



**Family &  
Community  
Services**

Trim: D16/12926

Ms Madeleine Foley  
Director  
General Purpose Standing Committee No. 2  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

Ref EAP16/2789

Dear Ms Foley

Thank you for inviting the Department of Family and Community Services (FACS) to appear before the General Purpose Standing Committee No. 2 on Friday 18 March 2016. I enclose for your information responses to the questions on notice and supplementary questions from the Committee.

FACS does not have any corrections to the hearing transcript, however I would like to clarify information provided at the hearing indicating that the Elder Abuse Helpline and Resource Unit is currently working with Indigenous communities in NSW. The Helpline takes a planned approach to increasing awareness of elder abuse among different parts of the community. Under its four year plan for awareness raising, targeted engagement with Indigenous communities is planned for late 2016, with resources to be developed and distributed in 2017.

In 2016, Helpline staff will distribute resource packs to organisations across NSW, including to Aboriginal Medical Services.

Late in 2016, the Helpline will begin consultation with Indigenous community organisations, Aboriginal health and community services and cultural leaders to discuss outreach to Indigenous communities across NSW. Consultation will inform development of culturally appropriate resources in 2017 that will aim to raise awareness of elder abuse among Indigenous communities, reduce barriers to seeking assistance, and support respectful relationships between generations.

I apologise for this inadvertent error and trust that the above information will be useful for informing the Committee's inquiries.

If you would like more information about this matter, please contact Jason Kara, Director, Ageing, Carers and the Disability Council NSW on [redacted] or email [redacted]

Yours sincerely

Helen Rogers  
**Executive Director, Participation and Inclusion**

Encl.

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## Questions on Notice

**Ms JAN BARHAM:** I want to follow up on that and you might be able to clarify for me. The references that are made to "ageing in place"—it is nice language that gets used in media releases and it is out in the public arena. I cannot find any reference to it in any legislation or any document that reveals that there is a practice or procedure that ensures that that statement has any real meaning or function in government, in the actions and delivery of services for government. I am happy for you to take it on notice?

**Ms WALK:** We will take it on notice and we will do a search for legislative, regulatory or policy documents that might be clearer or sharper around the definition.

The NSW Government is committed to making sure older people have housing choices as they age, and that they live in communities that are inclusive and accessible. In consultations with older people across NSW, people have expressed their preference to 'age in place' – to grow older in their own home or somewhere close by in their local community. Being able to age in place provides familiarity and safety and improves wellbeing as people age. It means older people can maintain vital connections with their community, family and friends as they age, while either remaining in the same home, or moving to a home that is safer or more adapted to their needs. Ageing in place also supports older people's continued access to services, shops, activities and transport options in their local neighbourhoods.

These principles are consistent with the concept of ageing in place outlined in the World Health Organisation 2015 report *World Report on Ageing and Health*.<sup>1</sup>

In relation to legislative references to ageing in place, the Commonwealth *Aged Care Act 1997* aims to 'promote ageing in place through the linking of care and support services to the places where older people prefer to live'.<sup>[1]</sup>

**The Hon. SOPHIE COTSIS:** That was 2013, so did the committee meet in 2014?

**Ms WALK:** Yes

**The Hon. SOPHIE COTSIS:** How many times? Do you have dates?

**Ms WALK:** We can provide that.

**CHAIR:** Can you take that on notice?

**Ms WALK:** Sometimes there was no quorum where attendees were unable to attend, so sometimes there were more committee members.

**CHAIR:** If you put down all the scheduled meetings, take it on notice and if they did not proceed they can be notated so.

The NSW Steering Committee for the Prevention of Abuse of Older People first met in 2013. In 2013, the steering committee met nine times.

- 26 February 2013
- 26 March 2013
- 23 April 2013
- 28 May 2013

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<sup>1</sup> World Health Organisation. *World Report on Ageing and Health*. 2015.

<sup>[1]</sup> *Aged Care Act 1997* (Cth) s 2-1 (1)(j).

- 25 June 2013
- 23 July 2013
- 24 September 2013
- 22 October 2013
- 26 November 2013

An additional meeting was scheduled for 27 August 2013 but did not go ahead due to low availability of members.

In 2014, the steering committee met eight times:

- 28 January 2014
- 25 February 2014
- 25 March 2014
- 27 May 2014
- 24 June 2014
- 22 July 2014
- 26 August 2014
- 25 November 2014

The steering committee did not meet in 2015. The steering committee has met once so far in 2016, on 9 February 2016.

**CHAIR:** On pages 17 and 18 you have broken down into categories information from the helpline. You have the reported abuse type, age of older person and gender of older person. Do you have a breakdown of cultural or ethnic background?

**Ms ROGERS:** I would have to take that on notice.

The proportion of calls to the Elder Abuse Helpline about reported abuse that related to people identified as from culturally and linguistically diverse communities was 14% (517 calls, from 1 March 2013 to 29 February 2016).

Of these, around one third of calls related to people of Eastern European background (164 calls), and one third related to people of Western European background (171 calls). Other cultural groups included:

- Asian – 16% (81 calls)
- Middle Eastern background – 6% (32 calls)
- Pacific Islander – 3% (17 calls)
- South American – 2% (13 calls)

There were 22 calls (4%) relating to people identified as Indigenous.

**The Hon. SOPHIE COTSIS:** In "age of older person" in 2013-14 the category between 75 and 84, and 85 and 94 years of age has the highest number of calls. In "gender of older person" you have more females in that age group who are calling in regard to financial and psychological types of abuse. Have you had a look at that analysis and at that information and what have you done about it? You have two years worth of information so what have you done?

**CHAIR:** I suggest that you take that question on notice.

**Ms ROGERS:** Yes.

FACS recognises that data from the Elder Abuse Helpline and Resource Unit provides part of the picture, through indicating who contacts the Helpline and the type of assistance sought, but it is not a measure of prevalence of abuse of older people in the community. FACS supports calls by the Age Discrimination Commissioner, the Hon Susan Ryan, for a national prevalence study into elder abuse. The Honourable John Ajaka MLC wrote to Commissioner Ryan and to the Honourable George Brandis QC in December 2015 offering funding towards a national prevalence study.

FACS is aware of the issues highlighted by data from the Helpline, which indicates that calls about reported abuse most frequently relate to people aged between 75 and 94 years, and that around two thirds of calls relate to women. Call data illustrates how experience of abuse changes across life stages, with older women being more likely to experience abuse at the hands of an adult child rather than an intimate partner.

FACS facilitates information sharing on calls to the Helpline with government and community agencies, including through the NSW Steering Committee for the Prevention of Abuse of Older People, and through working directly with NSW Government agencies. For example, FACS is working with Victims' Services in the NSW Department of Justice to share information and help build greater integration in responses to domestic and family violence and elder abuse.

The Elder Abuse Helpline and Resource Unit also analyses call data and works to strengthen links between response systems. This includes developing networks with Domestic and Family Violence Committees across NSW to promote understanding of abuse of older people and how it can be addressed.

The Helpline's awareness raising and marketing material is also based on its analysis of call data. The majority of the material produced reflects the fact that women aged 75 and over are the subject of most calls about reported abuse. Based on identified knowledge gaps of callers, the Helpline has also produced three fact sheets related to financial abuse (how to revoke a power of attorney, the difference between guardianship and power of attorney, and financial abuse).

**Ms JAN BARHAM:** You might also want to take this question on notice. I am interested in your reference to the Aboriginal community. With whom have you been consulting and how have you been consulting? Have you had a session with Aboriginal groups? I did not hear about any ongoing consultations so it would be great to have that information from you.

This question is addressed in the attached correspondence (Attachment B1).

**CHAIR:** With the scaling up of the helpline potentially beyond the hours that operate at the moment, it obviously does not require filling a whole call centre with people waiting around for these few phone calls. With modern technology obviously it can be done in a progressive way. You might start off with one or two additional staff and, subject to it increasing over time, it could be scaled up to a greater level to meet the demand. Is it possible to scale up gradually and progressively to meet demand? Presumably if people are aware it is available to be used around the clock, so to speak, they will start to access it. Do you not think so?

**Ms WALK:** We will take that question on notice. Obviously technology is great and it can help us in this area in regard to telephone calls or any other mechanisms that people want to use to access a helpline as well, particularly if they are not necessarily an older person but indeed are other family members.

**CHAIR:** I am interested in the progressive scaling up as opposed to opening up for 24 hours immediately. I would like your thoughts on that. Thank you for attending today's committee hearing. Some questions have been taken on notice. The transcript for today's proceedings will not be available until after Easter due to competing demands on Hansard staff. The Committee has resolved that the answers to questions taken on notice will be returned within 21 days. I presume that that will be okay.

**Ms WALK:** Yes.

The Elder Abuse Helpline and Resource Unit is not a crisis line. In an emergency, the Police should be contacted.

The number of calls to the Helpline has steadily increased as the service has become better established and built stronger links with frontline agencies supporting older people. As at 7 April 2016, the Helpline has received 4,684 calls.

In the three months from 1 November 2015 to 31 January 2016 there were 120 out of hours calls to the Helpline, an average of 1.3 calls per day. This accounts for 16% of all calls to the helpline during this period (649 calls were received during business hours).

Out of hours calls were most frequently made in the evening, 41% were made between 5 and 7pm and 36% were made between 7pm and midnight. In the morning, calls were most often made between 6am and 8:30am (23%). There were no calls between the hours of midnight and 4am and just one call between 4am and 6am (1%).

Out of hours calls are returned at the specific time requested by the caller, as there may be a safety issue, or service providers may have limited availability to contact the Helpline. Otherwise, calls are returned within four hours on the next operating day.

**The Hon. MATTHEW MASON-COX:** I presume you have a contract with them?

**Ms ROGERS:** Yes, that is right.

**The Hon. MATTHEW MASON-COX:** Do we have a copy of that?

**Ms WALK:** We can provide you with a copy of that.

**The Hon. MATTHEW MASON-COX:** Any guidelines or protocols that you have developed would be useful.

**Ms ROGERS:** Certainly.

A copy of the contract with Catholic Healthcare Ltd is attached for information (Attachment B2).

The work of the Elder Abuse Helpline and Resource Unit is guided by the NSW Interagency Policy on Preventing and Responding to Abuse of Older People (as outlined on page 3 of the policy). A copy of the interagency policy is also attached (Attachment B3).

## Supplementary Questions

### 1. Does FACS collect information on referrals made by the Elder Abuse Helpline?

Yes.

#### a) If not, why not?

N/A

#### b) If so, how does FACS use this information?

Elder abuse is complex and can impact across all areas of an older person's life including on their health, housing, finances and family life. Information on referrals illustrates the nature of situations of abuse for which callers contact the helpline, and identifies key agencies with a role in preventing and responding to abuse.

FACS funds the Elder Abuse Helpline and Resource Unit to provide advice, referrals and support to help older people experiencing abuse, and to build community awareness of preventing and responding to abuse. The Helpline uses its referral data to identify and build partnerships with key referral agencies. This is set out in the Helpline's project plan, where key agencies are identified under two outcome areas: relationship and capacity building, and awareness raising.

The Helpline has established working relationships and partnerships with numerous agencies to build capacity for staff of key referral agencies and for Helpline staff. This ensures effective referral pathways for older people experiencing abuse. Agencies with which EAHRU has built working relationships include:

- NSW Police
- Seniors Rights Service
- Community justice centres
- Legal Aid NSW
- Justice Connect
- General practitioners and emergency departments
- NSW Trustee and Guardian
- NSW Ambulance Service.

The Steering Committee for the Prevention of Abuse of Older People, chaired by FACS, supported the Helpline in building relationships with key agencies during its establishment phase.

#### c) Does FACS publish this information?

FACS included information on where callers are commonly referred to in the NSW Government submission to the inquiry (page 14), but did not include figures for the number of referrals to each agency.

**i. If not, why not?**

FACS is working with the Helpline to improve reporting on referrals to allow this information to be reported more readily and reliably in future. Once these improvements are made, FACS anticipates that this information will be published.

**2. What data does FACS have on abuse of older people who are homeless?**

FACS does not collect specific data on older people who experience abuse and who are homeless or at risk of homelessness.

The Australian Institute of Health and Welfare (AIHW) administers the Specialist Homelessness Services (SHS) National Data Collection. This dataset includes indicators for SHS clients that may be relevant to elder abuse, including whether they are experiencing domestic and family violence, relationship/family breakdown and financial difficulties. The latter two categories are likely to include people who are not experiencing elder abuse. Data will also exclude people experiencing elder abuse who may have provided a different main reason for seeking support.

**3. What public education campaigns has FACS launched about abuse of older people?**

FACS funds the Elder Abuse Helpline and Resource Unit to provide advice, referrals and support to help older people experiencing abuse, and to build community awareness of preventing and responding to abuse.

The Helpline has undertaken a number of effective awareness raising activities since it was established in March 2013. The Helpline promotes awareness of elder abuse to the public through:

- publishing and distributing information brochures, including translations into Simplified Chinese, Traditional Chinese, Croatian, Italian and Greek
- posters and marketing material that promote positive images of older people and educate the community on what constitutes elder abuse
- an annual Talking Elder Abuse art competition (beginning in 2015), and
- marking International World Elder Abuse Awareness Day each year.

The Helpline also works in partnership with a range of sector peak bodies including the Australian College of GPs, the Seniors Rights Service, Law Access, Alzheimer's Australia, and Australian Primary Nurses. Working collaboratively with these groups, the Helpline builds understanding of preventing, recognising and responding to elder abuse throughout the community. Since establishment, the Helpline has updated its branding to feature positive images of older people. In 2015, it ran a six month campaign called *Positive Ageing Free from Abuse* which promoted the service and raised the issue of abuse of older people.

In 2016, the Talking Elder Abuse art competition will be open for entries between 1 May and 1 June. The competition is open to members of registered clubs, associations, incorporated associations and government agencies. It will be promoted through the Helpline's network, social media and community e-newsletters and the Human Services Network website.

The Helpline's webpage on World Elder Abuse Awareness Day page will be available online from mid April 2016.

Other awareness raising activities the Helpline will undertake in 2016 include:

- Creating a multi-language Helpline information card, with visual information about abuse types, signs of abuse and how to get assistance. The card will include the Helpline number and emergency contact details translated into approximately 14



languages. It will be distributed to migrant resources centres, Multicultural Disability Advocacy NSW, and to community legal centres across NSW.

- Creating a Safe Older Neighbour card, in conjunction with NSW Police Neighbourhood Watch/EyeWatch liaison officers. The card will be distributed in hardcopy and electronic format to groups across NSW towards the end of 2016.
- Distributing Helpline resource packs to services in rural and remote NSW. Resources will go to Rural and Remote Medical Centres, Royal Flying Doctors bases and to Aboriginal Medical Services across NSW.
- Raising awareness of elder abuse and promoting the Helpline among religious leaders. The Helpline will create videos in conjunction with NSW Police and the Trustee and Guardian on preventing and responding to elder abuse. Videos will be available on the Elder Abuse Helpline and Resource Unit YouTube channel and will be promoted via religious councils and peaks. The Helpline will also offer training to church leaders.
- Distributing resource packs to ageing, disability and social inclusion officers at all local councils in NSW to coincide with Carers' Week in October 2016.
- Development of a community service announcement, which will be distributed to community and commercial radio stations across NSW.
- Promoting awareness of elder abuse and the Helpline through neighbourhood-focused apps including YourLink and Nabo.

Between 2008 and 2012, the NSW Government (through the Department of Premier and Cabinet, the Office for Women and FACS) provided financial assistance to the Respect for Seniors program.

Respect for Seniors is a grassroots campaign with a vision for a safe, caring community where people age with dignity and respect. It is also funded by Uniting Care. The program advocates positive attitudes and behaviours towards seniors through social awareness campaigns and targeted programs that are focused on preventing abuse of older people and ageism in the community.

Resources developed through the program include the *As Life Goes On* DVD and resource kit. Other activities under the Respect for Seniors program include the Wear Purple for World Elder Abuse Awareness Day and presentations to local groups. FACS is continuing to support Wear Purple day.

#### **4. What support does FACS provide or fund to assist family carers?**

A carer is anyone who provides unpaid support to family or friends who need help because of disability, chronic illness, mental illness or frail age. There are 857,000 carers in NSW.<sup>1</sup>

FACS recognises the important role of carers and that supporting them to maintain their health, wellbeing and social connectedness is vital.

It is worth noting that media reports of abuse by 'carers' often refer to abuse by paid care workers, not the informal carers as described above and defined in the *NSW Carers (Recognition) Act 2010*. While research and call data suggests most abuse is perpetrated by a family member, this broader use of the term 'carer' may create an inaccurate perception of the extent of abuse by carers.

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<sup>1</sup> ABS 2012, Disability, Ageing and Carers Australia, NSW April 2014

### ***NSW Carers (Recognition) Act 2010***

FACS administers the *NSW Carers (Recognition) Act 2010*.

The Act was introduced to provide for the recognition of carers. It enacted a Carers Charter and established a Carers Advisory Council. It also places obligations on public sector agencies to recognise and consult with carers.

FACS developed information for public sector agencies about implementing the Act - available on the FACS website:

[http://www.facs.nsw.gov.au/reforms/carers/nsw\\_carers\\_recognition\\_act\\_2010](http://www.facs.nsw.gov.au/reforms/carers/nsw_carers_recognition_act_2010)

More than 30 training sessions on the Act were delivered to public sector staff in 2012.

FACS is currently undertaking a statutory review of the Act.

### ***NSW Carers Strategy 2014-19***

The *NSW Carers Strategy 2014-2019* (the Carers Strategy) is a five year plan to improve the position of carers in NSW.<sup>2</sup>

Led by FACS, the Strategy is being implemented by government, non-government organisations and private businesses in partnerships designed to deliver better support for carers.

Its focus is on improving outcomes for carers in five key areas: employment and education; carer health and wellbeing; information and community awareness; carer engagement; and improving the evidence base.

Commitments in the Carers Strategy include:

- making it easier for carers to use health care and health promotion services, including mental health services
- extending the variety and reach of peer support programs for carers in NSW
- improving employment outcomes for carers
- improving communication so that it is easier for carers to find information about support, and
- media campaigns to improve community awareness of carers.

### ***Carer Grants***

FACS also has a carer grants program, which provides significant recurrent funding to Carers NSW and smaller amounts of funding to 14 other NGOs for carer support.

Funding to Carers NSW supports peak activities, training, information and referral, a carer representation program and a state-wide young carer program.

### ***Services that support carers***

Carers receive support from a range of FACS programs, particularly within Ageing, Disability and Home Care. These include services that support carers directly, such as respite, and services that support the person they are caring for, such as personal care, domestic assistance, day programs and case management.

Reforms, specifically the National Disability Insurance Scheme (NDIS), will mean change for carers. FACS is working to ensure that carers are well informed about the roll-out of the NDIS, and the improved supports that it will offer.

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<sup>2</sup> The NSW Carers Strategy is available online at [https://www.adhc.nsw.gov.au/\\_\\_data/assets/file/0017/300077/NSW\\_Carers\\_Strategy\\_2014-19.pdf](https://www.adhc.nsw.gov.au/__data/assets/file/0017/300077/NSW_Carers_Strategy_2014-19.pdf)

**a. Does FACS provide guidelines or information about abuse of older people to family carers?**

Carers NSW, funded by FACS, is a key information provider for carers. Carers NSW refers people to the Elder Abuse Helpline where appropriate, and has promoted the Helpline through its news articles.

Carers NSW is also funded by the Commonwealth Government to provide counselling for carers.

FACS will ensure that information about the Helpline is also available through the Carer Gateway, a new national online and phone service for carers established by the Commonwealth Government.

**b. What support or services does FACS provide or fund to prevent carers from becoming perpetrators of abuse?**

The Carers Strategy includes initiatives to improve carer health and wellbeing, access to information, recognition and awareness. Addressing these issues helps reduce the level of stress among carers, and makes it easier for carers to seek support, from both formal services and from informal/community networks.

Most people will either need or provide care at some point in their lives. It is important to recognise that while some carers do abuse, the majority do not. Carers are more often part of the solution to support vulnerable older people than the problem.

The Elder Abuse Helpline and Resource Unit includes information on carers in its training sessions, including the role of 'carer stress' in cases of abuse. Training highlights the increased risk of abuse associated with the older person's increase in care needs and dependency on their carer. Training also emphasises the importance of adequate training and education in the caring role for preventing unintentional neglect or abuse.

Participants are also encouraged to adopt tools such as the modified caregiver strain index<sup>3</sup>, as a means of identifying people experiencing stress in the caring role and enabling open conversations. The carer strain index was developed by the New York University College of Nursing. A link to the index was recently added to the Elder Abuse Helpline and Resource Unit website.

**5. How does FACS define 'wellbeing' for older people?**

FACS recognises that 'wellbeing' is a complex and multifaceted concept.

The NSW Government is committed to ensuring that members of our community can lead happy, healthy and fulfilling lives as they age. It developed the NSW Ageing Strategy - a whole of government and whole of community strategy which supports individuals to take responsibility for their futures and for government to do whatever it can to recognise and remove any barriers to continued participation.

The NSW Ageing Strategy outlines the areas that the NSW Government will act in to make it easier for seniors to live full and active lives. Physical, mental and social activity helps people remain independent and enjoy life in their later years. Active living means people are more likely to maintain good health and wellbeing as they grow older. Maintaining social connections and participating in cultural and creative activities also supports better physical and mental wellbeing among older people.

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<sup>3</sup> The Modified Caregiver Strain Index is available online at <https://consultgeri.org/try-this/general-assessment/issue-14.pdf>

FACS is currently leading renewal of the NSW Ageing Strategy, which is likely to include a focus on health and wellbeing. More information will be available once the renewed Ageing Strategy is finalised later in 2016.



Family &  
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# Preventing and responding to abuse of older people

## NSW interagency policy

November 2015



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# 1 Introduction and background

## 1.1 Developing an interagency policy

The NSW Government first published an *Abuse of Older People: Interagency Protocol* and an associated *Legal Issues Manual* in 1995. The interagency protocol was revised in 2007 to take into account changes over the previous decade in service delivery and in practice, legislation and approaches to victims' rights. The interagency protocol continued to promote a coordinated response to the abuse of older people living in community settings and the need to prioritise the safety and well being of older people who are at risk or have experienced abuse and neglect and the role that service providers have in responding.

The review found that the success of an interagency protocol is largely determined by the ability of staff from different agencies around the state to respond with both a common purpose and confidence to different cases of abuse.

The subsequent release of the NSW Ageing Strategy in 2012 provided an impetus for establishing a statewide specialist helpline and resource unit to help ensure the policy is effectively implemented and outcomes monitored. [www.adhc.nsw.gov.au/about\\_us/strategies/nsw\\_ageing\\_strategy](http://www.adhc.nsw.gov.au/about_us/strategies/nsw_ageing_strategy)

The Interagency Committee on Responding to Elder Abuse recognised the need for a greater focus on interagency cooperation statewide in responding to different forms of abuse. It therefore decided this was best achieved through refining the interagency protocol as a State policy which sets out principles for action to guide the work of the Helpline and Resource Unit and the development of local/regional protocols and practice guidelines at agency level.

The NSW Government's commitment to tackling abuse reflects the UN Principles for Older Persons. The 'United Nations Principles for Older Persons' (resolution 46/91) encourages governments to incorporate them into national programmes when ever possible. The principles call for action in many areas, among them: independence, participation, care, self-fulfilment and dignity. These principles are set out in Appendix Two. In addition, UN Declaration on the Rights of Indigenous Peoples (2007, resolution 61/295) provides that States shall take effective measures to ensure continuing improvement of economic and social conditions, rights and special needs of Indigenous elders (Arts 21(2) and 22(1)).

## 1.2 The NSW Government commitment

The NSW Government's vision is for a healthy, vibrant and active ageing population in NSW. It is committed to helping individual citizens take responsibility for their future. The government has developed a NSW Ageing Strategy designed to harness the contribution of seniors and meet the challenges and opportunities of an ageing population now and into the future. The NSW Government's commitment includes responding to the abuse of older people. It has therefore made tackling abuse a priority and recognises that older people will benefit from strategies put in place to help them prevent and end abuse when it occurs.

At 30 June 2012 there were 1.02 million people aged 65 and over living in NSW (14 per cent of the population). It is predicted the number of people aged over 65 years in NSW will double from 1.02 million people in 2012 to 2.3 million in 2050 (24 per cent of the population).

As the population ages the rates of abuse of older people are expected to increase. The extent of elder abuse in the community is unclear with estimates suggesting prevalence to be between 0.5 and 5 per cent of people 65 and over.<sup>1</sup> A 2011 Western Australian study calculated an average prevalence rate to be 4.6 per cent (ranging between 3.1 and 6 per cent).<sup>2</sup>

Elder abuse is complex and multi-dimensional and understanding the extent of abuse on older people can be difficult.

The NSW Government is committed to achieving the following outcomes for older people potentially at risk of some form of abuse in the community.

- Older people and their carers are supported to live in safety and with dignity in the community through such programs as Volunteers in Policing, Neighbourhood Watch and Eyewatch.
- Older people at risk of abuse are empowered to make their own decisions and to practice self-determination.
- Older people suffering or potentially suffering abuse have access to people, groups and support services that empower them to decide to respond to situations of abuse.
- When contacting services, older people obtain useful and timely information and referral as appropriate.
- Carers of older people subject to abuse by the person they are caring for are supported in their caring role, including through access to respite services or residential facilities as appropriate.
- Families are strengthened and supported in their caring role to reduce the risk of domestic violence and abuse of older people living in community settings.



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### 1.3 A societal approach

While abuse of older people is generally understood in terms of the types of abuse experienced by older people, this fails to take into account the broader social context in which the abuse is allowed to occur. Older people themselves often define it using societal terms including social exclusion, the belittling of their views and contribution, and violation of their rights.<sup>3</sup>

The World Health Organisation Missing Voices (2002) report also found older people's perceptions fall under three main areas: neglect, including isolation, abandonment, and social exclusion; violation, of human, legal, and medical rights; and deprivation of choices, decisions, status, finance, and respect.<sup>4</sup>

This policy therefore encompasses the view that social isolation is a key risk factor and that older people experiencing abuse often lack social connection.

### 1.4 The wider context

This policy applies primarily to instances of abuse occurring in the community. NSW agencies, organisations and community members need however, to be aware of abuse occurring in institutional settings and any relevant guidelines.

For example, the Australian Government has protocols and requirements in relation to abuse of older people living in residential aged care or in receipt of services that they fund. Since 1 July 2007, under amendments to the Aged Care Act 1997, approved providers have been required to report allegations or suspicions of unlawful sexual contact, or unreasonable use of force, on a resident of an Australian Government subsidised residential aged care service. Providers are also required to have systems and protocols in place to enable compulsory reporting and to provide protection for staff who report.

Information about the Compulsory Reporting Guidelines for Approved Providers of Residential Aged Care (2008) may be sought from the Australian Government Department of Social Services and incorporated into local agency policies and procedures as appropriate.

[www.health.gov.au/internet/main/publishing.nsf/Content/ageing-quality-guidelines-cr-ap.htm](http://www.health.gov.au/internet/main/publishing.nsf/Content/ageing-quality-guidelines-cr-ap.htm)

While the NSW interagency policy does not extend to residential aged care, agencies need to be familiar with the Australian Government guidelines and to understand what obligations apply in situations bridging community and residential aged care; for example, when a client returns to the community following an episode of residential respite aged care and a situation of abuse is suspected.

In situations of abuse of older people within facilities such as hospitals or supported accommodation, workers should continue to be guided by individual agency policies and procedures in addition to this policy.

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## 1.5 Governance

The NSW Ageing Strategy identifies a range of commitments by the NSW Government to address abuse of older people: establishing a specialist helpline and resource unit; a review and update of the NSW Interagency protocols for responding to abuse of older people and to convene a high-level advisory committee.

The NSW Steering Committee – Prevention of Abuse of Older People will provide expert advice and support key initiatives that reduce abuse occurring in the community. The role of the committee will include, but not be limited to:

- identifying future state-wide policy direction
- overseeing the direction of the Helpline and Resource Unit including training resources, requirements and implementation across all sectors
- monitoring local and regional policies and programs
- collaborating with representatives from Commonwealth Government and state jurisdictions to promote a national response
- reviewing current data to identify priority areas and trends.

The Steering Committee will provide progress reports to the Interdepartmental Committee (IDC) as and when required, on the actions identified to tackle abuse in NSW.

The Interdepartmental Committee (IDC) was established to guide the NSW response to opportunities and challenges of an ageing population. The IDC will develop an ongoing and strategic approach and will monitor the implementation of the NSW Ageing Strategy with an emphasis on accountability. The committee will provide a yearly progress report to the Minister for Ageing and the Premier of NSW which includes information on progress against the implementation plan and delays or risks and proposed remedies.

Final accountability for the Ageing Strategy will be with the Premier, consistent with arrangements for the *NSW 2021 Plan*.

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## 2 Parameters of the policy

### 2.1 Purpose of policy

The purpose of the NSW Interagency policy for responding to the abuse of older people is to:

- outline the commitment of the NSW Government to preventing and responding to the abuse of older people and to minimising risk for those living in community settings
- guide the conduct, accountability and ongoing development of the NSW Elder Abuse Helpline and Resource Unit (EAHRU)
  - provide direction to government and non-government agencies and community organisations working with older people to support the:
    - development of their local/regional policies
    - coordination of their local/regional responses to abuse of older people living in community settings
    - protection and support of their workers in situations when abuse is suspected alleged or witnessed
    - engagement of the community supporting older people experiencing or at risk of abuse
    - provide a clear understanding of the principles and concepts underpinning an effective response to situations of abuse of older people in the community to all agencies and their workers (including volunteers) providing services to or in other ways working with older people
    - define the forms of abuse as a guide to the consistent collection of data, monitoring, analysis and reporting on the incidence of abuse and trends in outcomes at regional and statewide level over time.

### 2.2 Agency responsibilities

Government, non-government, community agencies and organisations should ensure their workers:

- are alert to the risk of abuse and are appropriately trained to respond in a timely manner, at all times acting in the best interests of an older person who has been abused.
- are protected and supported by local policies and procedures governing the safe handling of cases of suspected or actual abuse of older people, particularly front line staff who may be unwilling to report abuse for fear about their own safety should the perpetrator of the abuse become aware.
- read and are familiar with this policy, in conjunction with relevant policies and procedures of their own agency or service, particularly

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those relating to vulnerable older people or crimes committed against clients.

- refer to the policy together with other measures for responding to violence and abuse of adults when appropriate (eg. domestic violence interagency guidelines).
- are aware of and, when required, act in accordance with regional partnerships and service systems developed by their agency to reflect the statewide policy.
- when responding to abuse of older people, understand that each circumstance will be different and that they need to exercise professional judgement in conjunction with the use of the policy. For frontline workers this will include reporting to and receiving guidance from their supervisor or line manager in accordance with local policy.

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## 3 Definitions and forms of abuse of older people

### 3.1 Definition of abuse

The policy is consistent with internationally accepted definition of elder abuse adopted by the World Health Organisation in *The Toronto Declaration on the Global Prevention of Elder Abuse 2002*:

Elder abuse can be defined as “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”. Elder abuse can take various forms such as physical, psychological or emotional, sexual and financial abuse. It can also be the result of intentional or unintentional neglect.

[www.who.int/ageing/projects/elder\\_abuse/alc\\_toronto\\_declaration\\_en.pdf](http://www.who.int/ageing/projects/elder_abuse/alc_toronto_declaration_en.pdf)

Fundamentally abuse is a violation of an individual’s human rights by another person or persons. Abuse can take many forms including but not limited to abuse of older people by a friend, relative, carer, paid or unpaid worker, partner abuse, abuse of parents by adult children and sexual abuse.

Abuse may involve a single act, repeated behaviour, or a lack of appropriate action. It may occur when a vulnerable older person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Many forms of abuse of older people are crimes.

It should be noted that the definition of abuse does not include self neglect or self harm.

### 3.2 Forms of abuse of older people

Some of the more common forms of abuse of older people are financial abuse, psychological abuse, neglect, physical abuse and sexual abuse. Indicators for these forms of abuse are detailed below. Different forms of abuse may coexist but the presence of one or more indicators does not necessarily mean that abuse has occurred. In these circumstances workers should remain vigilant to indicators of abuse.

Identifying the various forms of abuse allows for consistent data collection and analysis to inform future decision making, planning and policy development.

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### Financial abuse

Financial abuse is the illegal or improper use of an older person's property or finances. This includes misuse of a power of attorney, forcing or coercing an older person to change their will, taking control of a person's finances against their wishes and denying them access to their own money.

Indicators of financial abuse may include:

Unexplained or sudden inability to pay bills, significant bank withdrawals, and significant changes to wills, unexplained disappearance of possessions, lack of funds for food or clothing, disparity between living conditions and money, recent addition of a signature on a bank account.

### Neglect

Neglect is a term used to describe the failure of a carer or responsible person to provide the necessities of life to an older person. Necessities of life are usually considered to be adequate food, shelter, clothing, medical or dental care. Neglect may also involve the refusal to permit others to provide appropriate care for an older person.

Indicators of neglect may include:

Dehydration, poor skin integrity, malnutrition, inappropriate clothing, poor hygiene, unkempt appearance, under/over medication, unattended medical or dental needs, exposure to danger or lack of supervision, absence of required aids, an overly attentive carer in the company of others.

### Psychological abuse

Psychological abuse is the infliction of mental stress involving actions and threats that cause isolation, fear of violence, deprivation and feelings of shame and powerlessness. Examples include treating an older person as if they are a child, engaging in emotional blackmail and preventing contact with family and friends and/or access to services.

Indicators of psychological abuse may include:

Depression, demoralisation, feelings of helplessness, disrupted appetite or sleeping patterns, tearfulness, excessive fear, confusion, agitation, resignation, unexplained paranoia.

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### Physical abuse

Physical abuse involves the infliction of physical pain or injury, or physical coercion. Physical abuse can also include physical acts such as hitting, slapping, punching, burning, tying an older person to a chair or bed, locking an older person in a room and overuse or misuse of medications.

Indicators of physical abuse may include:

Bruises on different areas of the body; lacerations particularly to mouth, lips, gums, eyes or ears; abrasions; scratches; burns inflicted by cigarettes, matches, iron, rope; immersion in hot water; sprains, dislocations and fractures; hair loss (perhaps from pulling); missing teeth; eye injuries, scalding through immersion, pressure sores through the use of physical restraint.

### Sexual abuse

Sexual abuse is a broad term used to describe a range of sexual acts where the victim's consent has not been obtained or where consent has been obtained through coercion.

Indicators of sexual abuse may include:

Trauma around genitals, rectum or mouth; injury to face, neck, chest, abdomen, thighs or buttocks; presence of sexually transmitted infections; human bite marks, anxiety around the perpetrator and other psychological symptoms.

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## 4 Principles governing responses to abuse of older people living in community settings

### 4.1 General principle

The NSW Government promotes the general principle that older people have the right to:

- be treated with dignity and respect
- make their own decisions and choices
- live in a safe environment
- access the protections available to other adults in the community.

The NSW Government's NSW Ageing Strategy (2012) identifies a key action as: *Prevent and address abuse against older people.*

### 4.2 Principles for intervention

The following principles guide agency practice and partnerships in responding to the abuse of older people living in community settings:

- older people who are at risk or have experienced abuse are to be:
  - provided with information about all relevant options available to them, including services trained to support and empower them and equipped to help them end abuse when it occurs
  - encouraged and assisted to make their own decisions, including a decision not to act.
  - respected and given the choice to accept or refuse services if they are competent to make that decision.
- every effort must be made to ensure the views of the older person are taken into account even when they cannot make their own decisions.
- responses to the abuse of older people will be in the interests of the older person at risk or who has been abused and focused on ensuring safety and ongoing protection from violence and abuse.
- many forms of abuse of older people are crimes. Legal remedies and protections are available for older people who have experienced: violence, sexual assault, physical assault, domestic violence, abuse, threats, fraud, neglect, stalking, intimidation and harassment.
- responses to the abuse of older people will be consistent with the NSW Charter of Victims Rights (Refer to Appendix One) which is accompanied by the NSW Code of Practice for the Charter of Victims Rights.



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- responses to the abuse of older people will as far as possible take account of the needs of the older person in relation to Aboriginality, culture, disability, language, religion, gender and sexuality.
  - the needs of the older person at risk of abuse or who has been abused and the abuser must be kept separate at all times. This is particularly important in situations where the abuser has been the victim's carer or has complex needs.
  - when the safety of others is involved, confidentiality cannot be offered unconditionally. In situations where a report to NSW Police is required, the consent of the person involved is not necessary.
  - any person should be able to report abuse of older people without fear of retaliation or retribution and in a supportive environment.

### 4.3 Risk factors

Some older people who may be at heightened risk include:

- the older person who is isolated from neighbours, family and/or community
- the older person who is confused about their property, belongings and/or surroundings
- those who are vulnerable to other persons taking advantage of them, including family members and carers
- the older person who becomes physically or verbally violent/aggressive because of progressively worsening conditions such as dementia
- the person whose personality and/or behaviour changes due to illness and some other progressively worsening condition
- those who are relatively powerless because of diminished ability to advocate effectively for themselves or to modify their environment
- women who have suffered (often unreported) domestic violence for many years.

Carers play a very important role but due to circumstances may become abusive. These circumstances include: the stress of the carer role, financial stress, emotional, physical, sleep deprivation, challenging behaviours from the person being cared for, lack of support from family, community and the service system.

Abuse of older people may also constitute domestic violence. Domestic violence involves violent, abusive or intimidating behaviour carried out by a partner, carer or family member to control, dominate or instil fear. It includes physical, emotional, psychological, financial, sexual or other types of abuse.

The current definition of domestic violence, under Section 5 of the Crimes (*Domestic and Personal Violence*) Act 2007, includes relationships involving those dependent on the ongoing paid or unpaid care of the other person, as

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well as family members, partners, those living in the same household, and those in an intimate relationship.

For further information on domestic and family violence, refer to the NSW Domestic and Family Violence website

[www.domesticviolence.nsw.gov.au/home](http://www.domesticviolence.nsw.gov.au/home)

#### 4.4 Principles of interagency practice

The identification, assessment, protection and care of older people who have been abused are an interagency and multi-disciplinary responsibility. A prompt response to the abuse of older people is a priority for all government, non- government and community organisations.

Responsibilities for interagency practice and cooperation should be articulated in service system agreements and regional protocols negotiated between respective support agencies and service providers in consultation with the NSW Elder Abuse Helpline and Resource Unit.

The local agreements and protocols should provide detailed guidance, including:

- the first point of contact from which agencies in the area can seek advice or to which they can make a referral in different situations
- when and what type of information can be shared, consistent with relevant legislation
- developing resources and training for staff in consultation with the NSW Elder Abuse Helpline and Resource Unit.

All relevant agencies and service providers should review their local policies, procedures and training materials addressing the abuse of older people to ensure alignment with this policy and any revised local or regional protocols and practice guidelines. They also need to be familiar with the role of the NSW Elder Abuse Helpline and Resource Unit (EAHRU).

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## 5 Key concepts in responding to abuse of older people

### 5.1 Mental capacity and consent

It is important to consider issues of mental capacity and consent when responding to abuse. Mental capacity is the ability to understand an act or a decision and its consequences. Impaired mental capacity, such as dementia, may make an older person susceptible to abuse. Having capacity to make informed decisions is critical, particularly in the context of financial abuse, sexual abuse and medical assessment or treatment.

A person has capacity to make a decision or to give their consent if they can:

- understand the nature and effect of a particular act or decision
- weigh up the consequences of the act or decision
- communicate their decision.

In NSW there is a legal presumption that all adults have capacity and ability to make their own decisions until proven otherwise. The process of establishing mental capacity can be difficult. Depending on the act or decision, capacity may be determined according to a legal test, and may require the support of a medical assessment. This is why assessment of capacity and consent may need to be undertaken by professionals; for example, legal practitioners and medical practitioners.

A person lacking capacity to act or make decisions may require a guardian or financial manager if they have failed to make a power of attorney or enduring guardianship appointment while they were capable. It is recommended that workers do not get involved in issues relating to the status and/or the validity of such documents, and that they refer the matter to their supervisor. Incapacity should not be assumed on a once off basis but needs to be assessed according to the kind of decision a person is able or unable to make.

For further information and assistance assessing capacity refer to the Capacity Toolkit:

[www.diversityservices.lawlink.nsw.gov.au/agdbasev7wr/divserv/documents/pdf/capacity\\_toolkit0609.pdf](http://www.diversityservices.lawlink.nsw.gov.au/agdbasev7wr/divserv/documents/pdf/capacity_toolkit0609.pdf)

### 5.2 Undue influence and consent

Abuse due to undue influence may occur even where an older person is capable of understanding what is being done to them or on their behalf. Undue influence is a risk when a person is vulnerable or dependent upon another person, and may involve that other person threatening to withdraw essential support, or threatening to harm the person or another person.

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Many instances of financial abuse contain elements of undue influence. In such situations, the older person may be influenced by a fear of the disapproval or anger of the person upon whom they have become dependent.

The best interests of the older person must be considered in situations where undue influence is suspected.

### 5.3 Privacy, confidentiality and sharing information

In responding to abuse of older people it is important that workers are aware of and respect the right of older people to privacy and confidentiality.

The promise of complete confidentiality cannot be given to any person who raises a concern about the abuse of an older person. This includes the older person themselves, a relative, a fellow worker or a member of the public. When information about abuse is provided to Police and other key NSW Government agencies, these agencies may act, even if consent has not been given, when:

- the vulnerable older person is believed to lack capacity to make an informed choice
- a criminal investigation by the Police may be required
- there is a wider public interest.

Confidentiality refers to the obligation that arises under general law and in some instances under legislation or professional codes of conduct. However, there will be situations where confidentiality is lawfully overridden. In these circumstances where the situation may override an older person's right to confidentiality, workers should always consult their supervisors who will act in accordance with their agencies policies and guidelines.

Every worker, regardless of their role, profession or discipline, must communicate and cooperate with others in responding to the abuse of older people. Sharing information lawfully between agencies is essential to the protection of vulnerable older people.

There are a number of legislative instruments and related publications that should be considered in determining when confidential information may be shared. These are:

- *Privacy and Personal Information Protection Act 1998 NSW*, this piece of legislation outlines the principles that govern the collection, storage, access, use and disclosure of personal information
- *Health Records and Information Privacy Act 2002*, this piece of legislation outlines the principles that govern the collection, storage, access, use and disclosure of health information
- *Privacy and People with Decision-Making Disabilities* (Privacy NSW publication), this is the best practice guide to assist people who handle the personal information of people with decision-making disabilities

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- *Health Records and Information Privacy Code of Practice 2005*, the provisions in this Code protect some disclosure of health information by workers in human services agencies and funded organisations provided certain conditions are met
  - Public Interest Directions made by the NSW Privacy Commissioner also may also allow the disclosure of information in certain situations (for example when an investigation is underway)
  - *Victims Rights and Support Act 2013*, this Act contains the Charter of victim's rights
  - *Crimes (Domestic and Personal Violence) Act 2007*, this is the principal legislation relating to and domestic violence-specific offences. Part 13A allows information sharing
  - *Domestic Violence Information Sharing Protocol*, explains how to share information under
  - Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007 (Part 13 A)*.

### Worker Responsibilities

While there is no mandatory reporting of abuse of older people, it is expected that agencies will have policies and guidelines in place to guide workers to respond to abuse proactively.

The appropriate course of action may depend on the mental capacity of the older person, as outlined in 5.1 Mental Capacity and Consent.

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## 6 Roles and responsibilities

### 6.1 NSW Elder Abuse Helpline and Resource Unit

The NSW Elder Abuse Helpline and Resource Unit (EAHRU) will act as a central point for information, advice, referral and data collection. Concerned older people and carers, as well as friends, family, support workers and service providers, will have access to a range of services including the provision of information, advice and referral to support agencies or service providers as and when appropriate. The unit will also provide education and training for frontline workers, such as police and care workers, in addition to engaging in community awareness and education. As a specialist unit the EAHRU will be responsible for caller data collection, management and reporting using a data set consistent with other states and territories.

The unit will complement the NSW Steering Committee – Prevention of Abuse of Older People as a key advisory body and support the implementation of this Policy.

Functions of the EAHRU include:

- telephone service, with a central toll-free number available across NSW and supplemented by a website
- promotion of the EAHRU
- service planning and development including community awareness and education activities
- data collection, management and reporting sourced from caller activity, promotional and education activities, with service gaps and unmet need identified through community/service engagement
- development of a suite of resources, including promotional and training materials
- relationship building, including working with key government and non-government agencies and support services to develop a state-wide response to the abuse of older people.

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## 6.2 NSW agencies including police

All workers employed in NSW agencies, whether government or non-government, have a responsibility to respond to abuse of older people in our community. In addition, there are specific roles for agencies that provide specialist care or support for older people or respond to victims of crime.

Agency roles will vary according to the nature of the abuse and the level of independence or health status of the older person who has experienced abuse. Not all agencies will need to be involved in every case of abuse of an older person.

Where an agency has a key role in responding to abuse of older people in NSW, it is responsible for recognising abuse of older people within its specific jurisdiction, for developing agency-specific policies and guidelines, and for maintaining appropriate records. Workers are advised to refer to their agency policies and guidelines governing documentation and record keeping.

Frontline workers will often be the first to recognise or suspect abuse of an older person. Agencies should ensure that their policies and guidelines protect and support their workers dealing with abuse, including volunteers and any who may have experienced threats (whether legal, physical or psychological). They should also provide appropriate ongoing training for all levels of staff and management and maintain an up-to-date list of specialist services able to provide advice to their workers on responding to the abuse of older people particularly in specific circumstances.

### 6.2.1 Reporting to NSW Police

Many forms of abuse of older people are crimes and may require NSW Police intervention.

In situations requiring NSW Police intervention it is preferable that the older person is consulted and provides consent for the report. However, when a significant risk to the safety of the older person or others is involved, confidentiality cannot be offered unconditionally. In situations where a report to NSW Police is required, the consent of the person involved is not necessary.

Regardless of the victim's views, agencies must ensure workers report to NSW Police any instances where:

- the abusive situation results in serious injury inflicted on the victim
- the perpetrator has access to a gun and is threatening to cause physical injury to any person
- the perpetrator is using or carrying a weapon (including guns, knives or any other weapon capable of injuring a person) in a manner likely to cause physical injury to any person or likely to cause a reasonable person to fear for their safety

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- an immediate serious risk to individual/s or public safety exists workers are threatened.

Agencies may also seek guidance from NSW Police where there is any genuine and realistic concern about harm to a person's safety. Where this action is taken, it is not considered a breach of confidentiality as workers are deemed to be acting with lawful excuse.

In all circumstances, an older person who has experienced abuse has a right to report and be supported in reporting an offence to NSW Police. Any requests to report to NSW Police should be facilitated immediately. In all situations where workers are not required to notify NSW Police, the victim's right to pursue or not to pursue the crime with NSW Police and report the offence should be respected.

When frontline workers take a decision to report an incident to NSW Police, they must inform their supervisors or line managers in accordance with local protocols on first point of contact. They should also consult their supervisors or line managers when there is doubt as to the most appropriate action to take.

## 7 Policy review

A review of the *NSW Policy for Responding to and Preventing Abuse of Older People* will be done on a three yearly basis. This process will be overseen by the NSW Steering Committee, or relevant authority, and approved by the Inter Departmental Committee (IDC).



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## Appendix One – Charter of Victims Rights

The Charter of Victims Rights is about how government agencies should treat a victim of crime. The Charter of Victims Rights is found in the *Victims Rights and Support Act 2013*.

Under the charter a victim is a person who suffers harm as a direct result of a criminal offence.

The charter requires NSW Government agencies to ensure that a victim has rights to:

- respect and compassion
- information about and access to welfare, health, counseling and legal services
- protection, privacy and safety
- information about investigation and prosecution of the crime
- help with preparing victim impact statements
- make submissions about offenders in custody
- information about compensation

The full Charter of Victims Rights and accompanying NSW Code of Practice for the Charter of Victims Rights can be accessed at:

[www.lawlink.nsw.gov.au/lawlink/victimsservices/ll\\_vs.nsf/pages/VS\\_victims](http://www.lawlink.nsw.gov.au/lawlink/victimsservices/ll_vs.nsf/pages/VS_victims)

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## Appendix Two – United Nations Principles for Older Persons

The United Nations General Assembly adopted the following eighteen Principles for Older Persons on 16 December 1991 (Resolution No.46/91).

### Independence

1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.
2. Older persons should have the opportunity to work or have access to other income-generating opportunities.
3. Older persons should be able to participate in determining when and at what pace withdrawal from the labour force takes place.
4. Older persons should have access to appropriate educational and training programmes.
5. Older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities.
6. Older persons should be able to reside at home for as long as possible.

### Participation

7. Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.
8. Older persons should be able to seek and develop opportunities for service to the community and to serve as volunteers in positions appropriate to their interests and capabilities.
9. Older persons should be able to form movements or associations of older persons.

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## Care

10. Older persons should benefit from family and community care and protection in accordance with each society's system of cultural values.
11. Older persons should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.
12. Older persons should have access to social and legal services to enhance their autonomy, protection and care.
13. Older persons should be able to utilise appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment.
14. Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.

## Self-fulfilment

15. Older persons should be able to pursue opportunities for the full development of their potential.
16. Older persons should have access to the educational, cultural, spiritual and recreational resources of society.

## Dignity

17. Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse.
18. Older persons should be treated fairly, regardless of age, gender, racial or ethnic background, disability or other status, and valued independently of their economic contribution.

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## Contact details

NSW Police

Emergency – Dial 000

Non- Emergency (Police Assistance Line) - 131444

[Online – www.police.nsw.gov.au/news/police\\_assistance\\_line](http://www.police.nsw.gov.au/news/police_assistance_line)

NSW Elder Abuse Helpline and Resource Unit (EAHRU)

1800 628 221

[www.elderabusehelpline.com.au](http://www.elderabusehelpline.com.au)

## References

<sup>1</sup> Wainer J, Darzins P, Owada K. (2010). *Prevalence of Financial Abuse in Victoria*. Protecting Elders Assets Study, Monash University, Melbourne

<sup>2</sup> Biggs, S., Manthorpe, J., Tinkler, A., Doyle, M., Erens, B. (2009). *Mistreatment of Older People in the United Kingdom: Findings from the First National Prevalence Study*. Journal of Elder Abuse & Neglect Vol.21, Iss1

<sup>3</sup> Dow, B., Joosten, M. (2012) *Understanding elder abuse: a social rights perspective*. International Psychogeriatrics, Cambridge Univ Press

<sup>4</sup> World Health Organisation (2002) *Missing Voices: Views of Older Persons on Elder Abuse* cited in Dow, B., Joosten, M. (2012) *Understanding elder abuse: a social rights perspective*. International Psychogeriatrics, Cambridge Univ Press