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NSW Government Submission to Inquiry on Elder Abuse in NSW

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Definitions of elder abuse

Elder abuse is defined by the World Health Organisation 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 person¹. The NSW Interagency Policy on Preventing and Responding to Abuse of Older People is based on this definition.

Abuse of an older person can include physical, psychological, emotional, sexual or financial abuse. It can also include intentional or unintentional neglect. Sometimes abuse is hidden as it may not manifest in observable forms. Abuse most often occurs between family members, but may also include abusive acts by a friend or paid care worker.

Types of elder abuse ²							
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.						
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.						
Psychological and emotional 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.						
Physical abuse	Physical abuse involves the infliction of physical pain or injury, or physical coercion. Physical abuse can also include						

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¹ The Toronto Declaration on the Global Prevention of Elder Abuse. World Health Organisation. 2002.

² NSW Interagency Policy on Preventing and Responding to Abuse of Older People. NSW Government. 2014.

	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.
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 is obtained through coercion.

While abuse of older people can be understood in terms of the types of abuse experienced, there is also the need to look at the broader social context in which abuse occurs. Older people themselves often define abuse in societal terms including social exclusion, the belittling of their views and contribution, and violation of their rights.³

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³ Dow, B. Joosten, M. *Understanding elder abuse: a social rights perspective*. International Psychogeriatrics. 2012

Incidence of elder abuse

There are difficulties in accurately measuring the number of older people who experience abuse, due to varying definitions of abuse and the likelihood of underreporting. However, it is estimated that around one in twenty people aged 65 and over in New South Wales has experienced some form of elder abuse.⁴ This equates to approximately 50,000 people.⁵

Evidence indicates that psychological and financial abuse are the most commonly reported forms of abuse among older people in Australia⁶. It is reported that in around one third of cases the older person experiences two or more types of abuse, ⁷ highlighting the complex nature of elder abuse. This figure may be higher in the case of financial abuse and psychological abuse, which are frequently reported as occurring together.⁸

Research indicates up to 80% of abuse of older people is perpetrated by family members, with more than half being perpetrated by the older person's son or daughter. ⁹ Issues of drug or alcohol abuse, poor mental health or dementia are in some cases a factor among perpetrators of abuse. ¹⁰

Research highlights the complexity of abuse of older people. It indicates that there is no single cause of abuse but rather there are diverse patterns associated with different forms of abuse. However, a common factor seen across all types of abuse is a relationship where the older person is in some way dependent on another for their day to day needs. Research suggests this pattern is often seen in cases of financial abuse and neglect, as well as for many cases of psychological, physical and sexual abuse ¹¹. Personal relationships with family members or friends that come to include a caring role can also give rise to the complex nature of elder abuse, which cuts across the domains of health, housing, finances and family life. Research also indicates that reported abuse is at least twice as likely to relate to women than men. ¹²

A 1993 study by the Office for Ageing found that, of 54 geriatric health service clients identified as experiencing abuse, 17 had a history of domestic violence. Among this group, abuse had occurred over an extended time, 13 to 20 years on average. Almost all of these

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⁴ Bagshaw D. et. al. *Abuse of Older People: Crime or Family Dynamics*?. 2009. Kinnear, P and Graycar, A. *Crime and Older People – Patterns of Elder Abuse*. Australian Institute of Criminology. 1999. Sadler, P. 1993

⁵ Australian Bureau of Statistics, 2011

Bagshaw D. et. al. 2009. *Elder Abuse National Annual Report 2013-14*, Advocare. 2014. Clare, M. Black Blundell, B. and Clare, J. *Examination of the Extent of Elder Abuse in Western Australia*. Crime Research Centre, University of Western Australia. 2011.

⁷ Sadler,P. 1993. p3.

⁸ Clare, M. et. al. 2011. p33.

⁹ Lacey, W. Neglectful to the Point of Cruelty? Elder Abuse and the rights of older persons in Australia. Sydney Law Review. 2014.

¹⁰ Kinnear, P and Graycar, A. 1999. pp3-4.

¹¹ Sadler, P. 1993. pp10-11.

¹² Ibid. p34.

cases involved psychological and physical abuse.¹³ These findings demonstrate that abuse of an older person can be a continuation of domestic violence that has gone on for many years. However, a history of domestic violence was not associated with any cases of financial abuse and with few cases of neglect, indicating different features of these forms of abuse.

There can also be an intergenerational aspect to elder abuse, with those who have experienced abuse as a child becoming abusive toward their parent in their older age. 14

Elder abuse can occur at any age among older people, though research suggests reports of abuse most commonly relate to people aged 75 years or older. ¹⁵. Greater vulnerability to abuse among older people is largely due to increased rates of physical impairment and dementia with age, and the associated reliance on others for more care and support.

Abuse of older people occurs across the community and affects people of all backgrounds. For example, research by the Public Advocate in Western Australia in 2005 found that mistreatment and neglect of older people can occur in Aboriginal communities. It was reported that 'the impact of abuse was felt earlier among Aboriginal people, where the mortality age was lower and a person in their forties may be considered an older person'. Research into the experiences of culturally and linguistically diverse older people found that 'some are at greater risk of abuse due to poor English skills, social isolation and dependency on family members, unwillingness to disclose abuse because of social stigma, and cross-generational factors resulting in differing expectations of care and support'. 17

There are different risk factors and considerations for preventing and responding to those living in aged care residences as there are for older people living in the community. This submission focuses on abuse of older people living in the community, as regulation of aged care residences is primarily the responsibility of the Commonwealth Government.

As the number of people aged 65 and over in Australia grows, the number of older people experiencing abuse may also increase. The number of people aged 65 and over in NSW is projected to double by 2050,¹⁸ and the number of people in NSW with dementia is projected to almost treble to reach 303,000 within this same period.¹⁹ The number of older people vulnerable to financial abuse in particular may be expected to rise, as families face greater financial pressure associated with the cost of living, high house prices and increasing costs of community and residential care for older people. The NSW Government will continue to lead work on measures to effectively tackle abuse of older

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¹³ Sadler, P. 1993. p10.

¹⁴ Kinnear, P and Graycar, A. 1999. p4.

¹⁵ Clare, M. et. al. 2011. p33.

¹⁶ Clare, M. et. al. 2011. p33.

¹⁷ Ibid. p33.

¹⁸ NSW Ageing Strategy. 2012. p16

¹⁹ Dementia Across Australia 2011 to 2050. Deloitte Access Economics. 2011.

people, however to successfully respond to and prevent abuse it is vital for the whole community to work together.

Recorded offences against older people in NSW

A search of records on the NSW Police Force Computerised Operational Policing System (COPS) found 2,060 charges for offences against older people such as "larceny", "theft" and "assault", in the 2014-15 financial year. However, the NSW Police Force cautions that this figure may not include every incident of elder abuse across every offence type reported to police.

The NSW Police Force reports that observed examples of elder abuse include:

- People making false representations to obtain access to carer payments
- Older persons being coerced or forced to sign over powers of attorney so that the offender gains access and control of bank accounts and/or credit cards and other financial assets
- Older persons coerced or forced to move into a nursing home or residential facility so the offender could gain access to property assets

The NSW Police Force also reports that they have received reports of physical and sexual assault that have occurred in aged care facilities, in the home and on the street. Other forms of abuse identified include neglect, intimidation (including threats of violence and other threats) and malicious damage to possessions.

It is the experience of police that the offender is often a family member, a person known to the victim or a carer that the victim is dependent on. Given this, some elderly victims will try to avoid conflict, embarrassment or further abuse by living with the situation rather than reporting to police. Elderly persons who are isolated from the community or not mobile and reliant on relatives/carers to look after them, may not even be aware that the abuse is able to be reported. Other reasons include not wanting to get the offender into trouble, concerns that reporting may lead to losing control of finances, mental health issues, and lack of confidence.

Police observe that many older people are likely to protect family members, particularly if they are violent and abusive, as they may be fearful of an escalation of violence and abuse if they did report. Victims with a disability, cognitive and/or physical may have difficulty in communicating and disclosing abuse, and may be even more vulnerable to retribution if violence is reported.

Abuse can also occur in same sex relationships and other settings where sexuality, sex and gender diverse people live. It is considered that this abuse may remain hidden and unreported due to fear of stigma and/or discrimination. It is noted that the *National LGBTI Ageing and Care Strategy*²⁰ was launched in 2012 to ensure there was inclusion,

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²⁰ The National LGBTI Ageing and Care Strategy, available at https://www.dss.gov.au/sites/default/files/documents/08_2014/national_ageing_and_aged_care_strategy_lgb_ti_print_version.pdf

empowerment, access and equity, quality and capacity building for older LGBTI people and their families and carers, and service providers.

Older people from culturally and linguistically diverse backgrounds (CALD) may be constrained because they do not speak English or because their English is poor. These older people may be dependent on family members, and can otherwise be socially isolated. Disclosing and reporting incidence of violence and abuse can result in social stigma and impact on their care and support. Some may be scared of police because of their previous experiences with police elsewhere in the world.

Older Aboriginal victims of abuse are often reluctant to report because of fear of retribution, further violence, fear of children being taken away, stigmatisation, shame, distrust of the justice system and government agencies, and fear of being ostracised from the family and community.

Applications by older people to access victims services

Older people who have been the victims of violent crime can make an application to Victims Services for their counselling service as well as other forms of financial assistance.

In the 2014-2015 financial year Victims Services received 8,625 applications for their counselling service. Of that number, 863 applications were received for the over 50 age group. The most common offences in counselling applications from both male and female elderly victims combined are domestic violence 444 applications, assault 352 applications, and sexual assault with 67 counselling applications. However, apart from cases recorded as domestic violence, it is difficult to determine how many of these applications relate to instances of abuse as the perpetrator's relationship to the older person is not reported.

Also, the 2014-2015 financial years saw Victims Services receive 13,061 applications for all forms of financial assistance. Of that number, 1,267 applications were received from people in the over 50 age group. The most common offences in applications for financial assistance received from elderly victims are domestic and family violence and sexual assault.

Victims Services found that between 2002 and 2013, financial support applications received from primary victims for female victims always outnumbered male victims. However, it is interesting to note that once the data set reached the 45-54 years, the gap between male and female victims narrowed. Further, for the 55-64 years and 65 years and over age brackets, the male victim applications nearly always outnumbered female victim applications. This may suggest that once males reach the age of 55 they are more likely than females to become a victim of violent crime.

Under reporting of elder abuse

A number of factors may influence a person's decision to report elder abuse. In circumstances where the victim is dependent on the abuser in some way, they may be reluctant to seek support to stop the abuse for fear that it will impact on their living arrangements. The older person's desire to maintain family and personal relationships is also often a factor in deciding how best to respond to abuse.

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There are a range of systems and initiatives in place in NSW to raise awareness of elder abuse, but there is scope to further increase understanding of elder abuse among the community. Increasing the visibility of elder abuse as a significant problem that may be experienced by older people is key to increasing the likelihood that a friend, relative or the older person themselves will recognise when abuse is occurring and seek help. Working to address attitudes and knowledge about abuse of older people will improve the responsiveness of the community as a whole to stopping abuse.

In some situations, such as for people working in banks or legal services, privacy requirements may prevent a person raising concern about financial abuse of an older person.

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NSW Government measures to prevent and respond to abuse of older people

The NSW Government is committed to tackling abuse of older people. The Minister for Ageing, the Honourable John Ajaka MLC, in 2014 stated that 'The NSW Government's vision is for a healthy, vibrant and active ageing population and tackling elder abuse a priority. Older people and their carers should be supported to live safely with dignity in the community.'21

Abuse of older people is a complex problem that needs holistic and integrated responses. NSW Government agencies work together with community partners to raise awareness about elder abuse, help prevent it from happening and to respond effectively when it does occur.

The abuse of older people is identified as a critical issue in the *NSW Ageing Strategy*, which is currently being renewed to ensure it continues to reflect key issues facing older people.²² The Strategy guides the work of NSW Government agencies and the community sector in preventing and responding to elder abuse.

NSW Steering Committee for the Prevention of Abuse of Older People

In 2013, the NSW Government established the Steering Committee for the Prevention of Abuse of Older People (the steering committee). The steering committee was established as a high level advisory group to ensure a coordinated approach to tackling abuse. It is made up of representatives from NSW government agencies including the Ministry of Health, Police Force, Department of Family and Community Services, and the Trustee and Guardian. The Commonwealth Department of Human Services is also represented on the steering committee, as well as representatives of peak bodies and community agencies with expertise on elder abuse.

Key activities of the steering committee have included:

- Overseeing establishment of the NSW Elder Abuse Helpline and Resource Unit providing ongoing advice to support the service's operations
- Identifying state-wide policy direction
- Monitoring local and regional policies and programs for consistency and relevance
- Reviewing current data to identify priority areas and trends.

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NSW Ageing Strategy. 2012. p10 available online at
 http://www.adhc.nsw.gov.au/ data/assets/file/0011/257276/1282_ADHC_NSW-AgeingStrategy_WEB.pdf
 http://www.ageing.nsw.gov.au/ data/assets/pdf_file/0009/332487/Ageing-Strategy-Update-September-2015.pdf

The steering committee also maintains the NSW Interagency Policy on Preventing and Responding to Abuse of Older People.

The steering committee reports to the NSW Interdepartmental Committee on Ageing as required on actions to address abuse of older people in NSW. The Interdepartmental Committee was established to guide the NSW response to opportunities and challenges of an ageing population.

Through the work of the steering committee, the NSW Government ensures a strategic, integrated approach to the development of measures to tackle abuse of older people.

The NSW Government Members of the Interdepartmental Committee on Ageing are: ²³

- The Department of Premier and Cabinet
- NSW Treasury
- Transport for NSW
- Department of Planning and Environment
- Ministry of Health
- Office of Finance and Services
- Department of Education
- Department of Justice

The non-Government members on the Interdepartmental Committee on Ageing are:

- Ministerial Advisory Committee on Ageing
- Council on the Ageing NSW
- Local Government NSW
- Private Sector Representative (Chris Johnson AM, CEO, Urban Taskforce)

NSW Interagency Policy on Preventing and Responding to Elder Abuse

To effectively address elder abuse, it is vital that all government and community agencies that support older people are alert to the problem and understand their role in preventing and responding to abuse.

The NSW Interagency Policy on Preventing and Responding to Abuse of Older People²⁴ (the interagency policy) is a whole-of-government policy that guides the work of frontline services and the Elder Abuse Helpline and Resource Unit (EAHRU). It provides a framework under which NSW government and community organisations:

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https://www.adhc.nsw.gov.au/__data/assets/file/0004/331681/Ageing-Strategy-Evaluation-Final-Report.pdf

The NSW Interagency Policy on Preventing and Responding to Abuse of Older People, available at http://www.ageing.nsw.gov.au/_data/assets/pdf_file/0018/300465/FACS_NSW-Interagency-Policy.pdf

- Develop their own detailed policies and guidelines
- Support the coordination of local and regional responses to abuse of older people living in community settings
- Support and protect workers in situations where abuse is suspected, witnessed or alleged.

Older people have the right to be treated with dignity and respect and to make their own choices, and the interagency policy is based on these core principles. The interagency policy also reflects the rights of older people to live in a safe environment and to access the protections available to other adults in the community.

The interagency policy sets out the context in which abuse of older people occurs, emphasising the importance of fostering social connectedness as a means of preventing abuse. It provides practical guidance for agencies supporting older people, outlining the key principles for responding to elder abuse including risk factors, intervention and interagency practices. The policy also outlines the roles and responsibilities of NSW government agencies and of the EAHRU in responding to elder abuse.

Having clear procedures for staff in how to respond to abuse is vital to an effective response. The interagency policy provides the overarching framework under which service specific procedures can be developed. It is accompanied by a policy checklist to help agencies in developing their own detailed procedures for preventing and responding to elder abuse.

The interagency policy includes information on confidentiality and outlines when police intervention must be sought in responding to cases of abuse. This includes 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
- An immediate serious risk to individual/s or public safety exists, or workers are threatened.

The interagency policy outlines that while it is always necessary to consult with the older person about making a report to police, in serious cases such as those described above it is not necessary to gain consent to contact the police. This approach seeks to balance the rights of older people to make their own decisions with the need to protect those at risk of serious harm.

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Through the work and cooperation of government and community organisations, underpinned by the interagency policy, the NSW Government is committed to achieving the following outcomes for older people who may be at risk of abuse:²⁵

- Older people and their carers are supported to live in safety and with dignity. This is supported 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

The 2014 interagency policy is endorsed by the NSW Ageing Strategy Interdepartmental Committee which was established to implement the NSW Ageing Strategy. First published in 1995, the interagency policy is regularly reviewed and updated. The interagency policy will be reviewed following the release of the Committee's report on elder abuse, to ensure it continues to operate effectively for NSW agencies.

The Elder Abuse Helpline and Resource Unit (EAHRU)

In March 2013, the NSW Government established the EAHRU. EAHRU is composed of the Helpline which directly provides information and referrals over the phone, and the Resource Unit which provides other forms information and resources. As well as directly supporting older people experiencing abuse, the Helpline and the Resource Unit together, play a critical role in mentoring frontline workers and linking them with necessary supports when abuse of an older person is identified or suspected.

The EAHRU is operated by Catholic Healthcare Services and funded by the NSW Department of Family and Community Services. ²⁶ The Helpline is a free service that provides information, support and referrals for older people experiencing abuse, or for people who witness or suspect the abuse of an older person. The service is confidential and callers may remain anonymous.

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NSW 2014 Interagency Policy on Preventing and Responding to Abuse of Older People, available online at http://www.ageing.nsw.gov.au/ data/assets/pdf_file/0018/300465/FACS_NSW-Interagency-Policy.pdf
 The Elder Abuse Helpline and Resource Unit receives funding of approximately \$600,000 per annum

The EAHRU aims to support the safety and wellbeing of older people living in their homes across NSW. For people living in aged care, residences are subject to the Commonwealth Government Aged Care Standards which includes requirements for responding to cases of abuse by staff or other residents. People calling about abuse perpetrated by an aged care staff member or resident are referred to the Commonwealth Government's Aged Care Complaints Scheme.

Establishment of the EAHRU was overseen by the NSW Steering Committee for the Prevention of Abuse of Older People. The steering committee provides expert advice on initiatives that reduce the abuse of older people in the community. The steering committee has an ongoing role advising the service on issues of elder abuse. It also supports the work of the service by assisting with establishing networks and the development of strategies for education and awareness.

The Elder Abuse Helpline

The Helpline staff are qualified in telephone counselling. Staff assess the needs of each older person over the phone and refer callers to appropriate services. Practice protocols for dealing with different types of abuse ensure callers receive correct information that responds to their situation.

Elder abuse can impact on all aspects of an older person's life. Referrals to advisory and support services commonly include:

- Legal services
- Health services, most frequently general practitioners
- Police
- NSW Civil and Administrative Tribunal, Guardianship Division
- Mediation services (e.g. community justice centres)
- Community services
- Housing services
- Financial services.

Referrals are also made to emergency services, Centrelink, respite services and to My Aged Care for information on Commonwealth funded aged care services.

The Helpline works on an enabling model and callers are supported to make their own referrals if possible. Where an older person contacts the helpline directly, helpline staff focus on discussing how the older person would like to resolve the situation and relevant support services.

However, most calls to the Helpline are from someone who is concerned about an older person experiencing abuse. In these cases, the Elder Abuse Helpline staff discuss ways the caller can have a conversation about the abusive behaviour the older person is experiencing. Staff also advise on how the caller might advocate for the older person, such as by raising concerns with a GP or support agency.

Staff make referrals directly where they identify that the older person may not have capacity to do so themselves. Older people with a cognitive impairment or dementia are

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particularly vulnerable to abuse, and responding effectively to protect older people in these cases requires expertise from across a range of services. Helpline staff also make referrals, with the caller's consent, where they believe the caller lacks the confidence or expertise to seek support by themselves.

In other cases the Helpline staff simply discuss the issues with the caller and clarify available options, such as seeking a Community Treatment Order, Apprehended Violence Order or establishing a Power of Attorney. The helpline does not operate as a case management service, however staff follow up on referrals if they believe an older person is at risk of harm.

The Helpline operates between 8:30am and 5:00pm Monday to Friday, and has an after-hours call back service. There is also a web form that can be submitted through the website requesting a staff member to phone at a suitable time. The Helpline offers a telephone interpreter service, and brochures with information on elder abuse are available in five languages.²⁷

Calls to the NSW Elder Abuse Helpline

Information on calls to the Helpline is presented below. The Helpline's dataset provides details about phone calls it receives, but this data does not provide a measure of the incidence of elder abuse in the community.

As at 31 August 2015, the Helpline had received 3,388 calls.²⁸ The number of calls is steadily increasing as the Helpline has become more established and built strong links with frontline agencies supporting older people. During 2014/15, the Helpline received 30% more calls than the previous financial year (1,200 calls were received in 2013/14 and 1,571 calls were received in 2014/15).

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²⁷ Brochures on elder abuse are available in Simplified Chinese, Traditional Chinese, Croatian, Italian and Greek

²⁸ Calls received from 1 April 2013 to 31 August 2015.

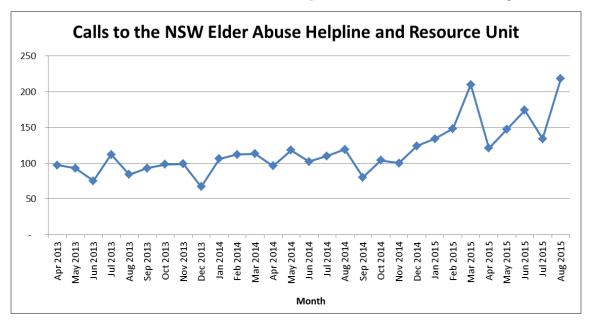


Figure 1 – Calls to the NSW Elder Abuse Helpline and Resource Unit by month

For calls received during the 2013/14 and 2014/15 financial years, most calls were from family members (36%), service providers (27%) and from the older person themselves (15%). Other people who contact the Helpline are friends and neighbours (11%). Some callers choose to remain anonymous, or are calling for general information about abuse of older people (11%).

A key strength of the Helpline is its ability to respond to concerns about abuse from callers other than the older person themselves. This makes it easier for concerned family members, neighbour, friends and people providing support services to seek advice and access support. The Helpline staff discuss concerns and use a soft coaching approach to guide callers in responding to abuse in a way that respects the wishes of the older person while also protecting their safety.

Figure 2 - Callers to the NSW Elder Abuse Helpline and Resource Unit

Caller	2013,	/2014	2014/2015		Total	
Family Member	391	33%	614	39%	1,005	36%
Service Provider	322	27%	413	26%	735	27%
Older Person	169	14%	257	16%	426	15%
Concerned Other	128	11%	165	11%	293	11%
N/A	190	16%	122	8%	312	11%
Total	1,200	100%	1,571	100%	2,771	100%

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The majority of calls are about reported instances of abuse or suspected abuse (84%), with 15% relating to requests for resources and information about elder abuse.²⁹

Figure 3 – Reason for calls to the NSW Elder Abuse Helpline and Resource Unit

Reason for call	2013/2014		2014/2015		Total	
Reported abuse	1,056	88%	1,268	81%	2,324	84%
Information	144	12%	269	17%	413	15%
Blank	0	0%	34	2%	34	1%
Total	1,200	100%	1,571	100%	2,771	100%

Of the 2,234 calls recorded as relating to reported abuse in 2013/14 and 2014/15, psychological abuse (57%) and financial abuse (46%) are the most frequently reported types of abuse. Neglect was reported for 25% of calls, and physical abuse for 17% of calls. Sexual abuse was reported for just 1% of calls. Multiple types of abuse may be reported for a single call, illustrating the multi-dimensional nature of elder abuse and its impacts on those who experience it.

Figure 4 – Types of suspected/reported abuse for calls about reported abuse to the NSW Elder Abuse Helpline and Resource Unit

0	2013/2014		2014/2015		Total	
Suspected/reported abuse type	No.	% of calls	No.	% of calls	No.	% of calls
Financial	484	46%	590	47%	1,074	46%
Neglect	241	23%	334	26%	575	25%
Psychological	532	50%	788	62%	1,320	57%
Physical	158	15%	240	19%	398	17%
Sexual	16	2%	17	1%	33	1%

Note: abuse types are not mutually exclusive and the older person may be experiencing multiple types of abuse. For this reason the proportions do not sum to 100%.

For calls about reported abuse, 33% related to people aged between 75 and 84 years, and 27% related to people aged 85 to 94 years. 16% of calls related to people aged 65-74 and

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²⁹ 1% of call records do not have a call reason recorded.

5% related to people aged 55-64. The older person's age was not recorded for 15% of calls.

Figure 5 – Age of older person for calls about reported abuse to the NSW Elder

Abuse Helpline and Resource Unit

Age of	2013/2014		2014/2015		Total	
older person	No.	% of calls	No.	% of calls	No.	% of calls
45-54	12	1%	12	1%	24	1%
55-64	53	5%	63	5%	116	5%
65-74	178	17%	195	15%	373	16%
75-84	338	32%	434	34%	772	33%
85-94	274	26%	357	28%	631	27%
95 and older	38	4%	39	3%	77	3%
Unknown	31	3%	125	10%	156	7%
Blank	132	13%	43	3%	175	8%
Total	1,056	100%	1,268	100%	2,324	100%

More calls about reported abuse related to women (66%) than men (26%). Gender was not recorded for 8% of calls.

Figure 6 – Gender of older person for calls about reported abuse to the NSW Elder **Abuse Helpline and Resource Unit**

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Gender of	2013/2014		2014/2015		Total			
older person	No.	% of calls	No.	% of calls	No.	% of calls		
Female	673	64%	863	68%	1,536	66%		
Male	247	23%	351	28%	598	26%		
Other/unknown	3	0%	14	1%	17	1%		
Blank	133	13%	40	3%	173	7%		
Total	1,056	100%	1,268	100%	2,324	100%		

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The older person's son is reported to be the alleged abuser for 26% of calls about reported abuse, and daughters are reported for 21% of calls. For 12% of calls the older person's spouse or partner is reported as the alleged abuser. Friends as abusers accounted for 5% of calls and neighbours 6% of calls. The relationship of the alleged abuser is not recorded for 11% of calls.

Figure 7 – Relationship of alleged abuser to older person for calls about reported

abuse to the NSW Elder Abuse Helpline and Resource Unit

Relationship of	2013	/2014	2014	/2015	Total	
alleged abuse to older person	No.	% of calls	No.	% of calls	No.	% of calls
Daughter	214	20%	285	22%	499	21%
Daughter-in-law	6	1%	18	1%	24	1%
Friend	58	5%	63	5%	121	5%
Grandchild	38	4%	47	4%	85	4%
Informal Carer	16	2%	12	1%	28	1%
Neighbour	31	3%	97	8%	128	6%
No Trust Relationship	22	2%	21	2%	43	2%
Other Relative	61	6%	41	3%	102	4%
Sibling	4	0%	12	1%	16	1%
Son	259	25%	349	28%	608	26%
Son-in-law	5	0%	36	3%	41	2%
Spouse/Partner	127	12%	159	13%	286	12%
Unknown	15	1%	17	1%	32	1%
Worker	31	3%	44	3%	75	3%
Blank	169	16%	67	5%	236	10%
Total	1,056	100%	1,268	100%	2,324	100%

All calls about reported abuse are assessed for whether there is an immediate risk to the older person. Overall, immediate risk was recorded for 10% of calls (13% in 2013/14 and 7% in 2014/15).

November 2015 p. 19 of 29 Figure 8 – Immediate risk to older person for calls about reported abuse to the NSW Elder Abuse Helpline and Resource Unit

Immediate risk to	2013/2014		2014	/2015	Total	
older person	No.	% of calls	No.	% of calls	No.	% of calls
No	914	87%	1,174	93%	2,088	90%
Yes	142	13%	94	7%	236	10%
Total	1,056	100%	1,268	100%	2,324	100%

Around two thirds of calls to the Helpline are from people living in greater metropolitan Sydney and one third are from people living in rural and regional areas³⁰. Data on the number of calls relating to people of culturally and linguistically diverse backgrounds is not presented due to a high number of blank/unknown records for this variable.

Resource Unit

As well as operating the Helpline, the EAHRU provides training and information about elder abuse and promotes awareness among the community through their Resource Unit. Building greater understanding and awareness is critical for addressing elder abuse. It means more people can recognise abusive behaviour, understand the causes and risk factors, and know where to seek help.

The Resource Unit works in partnership with a range of sector peak bodies including the Australian College of GPs, the Aged Rights Service, Law Access, Alzheimer's Australia, and Australian Primary Nurses.

Between March 2013 and June 2015 the Resource Unit delivered education sessions on recognising and responding to elder abuse for 89 groups, attended by a total of 4,798 participants. Education sessions are attended by staff from a range of government and community organisations including:

- Hospitals
- Police
- Legal centres
- Disability service providers
- Community care providers
- Neighbourhood and community centres
- Seniors' groups
- Local councils
- Volunteer organisations.

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³⁰ EAHRU call records from March 2013 to December 2014

The Resource Unit is expanding its training program to include a 'train the trainer' session for managers in community services organisations, with the first session held on 4 November 2015. The session provided managers with the skills to train their own staff in understanding elder abuse and how to respond. This approach will provide greater reach to staff in community services organisations, including those in rural and remote areas. Training sessions for managers also promote a sense of leadership and responsibility among organisations in helping protect older people from abuse. A suite of e-learning tools and webinars are being developed to complement the training sessions and improve the accessibility of professional learning about elder abuse.

In addition to education and training sessions, the resource unit promotes awareness of elder abuse throughout the community. In 2015 the Resource Unit ran a six month campaign called *Positive Ageing Free from Abuse* which promoted the service and raised the issue of abuse of older people.

The Resource Unit also promotes awareness of elder abuse through:

- Publishing and distributing information brochures
- 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

Health services responses to elder abuse

NSW health services are an important point of contact for people experiencing elder abuse. Hospitals, GPs, and paramedics all provide care for older people and so are well placed to identify and respond to abuse. For example, almost half of all incidents attended by paramedics each year in NSW are for people aged 65 and over. Working in partnership with the EAHRU, health agencies connect people experiencing abuse with relevant support services.

The EAHRU also works with health agencies and practitioners to foster greater understanding of elder abuse. To ensure health professionals have the expertise to respond effectively to older people experiencing abuse, the helpline works with professional associations and government agencies to develop practitioners' understanding. This includes:

- Engaging with the Australian College of GPs to increase knowledge of elder abuse, creating strong demand for information material about elder abuse and the helpline from GPs. These materials educate GPs on how to identify signs of possible abuse, as well as what to do when a patient raises concerns about abuse
- Distributing information packs to emergency departments
- Collaboratively developing training materials for professional development of paramedics on recognising and responding to abuse of older people
- Including 'elder abuse' as a risk factor in the 'Elderly at Risk' protocol for paramedics, and, where abuse is suspected, encouraging paramedics to include details in clinical handover information

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 Through the Elder Abuse Helpline, providing mentoring for health practitioners in how to respond to elder abuse

NSW Police Force responses to elder abuse

The NSW Police Force is an essential agency in responding to abuse of older people. Police officers work in the community, and so are well placed to recognise an older person who may be experiencing abuse.

Abusive behaviour can often constitute a crime, such as assault or neglect, and where police intervention is sought, officers are able to investigate and take appropriate action. However, the abused older person can often be reluctant to take such action for fear of losing their family, carer or their home.

With the establishment of the EAHRU, police officers are supported to respond holistically to the needs of older people experiencing abuse. This includes over the phone mentoring on recognising signs of abuse and linking people with appropriate support services. The service works with police through a model of continuous improvement, and ongoing feedback is provided on what works well and areas where further support and education is needed.

Police have various powers to respond to elder abuse under the *Crimes (Domestic and Personal Violence) Act 2007* and *Crimes Act 1900*. It is also noted that under 21A(2)(h) of the *Crimes (Sentencing Procedure) Act 1999*, the Court is to take into account whether the offence was motivated by hatred for, or prejudice against, a group of people to which the offender believed the victim belonged (such as age, or having a particular disability), when determining the appropriate sentence for an offence.

The NSW Police Force Internet site provides information under a section titled, "Elder Abuse & Neglect". This encourages anyone concerned about the welfare of an older person to contact their local police station, the Commonwealth Carelink Centre, Aged Care Information Line or the Hotline. Police, and in particular, the local Crime Prevention Officers, have access to information from relevant government agencies and promote these whenever able.

A specialised position within the NSW Police Force was established in 2012 to provide advice and support about abuse of older people. Through this dedicated resource, police officers receive guidance in how best to recognise and respond to the needs of older people who may be experiencing abuse.

NSW Victims Services responses to elder abuse

Victims Services is a part of the NSW Department of Justice and helps victims of crime access services to aid in their recovery and assists victims with the costs associated in their rehabilitation. The support provided by Victims Services includes:

- A Victims Access Line with Support Coordinators who can provide information, support, crisis counselling, needs assessment and referrals
- The Victims Support Scheme which includes financial support and counselling

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Administering action of Charter of Victims Rights

Eligibility for services provided by Victims Services depends on the level of service required. Anyone can call the Victims Access Line for information to assist victims of crime throughout their involvement with the criminal justice system. Victims of crime who have suffered harm as a direct result of an act committed, or apparently committed by another person in the course of a criminal offence have rights under the Charter of Victims Rights. Victims who are injured as a direct result of an act committed, or apparently committed by another person that has involved violent conduct against in the course of a criminal offence may be eligible for counselling and/or financial assistance.

Many of the victims of crime, who contact Victims Services for support and assistance, come from disadvantaged backgrounds and/or are vulnerable persons. Victims Services is aware that victims of crime from disadvantaged groups have particular needs and may be disadvantaged participating in Australia's justice system. Older victims include those who are:

- Indigenous
- From a non-English speaking background
- With a disability and chronic illness
- Suffering from mental health issues
- Gay, lesbian and transgender
- Low socio-economical background
- Homeless.

In addition, more than half of Victims Services' vulnerable clients have experienced domestic violence and/or sexual assault.

Victims Services continue to refer appropriate victims to the NSW Elder Abuse Helpline and Resource Unit (EAHRU) as a central point for information, advice, referral and data collection. Information about the EAHRU is also provided to concerned older people and key stakeholders about the range of services offered, as and when appropriate.

Victims Services recognises that elder abuse is a hidden, complex issue and that providing effective responses can be difficult. However, Victims Services has always ensured that those victims who report elder abuse will be treated in line with the criteria laid out in the NSW Charter of Victims Rights and corresponding NSW Code of Practice. Furthermore, Victims Services has been proactive in designing a poster specifically for people being subjected to elder abuse.³¹

Older people who are from culturally and linguistically diverse sections of the community, due to language and cultural barriers, may have difficulty reporting abuse. Victims

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³¹ http://www.victimsservices.justice.nsw.gov.au/Documents/vsp13_elder-abuse.pdf

Services recognises this and has two key factsheets translated into 16 different languages.³²

NSW Trustee and Guardian responses to elder abuse

The NSW Trustee and Guardian, the NSW Public Guardian, and the NSW Civil and Administrative Tribunal (NCAT) play an important role in protecting older people from abuse, particularly financial abuse.

The NSW Trustee and Guardian provides substitute financial management services for people with decision-making disabilities under a Court or Tribunal order. Currently, 4,300 adults over the age of 60 have a financial management order in place in NSW. This accounts for 39% of people in NSW with a financial management order.

Financial abuse can involve misuse of a power of attorney, often by a family member. Where the NSW Trustee and Guardian is appointed to manage a person's affairs it is able to play an important role in protecting the legal rights and interests of its clients, including those who have suffered financial abuse. However, in these cases, abuse is typically detected after the older person has incurred significant losses of their finances or assets.

Older people are more vulnerable than younger people to the long terms effects of financial abuse, which can involve exploitation of their assets such as their home, savings and investments, car or business. Taking action to recover losses can be challenging for some older people, given the emotional or intellectual stamina needed to face a legal issue and do something about it. Others may not have the financial resources to protect their legal rights, and gaining legal representation is difficult if the prospects of recovering their property are limited. The impact of financial abuse on older people can be severe, including homelessness or premature entry into residential aged care, and can contribute to poor mental and physical health. The loss of assets, such as their home, may ruin a person's plans for retirement and leave them dependent on social support for income and housing.

These types of cases highlight the importance of ongoing education about financial abuse of older people for all parts of the community. Knowledge of risk factors and early indicators of possible abuse is key to timely identification, which is vital to limit the severity of the abuse and its impact on the older person. A continued focus on raising awareness about financial abuse of older people is important for police, health and community service workers, as well as banks and legal services.

Get It In Black and White Campaign

The NSW Trustee and Guardian also educate the community on substitute decision-making tools such as powers of attorney and enduring guardianship appointments. In 2013

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³² http://www.victimsservices.justice.nsw.gov.au/Pages/vss/vs_publications_brochures_reports/vs_publications_s_brochures_reports_NoNav/vs_publicationstranslations.aspx

the media and advertising campaign *Get It In Black and White*, was launched to encourage people to plan ahead to ensure their future financial, legal, health and lifestyle decisions are respected. The need for the campaign was substantiated by research showing that just 5% of people correctly understand the purpose of all three planning ahead documents (wills, powers of attorney and enduring guardianship). As part of the campaign, the NSW Trustee and Guardian produced fact sheets in 15 languages including English.

As part of service changes planned to begin from mid-2016, the NSW Trustee and Guardian will enhance community outreach in metropolitan, rural and regional areas across NSW. This is planned to include visits to local community venues where people can book in a time to prepare legal documents with the NSW Trustee and Guardian such as a will or power of attorney. These outreach activities will make it easier for more people in rural and regional areas to set up substitute decision-making documents to protect their interests should they lose capacity.

The NSW Public Guardian and NCAT responses to elder abuse

The NSW Public Guardian is a statutory officer which fulfils the role of guardian for people with decision-making disabilities under Court or Tribunal order. Guardianship is a legal mechanism for substitute decisions for health and lifestyle matters (not financial decisions). The Public Guardian is appointed as 'guardian of last resort' when there is no other person suitable and willing, by the Guardianship Division of the NCAT or the Supreme Court. Currently, around one third of people under public guardian are aged 66 and over, and around one quarter of people are affected by dementia.

The Public Guardian also educates the community about guardianship and provides an advice and support unit for private guardians to help them fulfil their role. The NSW Public Guardian most frequently becomes aware of cases of abuse of an older person through contact with support services that are denied access to the older person by the person providing care, or through health services, especially hospitals.

In most cases, where the Public Guardian is involved in cases of elder abuse, the older person has suffered abuse at the hands of a family member, often an adult child. Physical, psychological, sexual abuse or neglect is often closely associated with the financial management of the older person's income and assets. Abuse, and particularly neglect, can arise where family members who have taken on the role of attorney for their parent are faced with major decisions about the costs of their parent's ongoing care needs.

Any person who suspects that an older person who lacks capacity to make decisions about their health and welfare is at risk of abuse can contact the NCAT and discuss whether there is a need to apply for guardianship.

Where an application for public guardianship is granted, the Public Guardian is then able to make decisions in line with the principles of the *Guardianship Act 1987*, protecting them from further abuse. As outlined above, fostering understanding of prevention and responding to abuse of older people throughout the community is vital for effective and timely protection.

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Broad measures to reduce elder abuse

Addressing domestic violence

Abuse of an older person can be domestic violence. Domestic violence has significant immediate and long-term impacts on its victims, the majority of whom are women. The majority of calls about reported abuse to the Elder Abuse Helpline, relate to women victims.

Reducing domestic violence is a key priority of the NSW Government. Strategies to address domestic and family violence include the new Domestic and Family Violence Framework for Reform *It Stops Here: Standing together to end domestic and family violence in NSW*. This reform introduces a unified and consistent level of support based around the needs of domestic violence victims. The framework is built around five key reform elements: a strategic approach to prevention and early intervention; streamlined referral pathways to secure victims' safety and support recovery; accessible, flexible, person-centred service responses that make the best use of resources; a strong, skilled and capable workforce; and a strengthened criminal justice system response.

The NSW Government recently announced a \$60 million package to target perpetrators and support women, men and children who have experienced domestic and family violence. This measure represents an unprecedented investment in stopping domestic and family violence.

The NSW Government is focused on preventing violence from happening in the first place by strengthening the approach to domestic and family violence prevention and helping men take responsibility for their violence and change their behaviour. Examples of NSW Government prevention initiatives include:

- \$5.28 million investment over three years to pilot new community-based Men's Behaviour Change Programs. These perpetrator programs are for men who want to stop using violent and controlling behaviour towards a current or former partner, children or other family member. Programs involve individual and group therapy to enable men to reflect on the impact of their violence, take responsibility for their behaviour, and commit to making change. This includes support provided to partners and children
- From the start of the first school term in 2016, the mandatory NSW 7-10 Personal Development, Health and Physical Education syllabus will be updated to explicitly include domestic violence prevention. Strengthening the 7-10 syllabus to include specific reference to domestic violence supports existing opportunities for students to learn about positive relationships and lead safe and healthy lives

While fewer older women experience domestic violence than younger women, those older women who do experience abuse may have done so over the course of many years, even decades. In deciding how to respond to abuse, older women may also face particular difficulties with decisions about finances, housing and care needs, especially if they are in some way dependent on the abuser for daily care. The situation may be exacerbated where cognitive impairment is involved.

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For older people experiencing domestic violence, a conventional response may not always be appropriate. The EAHRU engages with government and community agencies to build understanding of the particular needs of older people experiencing abuse. The EAHRU also aims to strengthen links between services focused on domestic violence and those for older people. This includes working with police and 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 role of carers and the NSW Carers Strategy

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. In NSW, one in ten people are carers.

The pressure experienced by a person caring for the older person is in some cases seen as a contributing cause of their abusive behaviour. 'Carer stress' however is often not the sole cause of abuse, and it is important not to employ over-simplified concepts of abuse and to avoid attaching responsibility to the person experiencing harm³³. Caring relationships are complex, and abusive behaviour of a person caring for an older person may also be a continuation of years of mistreatment that started well before they took on a caring role.³⁴ Nonetheless, in environments where violence is considered a normal reaction to stress, abusive behaviour can occur.

The *NSW Carers Strategy 2014-19*³⁵ is a five year plan to improve the position of carers in NSW. 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. Recognising the important role of carers and supporting them to maintain their health, wellbeing and social connectedness is vital for the community. It plays a key role in helping carers cope with the demands of providing day-to-day care for another person.

Initiatives to support carers outlined in the NSW 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
- Establishing a network of progressive employers across a range of industries to champion better employment outcomes for carers, and
- Redesigning communication channels so that information about where to get support reaches carers, rather than carers needing to know where to seek it out.

https://www.adhc.nsw.gov.au/__data/assets/file/0017/300077/NSW_Carers_Strategy_2014-19.pdf

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³³ Bagshaw et. al. 2009.

Nivelle, S. Carer Stress or Domestic Violence?. Domestic Violence Resource Centre. 2011

³⁵ NSW Carers Strategy 2014-19, available at

There are strong links between designing services that meet the needs of older people and of those who care for them. This is recognised in the NSW Ageing Strategy, which acknowledges the importance of those caring for older people and includes measures to support them in their caring role.

Liveable communities and social connectedness

Older people who are socially isolated are at greater risk of experiencing elder abuse. The NSW Ageing Strategy includes a range of initiatives that help make sure people can remain connected with their community as they grow older. These include:

- The Tech Savvy Seniors' program, which helps older people become more confident with using smart phones, tablets, computers and social media. Training is free or low cost and is delivered at libraries, community colleges and residential living facilities
- The Liveable Communities Grant Program, which will provide \$4 million over the next four years to fund local community projects. This program helps councils, nongovernment organisations (NGO) and small business deliver projects that promote accessibility, active living and mobility
- The Living Active Lives Program, which contributes to initiatives that promote the benefits of physical and creative activity among older adults and reduce social isolation

Reducing ageism

At a broad level, ageism can be seen as an underlying cause of elder abuse. Ageist attitudes and perceptions play an important role in whether abuse is recognised and reported. The belief that it is 'normal' for a person to lose control of their decisions with age can mean abusive behaviour often goes unseen or unchallenged.

Effectively addressing elder abuse involves promoting positive images of ageing, and shifting away from stereotyped images of older people as frail and lacking self-determination. This goal is reflected in the NSW Ageing Strategy, which outlines a vision for an ageing population that is healthy, vibrant and active. The Ageing Strategy is underpinned by the principle that older people know what is best for their own lives and have the right to make decisions on their own behalf.

The EAHRU works to empower older people and reduce ageism. As part of its 'Positive Ageing Free From Abuse' campaign, the service recently redesigned communication materials to include images of older people living active and social lives. Education sessions also highlight the role of societal attitudes about ageing and include a video on ageism and how it contributes to the lack of identifying and reporting the abuse of older people.

The abuse of older people is a significant and complex issue, and one that will grow together with the ageing population. Successfully addressing abuse of older people involves government, non-government agencies and the community working together, with education and access to appropriate support services being vital to an effective response.

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The NSW Government welcomes input and ideas on how current measures may be built upon and enhanced, to prevent and respond to abuse of older people in the most effective way possible.

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