

Gendered Violence Research Network

# **Understanding Economic and Financial Abuse and Disability in the Context of Domestic and Family Violence**

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## Glossary

**Ableism:** Ableism refers to the way in which ‘the construction of social systems with able-bodied people as the norm results in the systemic, structural, intersecting and individual forms of discrimination against and exclusion of people with disabilities.’<sup>1 in 2</sup> Ableism is entrenched in legal, policy and practice frameworks that deny the autonomy of people with disability and segregate them from the general population.<sup>3</sup>

**Cared accommodation:** Includes hospitals, residential aged care, cared components of retirement villages, aged care hostels, psychiatric institutions, and group homes for people with disability.<sup>4</sup>

**Carer:** Someone who provides support to a person with disability on an unpaid basis, often a family member.<sup>5</sup>

**Disability:** Article 1 of the United Nations (UN) *Convention of the Rights of Persons with Disabilities* defines ‘disability’ to include those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder the person’s full and effective participation in society on an equal basis with others.<sup>6</sup> Advocacy group People with Disability Australia (PWDA) extends the UN definition of disability as follows: ‘The result of the interaction between people living with impairments and an environment filled with physical, attitudinal, communication and social barriers. It therefore carries the implication that the physical, attitudinal, communication and social environment must change to enable people living with impairments to participate in society on an equal basis with others’.<sup>7 in 8</sup>

**Domestic and family violence:** Includes any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. The behaviour is usually part of a pattern of controlling or coercive behaviour.<sup>9</sup>

**Economic abuse:** A pattern of control, exploitation or sabotage of money, finances and economic resources which affects an individual’s capacity to acquire, use and maintain economic resources and threatens their economic security and self-sufficiency.

**Economic hardship:** While there is no agreed definition of the term ‘economic hardship’ in the literature, it can include experiences of financial stress, unemployment, having to manage on a lower household income, and having to draw on savings or go into debt in order to cover ordinary living expenses.<sup>10, 11</sup> The terms ‘economic hardship’ and ‘financial hardship’ are often used interchangeably.

**Economic or financial insecurity:** Occurs when a person lacks the economic resources to meet their material needs so they can live with dignity. This can include lacking access to appropriate and well-paid work that is above minimum wage, inadequate social protection, unreasonable costs of living and an incapacity to absorb financial shocks. Economic and financial insecurity is a gendered problem, as women typically experience poorer economic outcomes than men.<sup>12</sup>

**Elder abuse:** A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person. It includes physical, sexual, psychological, emotional, financial and material abuse, neglect, and serious loss of dignity and respect.<sup>13</sup>

**Family violence:** A term used to describe the range of forms of violence that can take place in communities including physical, emotional, sexual, social, spiritual, cultural, psychological, and economic abuses that may be perpetrated within families.<sup>14, 15 and 16 in 17</sup> The term recognises the broader effects of violence, including on extended families, kinship networks and community relationships, and has also been used to include acts of self-harm and suicide.<sup>14, 15 and 16 in 17</sup> Family violence is often the preferred term for identifying violence experienced by Aboriginal and Torres Strait Islander people to acknowledge violence perpetrated by people from a range of kinship and/or family relationships.<sup>18</sup>

**Financial abuse:** A pattern of control, exploitation or sabotage of money and finances affecting an individual's capacity to acquire, use and maintain financial resources and threatening their financial security and self-sufficiency. Financial abuse is a component of economic abuse involving similar patterns of abusive behaviours, but specifically in relation to money and finances and not economic resources more broadly.<sup>19</sup>

**Financial hardship:** Occurs when a person is unable to meet their existing financial obligations for a period of time. It may be caused by a number of factors, such as unforeseen weather events, a major change in circumstances, such as illness or injury, or a change in employment.<sup>20</sup>

**First Nations:** A term which recognises the peoples or nations of people who have lived in a particular geographic location from the beginning, prior to the settlement of other peoples or nations.<sup>21</sup> In Australia, this term is increasingly used to acknowledge Aboriginal and Torres Strait Islander peoples as the sovereign people of this land, and equally recognises the various language groups as separate and unique sovereign nations.<sup>22</sup>

**Guardian:** Someone who is appointed by a board or tribunal to make decisions about another person's health care, finances, accommodation, services, relationships or other personal matters.<sup>5</sup>

**Intersectionality:** The complex, cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, classism, and ableism) combine, overlap or intersect.

**Intimate partner violence:** Violence and abuse perpetrated by a current or former intimate partner (cohabitating and dating) and includes any behaviour within an intimate relationship that causes physical, emotional, psychological or sexual harm to those in the relationship.<sup>23</sup>

**Residential care:** Refers to the care and services a person receives when they are living in a care facility, including aged care homes. Residential care is provided by Australian Government-approved organisations.<sup>24</sup>

## Executive Summary

For more than five years, the Commonwealth Bank of Australia (CBA) has been committed to working in partnership with experts in the community to address domestic and family violence (DFV). In July 2020, CBA extended this commitment by launching Next Chapter, a program designed to address financial abuse for their customers and communities.

One of the key priorities under Next Chapter is to work in partnership with experts to increase community and industry understanding of financial abuse.

To support this goal, CBA has partnered with the University of New South Wales Gendered Violence Research Network (GVRN) to develop a research series exploring current knowledge of financial abuse in Australia. GVRN has worked closely with CBA over a number of years to deliver training and develop their response to DFV and financial abuse.

*Understanding Economic and Financial Abuse and Disability in the Context of Domestic and Family Violence* is the fourth report in the series planned under the partnership between CBA and GVRN. When complete, the research series will represent a compendium of current evidence on economic and financial abuse and gaps in our current knowledge.

To develop this report, GVRN conducted a comprehensive review of academic and relevant policy literature to identify and analyse existing research on disability, economic and financial abuse. While economic and financial abuse can occur in a variety of contexts for people with disability, this report focuses specifically on DFV. It is therefore not the remit of this report to provide a full account of the literature relating to economic and financial abuse among people with disability falling outside this area of focus. However, we acknowledge economic and financial abuse is a prevalent and devastating form of abuse for people with disability more broadly.

There are two significant over-arching findings from this evidence review:

1. There is a distinct gap in the evidence base related to the perpetration of economic and financial abuse in the context of DFV.
2. Using the umbrella term 'disability' is not always helpful and frequently does not allow a nuanced understanding of the range of impairments including the severity and the impact on the person affected.

Additional findings are discussed below.

### What the evidence tells us

- As noted in previous reports, it is difficult to measure the prevalence of economic and financial abuse among people with disability.
- Economic and financial abuse experienced by people with disability was measured using both quantitative and qualitative methods.

- There are specific tactics of economic and financial abuse that may uniquely affect people with disability, including material deprivation, improper use of money such as National Disability Insurance Scheme (NDIS) funds or carer's allowance, withholding finances, or coercing the person with disability about how the funds should be used.
- There is evidence that economic and financial abuse experienced by people with disability may co-occur with other forms of DFV (e.g., neglect, physical abuse and psychological abuse).
- There may be barriers to recognising and responding to economic and financial abuse of women with disability in situations where their carers and/or family members are the perpetrators of abuse.
- It may also be the case that women with disability, may experience high rates of financial and economic abuse from a wider range of people, including support workers, service providers and internet scammers in addition to behaviour occurring within the context of DFV.
- People with disability may be at greater risk of economic and financial abuse due to factors such as reliance and dependence on others, lack of access to financial resources, barriers to accessing social security entitlements and limited experience in managing finances.
- People with disability can face barriers to navigating the legal system in response to economic and financial abuse.
- Disability services are an important component of interdisciplinary teams responding to economic and financial abuse.
- Greater professional and formal regulations may be needed to prevent financial abuse, particularly for financial transactions within families. This may include the rules governing how a Power of Attorney is appointed or the use of financial trusts.

## What the evidence doesn't tell us

- None of the studies identified for the review provided a definition of economic and financial abuse that was specific to people with disability.
- There was no empirical evidence that economic and financial abuse perpetrated against people with disability constituted a criminal offence. As noted in the first report in this series, *Understanding Economic and Financial Abuse in Intimate Partner Relationships* (Report One),<sup>25</sup> economic abuse is broadly recognised as a criminal offence in Tasmania, however in other Australian jurisdictions it may only be mentioned as part of a definition of DFV or like terms.
- There is a lack of research examining the potential intersections between traditionally gendered financial management and economic and financial abuse among people with disability.



- There is a lack of research specifically examining the associations between economic and financial abuse, and economic and financial hardship and insecurity among people with disability. However, it is clear that people with disability face economic and financial insecurity and hardship at higher rates than their non-disabled counterparts which increases their reliance on others, increasing their risk of experiencing economic and financial abuse.
- Where care and support create dependence, people with disability are at heightened risk of economic and financial abuse, which may include tactics specific to different disabilities. While there is recognition that services need to offer a tailored and professional response that is not ableist, there is scant evidence that this has been achieved, particularly in the context of DFV. While silos of evidence exist, they are mostly not matched or connected up to one another.
- The existing literature does not adequately consider the relevance of an intersectional approach, as disability is only one factor affecting the experience of economic and financial abuse in the context of DFV.

# 1. Introduction

For over five years, the Commonwealth Bank of Australia (CBA) has been working with community organisations and experts to address domestic and family violence (DFV). CBA has invested more than \$30 million in targeted activities and has now extended and expanded their support for people whose economic circumstances are affected by DFV. In July 2020, CBA launched the Next Chapter program, which outlines their strategy to address financial abuse for their customers and communities. As part of this program, CBA has partnered with a range of academic and community experts to produce innovative responses to financial abuse.

The Gendered Violence Research Network (GVRN) at the University of New South Wales (UNSW, Sydney) has worked with CBA since 2015 providing bespoke training for managers across the organisation delivering best practice responses to employees affected by DFV and specialist teams managing the hardship circumstances of customers resulting from financial abuse. GVRN received funding from CBA as part of the Next Chapter program to support and advance research into financial abuse, building an evidence base for best practice responses by financial institutions and opportunities for knowledge exchange between community partners.

This introduction provides an overview of:

- the focus of our research throughout the life of the program;
- terminology used in this report;
- the relationship between DFV, people with disability and economic and financial abuse; and
- challenges in identifying and responding to economic and financial abuse across the range.

## 1.1 The current research project

GVRN with CBA key personnel developed a three phase project plan to build the evidence base in a systematic and comprehensive inquiry.

Goal	Deliverable
<b>Phase 1: April 2020 – December 2021</b>	
To produce a compendium of current evidence by identifying and analysing current research on economic and financial abuse occurring in the context of DFV in six areas.	<p>Research papers</p> <ol style="list-style-type: none"> <li>1. Understanding Economic and Financial Abuse in Intimate Partner Relationships</li> <li>2. Understanding Economic and Financial Abuse in First Nations Communities</li> <li>3. Understanding Economic and Financial Abuse Across Cultural Contexts</li> <li>4. Understanding Economic and Financial Abuse and Disability in the Context of Domestic and Family Violence</li> <li>5. Understanding Older People and Economic and Financial Abuse in the Context of Domestic and Family Violence</li> <li>6. Understanding Legal and Policy Responses to Economic and Financial Abuse</li> </ol>
<b>Phase 2: July 2021 – December 2021</b>	
To identify, analyse and document factors that increase the likelihood of people experiencing financial hardship and economic insecurity resulting from financial abuse.	<p>Phase 2 will undertake original analyses of</p> <ul style="list-style-type: none"> <li>• de-identified customer data from CBA</li> <li>• existing data collected by partner organisations in the Next Chapter strategy</li> <li>• Australian legislation, regulations, policies and cases on economic abuse</li> <li>• specific forms of economic abuse such as elder abuse, humbugging, dowry and bride price abuse.</li> </ul>
<b>Phase 3: December 2021- December 2022</b>	
To showcase best practice responses to financial abuse to enable organisations, including CBA, to address the issue more effectively.	<p>Phase 3 will produce:</p> <ul style="list-style-type: none"> <li>• a research communication plan</li> <li>• evidence informed products demonstrating best practice responses for use in different sectors and organisations</li> </ul>

The first report in this series, *Understanding Economic and Financial Abuse in Intimate Partner Relationships* (Report One),<sup>25</sup> addressed research questions relevant to economic and financial abuse in intimate partner relationships. Subsequent reports build on the work in Report One<sup>25</sup> by considering the same research questions in different contexts and with different population groups.

*Understanding Economic and Financial Abuse in First Nations Communities* (Report Two)<sup>26</sup> reinforced the importance of considering the unique cultural context and everyday cultural practices of First Nations communities. The third report, *Understanding Economic and Financial Abuse Across Cultural Contexts* (Report Three),<sup>27</sup> demonstrated the importance of ensuring that responses to financial abuse are informed by an understanding of cultural context and proper consideration of cultural norms. Both reports made clear that context matters and that tailoring responses to financial and economic abuse is required.

This report, *Understanding Economic and Financial Abuse and Disability in the Context of Domestic and Family Violence*, is the fourth in the evidence compendium. It builds on the first three reports and will examine the available evidence and provide an analysis of what research can tell us about the experience of economic and financial abuse for people with disability. Similar to Report Three,<sup>27</sup> this report applies an intersectional lens in considering the experiences of people with disability. This approach accounts for different layers of identity, social inclusion and exclusion, and social positioning,<sup>28</sup> recognising the complex experiences of discrimination that people with disability may have.

## 1.2 Terminology may not be agreed

This report focuses on the state of our knowledge of financial and economic abuse perpetrated as part of DFV for people with disability. It is important to define key terms and highlight definitional inconsistency to allow the reader to make informed judgements about the extent to which evidence can be compared.

### 1.2.1 Domestic and family violence

As demonstrated in the previous reports in this evidence compendium, there is no single definition of DFV in Australia or agreed use of terminology. Researchers often use terms such as ‘domestic violence’ (DV), ‘family violence’ (FV), ‘domestic and family violence’, ‘intimate partner violence’ (IPV) or ‘violence against women’ (VAW) without adequately defining the differences between these terms or context of use.

National and global policy documents also prefer different terms. The National Plan to Reduce Violence Against Women and their Children 2010 - 2022<sup>29</sup> (the National Plan), which outlines the Australian Government’s 12-year plan to reduce domestic, family and sexual violence against women and their children, prefers the term ‘domestic violence’ defined as ‘acts of violence that occur between people who have, or have had, an intimate relationship.’<sup>29</sup> However, the National Plan is currently in the process of being updated, with advocates in the sector recognising the narrow scope of the term ‘domestic violence’.

The World Health Organisation (WHO) uses the umbrella term ‘gender-based and sexual violence’ but refers to IPV and defines it as any behaviour within an intimate relationship that causes physical, emotional, psychological, or sexual harm to those in the relationship.<sup>23</sup> IPV and indeed the broader term DFV, can be experienced and perpetrated by people of any gender, regardless of age, sexual orientation or marital status<sup>30-32</sup> and is not confined to a particular socio-economic class, racial or cultural group.

As also noted in previous reports, the terms domestic violence, DFV and family violence are frequently employed when the term IPV would be more appropriate. This is important because not all DFV is perpetrated in intimate partnerships. Financial and economic abuse may be perpetrated by others outside the definition of DFV, such as support workers. The term ‘family violence’ is preferred by some Australian jurisdictions (Victoria and Tasmania) to forefront the effects of violence on children within the family,<sup>18</sup> however it is also the case that reference is made to FV in the term DFV.

Family violence encompasses the range of violence that takes place in communities including the physical, emotional, sexual, social, spiritual, cultural, psychological, and economic abuses that may be perpetrated within a family.<sup>14, 15 and 16 in 17</sup> This definition, together with lateral violence,<sup>33</sup> broadens the relational contexts in which ‘family’ violence can occur to include violence and abuse perpetrated by and against a range of family members, including grandparents, parents and adult children, aunts and uncles and siblings and other kinship relationships.<sup>34 in 35</sup> First Nations communities in Australia generally prefer the term ‘family violence’ as it encompasses a range of forms of violence in addition to spousal violence.

The broad range of definitions that exist and the slippage between them limits the comparability of evidence and what we know about violence and abuse perpetrated in contexts other than intimate partnerships.<sup>36</sup> This evidence review will refer to the broader term DFV but will also refer to the terms used in the original research when describing their findings. The use of the term DFV also recognises that it is the term preferred by most Australian jurisdictions and the research literature.

### 1.2.2 Relational context is important

Many people with disability may be living in intimate partnerships – either marriage or de facto relationships or may live with family members. People with disability can have a range of living situations and support arrangements. Most people with disability (96%) live in private dwellings, although this is not always the case.<sup>4</sup> The vast majority of people with a disability under the age of 65 live in private dwellings (99%).

In the past, many people with disability, particularly those with severe or profound disability, lived in cared accommodation. There is currently a proportion of people with disability who require specialised care, which can be provided by carers who live in or are part of a roster of services or care that is provided as part of institutional or residential care arrangements. Around 13,500 people with disability under the age of 65 years old live in cared accommodation as at 30 June 2019.<sup>4</sup>

Legislation in select Australian jurisdictions defines what is considered to be a 'domestic' relationship differently compared to some policy definitions of DFV.<sup>a</sup> Some jurisdictions define the terms 'family relationship' or 'domestic relationship' to include carer relationships.<sup>37</sup> For example, the *Crimes (Domestic and Personal Violence) Act 2007* (NSW)<sup>38</sup> provides an extensive list of domestic relationships within which DFV can be perpetrated. For the purposes of the NSW legislation and relevant to this review, in addition to expected definitions of domestic relationships which include marriage (a), de facto relationships (b), being a relative (g), or part of an extended family or kinship system (h), a person has a domestic relationship with another person if the person:

- (c) has or has had an intimate personal relationship with the other person, whether or not the intimate relationship involves or has involved a relationship of a sexual nature;
- (d) is living or has lived in the same household as the other person;
- (e) is living or has lived as a long-term resident in the same residential facility as the other person and at the same time as the other person (note, a correctional centre or detention centre is excluded); or
- (f) has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the other person.

Section 5(c) – (f) in the NSW legislation and similar provisions in the Victorian and Northern Territory legislation, are important for this report as these additional contexts reflect the diversity of possible living conditions and relational contexts of many people with disability and therefore enhance our understanding of the types of relationships within which DFV, economic and financial abuse occur.

However, most of the current Australian laws do not contain sufficiently broad definitions to incorporate the range of violence experienced by people with disabilities and settings in which this may occur.<sup>39, 40 in 37</sup> This has implications for whether personal violence orders are available to protect the person with disability.<sup>37</sup> For example, under the *Domestic and Family Violence Protection Act 2012* (Qld),<sup>41</sup> a 'relevant relationship' is defined as an intimate personal relationship, a family relationship or an informal care relationship, meaning that the Act does not include violence perpetrated by a paid caregiver.

This issue was also identified in a 2015 report, *Preventing Violence Against Women and Girls with Disabilities: Integrating a Human Rights Perspective*. That report noted that in many cases violence occurring within institutional settings is mostly treated as an occupational health and safety/workplace issue or resulting from challenging client behaviours rather than a human rights violation or criminal act. Further, this report argues that definitions of DFV do not recognise the unique forms of violence and abuse that people with disability may experience in their domestic arrangements.<sup>42</sup>

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a. NSW, Victoria and the Northern Territory provide broad definitions of domestic relationships. South Australia and Queensland include informal care arrangements in the definition of 'domestic' and Tasmania, Western Australia and the ACT do not make any reference to other relational contexts in their definitions.

### 1.2.3 Disability is an umbrella term

The definition of 'disability' is not agreed or consistent within major policy documents.

The *Disability Discrimination Act 1992* (Cth) defines disability as including:

- (a) total or partial loss of the person's bodily or mental functions;
- (b) total or partial loss of a part of the body;
- (c) the presence in the body of organisms causing disease or illness;
- (d) the presence in the body of organisms capable of causing disease or illness;
- (e) the malfunction, malformation, or disfigurement of a part of the person's body;
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour.

The Australian Human Rights Commission (AHRC) uses different definitions of disability depending on the focus of the study. In their 2012 report, *Disability Discrimination: Know your Rights*, they note the broad definition of disability used in the *Disability Discrimination Act 1992* (Cth):

- 'Disability' includes physical, intellectual, psychiatric, sensory, neurological and learning disabilities.<sup>43</sup>
- Physical disfigurement and the presence in the body of disease-causing organisms, such as the HIV virus are also included.<sup>43</sup>
- The definition captures disabilities that individuals have presently, have had in the past, may have in the future, or which they are believed to have.<sup>43</sup>

Similarly, the Australian National Disability Strategy 2010-2020 defines disability as including all kinds of impairment from birth or acquired through illness, accident, or ageing.<sup>44</sup> The definition captures cognitive impairments, and physical, sensory and psychosocial disability.<sup>44</sup>

These definitions focus predominantly on the category and nature of the impairment(s). However, other definitions are broader and seek to link the impairment with the effects on the capacities of the person with disability.

- The WHO's International Classification of Functioning, Disability and Health defines disability as an umbrella term for impairments, activity limitations and participation restrictions.<sup>4</sup>
- The *National Disability Insurance Scheme Guidelines* refer to a number of impairments and health circumstances such as intellectual, cognitive, neurological, psychiatric, sensory or physical impairments, which to be assessed as a disability must be likely to be permanent and result in substantially reduced functional or psychosocial capacity in undertaking communication, social interaction, learning, mobility, self-care, and/or self-management.<sup>45</sup>
- The 2020 Australian Institute of Health and Welfare (AIHW) report, *People with disability in Australia*, defines disability as related to factors such as genetic disorders,

illnesses, accidents, ageing, and/or injuries.<sup>4</sup> It notes that individuals' experiences of disability may be shaped by environmental factors (e.g. access to opportunities, services, and assistance), personal factors, and community attitudes.<sup>4</sup>

These broader definitions encompass more than the impairment by stressing the interaction between an individual with the impairment and wider personal and environmental factors including negative attitudes, inaccessible transportation and public buildings, and limited social supports. They not only demonstrate the wide range of possible impairments that may fall under the umbrella of disability but also highlight that people experience different degrees of impairment, activity limitation and participation restriction.

These broader definitions are also consistent with the foundational definition provided by the United Nations (UN) *Convention of the Rights of Persons with Disabilities*.<sup>6</sup> Article 1 of the Convention defines persons with disabilities as including those:

...who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various barriers, may hinder the person's full and effective participation in society on an equal basis with others.<sup>6</sup>

People with Disability Australia (PWDA) extends the second part of the UN definition as follows:

The result of the interaction between people living with impairments and an environment filled with physical, attitudinal, communication and social barriers. It therefore carries the implication that the physical, attitudinal, communication and social environment must change to enable people living with impairments to participate in society on an equal basis with others.<sup>7 in 8</sup>

This social definition of disability highlights the impact of social attitudes and barriers on perceptions of impairments and how these may affect a person with disability's capacity to participate in all aspects of life.

### 1.2.4 Intersectionality provides an important lens

In Report Three<sup>27</sup> an intersectional lens was applied when considering the experiences of economic and financial abuse of people who are incorporated under the 'culturally and linguistically diverse' (CALD) umbrella. An intersectional lens is also helpful when considering the lived experiences of people with disability. Unless consideration is given to intersecting life experiences, there is a risk of making simplistic assumptions about disability which do not adequately engage with the complexity of an individual's lived experience.

A recent qualitative study of the experiences of violence of women living with disability argued that in any disability research, an analytic approach should be taken which considers various layers of identity, social inclusion and exclusion, and social positioning.<sup>28</sup> The relevance of an intersectional approach being that disability is only one factor affecting the experience of economic and financial abuse perpetrated within DFV.



Multiple and intersecting forms of discrimination may heighten the risk of women with disabilities experiencing violence.<sup>42</sup> However, advocates argue that other aspects of the person's identity and life experiences (such as their age, gender, sexual orientation, religion, indigenous, ethnic or cultural background, immigration status or economic status) are ignored and people are identified as their disability only. By focusing solely on disability and not considering other life experiences, it is possible to miss how and in what ways these various identity layers intersect to create new and often complex experiences of discrimination.

This report provides a review of the literature to date and notes the gaps in evidence about the experiences of economic and financial abuse of people with disability perpetrated within a DFV context. It also highlights questions that have not been asked or considered by researchers about the ways in which financial and economic abuse may be perpetrated as part of DFV.

### 1.3 Challenges in establishing the prevalence of DFV for people with disability

This section considers the prevalence of DFV experienced by people with disability. However, there are a number of caveats that should be applied before considering the data.

The AIHW notes that definitions and identification of disability can vary depending on the data source.<sup>4</sup> The 2019 Australian Bureau of Statistics (ABS) report on *Disability, Ageing and Carers, Australia: Summary of Findings* defined disability as 'any limitation, restriction or impairment which restricts everyday activities and has lasted, or is likely to last, for at least six months.'<sup>46</sup> This definition does not require participants to disclose the nature of the impairment and so survey results tell little about how particular types of impairments or level of severity may influence the issue being investigated.

As discussed in Report Three,<sup>27</sup> responding to one or more forced choice questions in a survey fails to capture the complexity of many people's lived experience of, in this case, disability. Survey participants may also have more than one disability or impairment or related experiences. In addition, the intersecting variables of socio-economic status, gender, cultural background, First Nations status, religion, migrant or refugee status and educational background do affect the way in which an impairment can be managed, and the responses provided. The term 'disability' does not adequately convey the differences in experiences depending on the nature of the impairment.

It should also be noted that existing research has not adequately considered or questioned the ways in which economic and financial abuse of people with disability may be perpetrated as part of DFV.

With these caveats in mind, the following data presents what is known about prevalence of disability within the Australian community, DFV generally, and then the prevalence findings for people with disability who experience DFV.

### 1.3.1 Disability in Australia

The ABS collects data on rates of disability in Australia. ABS analysis of data from the 2018 Survey of Disability, Ageing and Carers (SDAC) found that:

- There were 4.4 million Australians with disability, 17.7% of the population, down from 18.3% in 2015. Disability prevalence was similar for males (17.6%) and females (17.8%).
- The prevalence of disability increased with age, with one in nine (11.6%) people aged 0-64 years and one in two (49.6%) people aged 65 years and over living with a disability.
- Almost one-quarter (23.2%) of all people with disability reported a mental or behavioural disorder as their main condition, up from 21.5% in 2015.
- Of all people with disability, 1.9 million were aged 65 years and over (up from 1.8 million in 2015), representing almost half (44.5%) of all people with disability (up from 41.9% in 2015 and 40.7% in 2012).<sup>46</sup>

Of the 4.4 million Australians who had disability in the 2018 SDAC, almost 3.9 million people had a limitation with the core activities of communication, mobility or self-care and/or a schooling or employment restriction. As a proportion of the Australian population:

- 3.2% had a profound limitation;
- 2.6% had a severe limitation;
- 2.4% had a moderate limitation;
- 6.1% had a mild limitation; and
- 1.4% had a schooling or employment restriction only.<sup>46</sup>

People with disability experience high levels of socio-economic disadvantage and are more likely to experience poverty, financial hardship and unemployment. Financial hardship creates additional vulnerability for people with disability. The 2018 SDAC found that of those with disability (living in households):

- One-third (33.4%) of those aged 15 years and over had completed schooling up to year 12 or equivalent, increased from 31.4% in 2015.
- 37.9% of those aged 15-64 years said their main source of personal income was a government pension or allowance, down from 41.9% in 2015.
- 46.6% of those of working age (15-64 years) were not in the labour force, compared with 15.9% of those of without disability.<sup>46</sup>
- While 64% of people with disability own their own home, 41% of households in social housing programs include at least one person with disability.<sup>4</sup> Disability status is used in some national prevalence surveys as a measure of the severity of limitations experienced by people with disability.

The SDAC also provides data on the need for assistance and care among people with disability:

- 3 in 5 people (2.5 million people) with disability living in households reported needing assistance with at least one activity of daily life. Assistance was most commonly needed for health care (29.9%), property maintenance (27.1%) and cognitive and emotional tasks (23.7%).
- Of those who needed assistance, 79.1% received assistance from informal providers. Informal assistance was most commonly provided by a partner (40.5%), child (27.3%) or parent (27.0%) of the person with disability.
- Over half (58.0%) received assistance from formal providers, including private organisations and government providers.<sup>46</sup>

People with disability may also experience segregated employment through programs intending to provide employment opportunities to people with disabilities,<sup>47</sup> but which also involve paying them lower wages.<sup>48</sup> Critics argue that these employment practices reinforce harmful social beliefs about the inferiority of people with disability, and may increase the risk of financial hardship, exploitation and abuse.<sup>48</sup>

When combined, the findings suggest that some people with disability may require financial assistance, care and support which requires dependence on others.

### 1.3.2 DFV in Australia

The most recent findings from the 2016 Australian Personal Safety Survey (PSS), which is the largest national population-based survey of IPV, found approximately 1 in 4 women (23% or 2.2 million) experienced violence by an intimate partner, compared to 1 in 13 men (7.8% or 703,700).<sup>32</sup> Lethality is tracked in separate studies but confirms an equally alarming incidence rate: **1 woman is killed every 9 days and 1 man is killed every 29 days by a partner.**<sup>49</sup> In addition, **1 in 4 Australian women and 1 in 6 Australian men** reported experiencing emotional abuse by a current or former partner.<sup>32</sup>

### 1.3.3 Disability and DFV

People with disability experience higher rates of DFV than those without a disability. Analysis of the 2016 PSS found that:

- 26% of people with disability reported experiencing IPV since the age of 15 compared to 14% of people without disability.<sup>50</sup>
- 36% of women with disability reported experiencing IPV since the age of 15, compared to 21% of women without disability.<sup>50</sup>
- People with disability were 1.8 times as likely to have experienced physical and/or sexual violence from a partner in the previous year than those without disability.<sup>49</sup>
- Women with disabilities reported higher rates of IPV than men with disabilities.<sup>4</sup>
- 1 in 4 women with disability have experienced sexual violence since the age of 15, and 1 in 14 for men with disability – whether this occurred within their family or in an intimate partnership was not reported.<sup>4</sup>

- 2 in 5 women with disability have experienced physical violence since the age of 15 and roughly 1 in 2 (47%) for men with disability – whether this occurred within their family or in an intimate partnership was not reported.<sup>4</sup>

However, in interpreting this data, it is important to consider the following caveats:

- The PSS requires that interviews are conducted in private.<sup>4</sup> Whilst respondents who require the assistance of another individual to communicate with the interviewer may select a household member to engage in a proxy interview for certain components of the survey, such proxy interviews do not cover sensitive components of the PSS, including questions about individuals' experiences of violence.<sup>4, 51</sup> As such, the PSS may underrepresent individuals with profound or severe communication disability.<sup>4, 51</sup>
- The PSS only collects data from people living in private dwellings and excludes individuals living in institutional care settings.<sup>4, 51</sup> This exclusion prevents the PSS from adequately capturing the prevalence of violence against people with disability.<sup>52</sup>

Data from the 2014-15 National Aboriginal and Torres Strait Islander Social Survey (NATSISS) found that more than half of Indigenous Australians who experience family violence have disability.<sup>49</sup> More specifically, 54% of Indigenous Australians who reported physical violence from a family member had a disability.<sup>49</sup> However, this finding was from a very small sample size from the NATSISS 2014-15 Survey.

### 1.3.4 Economic and financial abuse and disability

While there is substantial literature on economic and financial abuse of people with disability that highlights dependence as a key risk factor, there are relatively few resources that identify whether the abuse occurred in the context of DFV. The evidence review also identified a lack of research examining economic and financial abuse perpetrated within the context of DFV.

The AIHW analysis of the 2016 PSS data found:<sup>49</sup>

- People with a disability were more likely to experience financial abuse (50% or 591,000) compared to people without a disability (37% or 579,000).
- People with a disability were also more likely to experience deprivation of basic needs such as food, shelter, sleep or assistive aids (14% or 172,000) compared to people without a disability (8% or 124,000).<sup>49</sup>

The 2018 SDAC reported on the discrimination experienced by people with disability and found that in 2018, of the 3.3 million people with disability aged 15 years and over (living in households), almost one-third (33.1%) avoided certain situations in the preceding 12 months because of their disability.<sup>46</sup> Of importance to this study, just over one-third (34.3%) of participants who avoided situations because of their disability avoided going to banks and shops and like service agencies.<sup>46</sup>

In *Abuse and Neglect of Vulnerable Adults in NSW – the Need for Action*, the NSW Ombudsman<sup>53</sup> found:

- While not specifically reported in relation to DFV, 25% of the reports included financial abuse allegations.
- Allegations of financial abuse that included:
  - A family member taking all of the alleged victim's money;
  - Preventing the adult with disability from accessing their own money; and
  - Family members taking the alleged victim's belongings.<sup>53</sup>

While not necessarily specific to DFV, other forms of financial abuse against people with disability may include legal guardians denying access to money, services withholding disability support or government payments and support workers misusing NDIS funds.

These studies substantiate living with disability is a context of risk for economic and financial abuse and that while possibly under-estimated, this abuse affects a significant number of people living with disability in Australia. However, the current evidence mostly does not distinguish whether economic and financial abuse occurs within the context of DFV which is the focus of this current report.

In 2019, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability was established in response to reports of violence, abuse, neglect and exploitation of people with disability.<sup>54</sup> Economic and financial abuse of people with disability are included within the Royal Commission's remit.<sup>5</sup> This includes economic and financial abuse perpetrated by intimate partners and other family members.<sup>55</sup> The Royal Commission is currently ongoing and is expected to deliver its final report in 2023.<sup>54</sup>

## 1.4 Policy context

While financial abuse as a form of DFV has emerged in key national policy documents over time, economic abuse remains absent from international and national plans of action.

### 1.4.1 International obligations

Australia has ratified the UN *Convention on the Right of Persons with Disabilities*.<sup>6</sup> Whilst the Convention does not explicitly refer to economic or financial abuse, Article 16 requires that parties to the Convention must take appropriate measures to protect persons with disabilities from all forms of violence, exploitation and abuse.<sup>6</sup> This Convention establishes the treatment of people with disability is a human rights issue and that active measures must be taken by State parties to ensure safety from violence, exploitation and abuse.

Additionally, Article 12 requires parties to take all appropriate and effective measures to ensure the equal right of persons with disabilities to control their own financial affairs, own or inherit property, and have equal access to bank loans, mortgages and other financial credit.<sup>6</sup> This reaffirms the principle of equal recognition before the law.<sup>6</sup>

## 1.4.2 Domestic policy

Economic or financial abuse is not defined or discussed as a priority in Australia's National Plan to Reduce Violence Against Women and their Children 2010 – 2022 (National Plan).<sup>29</sup> However, the National Plan recognises the diverse needs of women living with disabilities and called for prevention activities to prioritise women with disabilities.

The actions and recommendations under the plan recognise that women with disability and their children living with disability may experience DFV. It also includes a recommendation to improve service delivery and drive further reforms for women with a disability.<sup>29</sup>

However, the National Plan does not recognise the diverse contexts in which violence against people with disability may occur, including within institutions and when accessing services. Subsequent actions plans developed as part of the National Plan make very limited reference to economic and financial abuse experienced by women with disabilities.

### **Second Action Plan**

The Second Action Plan defines financial abuse as mistreatment or fraud in circumstances where a person forcibly controls another person's money or assets.<sup>56</sup> This includes preventing a victim from having a job, although this example does not appear in definitions of financial abuse in subsequent plans.<sup>56</sup>

The Second Action Plan also recognises that women with disability can face an increased risk of violence and additional challenges in accessing services and support.<sup>56</sup> A key action included to 'deliver awareness raising, training and prevention activities and responses to violence that are tailored to meet the needs of women with disability.'<sup>56</sup> Once again, the recognition of heightened risk of violence for women living with disability and understanding diverse needs is important but there is no further information or guidance about how responses should be tailored. There is also no acknowledgement in the plan of the increased risk of economic and financial abuse or diversity of the forms and contexts in which economic and financial abuse occurs for women with disability.

### **Third Action Plan**

The Third Action Plan highlights that financial abuse can include control of household finances, forced acquisition of funds or property, and limiting access to funds.<sup>18</sup>

Additionally, it notes that financial abuse is a common form of abuse against older people which is a helpful inclusion in relation to older people who may have a disability<sup>18</sup> but is not included in the Fourth Action Plan.<sup>2</sup>

In the Third Action Plan, it is noted that it can be difficult for women with disability to access appropriate support and justice services, meaning that violence and abuse can be more severe and continue for longer periods of time.<sup>18</sup> A key action included to 'improve support to women with disability who experience or are at risk of violence by working with them, the disability sector, specialist family and domestic violence services and mainstream services.'<sup>18</sup> The recurring theme through the first three action plans is the increased risk of violence for women with disability and the lack of appropriately tailored responses.

## Fourth Action Plan

In the Fourth Action Plan of the National Plan, financial abuse is included in the definition of DFV as one possible form of VAW and is defined in a separate section of the report.<sup>2</sup> Building on a definition provided by the Australian Securities and Investments Commission (ASIC), the final action plan under the current National Plan refers to financial abuse as occurring:

... when another person manipulates decisions or controls access to money or property without consent. Financial abuse can include someone taking control of household finances, limiting access to funds or forcing someone to spend money or sell property.<sup>2</sup>

This definition highlights some of the financially abusive actions perpetrators may take but fails to capture actions where the victim-survivor does not know that abusive actions are occurring or is unaware that their experience constitutes abuse as opposed to the experience of traditionally gendered management of finances in the intimate partnership. Again, it fails to capture the diversity of contexts within which violence against people with disability may occur.

Under National Priority 3 of the Fourth Action Plan - 'Respect, listen and respond to the diverse lived experiences and knowledge of women and their children affected by violence' – disability is recognised as impacting the ways in which women experience violence. This is the first acknowledgement that there may be different tactics of violence and abuse that are related to a woman's particular disability. The Plan defines 'ableism' as 'the way that the construction of social systems with able-bodied people as the norm results in the systemic, structural, intersecting and individual forms of discrimination against and exclusion of people with disabilities'.<sup>2</sup>

This plan notes that women with disability experience significantly higher levels of all forms of violence and can experience violence in a range of institutional and service settings, such as residential institutions and aged care facilities. The recognition that DFV can occur in institutional and service settings is an important inclusion and acknowledges different contexts of abuse for women living with disability.

## 1.5 Definitions of economic and financial abuse

Report One<sup>25</sup> in this series provided a comprehensive discussion of definitions of both economic and financial abuse. It found that in research there is slippage between these terms, they are frequently not defined, or the publication relies on a list of tactics rather than an actual definition.<sup>25</sup>

Various researchers have built their definitions on the proposition of dimensions of intentional or purposeful abuse occurring over time, defining economic abuse as a deliberate pattern of abuse and control of a current or former partner inhibiting, exploiting, or preventing an individual from having access to economic resources or opportunities.<sup>57, 58</sup> The definition of economic abuse can then be adapted to distinguish financial abuse as

‘interfering with a partner’s ability to acquire, use and maintain financial resources’<sup>57</sup> to manipulate or control their partner.

In Report One,<sup>25</sup> the following operational definitions were provided to distinguish between economic and financial abuse:

- **Economic abuse:** refers to a pattern of control, exploitation or sabotage of money, finances and economic resources (such as employment, transportation, accommodation) affecting an individual’s capacity to acquire, use and maintain economic resources and threatening their economic security and self-sufficiency.
- **Financial abuse:** refers to a pattern of control, exploitation or sabotage of money and finances affecting an individual’s capacity to acquire, use and maintain financial resources thus threatening their financial security and self-sufficiency.

The distinction made here between economic and financial abuse suggests that financial abuse is a component of economic abuse involving similar patterns of abusive behaviours, but specifically in relation to money and finances and not economic resources (such as transportation, a place to live, employment and education) more broadly.<sup>19</sup> However, these definitions are possibly more oriented to IPV and a nuclear family structure and the associated relational financial management.

The NDIS Quality and Safeguards Commission<sup>59</sup> *Activity Report* found that between 1 July 2019 and 30 June 2020, there were 3,637 allegations of abuse and neglect of NDIS participants, which included financial abuse. While financial and economic abuse were noted, there was no reporting of whether this abuse occurred within the context of DFV or what would be considered a ‘domestic’ relationship in select Australian legislation.

The NDIS Quality and Safeguards Commission<sup>60</sup> produced a report titled *Reportable Incidents: Detailed Guidance for Registered NDIS Providers*. This report provides a foundational definition of financial abuse for people with disability as:

...improper or illegal use of money (including NDIS funds where they are managed by the individual person with disability), property, resources or assets of a person with disability, including improperly withholding finances from that person, and coercing or misleading the person with disability as to how the funds or property will be used.<sup>60</sup>

This definition is consistent with the previous definitions offered and does helpfully acknowledge different tactics of financial control and exploitation that people with disability may experience. However, this definition does not address the context within which these tactics are perpetrated and consistent with much of the research to date, it does not readily distinguish between financial and economic abuse perpetrated against people with disability in the context of DFV.



## 2. Research Questions

Four broad research questions and associated sub-questions were developed to inform each Phase of this project in consultation with CBA:

### **What is the state of knowledge in Australia about economic abuse in DFV contexts?**

- (a) How is economic abuse defined and measured in Australian research?
- (b) What does the Australian literature identify as the tactics of economic abuse in domestic and family violence contexts? What mechanisms are used to perpetrate economic abuse?
- (c) What tactics are criminal offences?

### **When does traditionally gendered financial management in the context of domestic and family relationships become abusive, and is there evidence of the co-occurrence of economic abuse with other forms of DFV?**

- (a) Does the evidence identify the co-occurrence of other forms of domestic and family violence with economic abuse?
- (b) When does gendered financial management become coercive control/economic abuse in domestic and family violence contexts?

### **What are the intersections between economic and financial insecurity, hardship and economic and financial abuse?**

- (a) What are the intersecting risk factors associated with such abuse, insecurity and hardship?
- (b) Is there evidence of protective factors associated with such abuse, insecurity and hardship?

### **What is the evidence on prevention and response approaches for addressing economic abuse in DFV contexts?**

- (a) What is the evidence from Australian and international (i.e. New Zealand, Canada, UK, US) literature on prevention and response approaches for addressing economic abuse in domestic and family violence contexts?
- (b) To what extent do the legal system and financial services industry in Australia recognise, prevent and respond to economic abuse as a form of domestic and family violence, and what is the evidence of the effectiveness of these prevention and response approaches?

This fourth evidence review addresses each of these research questions by identifying and analysing relevant literature from Australia and international jurisdictions with similar country contexts (i.e. New Zealand, Canada, United Kingdom (UK), Ireland, and the United States (US)). The extent to which each review directly addresses each of the four research questions is dependent on the available evidence.

People with disability may experience or perpetrate economic and financial abuse in their intimate partnerships as reported in Report One.<sup>25</sup> They may also be from a First Nations and/or culturally and linguistically diverse background (Reports Two<sup>26</sup> and Three<sup>27</sup> respectively). The following review of evidence includes articles and reports that focus on economic and financial abuse, specific to disability and which are perpetrated within the context of domestic and family violence. This excludes support workers or paid carers in the disability context.

In addition to presenting the available evidence, each review will highlight gaps in the evidence base, key learnings and recommend areas for further research. The following results will be provided by question and sub-question.

### 3. Defining and measuring economic and financial abuse

#### Key Learnings

- As noted in previous reports, it is difficult to measure the prevalence of economic and financial abuse among people with disability.
- No study provided a definition of economic and financial abuse that was specific to people with disability or which captured the broad contexts within which it may occur.
- Economic and financial abuse experienced by people with disability was measured using both quantitative and qualitative methods.
- There was limited evidence available that explored the experiences of economic and financial abuse among people with disability. However, based on the limited evidence available, tactics of economic and financial abuse that may uniquely affect people with disability include material and resource deprivation, such as depriving the person of medication and disability aids.
- There was no empirical evidence identifying economic abuse tactics (as part of DFV) when perpetrated against people with disability as criminal offences.
- Economic abuse is broadly acknowledged as a criminal offence in Tasmania in one of the studies included in IPV review (Report One),<sup>25</sup> but other evidence suggests that in other Australian jurisdictions it may only be mentioned as part of a definition of DFV or like term.

#### 3.1 Definitions of economic and financial abuse

None of studies included in the review provided a definition of economic and financial abuse specific to people with disability or which captured the broad contexts in which it may occur. Instead, studies provided general definitions of economic and financial abuse.

- Two studies, which examined elder abuse and consequently the abuse of people with a disability, defined financial abuse as making improper use of the older person's property or money without their knowledge or permission.<sup>61, 62</sup>
- Another study conceptualised economic abuse as behaviours that interfere with a woman's economic participation, status and wellbeing.<sup>63</sup>
- Three studies adapted the definition of economic abuse provided by Adams, Sullivan, Bybee and Greeson,<sup>57</sup> who conceptualise economic abuse as either economic control, economic exploitation and economic sabotage.<sup>30, 64, 65</sup> Their definition of economic abuse includes behaviours that control a woman's ability to acquire, use and maintain economic resources, thus threatening her economic security and self-sufficiency.<sup>57</sup>

Tactics specifically relevant to disability identified in the evidence review included a carer, intimate partner or family member withholding treatments or disability-related aids. Given this, it is striking that the studies noted above did not consider the issue of dependency as increasing the risk of economic and financial abuse in their definitions. Dependency was also identified as a risk factor for economic and financial abuse in Report One in this series, which focused on IPV.<sup>25</sup>

## 3.2 Measuring economic and financial abuse

Only one study identified in the review measured economic and financial abuse specifically for people with disability within the context of DFV.<sup>28</sup> A small number of studies used quantitative measures to explore risk factors for financial abuse, including disability status.<sup>30, 61, 66</sup>

One study measured economic abuse using five quantitative items from the 2012 PSS, including financial control, work or study sabotage, deprivation of daily needs, property destruction and prevention from using household items.<sup>30</sup> While the results of the study did not disaggregate findings for people with disability for each of the five items, they found that having a disability increased the risk of experiencing economic abuse. Two studies used surveys to explore perceptions of financial abuse among service providers, older Australians and their family members, and found that having a disability was commonly considered a risk factor for financial abuse among older people.<sup>61, 66</sup>

The remaining studies used qualitative methods to gain an in-depth understanding of economic and financial abuse more generally, but still contained findings relevant to people with disability.<sup>62-65</sup> Methods included a grounded theory approach to gather the perspectives of economic abuse among key stakeholders,<sup>64</sup> interviews with practitioners in the DFV sector<sup>63, 65</sup> and focus groups with aged care workers and young adults to explore their attitudes towards elder financial abuse.<sup>62</sup>

## 3.3 Tactics of economic and financial abuse

There was limited evidence on tactics of economic and financial abuse experienced by people with disability from original research studies although some reports noted tactics from secondary sources.

One study identified material and resource deprivation as a tactic of economic and financial abuse, including being denied access to medication and disability aids.<sup>65</sup> Another study described a case of financial abuse where the child had a disability, and the abusive partner would control or withhold the household finances leaving little money for the rest of the family.<sup>64</sup> Women with a disability may also experience financial deprivation as a form of abuse, for example, where family members may withhold or control the woman's access to money.<sup>28</sup> Service providers also described incidents where women with disability were exploited by an intimate partner whose main motivation for entering the relationship was to obtain a carer's allowance.<sup>28</sup> It is possible that men and people of diverse genders with a disability may be at risk of financial deprivation and exploitation. Further research is required to explore this issue.

In their report *What is abuse and neglect?*, the NSW Ageing and Disability Commission<sup>67</sup> identified the following financial abuse behaviours that people with disability may experience:

- threats and coercion over wills and assets;
- taking control of the person's finances against their wishes;
- denying access to funds;
- abusing Powers of Attorney;
- stealing goods; and
- unauthorised use of bank accounts and financial documents.

While these tactics were not identified solely in relation to financial and economic abuse perpetrated as part of DFV, presumably all could still apply to DFV or certain domestic relationships.

Given the limited evidence on tactics, further research is needed to explore the unique forms of economic and financial abuse against people with disability. This may include control or misuse of NDIS funds, arranging for a Disability Support Pension to be put into a carer or partner's bank account, and services withholding disability support or government payments.

It is also likely that there would have been other examples of tactics of economic and financial abuse perpetrated against people with disability that occur in contexts other than DFV. However, there is an obvious gap in our understanding of tactics used in IPV or abuse by external family members or by people living in group accommodation in non-intimate relationships.

### 3.4 Not all tactics are criminal offences

Report One<sup>25</sup> in this series, which considered IPV and economic and financial abuse, identified one study that broadly acknowledged economic abuse as a criminal offence in Tasmania under section 8 of the *Family Violence Act 2004* (Tas).<sup>25</sup> In most other Australian jurisdictions economic abuse may be included in the definition of DFV (or like terms) but is not a criminal offence per se unless the action itself would constitute a criminal offence outside of the context of IPV.

None of the studies included in Report One,<sup>25</sup> Two<sup>26</sup> or Three,<sup>27</sup> and now for this report, explored whether certain tactics of economic or financial abuse constituted criminal offences. This may be in part because not all financial abuse is a criminal offence and where a particular tactic or offence is considered to be criminal, it would be prosecuted in the same way as non-DFV situations. It is therefore not surprising that none of the studies explored whether certain tactics of economic or financial abuse constituted criminal offences. It is likely that studies exploring legislative responses to economic or financial abuse were non-empirical in nature and thus excluded from this review. We will further explore whether tactics of financial or economic abuse are criminal offences once the legal database search of legislation and case law has been completed.

## 4. Traditionally gendered financial management and economic and financial abuse

### Key Learnings

- Limited research has examined the potential intersections between traditionally gendered financial management and economic and financial abuse amongst people with disability.
- Further research is required to understand the extent to which traditional gender roles and division of labour may mask or facilitate economic and financial abuse amongst people with disability.

None of the studies provided evidence on whether traditionally gendered financial management could facilitate economic and financial abuse of people with disability. As such, there is a gap in the literature on economic and financial abuse. There is a need for future research to examine whether and to what extent traditionally gendered financial management may influence the risk of economic and financial abuse of people with disability.

Having said this, the results from Report One,<sup>25</sup> focusing on IPV and economic and financial abuse, did provide evidence of the following:

- Traditionally gendered expectations around financial management and division of labour in intimate partner relationships may facilitate economic and financial abuse.
- Where traditionally gendered practices of financial management exist within an intimate partnership it may be difficult for the person affected by financial abuse to recognise the perpetrator's tactics as abuse.
- Specific cultural practices may further contribute to normative expectations of men being responsible for strictly enforced financial management and financial decision-making.<sup>25</sup>

Report One<sup>25</sup> noted that further research is needed to better understand whether there is a potential role for financial institutions to build customer financial capability and independence.<sup>25</sup> This suggestion also applies to customers living with disability and it may also be helpful to consider traditionally gendered management of care.

## 5. Economic and financial abuse co-occurs with other forms of DFV

### Key Learnings

- There is some evidence that among people with disability, economic and financial abuse may co-occur with other forms of DFV (e.g., neglect, physical abuse, and psychological abuse).
- Overall, however, the research on whether economic and financial abuse co-occurs with other forms of DFV amongst people with disability remains limited. More research into this issue is needed.

Previous reports in this series confirmed that economic and financial abuse may co-occur with other forms of abuse.<sup>25, 26</sup> However, there is limited research into the co-occurrence of economic and financial abuse alongside other forms of DFV experienced by people with disability. It is possible that this data was included in the overall sample of national prevalence studies and not separately reported on.

Nonetheless, several studies did identify how amongst people with disability, economic and financial abuse may co-occur with other forms of DFV. Two of these studies were Australian.

- In an Australian study on economic abuse, a case study discussed how a man was not only economically abusive towards his wife and their children, one of whom has a disability, but also perpetrated physical and psychological abuse against them.<sup>64</sup> His economically abusive behaviours meant that many of the complex care needs of his son with a disability were not met.<sup>64</sup>
- Another Australian study explored experiences of gendered violence, including financial abuse, among women with a disability.<sup>28</sup> Many of the women who participated in the study described experiencing financial abuse alongside physical abuse, sexual abuse, verbal abuse and controlling behaviours.<sup>28</sup>

Additionally, a US study on mistreatment of older Native Americans showed how people with a disability may experience both financial exploitation and neglect.<sup>68</sup> One participant in the study discussed how a Native American elder with a physical disability would be left alone at home to care for the young children in the family.<sup>68</sup> There were occasions where the elder fell out of his wheelchair as he was unable to care for the young children he had been left with.<sup>68</sup> As the account shows, financial exploitation, in the form of being exploited for child care, may occur alongside neglect of elders with a disability and other young children in the family.<sup>68</sup>

## 6. Intersections between economic and financial abuse, economic and financial insecurity and hardship and disability

### Key Learnings

- Further research is required to examine the associations between economic and financial abuse, and economic and financial hardship and insecurity among people with disability.
- There may be barriers to recognising and responding to economic abuse of women living with disability in situations where their carers are the perpetrators of the abuse.
- Evidence suggests that people with disability may be at greater risk of economic and financial abuse. This may be due to factors such as limited experience in managing finances and reliance on others to manage their affairs.
- Where there are barriers to accessing social security entitlements, people with disability may be disempowered and at greater risk of economic abuse.

### 6.1 Economic and financial abuse and financial hardship and insecurity

While we cannot make assumptions about income, employment and disability, there is evidence to suggest that 44% of people with a disability aged between 15 and 64 are reliant on government payments, including the Disability Support Pension and other payments such as JobSeeker.<sup>4</sup> People with disability also have low participation in the workforce, with the ABS estimating that 46.6% of people with disability who were of working age were not in the labour force.<sup>46</sup> Segregated employment policies may also increase the risk of financial hardship and abuse.<sup>48</sup> Whilst a great deal of research has demonstrated that economic and financial abuse can cause financial and economic hardship and insecurity,<sup>58, 69-77</sup> there is a lack of studies examining this relationship amongst people with disability specifically.

Nevertheless, there was evidence that noted how different population groups may experience economic abuse and its impacts differently. In an Australian study, advocates and practitioners who were involved in the development and implementation of services and support for women affected by violence noted that women with a disability may have financial circumstances that are especially poor.<sup>63</sup> There may also be difficulties identifying and responding to the economic abuse of women with a disability in cases where the perpetrator is their carer.<sup>63</sup>



## 6.2 Factors contributing to economic and financial abuse victimisation

Having a disability was identified in several Australian and international studies as a potential risk factor for experiencing economic and financial abuse:

- An Australian study that involved surveys of CEOs and service providers from organisations working with older people and their families found that 49.4% of CEOs and 55% of service providers identified that older people living with a disability may be at risk of financial abuse by their relatives.<sup>61, 66</sup>
  - The study also conducted surveys with older people and their families and results showed that adult children had concerns that factors such as the capacity of the older person, or an older person's experiences of dementia, memory loss or Alzheimer's, may place them at risk of financial abuse.<sup>66</sup>
- In an Australian study comprising interviews with advocates and practitioners who were involved in the development and implementation of services and supports for women affected by violence, participants noted that women with an intellectual disability, psychosocial impairment or acquired brain injury (ABI)<sup>b</sup> may not have experience in managing finances and may be at risk of economic abuse.<sup>63</sup> They also identified how women with a disability may not only be at risk of abuse and violence in their homes, but also in other settings, such as supported accommodation facilities, congregate care, respite facilities, nursing homes, group homes, tenancy support settings, and community-based psychiatric facilities.<sup>63</sup>
- An analysis of the 2012 PSS found that amongst women, but not men, having a disability or long-term health condition significantly increased the risk of experiencing economic abuse by a partner.<sup>30</sup>
- Similarly, analysis of the 1999 and 2004 Statistics Canada General Social Survey (GSS) found that amongst older adults, having a disability significantly increased the likelihood of experiencing financial abuse by a current or former spouse or partner.<sup>78</sup>
- In a study exploring attitudes towards financial elder abuse in the Australian community, aged care workers discussed that older people were vulnerable to financial abuse due to mental and physical disabilities, as this makes them more reliant on others for support.<sup>62</sup>

One study used a vignette method<sup>c</sup> to examine factors that may influence perceptions of elder financial abuse, including the victim's age and health status and the relationship between the victim and the perpetrator.<sup>79</sup> However, the health condition of the victim did not significantly influence perceptions of financial abuse.

Another risk factor for economic abuse that was identified related to barriers to accessing social security. In an Australian study on economic abuse, it was noted that policy changes that make it more difficult for individuals to access social security entitlement, such as the Disability Support Pension, may financially disempower women, leaving them at greater risk of economic abuse.<sup>64</sup>

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b It is important to note that ABI may occur as a result of DFV or can be a risk factor for the perpetration of DFV. For more information, see <https://www.braininjuryaustralia.org.au/wp-content/uploads/acquired-brain-injury-and-family-violence.pdf>. There is a need for further research into disabilities that are the result of DFV.

c This method involved a survey that presented participants with hypothetical descriptions of different types of financial mistreatment of older people and asked them to judge whether each hypothetical description was financial abuse.

## 7. Preventing and responding to economic and financial abuse

### Key Learnings

- People with disability may face barriers to navigating the legal system in response to economic and financial abuse:
  - Due to their complex nature, traditional legal services are not necessarily accessible for people with an intellectual disability.
  - One study from the US found that victim-survivors with a disability might be less likely to have their cases prosecuted in court. This may be because jurors are more likely to believe the perpetrators' version of events when the victim-survivor has a disability.
- Disability services are an important component of interdisciplinary teams responding to economic and financial abuse.
- Greater professional and formal regulations may be needed to prevent financial abuse, particularly for financial transactions within families. This may include the rules governing how a Power of Attorney is appointed or the use of financial trusts.

The Australian and international research identified several prevention and response approaches for addressing economic and financial abuse experienced by people with a disability in a DFV context.<sup>63, 80-83</sup>

### 7.1 Australian responses

One Australian study explored the impact of violence on women's economic status by interviewing DFV service providers.<sup>63</sup> These service providers noted that women living with disability often experience poor financial circumstances and may lack financial management skills due to intellectual disability, cognitive impairment or ABI, thus making them vulnerable to economic abuse. Credit card debt was identified as a common issue for women with intellectual disabilities, psychosocial impairment and ABI. Participants noted that existing services and supports are not always appropriate for women living with a disability. For example, a lack of legal assistance was identified as an issue for women with an intellectual disability, which may then cause them to experience worse financial outcomes.

Another study investigated attitudes towards elder financial abuse within the Australian community by interviewing aged care workers, younger adults and older adults.<sup>62</sup> Aged care workers emphasised that older people were often vulnerable to financial abuse due to disabilities such as dementia, and were therefore dependent on others for support and care. Participants suggested that greater professional and formal regulations were needed

in order to prevent financial abuse, particularly for financial transactions within families. This may include the rules governing how a Power of Attorney is appointed or the use of financial trusts.

An Australian study recommended that for services to be genuinely accessible for women with disabilities who experience DFV (including financial and economic abuse) they need to ensure:<sup>83</sup>

- Accessibility is more than providing physical access – services must be approachable, acceptable, appropriate, affordable and available to women with disabilities.
- Service planning and delivery use an intersectional lens.
- Women with disabilities receive social and relational support in a safe and inclusive environment.
- Services are informed and enhanced by cross-sector collaboration, including the financial sector.

Customers living with disability may require a tailored response from the financial services industry. This may involve challenging assumptions about the capacity of customers who disclose a disability and ensuring access to services and advice is available and provided appropriate to a range of needs.<sup>d</sup>

## 7.2 International responses

The international literature overlaps with research about elder abuse and suggests that responding to economic and financial abuse of people with disability requires a coordinated and interdisciplinary approach. Disability services have been identified as an important component of interdisciplinary teams responding to elder economic and financial abuse.<sup>82</sup> One US study developed an interdisciplinary model for responding to financial exploitation among vulnerable adults using case studies obtained from an Elder Abuse Forensic Centre.<sup>82</sup> To effectively achieve client safety, client welfare and the protection of assets, a collaborative approach is required between law enforcement, health professionals, the Public Guardian and disability services.

Another US study reviewed the prevalence and impact of financial incapacity among older adults with a cognitive impairment and the role of primary clinicians in these cases.<sup>80</sup> They found that health professionals do not always have the training and expertise necessary to respond to financial abuse of people with a cognitive impairment. They suggest that health professionals should be trained to respond to suspected financial impairment and financial abuse. This can include asking patients and their caregivers targeted questions in order to assess their risk of abuse. It may also involve ensuring health professionals know the services to refer their clients to so they can receive legal redress and practical advice.

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<sup>d</sup> For example, the CBA (2021), Accessibility and Inclusion Plan 2021-2023, stated aim is to improve access to financial products and services for customers with disability, by providing accessible information in a range of formats, consulting with disability specialists, improving access to premises, improve accessibility of existing digital products, and proactively listening and responding to the needs of customers.

Additionally, one study from the US suggested that where cases of elder financial exploitation are prosecuted in court, the health status of victims may influence the outcome of the case.<sup>81</sup> In a study of perceptions of elder financial exploitation, a sample of undergraduates and community members were presented with a fictional criminal trial case where it was alleged that an older woman's son had, without her consent, taken additional money from her, when he had gone to shop for groceries for her.<sup>81</sup>

The study found that when the case summary described the alleged victim as having a cognitive impairment, participants were significantly more likely to believe the defendant was telling the truth, than when the alleged victim was not described as having a cognitive impairment. This was related to a significantly decreased likelihood of participants handing down a guilty verdict, suggesting that jurors may be more likely to 'believe' the perpetrators version of events when victim-survivors have a cognitive impairment or disability. This study raises issues for disclosure and help-seeking for this cohort and the training needs of services providing a response.

## 8. Areas for further investigation

There are two significant over-arching findings from this evidence review:

**1. There is a distinct gap in the evidence base related to the perpetration of economic and financial abuse relating to people with disability in the context of DFV.**

Substantial literature on economic and financial abuse of people with disability highlights dependence as a key risk factor. Relatively few of these studies identify whether the abuse occurred in the context of DFV and whether people experiencing different disabilities or intersecting life experiences have different levels of risk or require different responses. There is little research undertaken where there is a deliberate aim to examine disability and economic and financial abuse perpetrated within the context of DFV.

**2. Using the umbrella term ‘disability’ is not always helpful and frequently does not allow for a nuanced understanding of the range of impairments, including the severity and the impact on the person affected.**

Researchers should consider requesting that participants identify the type of impairment in surveys to allow a more nuanced understanding of results and more targeted implications for policy and practice. In addition, research studies often overlook or do not report on intersecting influences and life experiences that because of, or regardless of, disability may increase vulnerability or strengthen resilience.

Analysis of the existing evidence on economic and financial abuse perpetrated within the context of DFV which is specific to people with disability is summarised below. However, many of the findings from Reports One – Three<sup>25-27</sup> in this series may equally apply to people with disability.

### 8.1 What the evidence tells us

- As was the case in previous reports, it is difficult to measure the prevalence of economic and financial abuse among people with disability.
- Economic and financial abuse experienced by people with disability was measured using both quantitative and qualitative methods.
- Based on the limited evidence, tactics of economic and financial abuse that may uniquely affect people with disability include material and resource deprivation, such as depriving the person of medication and disability aids. Other tactics include:
  - improper or illegal use of the person’s money (including NDIS funds where they are managed by the individual person with disability), property, resources or assets;
  - improperly withholding finances from the person; and

- coercing or misleading the person as to how funds or property will be used.
- There is evidence that among people with disability, economic and financial abuse may co-occur with other forms of DFV (e.g., neglect, physical abuse and psychological abuse). Overall, however, more research into this issue is needed.
- There may be barriers to recognising and responding to economic and financial abuse of women with disability in situations where their carers are the perpetrators of the abuse.
- Evidence suggests that people with disability may be at greater risk of economic and financial abuse:
  - Analysis of the 2012 PSS found that amongst women, but not men, having a disability or long-term health condition significantly increased the risk of experiencing economic abuse.
  - This may be due to factors such as limited experience in managing finances and reliance on others to manage their affairs.
  - Where there are barriers to accessing social security entitlements, people with disability may be disempowered and at greater risk of abuse.
  - There is growing awareness of the intersection between older people and disability that heightens dependency and risk of violence and abuse. For example, an older person may no longer be employed and have access to financial resources and may have a diagnosis of dementia which increases the need for support and care.
- People with disability may face barriers to navigating the legal system in response to economic and financial abuse:
  - Due to their complex nature, traditional legal services are not necessarily accessible for people with an intellectual disability.
  - There is evidence that victim-survivors with a disability may be less likely to have their cases prosecuted in court. This may be because jurors are more likely to believe the perpetrators' version of events.
- Disability services are an important component of interdisciplinary teams responding to economic and financial abuse.
- Greater professional and formal regulations may be needed to prevent financial abuse, particularly for financial transactions within families. This may include the rules governing how a Power of Attorney is appointed or the use of financial trusts.

## 8.2 What the evidence doesn't tell us

- None of the studies identified for this review provided a definition of economic and financial abuse that was specific to people with disability. While the NDIS Quality and Safeguards Commission provides a definition of financial abuse for people with disability, it does not distinguish financial abuse as part of DFV.

- There was no empirical evidence that identified economic and financial abuse tactics (as part of DFV) when perpetrated against people with disability as criminal offences. Economic abuse was broadly acknowledged as a criminal offence in Tasmania in Report One,<sup>25</sup> but the evidence suggests that in other Australian jurisdictions it may only be mentioned as part of a definition of DFV or like term.
- There is a lack of research examining the potential intersections between traditionally gendered financial management and economic and financial abuse among people with disability. Further research is required to understand the extent to which traditional gender roles and division of labour may mask or facilitate economic and financial abuse among people with disability. However, results from Report One<sup>25</sup> did provide evidence of the following:
  - Traditionally gendered expectations around financial management and division of labour in intimate partner relationships may facilitate economic and financial abuse.
  - Where traditionally gendered practices of financial management exist within an intimate partnership, it may be difficult for the person affected to recognise the perpetrators tactics as financial abuse.
- There is a lack of research specifically examining the associations between economic and financial abuse, and economic and financial hardship and insecurity amongst people with disability. However, we know people with disability face economic insecurity and financial hardship at higher rates than their non-disabled counterparts which increases their reliance on others, thus increasing the risk of experiencing economic and financial abuse. More research that focuses on the experiences of people with disability in this context is needed, including their risk of exploitation in the workforce. An opportunity to collect evidence in this area could emerge with inclusion of a specific question in the next PSS, to be conducted in 2022 by the ABS or in other government data collection methods.
- Where care and support create dependence, people with disability are at heightened risk of economic and financial abuse, which may include tactics specific to different disabilities. For example, there is scant evidence available about the ways in which Guardianship legislation may be used to facilitate economic and financial abuse in different contexts and for specific disabilities. While there is recognition that services need to offer a tailored and professional response that is not ableist, there is little evidence that this has been achieved, particularly in the context of DFV. These silos of evidence are mostly not matched or connected up to one another.
- The existing evidence does not adequately consider the relevance of an intersectional approach that acknowledges that disability is only one factor affecting the experience of economic and financial abuse in the context of DFV.

Services, including those in the financial sector, can be informed and enhanced by cross-sector collaboration. Additionally, more research is required to understand the ways in which DFV, disability and financial and economic abuse intersect. It is also likely there may be additional opportunities to collect meaningful data and enhance the evidence base in

this area. For example, targeted data on DFV could be collected through national surveys such as the ABS Survey on Disability, Ageing and Carers which is conducted every 4 years.

A more professional and specially tailored response to customers by financial institutions requires greater understanding of the range of impairments that fall under the disability umbrella, challenging ableist assumptions about the capacities of customers who disclose a disability and ensuring access to services and advice is available and provided appropriate to a range of needs.



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# Appendix

## Appendix A. Search strategy

### Databases

Between February 2020 and June 2020, searches of academic and grey literature<sup>e</sup> databases were conducted to identify literature that addressed the research questions outlined above.

The following databases were searched:

- **Academic databases:** Informit (AGIS, APIS, APAFT, FAMILY, CINCH, Families and Societies Collection, Health and Society database, Humanities and Social Sciences Collection), Proquest (ERIC, NCJRS, PAIS Index, Policy File Index, Proquest Central), OVID (PsycINFO, MEDLINE), EBSCO (Violence and Abuse Abstracts, Women's Studies International), Web of Science, Scopus, PubMed, Wiley Online
- **Grey literature databases:** Australia Institute of Family Studies (AIFS), Australian Institute of Health and Welfare (AIHW), Australia's National Research Organisation for Women's Safety (ANROWS), New Zealand Family Violence Clearinghouse, New York Academy of Medicine, Australian Indigenous Health InfoNet (AIHIN), National LGBTI Health Alliance, Women's Information and Referral Exchange Inc. (WIRE), Australian Human Rights Commission (AHRC), Centre for Applied Disability Research (CADR), Financial Services Council (FSC), ACON, Australian Law Reform Commission (ALRC), Good Shepherd Australian New Zealand, Good Shepherd Microfinance, Cochrane Library

### Search terms

Search terms relating to three concept areas were developed to identify relevant literature from the databases. The three concept areas were as follows:

- Concept area 1: Economic and financial abuse broadly
- Concept area 2: Domestic and family violence (DFV) or like terms
- Concept area 3: Specific forms of economic and financial abuse

Search terms were combined using Boolean terms. As some of the searches returned excessive volumes of results that were not relevant to the research questions, some aspects of the search strategy were amended for some of the databases to allow for a more manageable number of results that were directly related to the research questions.

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<sup>e</sup> Grey literature publications refer to materials produced by organisations outside of academic publishing channels.

## Inclusion criteria

To be included in the evidence review, publications had to satisfy the following criteria:

1. **Evidence in the form of empirical research, systematic, scoping or rapid evidence reviews or meta-analyses.** This criterion provides quality assurance of the resources included in the review.
2. **Published within the last 10 years** (>=February 2020). This criterion ensures that evidence is current.
3. **Published in English.**
4. **The publication is from research undertaken in one or more of identified countries:**
  - (a) For the purposes of research questions 1 and 4(b), only evidence from Australia were included.
  - (b) For all other research questions, evidence from Australia and international jurisdictions with similar country contexts (i.e. New Zealand, Canada, UK, Ireland and US) were included.

The present report is focused on disability, economic and financial abuse, therefore only evidence relating to economic abuse within this context was included. Other reports in this series examine the evidence on economic abuse in other contexts.

## Search results

The search of academic and grey literature databases shown in Figure 1 produced an initial total of **14,118** results. An additional **2** publications were also identified as they were known to the research team as potentially relevant to the review. We then undertook the following screening process:

- The titles and abstracts of these results were reviewed for potential relevance to the four research questions on economic abuse in DFV contexts.
- Of these, **943** were determined to be potentially relevant to at least one of the research questions.
- Each of the **943** publications were then subjected to a second stage of screening where the full text of each article was examined to determine whether they were in fact relevant to the research questions.
- Following this second stage of screening and the removal of duplicate publications, **15** publications were assessed to have addressed at least one of the research questions within the context disability, economic and financial abuse specifically.
- Any of these publications meeting all inclusion criteria were analysed in relation to each relevant research question.

**Figure 1. Search results**

