



Elder Abuse Prevention Unit : Training Notes

The Elder Abuse Prevention Unit (EAPU) is a Queensland wide program provided by UnitingCare Community and funded by the Department of Communities, Child Safety and Disability Services. The unit has been operating since November 1999 and works from a strong human rights perspective and an older person centered framework.

The unit provides a Helpline, free training and community education, rural regional and remote worker Peer Support Network, network participation, support and collaboration.

What the helpline does and doesn't do

The Elder Abuse Prevention Unit has no powers of investigation, is not a reporting agency and does not undertake case-management. The Helpline operates as a first port of call for anyone who experiences, witnesses or suspects abuse of an older person by someone they know and trust – a loved one. Calls are confidential and anyone who rings in to the Helpline may choose to remain anonymous, which allows those who are unsure of what they are witnessing, or older people who are not wishing to take action, to receive information and support without fear of reprisal. The issues around elder abuse are complex and often multilayered which can cause strong feelings of being overwhelmed, confused, angry, sad, helpless and sometimes the thought that there is nobody to turn to and no options. The Helpline offers a safe opportunity for callers to gain some clarity about the issue, safely talk through their concerns, assess risk, examine relationship dynamics, ask questions and find out about support services, safety plans and individual strategies to address the abuse. The Helpline increasingly receives calls from service providers, GPs, psychiatrists and psychologists, social workers and other allied health teams, police officers and service providers who wish to talk through a current issue/case and brainstorm ideas and potential pathways.

The Helpline is also a means of collecting non-identifiable data which provides an important role in advocating for our clients and raising community awareness. The data collected on the EAPU's elder abuse Helpline is the longest running, largest and most comprehensive data set relating to elder abuse in Australia and the EAPU's data has been used to inform annual statewide awareness campaigns and submissions to government enquiries. The EAPU analyses data collected on the Helpline annually and makes the results freely available on their website.

Definition of Elder Abuse

“Elder abuse is 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.”

World Health Organisation 2000

The key to this definition is the ‘relationship where there is an expectation of trust’. So this normally equates to a family member, daughter, son, niece, nephew, grandchild, partner/spouse, carer, or close friendships. Non trust constitutes aged care services, neighbours, housemates, co-residents in residential facilities, professional misconduct by lawyers and accountants. Calls to the helpline are 85% about trust relationships and 15% non trust.



Relationship Types

For elder abuse relationships, sons and daughters are about equal as perpetrators, accounting for 74% of all elder abuse relationships combined.

Types of Abuse

Physical: The infliction of pain injury or force and deprivation of liberty, for example: hitting, slapping, over medicating or inappropriately restraining an older person.

Psychological: The infliction of mental anguish, fear and feelings of shame and powerlessness. Often is occurs in conjunction with financial abuse where the older person's child threatens to restrict access to their grandchildren if they refuse to give their child money.

Financial: The illegal or improper use of an older person's finances or assets without their informed consent. Can include the misappropriation of money, valuables or the forced change of legal documents or the misuse of a power of attorney.

Social: Preventing a person from having social contact with family and friends, or accessing social activities. Not allowing the older person access to a telephone is a form of social abuse.

Sexual: Sexually abusive or exploitative behaviour, including rape, indecent assault, sexual harassment or any behaviour that makes an older person feel uncomfortable about their body. Eg watching pornographic movies in front of older person

Neglect: The failure of a carer to provide the necessities of life to an older person.

Unintentional neglect – the carer does not have the skills or the knowledge, not aware of available support, too old or frail.

Intentional neglect – abandonment, inadequate food, clothing, shelter, medical attention or dental carer. Inappropriate use of medication, poor hygiene, refusing others to provide carer.

Why does Elder Abuse happen?

There are many reasons why older people experience abuse, and each person's experience of abuse is different. Aspects such as social (eg ageism); economics (eg low income & assets may limit options of care; high income & high level of assets may increase risk); personal (eg history of abuse, relationship dynamics, addictions, mental illness, cultural isolation) may not directly cause elder abuse but can contribute to it and the power and control behaviours of an abuser.



Risk Factors

- Dependency
- Isolation
- Financial
- Carer Stress
- History of family conflict
- Addictions
- Mental health
- Language and cultural barriers

What stops older people from seeking help?

- People don't define themselves as being abused
- Social isolation
- Feelings of shame and/or guilt
- Desire to protect the abuser
- Fear of retribution and/or lack of response
- Cultural and language barriers
- Impaired capacity to communicate abuse
- Not being aware of options, resources
- Vulnerability and disempowerment

Reporting Elder Abuse

There are no mandatory reporting requirements apart from the Commonwealth Government's Aged Care Act 1997. The Federal Government enacted this legislation, in 2007, to provide new mechanisms for the protection of older people residing in residential aged care facilities from physical and sexual abuse. **Any alleged or suspected physical or sexual assault must be reported by the residential aged care provider to the police and the Aged Care Complaints Scheme (ACCS) on 1800 550 552 within 24 hours of notification.** All other types of abuse should be reported internally and must be documented, including the action taken.

Abuse of an older person who does not have cognitive capacity can be reported to the Public Guardian for investigation. Your organisational protocols should be followed.

If abuse of an older person is witnessed by community workers, police should be called and your organisational protocols followed.

“Doing nothing” is still doing something

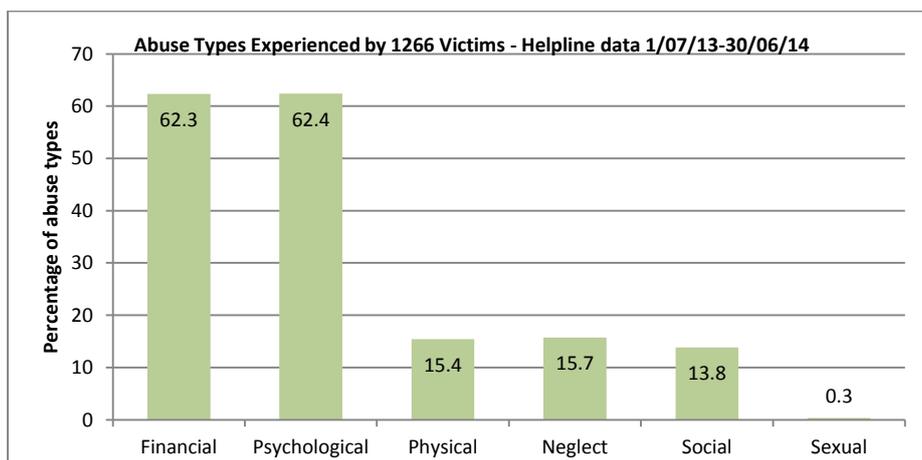
“Doing nothing” doesn't mean ignoring the situation or regarding it as not your responsibility; it is a considered response rather than a failure to address or 'fix' a situation. There may be occasions when the most appropriate response is to choose not to act immediately but rather to continue monitoring the situation. It is better for a service to stay in a client's life so they can watch for developments and be available for support or if asked for help. If the service is perceived by an abuser as overstepping the line,



the service could be discontinued, leaving the client isolated and at higher risk. Note duty of care, workplace health and safety, self care.

Trends and Concerns - financial

For five year data review in 2015, analysis indicated that financial abuse had overtaken psychological abuse as the abuse type accounting for the highest proportion of calls to the Helpline. On further examination it is clear that psychological abuse has not declined. Psychological abuse has remained relatively stable while financial abuse has been increasing throughout the past two years and has ‘caught up’ with psychological abuse. For the 85% of calls classed as elder abuse, 62% involved financial abuse. Psychological abuse is present in 63% of elder abuse cases. In many cases it is motivated by financial or lifestyle gain for the perpetrator. The use of verbal harassment, intimidation and controlling behaviour (psychological abuse) is a common tactic used by the perpetrator to financially exploit their elderly parent.



Trends and Concerns - neglect

The EAPU is alert to a possible disturbing trend in the nature of neglect calls coming through the Helpline although further analysis and review of Helpline data and data collection is needed. It would appear that more neglect notifications relate to a family member becoming a “carer” of the older person just so they can receive the Carer Payment from the Department of Human Services. In these calls, usually from another family member or friend, it is reported that the health and well-being of the older person has deteriorated rapidly under the arrangement. The carer payment is far more attractive than Newstart Allowance particularly in relation to amount paid and in maintaining eligibilityⁱ. Should the carer be assessed as not providing care by DHS then the “penalty” is that they are no longer eligibility for the payment which will be terminated.

Another aspect is that under the Commonwealth Aged Care reforms currently being rolled out there is an expectation of “user pays” if the older person is assessed to have sufficient assets to contribute to the funding of their aged care. Unfortunately this sets up a “push/pull” environment where the older person may want to provide a greater inheritance for their children and divest themselves of assets in the form of an early inheritance and the children may also be motivated to coerce their parents into accepting fewer services in aged care purely for their own financial gain. Similarly, the EAPU is also hearing disturbing reports of family members withdrawing aged care services completely under the user pays system or not



placing their elderly parent into a nursing home when needed. This is another way to maintain the inheritance and/or to maintain the government pension and carers payment. Unfortunately in these

situations where money is the prime motivator for assuming care the older person is usually neglected, sometimes severely and currently there are no effective criminal neglect laws in Qld to redress this.

It may be interesting for you to refer to the findings of the Coroner's Court of Queensland in May 2013 involving the death of Cynthia Thoresenⁱⁱ who died a week before her 89th birthday.

The Coroner noted that "Approximately three weeks prior to 17 December 2008, Cynthia Thoresen fell and sustained a fracture of her femoral shaft. Her daughter and other family members assisted her back to bed where she remained until evacuated by ambulance officers on 17 December. She experienced severe pain during this period and her physical condition deteriorated including the contamination of her body with faeces and urine and the development or worsening of pressure sores. When admitted to hospital she was moderately to severely malnourished. Despite all medical efforts to reduce the fracture (which was abandoned due to the period of time since the fracture) and all other medical care, including prophylactic measures to reduce the risk of deep venous thrombosis, she deteriorated and died." (Pages 13-14, Inquest into the death of Cynthia Thoresen, Coroner's Court May 2013.)

The Coroner further said (page 14) "The investigating police officer who appeared before this inquest considered there was insufficient evidence to support a successful prosecution in the circumstances and in the context of the existing law."

Although the Coroner believed the care arrangement was financially motivated to receive a carers payment, and also noted that there are no DHS obligations for the carer to have any medical treatment for the older person to remain eligible for carer payments, (which allowed the neglect to fly under the radar of Qld Guardianship Laws) the main recommendation by the Coroner was a review of the neglect laws. The EAPU is unaware whether this has been undertaken and until a more rigorous law exists there is currently no penalty in Queensland for neglect, apparently even when this involves the death of an older person. Without this penalty there is no deterrent for not providing care and coupled with the financial motivations for keeping an older person out of the aged care system it becomes a significant and urgent issue.

EAPU data indicates that 14.39% of elder abuse perpetrators who were recorded as being a recipient of a carer's benefit were also recorded as providing no care at all to the victim.

ⁱ For a single adult a base Carer payment is \$766 per fortnight and Newstart Allowance is \$510.50. To remain eligible for the Carer Payment basically requires that the older person meets eligibility conditions, while there are much more stringent and ongoing requirements in place for the recipient of Newstart Allowance.

ⁱⁱ Inquest into the death of Cynthia Thoresen, Coroner's report dated 22/05/13 downloaded 14/07/14 from http://www.courts.qld.gov.au/_data/assets/pdf_file/0004/184117/cif-thoresen-c-20130522.pdf