

## Case studies (anonymized) provided by Bankwest for illustrative purposes

### Case Study 1 – Suspected Elder Abuse, relating to POA and online banking

The customer is called Mrs. B for the purposes of the case study. She has 2 sons which we will call Son 1 (suspected perpetrator of the abuse) and Son 2 (lives overseas)

- A Power of Attorney (POA) was drawn up in January 2018 for Mrs. B's sons, Son 1 and Son 2 to act jointly on behalf of their mother.
- Son 1 resides in the family home in the western suburbs (still legally owned by Mrs. B) and Son 2 resides overseas.
- Mrs. B has limited accounts with Bankwest, but is clearly a customer of high net worth and means. We believe she has a number of accounts at other financial institutions.
- On 1 June 2018, son 1 contacted the customer contact centre with his mother, and requested online banking be set up for his mother. This is not uncommon as elderly customers often seek assistance from family members to support them in completing tasks. As such it can be difficult for staff members to identify if there is ill intent behind the actions.
- In this instance the staff member had suspicions and after three interactions with staff members, staff identified that the request for online banking was coming from the son, not from Mrs. B who had no interest or use for the service. Staff placed holds on the account.
- Staff then escalated the case to customer care. The case manager called Mrs. B to discuss the matter and confirm her wishes. Son 1 took the phone call over and refused to allow the case manager to speak with Mrs. B. Mrs. B could be heard in the background stating that she did not want online banking. The son was angry stating that he had a POA and that we must implement his wishes. The case manager requested the POA to be presented to the bank.
- The son presented the POA, however, it was unable to be lodged as son 2 was not present (overseas) and will only return to Perth in December 2018.
- Legal advice was sought due to the complexities of POA's and the sensitivity of these cases where family dynamics, customer safety and large sums of money involved.
- This information was provided to the Son who refused to accept this decision. In the meantime, he has attended our branches on several occasions and since his requests for online banking have been declined, he is now demanding to be added as a signatory on the accounts.
- After seeking further legal advice, this request has been declined as this would be contrary to the POA instructions.
- The case manager has had a number of conversations with Mrs. B, throughout this time as there are clear signs of elder abuse and the case manager wants to ensure her wishes and instructions are clear and on record. During these conversations the case manager has advised Mrs. B of support services available for her to seek assistance. We have not

put these in writing as based on conversations we have concerns that he is intercepting and reading all her mail.

- Also during this time, Mrs B has attended 2 different branches both on her own and with son 1. When spoken to on her own, she is adamant that she wants to retain control of her accounts and ensure they are not changed in any way, saying she wants them to 'stay as they were before.'
- On 15 June 2018, the case manager advised the son he could not be added as a signatory.
- On 19 June 2018, the case manager spoke to Mrs. B after Mrs. B had attended a Bankwest branch (branch staff contacted the case manager due to notes left on the account). Mrs. B advised she had spoken to staff at a branch and was making enquiries about adding her son John to her accounts.
- It was the bank's concern at this time that she might be being intimidated by son 1. To help understand the situation the case manager sought permission to speak with son 2 as he is the other signatory on the POA and may be able to provide further information, alternate options.
- During the conversation, son 1 arrived and again requested to be added as a signatory. The case manager confirmed the Bank's and advised this would not be completed.
- Son 1 has then lodged a complaint with the FOS (on behalf of son 1 and son 2) stating Bankwest is failing to comply with POA legislation (due to not accepting for lodgement/registration when one party is overseas). In his complaint he states that he has spoken with 3 other banks who also are unable to register the POA. We do not know who the other banks are and are unable to contact them due to privacy requirements.
- Within hours of the FOS dispute, being lodged (20 June 2018), Mrs. B and her son again attend the branch and son 1 demands to be added to the account. Son 1 was requesting access to all accounts for the purposes of 'paying bills'. Multiple alternate options were provided which could facilitate this request and he declined them all stating that he needed access to all the accounts. The branch staff managed to separate the 2 customers and asked Mrs. B her wishes. She stated she wanted everything to return to how they had been and did not want him to have access. The son is aggressive and hostile to staff when they refuse to honour the request. Notes regarding his conduct are placed on his account.
- The case is ongoing as Bankwest responds to the FOS case whilst trying to protect Mrs. Bs wishes.

#### COMPLEXITIES

- Staff initially being able to detect elder abuse given the number of elder Australians that seek assistance from family members/friends etc. to complete transactions
- If suspicions are there, the skill and ability to be able to probe into the matter (especially if it is not possible to separate the 2 people and speak with them separately e.g. over the phone)

- The complexities around POAs, different requirements between states, no POA register, managing POAs with different parties overseas
- Concerns for the safety of the customer and the ability to provide support material if the abuser has control over mail/email and communication channels
- Ensuring all people in all channels are aware of the situation as the abuser tries multiple channels and different branch locations to get what they want and as the abuser becomes increasingly hostile and aggressive. Staff need to be highly resilient and well trained
- Inability to advise/ work with other Financial Institutions (due to privacy requirements) to ensure that funds held in other FIs are secure
- Concerns around if her mental state (currently strong) deteriorates, that she will end up with a POA arrangement which is medically binding and irrevocable with the abuser having control of her funds
- Staff welfare – it can be very confronting for staff members to have to manage these situations and support customers during this time. Also by protecting the customers interests, our staff are put at increased levels of threat from the abusers who can be aggressive.

#### **Case Study 2 – Suspected Elder Abuse, Solutions put in place to support**

Customer called the Bankwest contact centre and asked to be put in touch with the local branch. She explained she would be coming in the next day with her son and that she needed Bankwest to advise her in front of him that no funds were available in the account. Colleague identified suspected elder abuse and escalated to customer care.

Customer care spoke with the customer and concerns were confirmed. Customer was advised of some support services and also protection mechanisms to keep her funds safe (eg account limits were reduced), savings put into different accounts where cash could only be transferred to a linked account, internet banking disabled and notes placed on the account.

Customer was grateful for the support and agreed to speak with support services.

#### **Case Study 3 – Difficult Circumstances. Case Still Ongoing**

A Bankwest branch encountered a customer (person 1) demanding information on her father's accounts as she suspected he was being subjected to elder abuse.

The elderly customer has advanced dementia and a joint POA in place with person 1's two siblings (persons 2 and 3). The POA is irrevocable as the father is no longer of sound mind.

Person 1 felt frustrated as both the Bankwest branch and the contact centre could not provide her any information on the accounts due to privacy restrictions. The case was escalated to customer care who assured person 1 the case would be investigated. Investigations confirmed the hypothesis that person 3 was conducting elder abuse.

Bankwest has made changes to the account to restrict the ability for the POA to transact on the account in isolation and notes have been placed on the account.

Bankwest has advised person 2 and person 1 of options to have the POA amended and to report the abuse (without breaching the father's privacy). This situation is ongoing.

#### Case Study 4 – Scam

A 65 year old widow is subject to a romance scam. Her 'fiancée' lives overseas and they have been 'dating' for about 10 months. She has not met him and they have only had a relationship via Skype, telephone and social media channels. Customer is requesting to transfer over half of her life savings (c.\$400,000) overseas to allow him to purchase a house for the two of them to live in. Fraud investigations have shown that the 'fiancée' was convicted of fraud and previously served a prison sentence. Customer was aware of this but was still adamant relationship was genuine.

Bankwest intervened with her multiple times putting temporary holds on accounts, having a fraud expert, a fraud team leader and finally a case manager all attempt to educate her, provide support materials and put the customer in touch with support groups/services.