

**Submission  
No 30**

## **INQUIRY INTO INQUIRY INTO ELDER ABUSE IN NEW SOUTH WALES**

**Organisation:** Leading Age Services Australia NSW-ACT

**Date received:** 15/11/2015

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Friday, 13 November 2015

The Director  
General Purpose Standing Committee No. 2  
Parliament House  
Macquarie St  
Sydney NSW 2000

## **Inquiry into Elder Abuse in New South Wales**

Dear Sir/Madam,

Thank you for the opportunity to respond to *Inquiry into Elder Abuse* undertaken by General Purpose Standing Committee No 2.

Leading Age Services Australia NSW-ACT (LASA NSW-ACT) represents 300 age service providers across New South Wales and the Australian Capital Territory and is the only peak body to represent all providers across for profit, not for profit, religious and charitable entities.

In response to the Inquiry, LASA NSW-ACT submits:

### **1. The prevalence of abuse experienced by a person aged 50 years or older in NSW**

Elder abuse occurs in a number of forms throughout the community. For providers of care, mandatory reporting requirements ensure incidences of elder abuse are addressed. However, given the many different forms of elder abuse, and the differing circumstances of older people, numerous instances of elder abuse go unrecognised and unreported.

Social isolation is a significant contributor to the prevalence of elder abuse, and elder abuse is more likely to be prevalent for vulnerable persons, including those not receiving any type of formalised care or support.

### **2. The most common forms of abuse experienced by older persons and the most common relationships or settings in which abuse occurs**

The incidence of elder abuse is often anecdotal, and not always readily recognisable, particularly by care staff when the form of abuse is financial. Scenarios where elder abuse might occur in a care environment include:

- In a residential care setting, where a resident divests themselves of assets and appoints a power of attorney;
- In a community setting, where an older person contracts a carer, and due to social isolation, forms a dependant relationship with the carer.

Other common examples of abuse would be those perpetrated by family members such as sexual or physical abuse. Instances of these types of abuse may not always be outwardly visible, and are more likely to be recognised only when the older person enters a care environment.

Furthermore, a vulnerable older person might not always outwardly project they are experiencing a form of abuse. If an older person has limited personal relationships and is being taken advantage of, there might be a disinclination to report abuse. Further, different experiences throughout a lifetime mean that there could be different tolerances among older persons to report abuse.

This leads to a definitional issue of abuse – societal versus that of the victim – and raises the issue of advocacy:

- Who is responsible for advocacy for those persons in the community living alone?
- How does the issue of abuse and advocacy become resolved?

**3. The types of government and/or community support services sought by, or on behalf of, victims of elder abuse and the nature of services received from those agencies and organisations**

A number of opportunities exist to expand the role and support for existing agencies to minimise the incidence of elder abuse.

These include expanding the Community Visitors Scheme in scope to encompass people currently not on Commonwealth Subsidised Care, where abuse has been identified and reported.

The role and scope of the Public Guardian and Trustee should similarly be expanded in support of vulnerable unsupported people in the community.

The Commonwealth could also take a more active role in collating the resources and best-practices of State-based agencies currently responsible for identifying and addressing elder abuse, and apply in a national approach.

**4. The adequacy of the powers of the NSW Police Force to respond to allegations of elder abuse**

LASA NSW-ACT Member input suggests that police support is often inadequate as the role of the Police Force is more focussed to managing crises as they arise. There is a perception that Police Force resources do not sufficiently allow for further follow-up following instances of elder abuse.

Positive examples of the role of the Police Force where elder abuse is alleged, includes the actions of local community liaison officers. These positions, appropriately resourced, would have the gravitas to manage elder abuse issues and give these issues the attention and follow-up they merited.

**5. Identifying any constraints to elder abuse being reported and best practice strategies to address such constraints**

A significant proportion of elder abuse occurs outside of a care environment.

Mandatory reporting obligations for the aged care industry ensure that legislatively defined instances of abuse are in some instances able to be addressed. However, the scope of elder abuse - ranging

from the emotional to the financial - means that not all incidences of elder abuse are readily identifiable by care workers.

Through the Commonwealth and State Governments a number of resources in regard to child abuse have been developed which could be transferable to an elder abuse context. Initiatives which could be considered, and potentially introduced in a national context, include:

- Development of a strategic plan to reflect prevention and early intervention/safety for victims of elder abuse, and accountability for perpetrators;
- Develop guidelines for care workers to better identify abuse;
- Case Practice Manual for care workers;
- Development of an evidence based flow chart;
- Development of a framework for those likely to be at higher risk;
- Central database to access data from other agencies to enable integrated response.

#### **6. Identifying any strength based initiatives which empower older persons to better protect themselves from risks of abuse as they age**

A number of means are available, or could be enhanced, which would enable older persons to protect themselves from different forms of abuse.

Relationships with general practitioners are important for older persons. General Practitioners have a role to play not only in identification and reporting abuse, but in assisting older persons connect with the community and peers to reduce vulnerability. Additional resources and information for both general practitioners, and older persons to best engage with their general practitioner, can be considered.

Primary care nurses, specialist doctors, nurse practitioners, volunteers, and pharmacist providers of complimentary medicines also have a role to play not only in identification and reporting, but in assisting older persons connect with others and to reduce vulnerability.

Increased access to sound financial advice, given that a significant proportion of elder abuse is financial in nature, from specialist financial planners is another area to be enhanced and better communicated to vulnerable older persons.

Furthermore, non-challenging information and communication on end of life issues and advance care directives would also be a source of empowerment and protection for older persons.

#### **7. The effectiveness of NSW laws, policies, services and strategies including the 2014 Interagency Policy, Preventing and Responding to Abuse of Older People in safeguarding older persons from abuse**

All levels of Government have an important contribution to the prevention of elder abuse. While much of the legislation for the aged care industry is in the jurisdiction of the Federal Government, the New South Wales Government has a number of opportunities to prevent and respond to abuse of older persons.

In a care environment this could in the short-term be through the use of:

- effective communication through published materials that could be left at community centres, GP clinics and on super market notice boards;
- information regarding end of life issues and advance care directives;
- details regarding access to sound financial advice.

It is imperative that strategies and policies regarding elder abuse receive adequate funding and resourcing to achieve real benefit for vulnerable older persons.

**8. The possible development of long term systems and proactive measures to respond to the increasing numbers of older persons, including consideration of cultural diversity among older persons to prevent abuse**

The aged care industry is addressing many challenges as part of Australia's ageing population, including providing care for persons from cultural and linguistically diverse (CALD) backgrounds.

A special appointment for a Commissioner for Older Persons, similar to the Commissioner for Senior Victorians, could be replicated in New South Wales. Appropriately resourced, such an appointment could act as an advocate for the protection and prevention of elder abuse, especially in instances where cultural diversity has the potential to make an older person more vulnerable to abuse.

**9. The consideration of new proposals or initiatives which may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse**

Clear guidelines to appropriately manage and report of elder abuse - in a range of instances where this abuse can occur - are required for persons likely to encounter and support vulnerable older persons.

Input from LASA NSW-ACT Members indicates that issues crucial to identifying and preventing elder abuse need to be dealt with through robust risk assessments, ongoing mainstream education, and the ability to report to the police and Guardianship Tribunal, with appropriate management and follow-up.

For a broader, across-community approach to identify and address incidences of elder abuse, establishment of a 1800 reporting number would be a good first step. This would require a commitment from the New South Wales State Government to resource the call centre.

Support and funding is also required for local communities in early intervention work, including for persons from cultural and linguistically diverse (CALD) background. Review of child protection models from New South Wales and across Australia should be undertaken and applied where appropriate to an older person context.

Where there are currently difficulties in identifying, defining, and reporting abuse, Member feedback considered that a special appointment, such as that in the State of Victoria of where a Commissioner for Senior Victorians has been appointed, held merit and could be replicated in New South Wales.

Other potential options canvassed by LASA NSW-ACT Members include:

- Development of an Older Persons Protective Services Community Model;
- Clearer definition of family, friends-informal, for operational use for 'positions of trust';
- Further enhancement and funding support of programs for carers;

- Fixed allocation of funds from government (with key directives to be achieved identified and released for tender under community development model) for seeding grant projects to inform further policy and resourcing directives in staged implementation approach to tackling elder abuse;
- Review of mandatory reporting for potential adverse impacts (including for cultural and linguistically diverse, or Aboriginal or Torres Strait Islander older persons);
- Greater research into elder abuse, including data analysis following the development of NSW Ageing Strategy 2012;
- Legislative review of guardianship, enduring power of attorney, advanced care directives (including registering and auditing of enduring power of attorney and financial institutions to better monitor transactions);
- Managing language regarding elder abuse and best practice;
- Better screening and detection tools for elder abuse including taking into account settings where abuse might occur (including at home, hospital, work places);
- Cohesive approach across government and non-government organisations (including Centrelink and the Public Guardian and Trustee) to review present and future policy.

Thank you again for the opportunity to respond to *Inquiry into Elder Abuse (the Inquiry)* undertaken by General Purpose Standing Committee No 2.

Yours sincerely,

  
**Loula Koutrodimos**  
**Acting CEO**  
**Leading Age Services Australia NSW-ACT**