

**Submission  
No 53**

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

**Organisation:** Hastings Elder Abuse Protection Network

**Date received:** 13/11/2015

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# HASTINGS ELDER ABUSE PROTECTION NETWORK

## HEAPN

### SUBMISSION

To the

### NSW LEGISLATIVE COUNCIL INQUIRY

Into

### “ELDER ABUSE”

Hastings Elder Abuse Protection Network (HEAPN)  
Volunteer Coordinator: Jillian McDonnell

C/O The Aged Rights Service (TARS)  
And from 24<sup>th</sup> November 2015 Seniors Rights Service (SRS)  
L4 418A Elizabeth St  
Surry Hills NSW 2010

www.tars.com.au  
and from 24 November 2015:  
<http://seniorsrightsservice.org.au/>

This submission is authorised by the members of HEAPN

DATED: 13 November 2015

## **PART 1: INTRODUCTION**

### **Location of HEAPN**

The Mid North Coast and the Northern Rivers regions of NSW are popular “sea and tree change” destinations for retired people. The area has a significantly higher proportion of people aged 65 at 20% compared to the NSW average of 15%. The percentage of people aged 65+ is forecast to increase to 30% by 2031 compared to the NSW average of 20%. Within the region there are also higher concentrations of Aboriginal and Torres Strait Islander people aged 50+ particularly in Port Macquarie/Hastings (Birpai), Kempsey (Dhungutti), Greater Taree (Birapai), Coffs Harbour (Gumbayngirr), Clarence Valley and Tweed (Bundjalung). (Source: *NSW North Coast Ageing Strategy*)

In terms of CALD populations the Mid North Coast has a high percentage of Australian-born residents of which each local LGA having at least 80%. The small percentage of CALD residents are mainly from German, Dutch, Italian and South African backgrounds.

In particular Port Macquarie-Hastings has been known as “God’s Waiting Room” with 32% of the population aged over 60 years. One of the villages in this council has the oldest population per capita in Australia; and the area has the third highest prevalence of Dementia in NSW. Port Macquarie –Hastings is made up of 34 different communities with a population of 76,563 people in a 3700 square km area including Port Macquarie the largest regional town, beach-side communities, small villages, and rural properties.

### **Special needs groups amongst Older Australians in NSW**

Through our members’ professional working experiences and ongoing contacts with older people and their carers in our community we are aware of the following examples of the kinds of circumstances of special needs that many older people are experiencing:

- Older people with disabilities
- Older people with special clinical needs
- CALD groups: - older Australians from diverse language backgrounds are often unaware of the community services available to them
- ATSI groups – who may experience lack of access to community services as well as a lack of cultural understanding and organisations which lack of ATSI sensitive staff
- LGBTI – privacy, invisibility, issues of non-disclosure for fear of victimisation, diverse life styles & their human rights
- Older people with mental issues, and the lack of diagnosis of depression in older people particularly
- Older Homeless people – inability to access housing, community care and lack of financial means to access residential aged care
- Distance and isolation in remote and rural areas can mean long delays for assistance and support for older people living in their own homes

## **The role of HEAPN**

HEAPN was established in 2012 by a group of professionals concerned about the incidence of elder abuse in the Hastings community. HEAPN is a local collective of aged care, health, welfare, legal and community services professionals as well as significant local community members. Like many local community of practice networks HEAPN is reliant on the generosity of its member organisations to support a collaborative approach to addressing issues locally. With no funding to set aside for a local coordinator, or to deliver local projects, the NGOs and government agency members are not able to leverage their involvement to deliver tangible outcomes with any regularity. However, individual members utilise some of their employer's time and resources to conduct a limited number of activities in order to inform the community of the presence and risks of elder abuse.

## **Terms used in this document**

ATSI	Aboriginal & Torres Strait Islanders
CALD	Culturally and Linguistically Diverse
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MNCCLC	Mid North Coast Community Legal Centre
NACLC	National Association of Community Legal Centres
OPLS	Older Persons' Legal Service
TARS	The Aged Rights Service Inc
WDVCAS	Women's Domestic Violence Court Advisory Service

## **PART 2 :INQUIRY TERMS OF REFERENCE**

This submission intends to focus on three (3) of the terms of reference for the inquiry.

### **The specific Term of Reference to be addressed in this submission:**

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

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

Elder Abuse was identified as a key priority in the NSW Ageing Strategy which saw the launch in March 2013 of the NSW Elder Abuse Helpline and Resource Centre 1800 628 221. At that time according to the Australian Institute of Criminology, as many as 50,000 people aged 65 and over in NSW had experienced some form of abuse or neglect, whether it be neglect, social, physical, sexual, psychological or financial. However, detection of abuse and neglect of the elderly continues to be complicated by a number of factors, such as the recognition that older adults are often unwilling to report abuse due to feelings of shame, fear of retaliation, or fear of being placed in an institution (Mulligan, 1990).

Crisis management has its place when the intervention is critically needed however it is poorly suited to address fully the dynamics of elder abuse (Wolfe and Jaffe, 2001) which requires a whole of community approach including education in identifying and empowering older people to speak out. Despite the general public's level of consciousness being raised by the Help Line public education campaigns are still required to keep issues relating to elder abuse in the media and in the public's attention including addressing the stigma of abuse and the fear to report. Therefore when identifying any strength based initiatives which enable older persons to better protect themselves from risks of abuse as they age requires a multi-faceted approach that includes individual support from professionals, service providers and a whole of community approach.

If it takes a village to raise a child, doesn't that also ring true for the care of our elders?

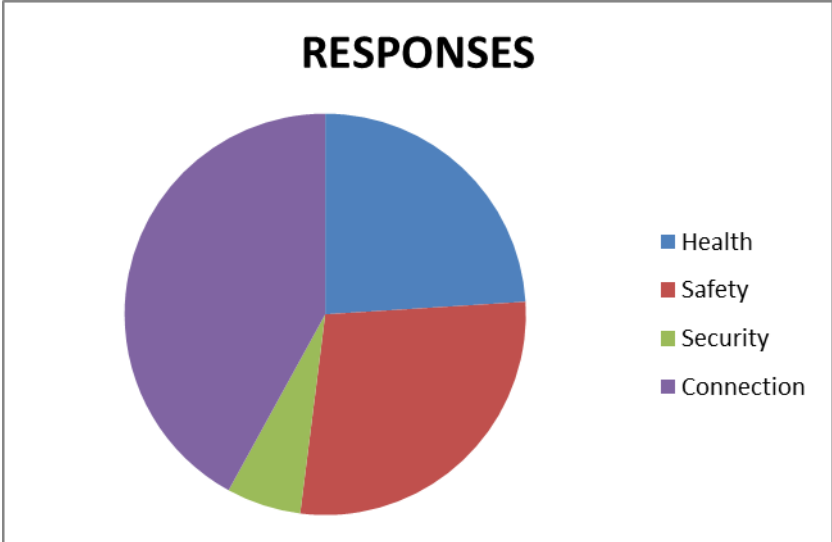
HEAPN has held several Pop-Up Communication events that presented as large post-it-notes posters (see below) for seniors to write their thoughts on. These posters were displayed at local Hastings RSL Clubs, Libraries, Bowling Clubs, Neighbourhood Centres, Community Health Centres and several Senior Citizens venues.

The results of the surveys responses are reflected below:

**Q 1 What kind of world do you want to grow 'old' in?**

**73 Responses**

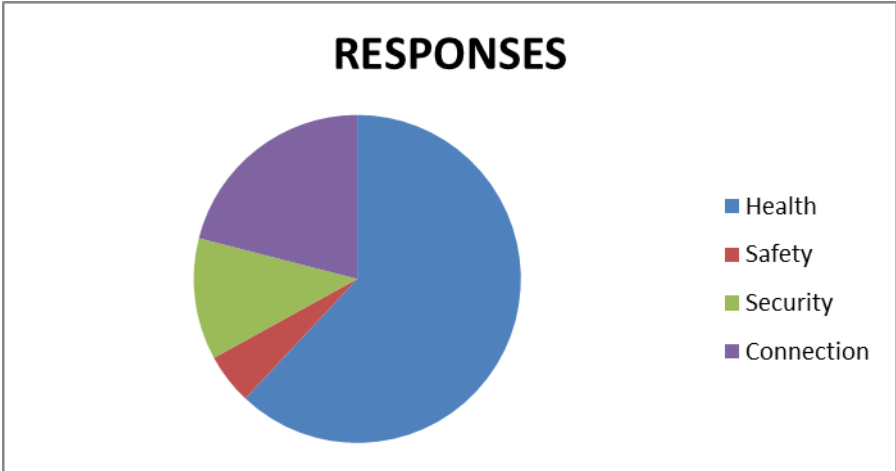
H = 17 = 24%          S = 21 = 28%          FS = 5 = 6%          CC = 30 = 42%



**Q2 What kind of 'old' do you want to be?**

**67 Responses**

H = 41 = 62%          S = 3 = 5%          FS = 8 = 12%          CC = 14 = 21%



For the other two questions we posed on our surveys we received a total of 136 responses including the following comments examples from each question:

**Q3 Do you know what abuse of an older person is?**

- Yes – when a person uses power and control over another person.
- Vulnerable e.g. being taken advantage of physically, financially.
- Treating them like you know better than them when they are actually older and wiser
- Pushed into decisions they are not happy with
- Not being treated equally, looked down upon, being neglected
- Withholding the grandchildren from me if I don't do what they want
- Isolation from the community, being ignored, wasted knowledge life experience

and

**Q4 How can we prevent abuse of older persons?**

- Education - teaching families, carers ways to cope with the elderly. As a society "normal" people don't understand "old" age, dementia./ .Alzheimer's - that includes professional people too, Doctors, Nurses, Solicitors . I work in age care admin - and many families are in denial when it comes to Dementia / Alzheimer's. I don't know the answer - but while I'm sane and prior to getting "old" I intend to write my own care plan.
- Complex problem - so probably a complex response needed. my thoughts are: clear guidelines about what to do if you think an older person is being abused (such as with child abuse)... how to recognise... what to report... how to report... and who to report to... but.. as I said.. complex!!
- Value older people.
- Courage – even though they may be people you love, they don't have any right to humiliate you or abuse you or ask you for money
- Listen to them, ask how they are doing, refer them for help when needed
- Respect older people for the knowledge and life experience they do have. Ask questions of older people e.g. What do you want, How can we make it happen?
- Know what your rights are, stay connected with friends and people we trust.

Three pictorial samples of the Pop up Surveys:







Further to this HEAPN is presenting workshops on identifying Elder Abuse and we have utilised the DVD 'As Life Goes On' which was produced as a joint venture between UnitingCare Ageing and the NSW Department of Premier and Cabinet under an Activity of the "Respect for Seniors Project". The DVD includes five scenarios that depict family events including:

- Love and money
- No Goodbyes
- I Want My Life Back
- Down the Fairway
- All in the Family

This resource proved invaluable in starting conversations around this most sensitive subject with the group of seniors themselves. Having TARs and our local MNCCLC there to answer questions and take appointments enhanced the seniors' knowledge on identifying abuse and how to protect themselves and their rights, which contributed to their feelings of increased confidence, control and self-efficacy.

#### **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**

On approaching the member organisations of our network to evaluate the knowledge of and use of the NSW Interagency Policy we were disappointed to learn that:

- Not all of our member organisations are aware of the Policy document.
- The Port Macquarie WDVCS stated that services could better meet the needs of older women who are experiencing domestic violence. They do not have a specific policy for older women as their policies are for all women experiencing domestic and or family violence.
- Our member from the Kinicare group stated that their policy on elder abuse is currently being updated.
- Our representative from NACLCLC stated that NACLCLC doesn't have an elder abuse strategy at this stage. In part this is because they are guided by the OPLS Network on issues relating to elder abuse and they don't have one, but also because the focus of most strategies/policies is really on identifying cases of elder abuse, ensuring appropriate action is taken, and achieving a consistent approach to the management of elder abuse. Of course there are others that focus on working with families/service providers/organisations to raise awareness of elder abuse and developing initiatives etc, but again developing such a strategy is not necessarily NACLCLC's role as the national peak given the expertise of CLCs across Australia. If we were to develop one it would need to be a national one, so might be informed by the NSW Interagency Policy, but would of course need to be much broader. However perhaps some of the individual CLCs have developed one.
- Mid North Coast CLC considers elderly people to be one of their priority client groups. MNCCLC is able to give free advice to older people in relation to planning ahead documents such as Power of Attorney, Enduring Guardianship or Advance Care Directive. MNCCLC is also able to offer free legal education on these documents and how they can function to protect people's choices as they age. Where an elderly person is reliant on a full age pension, or is vulnerable due to social isolation, family violence, disability, cultural barriers and/or risk of homelessness, MNCCLC may be able to draft

these documents for them. MNCCLC considers elder abuse to be an issue in Mid North Coast communities, and will ensure that clients who are suspected of experiencing abuse or exploitation will be given an opportunity to have a referral to appropriate local support services such as the Aged Care Assessment Team (Health NSW), aged care providers, advocacy services and in home care providers. This is in order to give older people an opportunity to strengthen links in their community and have a network of appropriate supports.

These responses represent only a small percentage of the number of member organisations of HEAPN. We recommend that the NSW Policy be more widely disseminated, discussed, and that professionals, health, welfare and community organisations who work with older people are required to develop policies around elder abuse and are expected to adhere to their guidelines and protocols.

#### **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, so as to prevent abuse**

HEAPN considers that it is important to begin discussions around older-life strategies for protecting and upholding rights, and to do so where possible with people at a younger age. To this end, we note the importance of community organisations which have funding or remit to conduct accessible education sessions, so that people may start considering their “older” futures earlier in life. HEAPN members have been involved in educational presentations at U3A, to local retirement villages and local charitable groups for retirees. However we are exploring ways to take that education to a cohort of people still engaged in work, through breakfast or lunchtime seminars or onsite by invitation.

HEAPN notes the proposal by Alzheimer’s Australia (Discussion Paper #10 “Preventing Financial Abuse of People with Dementia” 2014) for the consideration of a national or state register of Powers of Attorney. This could enable access to information which may be of great assistance to service providers looking to support an older person at risk of, or already experiencing financial exploitation. Such a system could possibly record the most recent Power of Attorney, the number of changes or revocations, the extent of the power granted and the contact details of the Attorney. This could enable a service provider who is given access to the information to make an assessment of the risk to the person. It may be appropriate to limit access to such a register and HEAPN endorses the suggestion that this system is one given detailed consideration by the Committee.

HEAPN is heartened by the occasions we have had to celebrate older people and their involvement in local community life. Many people are active, involved and make enormous contributions to their families and communities. HEAPN recommends a strengths – based approach to ageing in general, in celebrating older people through community and cultural events at a state-wide level. This enables celebration of people from a culturally diverse pool. HEAPN, like a number of local community of practice networks, is reliant on the generosity of its member organisations to support a collaborative approach to addressing issues locally. Without having any funding allocated for a local coordinator, or to deliver local projects, the NGOs and government agency members are not able to leverage their involvement to deliver tangible outcomes with any regularity. We recommend that the Committee consider providing resources to support local groups such as ours in order to set up a coordination agency.

### **Part 3: In Conclusion**

Through our work with older people across all the services in our community we are aware that there are significant barriers for older people in revealing, discussing and reporting elder abuse including:

- Lack of confidence in themselves
- Lack of skills - to communicate the issue, to understand the response or to negotiate a satisfactory outcome
- Believing they are unable to make things change
- Social issues: poverty, isolation, ethnicity, sexuality, gender
- Dependency –on a carer or carers
- Caregiver issues
- Age and frailty
- Previous negative experiences – with community and professional organisations and in life generally
- English Language difficulties
- Person specific issues like disability, mental health issues, Dementia
- Fear of retribution or reprisals
- Isolated and single older people who have no family, carers or friends to support them

#### **The Needs of Ageing Australians**

HEAPN believes that a fundamental goal of all community, legal and health services is to enhance representation and participation to ageing Australians when they require human service systems support or require legal assistance. Older people, who lose independent living skills or lack financial resources are vulnerable to receiving sub-standard care, having their rights as citizens extinguished and therefore their place in their own communities. It is the 'right' of ageing Australians to receive a high standard of care and services, tailored to meet individual needs and therefore ensure quality of life.

Older Australians should be able to feel confident that appropriate and affordable services will be available when needed and that they will not become a burden to a spouse, partner, carer or family. In-home support is and will continue to be preferred to residential care.

Many of these people have had no knowledge or understanding of the services available to them and/or how to access them.