

REFERRAL GUIDE

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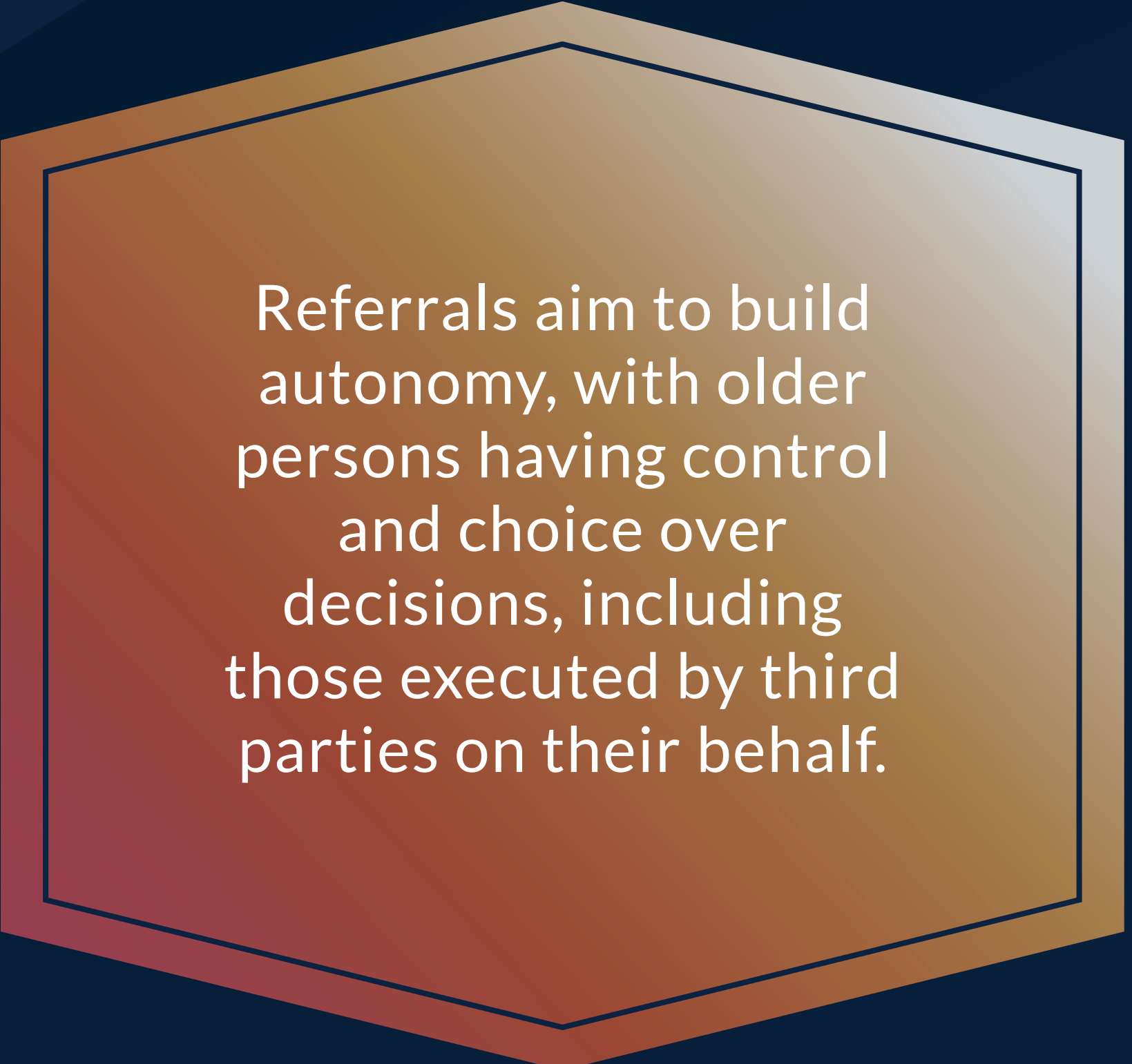
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REFERRAL

The Financial Protections Service aims to increase access to and uptake of free and independent financial advice by older Queensland, improve knowledge and provide resources to assist older persons making financial decisions before and in retirement.

Referrals are provided to offer smooth assistance pathways to older persons who need to make financial decisions and wish to obtain information or advice.

Financial referrals are a key aspect of service delivery.



Referrals aim to build autonomy, with older persons having control and choice over decisions, including those executed by third parties on their behalf.

FINANCIAL REFERRALS

LEGISLATIVE AND REGULATORY FRAMEWORK (CHAPTER 2)

Chapter 2 of the Referral Guide and the ASIC Guides should be read to understand the legislative and regulatory framework surrounding:

- (a)** the provision of financial information, support, advocacy and advice by key referral partners, including the Financial Information Desk, financial counsellors and accountants
- (b)** the legislative and regulatory frameworks that impact on the provision of the Financial Protections Service, and the safeguards that have been adopted to avoid contravention.

SEE

- ASIC Regulatory Guide 203 [Do I need a credit licence?](#)
- ASIC Regulatory Guide 36 [Licencing: Financial product advice and dealings](#)
- ASIC Regulatory Guide 244 [Giving information, general advice and scaled advice](#)

FINANCIAL REFERRALS

LEGISLATIVE AND REGULATORY FRAMEWORK (CHAPTER 2)

The *Service Delivery Guidelines: Financial Referrals* (Referral Guide, Chapter 2) must be followed to avoid contravention of the regulatory and legislative frameworks.

The *Do's and Don't Table* at the end of this part of the webinar provide a summary of these guidelines and other practical hints.

SERVICE DELIVERY GUIDELINES: FINANCIAL REFERRALS

1. Service Partners and should never provide financial advice or financial assistance including credit assistance or financial product services.

This includes, but is not limited to:

- Service Partners must **not** introduce into the Service Users mind that they should apply for, increase or remain in a credit contract,
- Service Partners must not suggest particular credit contracts (e.g. applying for a particular credit card, loan or equity release product),
- Service Partners must **not** recommend or make a statement of opinion that may influence a Service Users decision making to buy, sell or hold financial products (e.g. joining a particular superannuation fund, taking out insurance or moving savings from one bank to another),
- Service Partners must **not** help an older person apply for a credit contract or credit limit increase,
- Service Partners must **not** arrange for a Service User to apply for or acquire financial products (e.g. helping an older person to negotiate an equity release product),
- Service Partners must **not** refer Service Users to specific credit or financial product advisors (e.g. accountants or Financial Planners).

Service Partners should read and understand Chapter 2, Referral Guide so as to understand the scope of advice and assistance that may constitute 'financial advice, assistance or financial product services.

2. Service Partners should only provide financial information during Financial Protections Service provision.

Financial Information should be general in nature, in line with the communication style in the ASIC MoneySmart website.

The Conversation Prompts and Referral Areas in the Practice Manual (Appendix D) should be used to guide conversations over appropriate ground. If an older person needs assistance applying the information to their personal circumstances they should be referred to the Financial Information Desk, a financial counsellor or accountant, as appropriate.

3. Accountant referrals must only be made by way of a Simple Referral that is a suggestion to get advice from a Service Users accountant, or an accountant located via the MoneySmart website.

Service Users should not be given a referral (including a mere referral) to a particular accountant or Accountancy firm. Views and opinions on particular accountants or Accountancy Firms should never be offered.

4. Service Users should not be referred to financial planners or financial planning services.

| | DO | DON'T |
|-----------|--|--|
| GENERAL | <ul style="list-style-type: none"> • Start conversations with service users. • Use the <i>Conversation Prompts and Referral Areas</i> (Practice Manual, Appendix D) and the <i>Referral Table</i> (Practice Manual, Appendix E) to guide conversations. • Give financial information which is 'objectively ascertainable information, the truth or accuracy of which cannot reasonably be questioned' ASIC RG 36.21. • Follow the <i>Service Delivery Guidelines: Financial Referrals</i>. | <ul style="list-style-type: none"> • Provide financial advice. • Give personal opinions or recommend particular financial or credit products or providers. • Provide credit assistance (e.g. assisting or suggesting particular loan or equity release products). • Provide financial product services (e.g. a recommendation or statement of opinion about superannuation, insurance or investment products). |
| REFERRALS | <ul style="list-style-type: none"> • Inform service users that financial information services, including the Financial Information Desk, can only provide information and assistance, not advice. • Refer service users to the ASIC MoneySmart website and the National Seniors Financial Information Desk for financial information in the areas set out in the <i>Referral Table</i> (Practice Manual, Appendix E). • Offer financial counsellor referrals to service users who are in financial difficulty in the areas set out in the <i>Referral Table</i> (Practice Manual, Appendix E). • Only make simple referrals that are suggestions to get advice from an accountant in the areas set out in the <i>Referral Table</i> (Practice Manual, Appendix E). | <ul style="list-style-type: none"> • Make facilitated referrals, including mere referrals to accountants or accountancy firms. • Refer service users to financial planners. • Make unsubstantiated representations about the skills, knowledge and services that can be provided by a particular advisor. This can be avoided by following the <i>Conversation Prompts and Referral Areas</i> (Practice Manual, Appendix D) and the <i>Referral Table</i> (Practice Manual, Appendix E) and only suggesting service users get advice from an accountant. • Give personal opinions on a particular credit advisor, financial advisor, accountants or accountancy firms. |

REFERRAL AREAS

The referral areas are:

Accommodation: aged care and home care (also called consumer directed care)

Money Planning: budgeting and expense management

Retirement Planning: superannuation, equity release products, credit and loans in retirement

Estate and Advance Care Planning: Wills, advance care planning

Co-living: co-living and family agreements

Money planning: loaning money, gifting money and agreeing to be a third-party guarantor

Further information on these referral areas is set out in the *Conversation Prompts and Referral Areas* (Practice Manual, Appendix D).

CREDIT AND LOANS

FINANCIAL INFORMATION

LEGAL INFORMATION

Information on managing credit and loans debt in retirement

ASIC MoneySmart Managing Debt webpage provides comprehensive information on debt management.

ASIC MoneySmart Asset stocktake calculator helps provide a clear overview of the service user's financial position.

ASIC MoneySmart Credit card calculator helps work out how long it will take a service user to pay off credit debt using minimum repayments, and how much they will save making higher repayments.

ASIC's Personal loan calculator helps calculate repayments, repayment date and how to repay a loan sooner.

ASIC MoneySmart has a number of other calculators, including mortgage and budgeting calculators that may help with managing money in retirement.

Caxton Legal Centre's Queensland Law Handbook *Debts* chapter provides an overview of debt law in Queensland.

Legal Aid Queensland Money and debt webpage has general legal information about debts.

FINANCIAL ADVICE, INFORMATION AND ASSISTANCE

LEGAL ADVICE

Dealing with credit and loan providers when financial issues arise

Where the service user is in financial difficulty, they should be referred to:

- (a) a local financial counselling service with which the service partner has an existing relationship
- (b) a financial counselling service located via the MoneySmart website
- (c) the National Debt Helpline (1800 007 007).

Where required, use the post-screening Referral Table (Appendix F), alternatively:

Category 1 and 3 service users:

referral to their own or to a private lawyer as recommended by the Queensland Law Society (1300 367 757)

Category 2 and 4 service users:

referral to a local free legal service (SLASS, CLC or LAQ) that has confirmed they will take referrals in this area

Guidance on who can provide advice on taking up, consolidating or switching credit providers or credit products

A suggestion that the service user:

- (a) contacts their existing accountant,
- (b) finds an accountant via the MoneySmart website

REFERRAL PATHWAYS

FINANCIAL INFORMATION AND ADVICE

Financial referrals are to be tailored to the needs and vulnerability of clients, taking into account that the Financial Protections Service aims to address vulnerability to both financial abuse and financial exclusion.

Category 1 and Category 3

service users **can** or are likely to be able to afford to access mainstream financial products and services.

For these services users, financial referrals should be made by way of:

- a suggestion to speak to their own accountant or an accountant located via the MoneySmart website
- a suggestion to take up a National Seniors membership for access to the Financial Information Desk.

Category 2 and Category 4

service users **cannot** or are not likely to be able to afford to access mainstream financial products and services

Where possible, financial referrals should be made by way of:

- a referral to a local financial counselling services
- a free referral to the Financial Information Desk.

In those areas where an accountant is the only appropriate referral, Service partners should provide the older person with as much information as possible in addition to the referral.

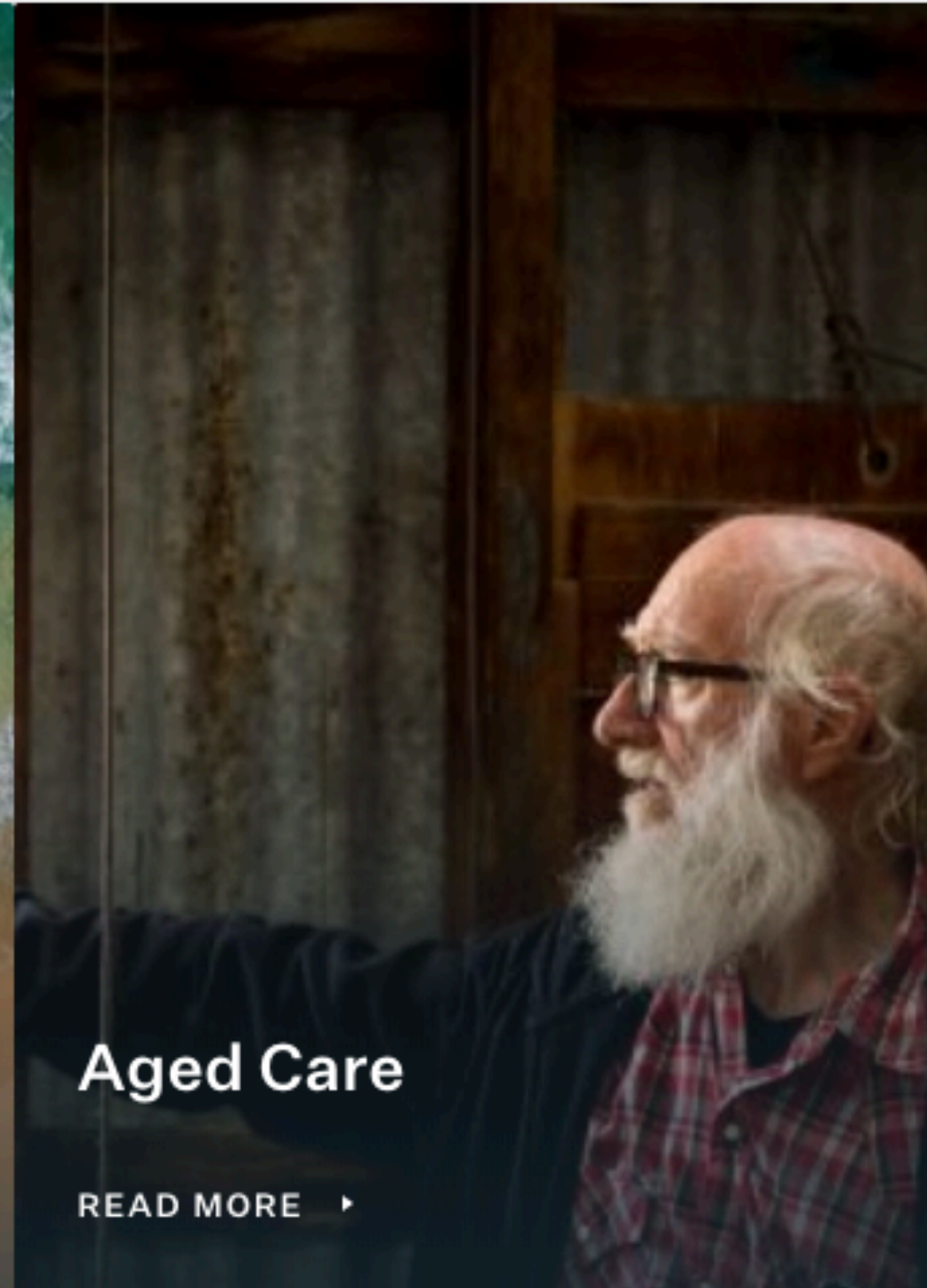
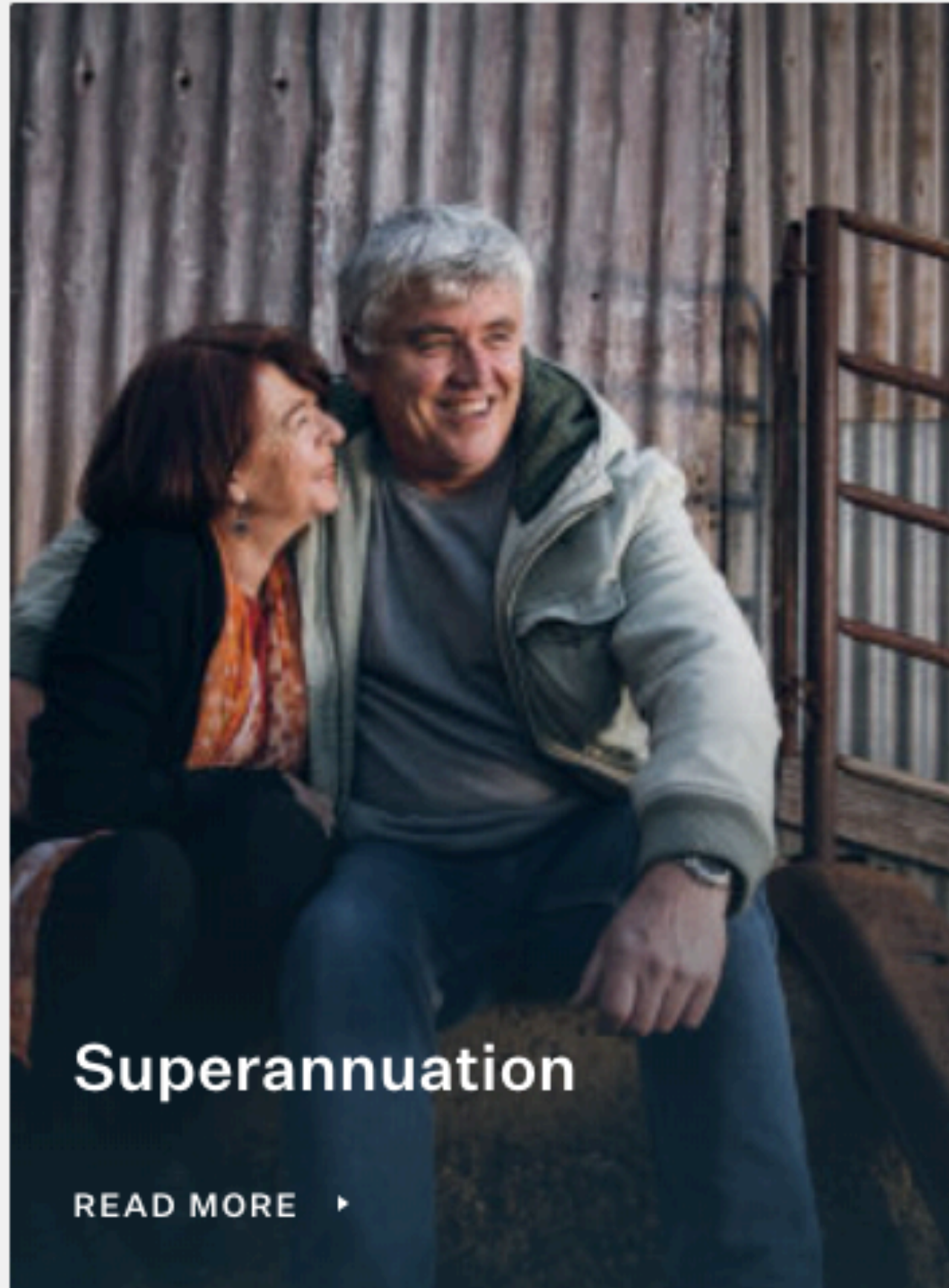
REFERRAL PATHWAYS

FINANCIAL INFORMATION AND ADVICE (CONT.)

- Key financial information resources are listed in the *Referral Table* (Practice Manual, Appendix E).
- The National Seniors Financial Information Desk is a key referral partner. Free referrals may be offered to Category 2 and 4 service users during outreach and in-house services.
- Financial counselling services (including financial counsellors and resilience workers) are the key referral pathway for older persons in financial hardship.
- Referrals to accountants should be made by way of a suggestion to contact only.

Financial Info Desk

The Financial Information Desk (FID) is an independent, confidential service funded by National Seniors Australia that aims to improve the investment information available to older Australians.



REFERRAL PATHWAYS

LEGAL INFORMATION & ADVICE



Key legal information resources are listed in the *Referral Table* (Practice Manual, Appendix E).



SLASS and EAPSS referral pathways should be used where an older person is screened as at risk or of experiencing financial abuse, and fit within those service guidelines.



Where possible, free legal services should be preferred.

REFERRAL PATHWAYS

SOCIAL SUPPORT AND SOCIAL WORK

- Social support referrals should be made where an older person appears to be socially isolated, excluded or vulnerable.
- A service user should be referred to a social worker any time they are screened of as at risk of elder financial abuse and where:
 - (a) the service user has been formally screened of as at risk of making a risky financial decision, and
 - (b) their financial decision making is or appears to be being impacted on by factors such as social isolation, poverty, mental and physical health, disability or trauma.

The *Financial and Legal Referrals Summary Table* in the Practice Manual summarises the referral pathway to be used during outreach and in-house services.

| AREAS | ADVICE, INFORMATION & ASSISTANCE | A | FID | FC | SLASS / EAPSS | CLC / LAQ | QLS |
|--------------|--|---|-----|----|---------------|-----------|-----|
| AGED CARE | Aged care costs in the context of budgeting, tax and income management. | ✓ | ✓ | | | | |
| | Understanding the costs of aged care, process involved and possible options. | ✓ | ✓ | | | | |
| | Understanding and interpreting aged care contracts (financial and legal implications). | ✓ | | | | | ✓ |
| HOME CARE | Home care costs in the context of budgeting, tax and income management. | ✓ | ✓ | | | | |
| | Understanding the costs of home care, process involved & possible options. | ✓ | ✓ | | | | |
| | Understanding and interpreting home care contracts financial and legal implications). | ✓ | | | | | ✓ |
| BUDGETING | Budgeting and cashflow information and advice. | ✓ | ✓ | | | | |
| INVEST-MENTS | Factual information about different types of investments, including features, risks and benefits of different classes of financial products. | ✓ | ✓ | | | | |
| | Guidance on who can provide investment advice. | ✓ | ✓ | | | | |

REFERRAL TYPES

CHAPTER 3

The Financial Protections Service offers simple, in-house and facilitated referrals:

- A simple referral will occur any time a service partner can make a referral without turning their mind towards the financial, legal or social support needs of the service user.
- An in-house referral will occur any time a service partner refers an older person in-house for a formal screening and facilitated referral.
- A facilitated referral is when a service user is directly assisted to make contact with another individual or organisation (whether legal or non-legal).

It is expected that simple referral will occur during outreach, and facilitated referral will occur during in house services.