adults and children at risk (who are known or referred to the OPG). However no figures are given within the document.

### Internationally

The evidence on a worldwide scale is sparse, and there is little meaningful that can be said to apply everywhere. There is evidence from the USA (2008) which shows that, for the US population living in the community, 3.5% of people aged 57-85 had suffered 'elder mistreatment' of a financial nature in the previous 12 months.<sup>19</sup> A more recent (2010) study put the figure for financial abuse at 5.2%.<sup>20</sup> Other US studies estimate prevalence at 8.4% since turning 60<sup>21</sup> and 2.4% in the last 6 months (for people 60+).<sup>22</sup>

Another US study<sup>23</sup> found that, in the cases of people aged 60+ who experienced financial abuse in the last year, a family member had

- spent money 3.4%
- forged signature 0.5%
- forced the respondent to sign a document 0.3%
- stolen money 0.7%

In Europe, a cross-national study of women aged 60+ living in the community estimated a prevalence of abuse of 8.8% in the last 12 months.<sup>24</sup>

Meanwhile a 2011 WHO report estimated 3.8% of over 60s in Europe, or 6 million people, will experience financial abuse in any one given year.<sup>25</sup> A 2008 systematic review found that 1.3% of people aged 60+ in Germany had suffered abuse in the previous 4 years<sup>26</sup> and an Irish national prevalence study found a one-year prevalence at age 65+ of 1.2%.<sup>27</sup>

A similarly unclear picture emerges from studies in countries around the rest of the world. A recent (2013) Australian study showed as many as 24% of adults thought that 'family members may be making unreasonable demands, misusing or exploiting the older person's property, money, or other assets in some way, or whether they may do so in the future.'<sup>28</sup> The 2008 review<sup>29</sup> also found a 65+ prevalence of 4.1% in Seoul, South Korea, 5% for people without dementia in India, 2.5% for people post-65 in Canada and also a prevalence in the last 12 months of 6.4% for people aged 65+ in Israel.

The only reliable attempt to sum up an international prevalence figure identified a range of 1.3% to 5% of the older population at risk of financial abuse.<sup>30</sup>

### 3 Who is at most risk of financial abuse?

There is a range of key risk factors that indicate those who are most likely to be victims of financial abuse. Evidence shows that the risk increases with age,<sup>31 32 33 34</sup> meaning that older people are more at risk than younger cohorts. Those who have dementia or reduced cognitive function are the subgroup of people who are most at risk of being victims of financial abuse compared to any other risk factor.<sup>35 36 37 38</sup> Similarly, those who have poor health<sup>39 40 41</sup> and have (or are at risk of) clinical depression<sup>42 43</sup> and other illnesses are at substantial risk of financial abuse.

Social risk factors include low levels of social support<sup>44 45 46</sup> and needing help with Activities of Daily Living such as bathing, feeding, or showering; and needing help with Instrumental Activities of Daily Living, for example managing money, shopping and housework.<sup>47 48 49 50</sup> Other social risk factors include having family problems<sup>51</sup> and being dependent on the abuser.<sup>52</sup>

Gender also is a key risk factor of financial abuse. The Met Life study in America showed that women<sup>53 54 55 56</sup> are twice as likely as men to be victims of older financial abuse, with the majority being between the ages of 80 and 89 and living alone.<sup>57 58 59</sup> Similarly those who are single<sup>60</sup> and widowed<sup>61</sup> are also at risk of financial abuse. The UK CR/DH study though did find that incidence increased with age for men.<sup>62</sup>

Ethnicity also plays a part in being at risk of financial abuse, as those from a minority race, culture or who speak different languages can be at higher risk.<sup>63 64</sup>

There are validated tools for identifying people who are at risk of financial abuse in other countries, such as the Older Adult Financial Exploitation Measure (OA FEM), which could be tested in the UK.<sup>65 66</sup>

### 4 What are the impacts of financial abuse on older people?

Financial abuse can have serious impact on older people not just financially but also emotionally. Even a small amount of financial abuse can be catastrophic, especially to those who are on limited incomes.<sup>67</sup> It is more difficult for older people to recover from financial abuse than younger people because they have less time and opportunity to work and produce investment growth,<sup>68 69</sup> recovering from financial abuse may also mean that assets like houses may have to be sold.

There is also a range of emotional implications that stem from financial abuse and these can have considerable impact on older people. These can include feelings of betrayal,<sup>70 71 72</sup> feelings of distress, especially if a house or other assets need to be sold,<sup>73 74</sup> embarrassment,<sup>75</sup> loss of self-esteem and confidence in one's own judgement,<sup>76 77</sup> denial,<sup>78</sup> fear,<sup>79</sup> self-blame,<sup>80</sup> social isolation,<sup>81</sup> and the loss of confidence to live independently.<sup>82</sup> These emotional effects can also make older people more vulnerable to further exploitation.<sup>83</sup>

Financial abuse is also linked to negative health outcomes<sup>84 85</sup> and a decline in mental health;<sup>86</sup> for example it can induce depression and anxiety.<sup>87</sup>

## 5 Who is responsible for the financial abuse of older people?

Overall, the most reported group is 'family.'<sup>88 89 90 91</sup> A literature review for Help the Aged (Crosby 2008)<sup>92</sup> says 70% of financial abuse is perpetrated by family members. It also found that 60–80 per cent of financial abuse takes place in the home and 15–20 per cent in residential care.

O'Keefe *et al* (2007) highlight the predominance of family members other than spouses. 54% of the victims identified financial abuse by 'other family' compared to 13% by partners.<sup>93</sup> The next highest category identified in the UK study was care workers (31%).<sup>94</sup>

50% of financial abuse in the UK is perpetrated by 'adult children' (sons and daughters). Europe-wide research of females aged 60+ published in 2011 comes to roughly the same number.<sup>95</sup> In contrast, one recent focus group of older people thought the biggest risk was from institutions and did not think family would be a problem at all.<sup>96</sup>

An Australian study identified specific characteristics of family offenders, including relatives who had a drug or alcohol problem, 'with financial struggles'<sup>97</sup> and those with a gambling problem.<sup>98</sup> Several studies have highlighted relatives' sense of entitlement to the older person's financial assets.<sup>99 100 101</sup> This appears to be a theme across cultures, including in the UK. This is expressed usually by family members who feel they will inherit it anyway, that the older person no longer needs it (or as much), or they feel they 'deserve more' for 'services rendered.'<sup>102 103 104 105</sup>

Other people identified by European research<sup>106</sup> include non-family carers, friends,<sup>107</sup> neighbours, and acquaintances. Financial advisers (excluding commercial) are identified by a US study (60% of whom were male).<sup>108</sup>

When financial abuse co-occurs with physical abuse and/or neglect, it most often is committed by people living with the older person and seen as a carer or helper, yet they are often feared by the older person.<sup>109</sup> This is therefore to be seen more as a part of domestic abuse in general. As Jackson *et al*<sup>110</sup> point out, interventions such as education which are likely to work with solely financially-abusive cases, are less likely to work in these cases.



## 6 What problems do people have with detecting, reporting, and resolving financial abuse?

As of 2013, there is no legal requirement in England for suspected elder financial abuse to be reported.<sup>111</sup> Where a large number of professionals are involved, there is evidence that some people feel there is a 'diffusion of responsibility.'<sup>112</sup>

It is important to note here that, in the case of financial abuse by family, friends, and carers, the abuse tends to start out as legitimate transactions and escalate over time, making it difficult to know when it has crossed the line into abuse.<sup>113 114</sup> Indeed, there may be indications of consent, such as a signed document or an apparent gift, but these may not be what they seem, as there could have been coercion, which would be very difficult to spot.<sup>115</sup>

Agencies and the staff involved might not recognise the current or future impact of the abuse, especially if they feel it cannot be classified as causing 'significant harm' as outlined in *No Secrets*, resulting in a lack of a sense of urgency.<sup>116</sup> The professional 'bystanders' – health, care and finance professionals – considered by one UK study were also less likely to intervene where victims of financial abuse were not perceived as having any cognitive impairment. The study suggests that this may reflect the scarcity of services and pressure to prioritise 'at risk' adults.<sup>117</sup> However, targeted training can improve staff ability to detect and prevent financial abuse.<sup>118 119</sup>

There is a dearth of reliable evidence on the reporting rate of financial abuse, as this is based on an estimate of prevalence, which is far from clear (see above). Some examples from other countries show the wide range of the estimates and the differing measures used.

One US study estimated that for every case reported and substantiated, five others were not even reported.<sup>120</sup>

In a multinational study of European women aged 60+, reporting rates varied by 'perpetrator' (and 'reporting' included not only formal referral but informal 'talk about it') from 37.2% for abuse by a partner or spouse to 49.6% for an adult child, 59% in the case of a neighbour to 81.3% for abuse by a paid caregiver or home help.<sup>121</sup>

This is useful for the 'big picture,' showing that reporting is more frequent for less intimate relationships and less common for abuse in the closest relationships.

Another factor is the likelihood of reporting financial abuse compared to other forms. There is little evidence on this, but one study from Israel suggests that older people are much more likely to report physical and sexual abuse than financial abuse, possibly because they feel the former are much more serious and likely to be taken seriously than the latter.<sup>122</sup> However, this is likely to differ by cultural context.

All in all, service providers have considerable difficulty in detecting financial abuse.<sup>123</sup>  
<sup>124 125</sup> Among the reasons given by the research for this difficulty are older people not reporting abuse, a belief that financial matters are private, a fear on the part of staff that the abusers might become abusive towards them, and staff reluctance to 'intrude' into 'private' matters.<sup>126 127</sup>

In Australian studies, these concerns have been found to include possible withdrawal of the older person from the service if issues of abuse are raised,<sup>128</sup> a lack of staff guidelines, training and support,<sup>129 130</sup> and a lack of legal protection for a provider reporting abuse.<sup>131</sup> Consent of older people is also needed for action to be taken in Australia,<sup>132</sup> which can be made more difficult if the older person does not recognise (or acknowledge) the abuse.<sup>133</sup>

In this country, barriers to action include a lack of information sharing between agencies/organisations,<sup>134 135</sup> and unsuitable or inflexible banking rules and procedures.<sup>136 137</sup>

Other factors which may inhibit reporting of financial abuse are different cultural ideas about financial abuse in families<sup>138</sup> (see section 10 below), confusion among different organisations/groups working with an older person about who has responsibility<sup>139</sup> – see also the related point about ‘diffusion’ at the start of this section – and the time and information/evidence needed for legal proceedings.<sup>140</sup>

In addition to inflexible rules, banking staff are also faced with a number of problems which may hinder reporting cases of financial abuse. There are issues around legislation, especially privacy and data protection<sup>141 142</sup> which may deter even more experienced staff from passing on concerns. There have also been studies citing a lack of staff guidelines, training and support,<sup>143 144</sup> and a lack of awareness of cues which would help detect abuse.<sup>145</sup>

## **7 What are the problems faced by people with dementia and carers when managing money?**

A caveat here is that people can begin having problems with managing finances well before being diagnosed with dementia (for example, if they have Mild Cognitive Impairment). Also, any protections put in place for people with a diagnosis may not be available for those without one. However, the best summary of the issues for people with cognitive decline is in the Alzheimer’s Society 2011 report *Short Changed*,<sup>146</sup> which is paraphrased below.

### Issues facing people with dementia:

The symptoms of dementia significantly affect a person’s ability to manage their finances. In the survey, over three quarters reported difficulties in this area.

People with dementia often find it difficult or feel uncomfortable talking about financial issues, especially in family settings. The people surveyed complained about sometimes feeling pressurised. Also, when shopping in unfamiliar places, staff in shops were often unaware they had dementia.

The *Short Changed* report also made the point that recent innovations, such as highly technical personal banking security, can create extra difficulties for people with dementia to manage their finances.

Issues for carers:

36 per cent of carers surveyed by the Alzheimer's Society reported having experienced problems managing the money of the person they supported, citing emotional and psychological barriers, particularly if they had had to take over at short notice as the primary person in charge of money in a relationship. They also highlighted a lack of information about how to access support with managing money and accessing entitlements, and overall inadequate financial advice.

Many carers reported difficulties dealing with banks and other service providers when trying to take over someone's finances, leaving them feeling unsupported and confused. Bank staff, according to the majority of carers, need to have a better understanding of the mechanics of the Power of Attorney process.

## **8 What additional problems can financial abuse bring?**

There are some aspects of financial abuse which are clearly common to all age groups, but the research also highlights some key aspects which are particular – or, at least, more relevant – to older people. One is the matter of credibility: because of their age and perceived or real cognitive impairments, older people often find it hard to make other people believe them. Even the fear that this might be the case can be a disincentive to reporting abuse.<sup>147 148 149</sup>

A greater likelihood of frailty and dependence on the abuser can induce fear of various outcomes, one of the most common being 'put in a care home.'<sup>150 151 152 153</sup>

A natural reluctance to bring criminal proceedings against family members<sup>154 155</sup> may not be special to this age group, but progressive cognitive impairment – especially being unsure what is happening or has happened<sup>156</sup> – is probably a factor in many cases.

Other factors adding to potential vulnerability to abuse in older people are low confidence or self-esteem,<sup>157</sup> a perception that it isn't serious enough to take action,<sup>158</sup> embarrassment/shame<sup>159</sup> and even a fear of being blamed.<sup>160</sup> There is also sometimes concern about the possible impact on the abusers themselves.<sup>161</sup>

Finally, a common theme is a lack of awareness and knowledge. In some cases, a lack of awareness in older people of their own vulnerability can itself be a risk, where the victims still believe they are in full control of their financial matters.<sup>162 163</sup> Also, common themes are a lack of awareness of rights<sup>164</sup> and not knowing which professionals or agencies to turn to for help.<sup>165</sup>

## 9 What are the cues that indicate that financial abuse is happening?

**For people working in financial services**, particularly banking staff, there are a number of cues which can arouse suspicion. In addition to the obvious – but not always recognised – anomalies in bank account<sup>166</sup> including large cash withdrawals,<sup>167 168</sup> sudden changes in bank account or banking practice,<sup>169</sup> and unexplained withdrawals from a savings account,<sup>170</sup> changes in third party involvement can point to potential abuse.

For instance, not only the recent addition of authorised signers on an older person's signature card<sup>171</sup> or someone else (without prior arrangement) taking control of the money<sup>172 173</sup> can be clues that there may be a problem, but also simply an increased interest from family members in protecting an inheritance and even suspicions about a third party accompanying the older person to the bank could be signs of potential financial abuse.<sup>174 175</sup>

There is evidence that awareness and training on some of this is now happening, at least in some instances. Bank staff are more likely to take action, according to recent British research,<sup>176</sup> if someone has Power of Attorney for Financial Affairs (third party signature). Also, if large amounts of money are involved and/or if the older person seems to have cognitive impairment.

The cues for **health and social care professionals** are similar. For instance, the issues of Power of Attorney and its possible misuse,<sup>177 178</sup> diminishing mental capacity,<sup>179 180 181 182</sup> increased family interest in protecting inheritance,<sup>183</sup> and sudden changes to wills<sup>184 185 186</sup> are similar to the checklist of financial service staff above.

Other potential clues could be more apparent to those who visit older people in their homes, such as diminishing physical capacity,<sup>187 188</sup> and the older person being cut off from family, friends and social network.<sup>189</sup>

Danger signals specifically relating to risk of financial abuse highlighted in the research include reports by the older person of having cash or items stolen,<sup>190 191 192</sup> a change in living conditions<sup>193 194</sup> (particularly anomalies between finances and living conditions),<sup>195 196 197 198 199</sup> an inability to pay bills or an unexplained shortage of money,<sup>200</sup> the sale of possessions,<sup>201 202</sup> and the unexplained disappearance of financial documents.<sup>203</sup>

There may also be suspicions aroused because of potentially abusive relationships with an unknown 'befriender' or rogue trader<sup>204 205 206</sup> – for instance the older person being asked to pay workmen or carers cash to avoid taxes<sup>207</sup> - and evidence of a carer's enhanced lifestyle.<sup>208</sup>

Factors identified by the research<sup>209</sup> likely to make detection more likely include the amount of money involved (where more significant sums of money are concerned), certain types of 'rogue trader' activity, such as building work paid for but not carried out and, again, perceived cognitive impairment. However, as with the banking staff, there may be difficulties for care staff in assessing the extent and severity of cognitive problems in their older clients.

## 10 Do cultural values determine behaviour?

In Japan, some studies show that adult children feel entitled to older parents' money – for example, sons, who would traditionally inherit parents' money, as did daughters-in-law who were traditionally looking after their husbands' parents.<sup>210</sup>

In Korea, most older people defined financial abuse as not providing elders with financial support; very few thought it was adult children exploiting parents.<sup>211</sup> This held true for older Korean immigrants who maintained strong cultural identity, which has implications for people who work with them (care and financial staff for example).<sup>212</sup>

A key feeling of abusers across cultures (including in the UK) is the sense of entitlement to the older person's money, usually by family members who feel they will inherit it anyway, and the older person no longer needs it (or as much), or they feel they 'deserve more' for 'services rendered'.<sup>213</sup>

In some countries with state-funded, means tested benefits, some family members want to protect their inheritance and remove money and assets ahead of the death of the older person so the state will have to pay to look after the older person.<sup>214</sup>

## 11 What preventative measures can be taken?

Many things have been tried to address the various issues discussed, but there are very few published evaluations of these practices, so little evidence of their effectiveness.

There seem to be (and have been) many training courses for carers and health workers, but we found no evaluations. In some other countries, there have been descriptions of training of Bank/Post Office staff (USA,<sup>215 216</sup> NZ,<sup>217</sup> however again no evaluations were found).

One recent study has suggested use of the 'professional bystander intervention model' to assess the decision-making processes of care, health and finance professionals in detecting and reporting financial abuse. This model could in turn inform training on financial abuse for professionals.<sup>218</sup>

The website [www.elderfinancialabuse.co.uk](http://www.elderfinancialabuse.co.uk), produced by Brunel University's Institute for Ageing Studies, provides resources on financial abuse of older people for health, social care and banking professionals, including podcasts, case studies and group training materials. A recent study claims the site has "achieved a degree of enhanced decision making capacity within the health, social care and finance professions," as demonstrated through randomized testing.<sup>219</sup>

Some experts have called for public education/awareness about financial abuse,<sup>220</sup> but there are very few evaluations. However we did find one from the USA, which found that this actually increased calls reporting/asking for help.<sup>221</sup>

Others have suggested it would be beneficial to educate older people on how to arrange financial matters and where to go for help (e.g. in New Zealand<sup>222</sup>). We also know that help lines have been in existence (such as the UK Action on Elder Abuse), but not legal advice. However, again, we found no published evaluations of any programmes.

In the USA there have been formal multi-disciplinary teams of professionals that work on various legal issues with older people – bringing together health and social care with law enforcement/legal professionals. While the effectiveness of lowering financial risk is inconclusive, these types of teams have led to more referrals to the Public Guardian for investigation and possible conservatorship.<sup>223</sup>

Perhaps the most studied is the value of obtaining Lasting Power of Attorney.<sup>224</sup> There is some good evidence this can work for lowering risk of financial abuse, but also that some ‘attorneys’ can use it to financially abuse vulnerable people.<sup>225</sup>

Other legal lines of dealing with elder financial abuse have been:

- *The Care Act* in the UK puts adult safeguarding onto a statutory footing for the first time, and sets out a requirement that each local authority area has a Safeguarding Adults Board that works in partnership to help and protect adults who need care and support and who are experiencing or at risk of abuse in its area.
- *The Mental Capacity Act 2005* sets out a range of measures to ensure that adults who lack capacity in relation to their financial affairs are protected, balanced against the need to ensure that people with mental capacity are not prevented from exercising their choice in regard to financial affairs.
- The Court of Protection is at the centre of adjudicating on the judicial issues arising from the Act, whilst the Office of the Public Guardian deals with the non-judicial aspects. This includes the appointment of ‘Lasting Powers of Attorney’ and ‘Deputyships’ which enable a nominated person to make decisions regarding financial affairs, and in some cases welfare decisions, on behalf of an adult who lacks mental capacity in relation to those matters.
- *Safeguarding Vulnerable Groups Act 2006* is to prevent ‘unsuitable’ people from working with children and vulnerable adults by setting up a Safeguarding plan.<sup>226</sup> Many referrals are in relation to financial abuse.
- *Fraud Act 2006* – new offences covering a broad range of ‘fraud’, could be used in financial abuse cases

In other countries:

- Most US states have laws requiring professionals, e.g. of financial institutions, to report suspected financial abuse of clients<sup>227 228</sup> (no evaluations of this were found). However, there are no prosecutions if the affected person does not report. In theory financial abuse is covered by clauses within the Criminal Law Act, but in practice very few cases have been tried under this act because of procedural issues and it is difficult to get necessary evidence.<sup>229</sup>
- South Africa: a mandatory reporting law for professionals who deal with the ‘elderly’ since 1998 included financial abuse, but these laws are not widely known or understood, and the procedures for reporting are said to be too complicated.<sup>230</sup>



- Japan: the Elder Abuse and Caregiver Law 2006 required citizens to report abuse (including financial) to authorities if immediately threatening, or to try to report it even if not. Institutional abuse requires reporting by professionals. A study shows it has raised awareness, but there seem to be too many problems with carrying out assessments and interventions.<sup>231</sup>
- Australia: financial abuse has been an issue of interest since 1990s, and some States have implemented policies and laws, but there are no Federal level policies or laws.<sup>232</sup>

## 12 What are the future trends?

The question of whether the problem of the financial abuse of older people is likely to increase in the future is difficult to answer, as there are so many local, national and global factors at play. However, there are some trends in factors likely to influence prevalence which point towards this as an increasingly widespread problem.

With the increase in numbers of older people – particularly of the oldest old, which is a factor in its own right<sup>233 234 235 236 237</sup> – comes a steep rise in the number of people with dementia and other cognitive impairments, which much of the research points to as a major risk factor in financial abuse.<sup>238 239 240</sup> Not just cognitive problems (even mild ones), but also increasing physical disability in the older population can have an adverse effect on mobility and the activities of daily living (ADLs) and instrumental activities of daily living (IADLs), all of which increases the amount of potential vulnerability to financial abuse.<sup>241 242 243 244</sup>

Other factors, such as the concentration of wealth in older generations – housing assets and pensions, for instance – can make older people appear rich to their struggling younger relatives (even if the older person is in fact income-poor), and increase the temptation of people to commit financial abuse, a trend unlikely to change much in coming years.<sup>245 246 247</sup>

## Appendix: Other measures that have been suggested for prevention and detection of financial abuse

- Ensure that all staff – not only at banks and other financial institutions, but all that come in contact with older people, such as health and social services, legal, and police - are provided with training, guidance, and support to recognise, report, and take any other necessary actions if financial abuse is suspected.<sup>248 249 250</sup>
  - *Note:* one study found that professionals thought the biggest problem was rogue traders and scams, whereas the problems they were most likely to encounter were from family – implications for training.<sup>251</sup>
- Have financial capacity – the ability to manage one’s finances – included in geriatric/comprehensive medical assessments.<sup>252</sup>
- Have medical staff signpost older people to financial planning and management resources such as POAs and financial services.<sup>253</sup>
- Recognise that people with dementia are at much higher risk of financial abuse.<sup>254 255</sup>
- Improve knowledge and awareness about financial management and planning among older people in general, people with any cognitive impairment including dementia, carers and professionals.<sup>256 257 258</sup>
- Improve community support services to help older people manage their money.<sup>259 260</sup>
- Strengthen the role of local trading standards departments to work closely with groups supporting older people (especially with dementia) to protect people from financial abuse.<sup>261</sup>
- Ensure that banking systems are better equipped to support older people (especially those with dementia) and carers to manage money safely:<sup>262</sup>
  - banks and building societies must become familiar with situations where customers may have dementia or other cognitive impairment and provide relevant guidance to their staff
  - the powers of the Mental Capacity Act should be consistently applied across all banks and financial institutions
  - bank staff should be trained and supported to alert relevant authorities to suspected financial abuse.
- Increase access to independent advocacy for people with dementia.<sup>264</sup>
- Bring together adult safeguarding and financial assessment teams within local authorities to work collaboratively on cases of suspected financial abuse (especially involving a person with dementia).<sup>265 266 267</sup>
- Improve data sharing between agencies and local areas and ensure that multi-agency policies are consistently implemented to prevent and respond to financial abuse.<sup>268 269</sup>
- There is a validated survey (developed in US) to assess the financial exploitation of OP, for use by professional staff.<sup>270</sup> It would be useful to see if this would work in the UK, or could be altered to work.



- Learn from other countries, such as the US, which have legal mandates and other protections in place.<sup>271</sup>
- Once financial abuse has been identified, if the older person is cognitively intact, give education, skills training, psychotherapy or similar to help them get out of victim behaviours that allow the other person to exploit them.<sup>272</sup>
- In court cases, educate jurors about financial abuse.<sup>273</sup>
- Information and advice needs to focus on needs of older people, not just be descriptive of what resources exist.<sup>274</sup>
- Information services, including financial advice, should include face-to-face communication and be local, so they are easily accessible.<sup>275</sup>
- Public education about financial abuse and how to recognise and prevent it.<sup>276 277 278</sup>
- Professionals who are more confident that a situation is financial abuse are much more likely to act/report it.<sup>279</sup> Training can increase this.
- Training has been developed for health and social care staff to detect and prevent financial abuse of older people in the UK.<sup>280</sup>
- In the US, one suggestion is to require a neutral, professional third party to assess mental competency when a person makes a will, has someone make a Power of Attorney (POA), takes out new financial products (e.g. credit cards), etc.<sup>281</sup>
- A Scottish report recommends identification of 'at risk' individuals and screening proposed individuals put forward for receivership or POA for suitability, and continued monitoring of these; perhaps by the Office of the Public Guardian.<sup>282</sup>
- There is a lack of understanding about financial abuse across police services, so reports can be turned away at the front desk, especially if they do not see it as very serious or involving large amounts of money; therefore, more training about financial abuse should be required for police as well.<sup>283</sup>
- Police can also lack the resources and knowledge about how to investigate financial abuse properly, including collecting evidence.<sup>284</sup>
- Personal Budgets and Direct Payments are a major potential source of financial abuse,<sup>285</sup> so this should be part of the risk assessment for support plans, etc.<sup>286</sup>
  - Risks are especially high for people with dementia (and cognitive decline).<sup>287</sup>
  - In plans, it needs to be recognised that people with dementia will have fluctuating and declining capacity over time, so this needs to be monitored and plans put in place for who will take over financial decisions, etc.<sup>288</sup>
  - Risks include hiring unregulated people to carry out care and other work.<sup>289</sup>
  - Risks can be managed if social workers work with police, Court of Protection, and Benefits Agency to block 'unsuitable' people from having access to personal budgets and/or pensions of vulnerable people.<sup>290</sup>
- Financial abuse should be a more proactive part of Safeguarding Boards' remits.<sup>291</sup>

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- Require people with POA to submit annual records of accounts, and have random audits.<sup>292</sup>
- Require more than 1 person has POA/EPA.<sup>293</sup>

Note that some people – especially older people themselves – think the problem is simply one of lack of education or knowledge about how to manage one's finances.<sup>294</sup>

### *Systems*

- Failure of internal systems, where firms fail to communicate and connect information internally. For example, this can lead to customers having to tell firms multiple times about bereavement, resulting in numerous duplicate letters from different areas of the business being sent.
- Interfaces or channels of communication that are not inclusive.
- Increasing automation and use of call centres may create challenges in spotting potential vulnerability and ensuring customers are referred on to specialist teams.

### *Implementation*

- Policy/practice gap at firms, where frontline staff are not aware of or do not implement head office policies. Frontline staff may not refer people on to specialist teams.
- Consumer time is not valued highly and many people give up if the process is too time-consuming, especially if they are in a stressful situation with other demands on their time.
- Inconsistent approaches around flexible temporary forbearance.
- Arrangements around temporary delegation (enabling a family member or carer to manage your affairs for a short time) and accompaniment (sitting in or helping with a phone call or interview) not sufficiently developed and flexible to enable family and carers to help.
- Inappropriate selling and sales practices which exploit diminished cognitive capability to make sound financial decisions.
- Issues around disclosure<sup>295</sup> of a vulnerability and data protection – inaccurate or overzealous application often creates unnecessary problems.

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<sup>295</sup> Throughout this paper we use the term 'disclosure' to describe the voluntary communication or divulgence of personal circumstances by the consumer to the firm. References to disclosure in this paper are not related to the Market Abuse Directive (Disclosure Rules) Instrument 2005.