

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

Organisation: Council on the Ageing NSW

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Council on the Ageing NSW (COTA NSW)

Response to an inquiry into Elder Abuse in NSW

(A Legislative Council inquiry conducted by the General Purpose Standing Committee No. 2)

The current NSW response to elder abuse

COTA NSW welcomes the opportunity to appear before the General Purpose Standing Committee No. 2 into elder abuse. COTA NSW has been a long term advocate for the support of older people experiencing abuse – ‘elder abuse’. We were an active participant in the ‘*Review of the Interagency Protocol for Responding to the Abuse of Older People*’ in 2011 and a member of the ‘NSW Steering Committee - Prevention of Elder Abuse’ from its inception. The CEO of COTA NSW was also chair of the ‘Awareness and Communication Working Group: Elder Abuse Helpline and Resource Unit’.

It should be noted that the NSW Steering Committee – Prevention of Elder Abuse has not met since the end of 2014.

Elder abuse has been defined by the World Health Organisation in *The Toronto Declaration on the Global Prevention of Elder Abuse 2002* 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”. In the NSW context, it is generally thought that the prevalence of elder abuse could be between 2.0% and 5.0% of people 65 years and above, which at 2.0% would translate into about 20,000 cases.

COTA NSW acknowledges that the establishment of the NSW Elder Abuse Helpline and Resource Unit (EAHRU) in 2013 and the publication of ‘*Preventing and responding to abuse of older people – NSW interagency policy 2014*’ represent important initiatives in responding to the issue of elder abuse in NSW.

However, much more needs to be done to address elder abuse in NSW.

The need for further action to address elder abuse in NSW is illustrated by the NSW EAHRU’s own data. In calendar year 2014, it received about 1300 calls and in 2015 the current trend suggests about 1920 calls will be received – an average of about eight calls per working day. Clearly, these results do not reflect the incidence of elder abuse in NSW.

An appropriate response requires a more complex understanding of the spectrum of elder abuse

As it stands, many in the community would have no difficulty recognising some forms of elder abuse. People are relatively quick to recognise physical abuse, neglect and sexual abuse and to involve

health services and the police services in such cases. In these situations, the abuse may be obvious and an immediate response by the police without the consent of the abused person may be appropriate.

However the most common forms of abuse are financial and psychological. In these cases the abuse may not be obvious. Further, countering these forms of abuse is made difficult by the fact that there is no immediate response that can be made by any agency without the consent of the abused person.

It is frequently stated by people that observe situations of probable elder abuse that “someone should stop the abuse that is occurring”. This view points to the lack of awareness of the complexity of elder abuse within the community. Further, there is little understanding of the types of abuse and the possible responses to elder abuse. Additionally, there is little awareness by the general public of the existence and purpose of the NSW EAHRU.

A community education campaign is required to make people understand the dimensions of elder abuse and to create wide awareness of the helpline.

We acknowledge that there are circumstances where the NSW EAHRU can help to resolve cases of elder abuse. In instances where an individual experiencing abuse *decides to act*, they are able to contact the NSW EAHRU who are then in a position to assist in providing information, referrals and suggested strategies. Various government agencies, private providers (legal, financial, medical), NGOs, family or friends may take advice/consent from the abused or a substitute decision maker to implement action intended to stop the abuse and prevent its re-occurrence. The implementation may be supported by the police and reinforced by various legal instruments if the older person or the substitute decision maker agree.

However, many cases of of elder abuse do not play out in the manner described above. There are many reasons for this, but a key one is that elder abuse is most commonly perpetrated by a family member/carer, in an environment of isolation, dependence and undue influence. As a result, the abused person is frequently isolated from their community. At times, such isolation is self-imposed, due to the abused person’s sense of shame, or physical/mental health barriers, or isolation that is imposed by the carer/abuser so that the abuse can not be discussed with others. The abused person often feels totally dependent on their carer/abuser.

People do not generally take on the role of carer with intent to abuse. However when cases of abuse are investigated in almost every case the carer is under considerable external pressure. Too often, the choice of carer is based on the benefit to the carer rather than to the older person – free accommodation to a son or daughter for looking after their parent. Additionally, even the most suitable carers can experience carer burn-out, particularly if they receive little to no respite or find themselves isolated.

In our view, the interagency policy does not respond to such cases. Indeed, we believe, there is an urgent need to address cases of potential elder abuse by a strategy of prevention. The first step in a prevention strategy must be a Government-funded education and awareness-raising campaign that

will enable members of the community to recognise elder abuse. Once such a campaign occurs, then the community can be engaged in the process of preventing elder abuse. We strongly believe that prevention is a community issue. Not only is there a need to understand what elder abuse looks like, there is a critical need to understand the conditions in which it thrives – isolation and carer stress.

Community organisations have the ability to help people within their community not to become isolated. Maintaining contact with those who are less visible (more house bound) than they were is relatively easy if there is an out-reach objective within the various community organisations. The out-reach objective needs to be promoted, encouraged and supported by grass roots community engagement strategies such as NSW Grandparents Day or RUOK Day.

Engagement strategies are required to mobilise community organisations to minimise the risk of older people and their carers becoming isolated.

The underlying principle for any effective response to stop elder abuse is that the decision to act against the abuse lies with the abused person. The most critical objective in responding to elder abuse is to empower the abused person (assuming capacity) to make a decision about whether to act.

A particular concern that many abused older people have is that the carer/abuser (likely to be a family member) may face criminal or legal consequences. It is perhaps surprising that particularly in the case of financial elder abuse the abused very rarely seeks restitution or retribution. Even in cases of physical abuse the older person is often protective of the abuser. The common response from older people experiencing elder abuse when asked what they want to happen is “I just want it to stop.”

The abused older person needs the support of a trusted person or trusted people that can help them through a process of realisation and empowerment that may result in them deciding to act against the abuse. As isolation is the major enabler of elder abuse, links with trusted people outside the abusive relationship need to be re-established. Old friends, siblings, other family members, general practitioners and possibly religious leaders and community police officers would be likely candidates for the ‘trusted’ person role.

The role of the trusted person is to work through the concerns of the abused person and to help them understand that in most cases the only way to stop the abuse and to prevent its re-occurrence is for them to decide to take action. This is a task that can take some time and requires an understanding of the issues and sensitivity to the needs of the abused person. While the NSW EAHRU may be able to provide information and referrals, the trusted person needs training and support to perform the role.

The capacity of the NSW EAHRU needs to be re-oriented to assisting/training people – in a trusted position – to work with the abused person to enable them to ‘take the reins’ to stop the abuse.

Elder abuse is a complex multi-faceted form of abuse and as such an appropriate response requires a complex understanding of the full spectrum of the abuse. While the *‘Preventing and responding to*

abuse of older people – NSW interagency policy 2014' concentrates on the roles of various agencies there is little recognition of the role of the community more broadly, community groups more specifically and friends, family and other trusted people.

In certain cases there may be a need for the involvement of the police, the Guardianship Tribunal, ACAT teams, Home Care providers, Home Support providers, lawyers, medical practitioners or other health providers and consequently consideration of an older person's capacity, aged care assessments, AVOs, enduring powers of attorney, enduring guardianships, wills, joint banking arrangements or access to PINs. These agencies, instruments or actions are part of the arsenal of resources available to respond to elder abuse. Individually there may be a need to modify or improve a procedure, a scope or a regulation, but overall the arsenal is adequate to allow an older person who is experiencing abuse to have the abuse stopped.

To appropriately respond to elder abuse in NSW it is critical that:

1. A community education campaign be launched to make people understand the dimensions of elder abuse and to create wide awareness of the helpline.
2. Engagement strategies are introduced to mobilise community organisations to prevent elder abuse by minimising the risk of older people and their carers becoming isolated.
3. The capacity of the NSW EAHRU be re-oriented to assisting/training people – in a trusted position – to work with the abused person to enable them to 'take the reins' to stop the abuse.

Ian Day

CEO

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November, 2015

Further Reading:

Busby F. A Nation-Wide Elder and Handicapped Abuse Help-Line Network – Call us and Stamp Out Abuse Now. *Ageing Int* (2010) 35:228-234

Lacey W. Neglectful to the point of Cruelty? Elder Abuse and the Rights of Older Persons in Australia. *Sydney Law Review* (VOL 36:99)

Penhale B. Responding and Intervening in Elder Abuse and Neglect. *Ageing Int* (2010) 35:235-252