

QLD Focus

Elder Abuse Prevention Unit Newsletter

EAPU 2005 Annual Report available at www.eapu.com.au

Edition 6

September 2005

\$\$\$ Financial Abuse: Millions ripped off seniors \$\$\$

(Excerpt from the 2005 Annual Report "Spotlight on Financial Abuse")

\$8.2 million worth of financial abuse has been recorded on the EAPU Helpline database from November 2002 until June 2005. This was from only 59 calls out of a possible of 664 reports involving some form financial abuse of an older person. The average amount for those 59 calls was \$139,000 so a total amount for the 664 financial abuse notifications could be as much as \$92 million. Whatever the figure, it is an alarming amount of money being lost to seniors as it represents only the calls that come in through the EAPU Helpline. Therefore it would only be a small sample of the actual number of financial abuse cases that occurred in Queensland for the same period.

Options?

These are very limited across Queensland, a protection order may be of little value in recovering lost assets. Similarly, police will often be reluctant to prosecute these as a criminal matter as the only evidence is likely to be the mother's/father's word against the son or daughter's. Most situations are therefore referred to the civil courts. For an older person on a fixed income this is not an option at all, and usually the most they can expect is some free legal advice, as legal aid is rarely given in these situations. The most appropriate option is a free legal advocacy service that understands those areas of law affecting older people and their safety. Unfortunately only one such service exist, the Brisbane based Senior's Advocacy Information and Legal Service (Refer to article page 2). This service makes use of a social worker, as well as a lawyer to address the broad range of safety, financial and legal issues faced by older people.

!! ALERT !!

PETITION FOR A SENIOR'S LEGAL SERVICE

An "E-Petition" has been lodged with the Qld Government by the Australian Pensioner's & Superannuants League Qld Inc about the; **"Need for establishment of a specialist legal service for people aged 60 years and over in Queensland"**

The EAPU fully supports this initiative, particularly in light of the amount of financial abuse being experienced by older people. The EAPU encourage all readers to follow this link and sign this petition.

http://www.parliament.qld.gov.au/EPetitions_QLD/cgi-bin/Petitions.cgi?PetNum=527

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ELDER ABUSE
HELPLINE

1300 651 192

SAILS- MOVING FORWARD

(Article provided by Margaret Arthur, Lawyer with the Brisbane based Senior's Advocacy Information & Legal Service)

SAILS stands for Seniors' Advocacy, Information and Legal Service and is based at Caxton Legal Centre at 28 Heal Street, New Farm, Brisbane (contact number is 07 3254 1811, limited services also available to callers from outside the Brisbane area). The service is funded by the Department of Communities and was set up over two years ago following amendments to the Domestic Violence and Family Protection Act 1989. The legislation was amended to extend protection to people suffering abuse at the hands of family members or unpaid carers. The Department of Communities recognized a gap in domestic violence services for older people and was keen to provide a practical and constructive means of addressing, not just physical abuse, but all forms of abuse threatening older people.

SAILS is staffed by a solicitor, Margaret Arthur and a social worker, Majella Baker and this combination of skills is an ideal way of approaching problems confronting older people. Another important feature of the program is that a vehicle has been provided to enable home visits to be carried out.

In the past two years, SAILS has clocked up over 14,000 kilometres in the program's vehicle, testimony to the many home visits and community education sessions carried out by the staff. The service receives many referrals from service providers and community workers concerned for elderly clients who they feel are at physical or financial risk. Majella and Margaret are more than happy to drive out to house-bound clients and to talk over their problems. Every case is considered having regard to the client's individual circumstances and both legal and non-legal options considered.

SAILS can give hands-on assistance with Margaret being in a position to provide not only legal advice, but where appropriate, legal assistance and representation. Majella often provides ongoing support and/or can assist with such issues as re-housing. Since the inception of the program, it has become clear that abuse often includes a combination of both physical and financial features. Many of the matters referred to SAILS include considerations of Enduring Powers of Attorneys, issues of capacity and the intermingling of finances by family members.

SAILS is also offering an outreach service at the Bernie Brae Respite Centre, Chermside once a month.

The SAILS staff are delighted to receive invitations to give community education sessions to groups of individuals and service providers covering domestic violence and issues relevant to financial abuse.

So, what does the SAILS program do?

Rather than talking about the sorts of law covered by the service, we have set out some fictitious scenarios along the lines of those that SAILS has assisted with since its establishment.

Rebecca's Case

Rebecca was referred to the service by a community support group. Rebecca had been the primary carer of her grandson, who was now aged 20, for many years. Rebecca was living in her own home with this grandson in suburban Brisbane.

Rebecca was very upset, anxious and embarrassed when she initially contacted us. She had suffered a period of ill health and was feeling weak and physically frail. The trouble was that her grandson had taken money from her while she had been in hospital for a period by using her pin number. The grandson had also started pushing her around and in one instance pushed her over in the bathroom. Rebecca was frightened of her grandson. Naturally she still loved this boy but she didn't want him in her house. It was a very hard time for her. She wanted to feel safe in her own house and not to feel that she may be physically assaulted at anytime. But she didn't want to cause the grandson grief.

We were able to visit Rebecca in her own home. We explained to Rebecca, the legal options available to her, including, an application for a domestic violence order. Rebecca wasn't sure of what she should do. We had a couple of visits with Rebecca within a short space of time.

Rebecca came to the conclusion that she couldn't stand living with the grandson any longer. She wanted to have peace and quiet and could not afford to have her grandson steal from her.

Rebecca's application for a domestic violence order was successful and the grandson was required to move out of the house. Although it was hard for Rebecca to take action against her grandson, she felt she had no option.

SAILS- MOVING FORWARD Continued

Bernard's case

Bernard was referred to us by his home-care provider. He was very upset because his wife Enid, who had recently entered a nursing home, had revoked the Enduring Power of Attorney that Bernard held for her. Instead, Enid had appointed her son, Trevor, from her first marriage, as her attorney. Trevor immediately set about doing things with this Enduring Power of Attorney that worried Bernard a great deal. For example, Trevor started to move money out of Enid's bank account and would not discuss his actions with Bernard. Bernard told us that Enid had slipped into dementia some months before entering the nursing home.

Bernard needed help to work out what the legal issues were in his matter and what he could do.

In Bernard's case, it was necessary for him to apply urgently to the Adult Guardian's office to have a 'hold' put on Trevor's use of the Enduring Power of Attorney and to apply to the Guardianship and Administration Tribunal for a decision to be made as to whether Enid had capacity at the time of appointing Trevor.

The Guardianship and Administration Tribunal reached a conclusion that affirmed Bernard's view of the matter. We were able to assist Bernard in accessing specialist legal representation at the hearing and in supporting him emotionally during this difficult period.

Debra's Case

Debra was referred to us by a community social worker. Debra was concerned for her elderly father, Jacob, who had lost capacity and slipped into dementia many years before.

Debra's concern was that Jacob had appointed other family members, to act as his attorney under an Enduring Power of Attorney that had been executed by Jacob when he still had capacity.

Debra's concern was that the family members had sold Jacob's house and invested the money for him but were not giving him a very good standard of care. Debra suspected that rather than spend the money on Jacob's needs, the relatives were conserving their potential inheritance.

Debra simply wanted a better quality of life for Jacob.

We were able to discuss Debra's options with her. Debra applied to the Guardianship and Administration Tribunal to apply for the appointment of herself as guardian and financial administrator for Jacob. We were able to assist Debra with representation at the hearing.

Debra was pleased with the outcome reached by the Tribunal. A very positive outcome was that Debra was reunited with some of the family members with whom she had previously had a falling-out.

Sigrid's case

Sigrid, aged 72, contacted us after learning that her son had applied to the Guardianship and Administration Tribunal for the Public Trustee to be appointed to manage her affairs. Sigrid was very unhappy about this and felt that she could manage affairs herself. The Guardianship and Administration Tribunal acting out of caution appointed the Public Trustee to manage Sigrid's affairs pending the hearing. Sigrid felt that her independence and dignity had been violated.

We were able to assist Sigrid in gathering the evidence, including supportive medical evidence, that she needed at the Tribunal hearing, to show that she could manage her affairs herself.

We appeared with Sigrid at the hearing before the Tribunal. Once the Tribunal had an opportunity to look at all the relevant evidence and to talk to Sigrid, it decided that the appointment of the Public Trustee was not necessary.

There are many other situations in which SAILS has been able to provide advice, support, court representation or other forms of legal assistance.

The program is aimed at trying to help elderly people or their concerned relatives where there is a possibility that the elderly person may be exposed to some form of abuse.

We receive many phone calls from people unsure of their rights and legal options. In many instances we are able to help those callers to make a constructive change to help themselves or a vulnerable older person.

Although SAILS represents a great deal of forward- thinking on the part of the Queensland government, there are many areas of unmet legal needs for older people. A petition has been developed by SAILS seeking funding of a comprehensive legal service for older people. An E- Petition can be located at http://www.parliament.qld.gov.au/EPetitions_QLD/cgi-bin/Petitions.cgi?PetNum=527 and your support of the petition would be appreciated.

Peer Support Network Survey

(Excerpts from the 2005 Annual Report "Multidisciplinary Peer Support Network for Elder Abuse (PSN) ")

The survey was undertaken during July and early August 2004 using the then current member contact list for the 40 registered members. Members were contacted to arrange a half hour block of time to undertake the survey (average time for each survey was 20 minutes). This process revealed that a number of members (8) had in fact left their organisations were unable to be contacted to determine whether they wished to remain in the network. This has implications on keeping the member register up to date and the importance of regular contact with all members so that any planned career changes will not affect their desire to remain a member of the PSN. Of the remaining 32 members, 17 were able to participate in the survey during this period. Those unable to participate included 5 on leave, 3 failed to return calls, 5 were unavailable or suitable time could not be arranged, 3 did not wish to participate in the survey and were not 2 not recorded.

The survey revealed that 100% of the workers surveyed identified workload as a major time constraint to accessing further information. General enthusiasm for the network was high as indicated by measures of the level of "Interest", "Relevance" & "Importance" the individual member rated the PSN. Each category scored the same:

- High level of interest/relevance/importance = 53%
- Medium level of interest/relevance/importance = 41.2%
- Low level of interest/relevance/importance = 5.8%

While some of the workers declared a preference in contacting the EAPU direct to discuss individual incidents of elder abuse, this suggests a misunderstanding as to the purpose of the network, which is as an interactive tool for workers to not only access information but also network with other service provider to compare different practice methods.

Many of the studies mention the notion of a technical divide whereby it is suggested that the regular use of IT is not part of the routine practice of the majority of rural based workers and that this may lead to vast inequities in knowledge of current issues and developments. Issues of computer competency were also highlighted by some of the different organisations that were consulted by the unit.

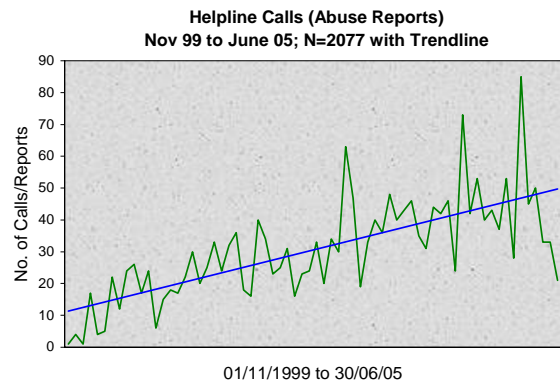
The survey showed that 64.7% declared a high level of technological knowledge, 11.7% had a medium level and 23.52% a low level of computer awareness. This lower category needs to be targeted in order for the online forum to thrive. It appears that user guides that have been offered are not appropriate. It has been confirmed by the research that some agencies have initiated personal computer training for individual workers in order to increase IT competency levels.

It appears that internationally, peer support networks continue to be a widely used tool for disseminating information and networking, in particular where service providers are widespread such as in Queensland. While the survey revealed that issues of elder abuse are not paramount in the daily activities of the members this highlights the need for increased awareness raising in rural and remote areas, and does not reflect the stereotypical notion that violence does not occur in rural communities. All agencies consulted by the unit experienced similar concerns with the initial set up of their networks, particularly in the passive receiving information role rather than an active contribution and some useful suggestions for increasing usage were offered. Most commonly it was suggested that key workers in the EAPU could drive the momentum of the network, however this is currently not practical due to other work demands. All the workers consulted in the survey displayed high levels of support for the Peer Support Network and it appears that with some more development it will continue to be a useful tool in the prevention of elder abuse.

EAPU Helpline and abuse reports 2005

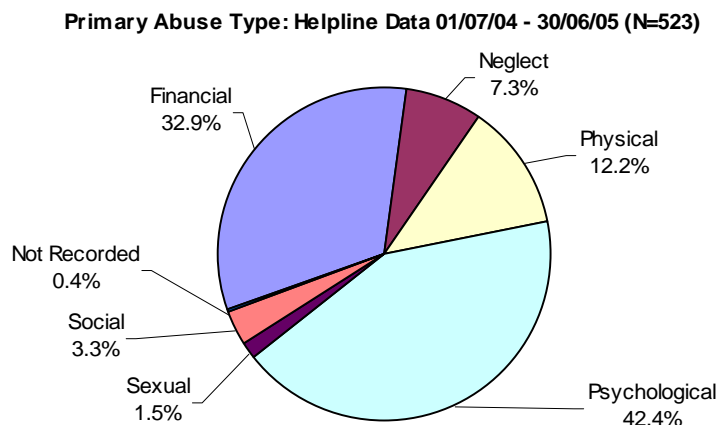
A total of 523 reports of elder abuse were recorded on the Helpline database during the 2004/2005 reporting year. This represents an increase of 1.8% from the previous year. There are many factors which can influence the number of notifications received through the helpline. For example, training provision, awareness raising presentations, distribution of promotional material etc are identified as factors that affect base line call rates. Media coverage, including radio, television and print media have a more dramatic effect on the number and type of calls to the Helpline.

The peak in January 2005 of 85 calls, followed the publication of a financial abuse article within a major newspaper. An increase in call rates for May 2004, followed a national domestic violence TV ad campaign, while a peak in January 2003 resulted from a TV interview. The Newspaper article shows that the topic of financial abuse generated a lot of interest among older people. The EAPU will continue to analyse the impact of various awareness raising activities on the Helpline call rates to better utilize its limited resources, particularly in relation to EAPU Helpline workers.



Abuse Type

The type of abuse recorded is based upon ANPEA* categories and definitions. The current EAPU database allows for recording abuse-types at two levels to capture data pertaining to multiple types of abuse often reported in a Helpline notification. The *Primary* abuse-type identifies the single most critical type of abuse reported during the notification. For the period 1/7/2004 to 30/6/2005 psychological abuse represented 42.6% (222) of all records. Financial abuse was the next highest category with 172 reports (33%). The following chart displays abuse types (%) for the 2004/2005-reporting year. In comparison to previous year's data, financial abuse has increased. For the same period last year (1/7/03 to 30/6/04), financial abuse represented 29.8% of all abuse types recorded. The percentage of reports involving physical and sexual abuse (as recorded through the Helpline) have also increased.



EAPU Training and Community Education

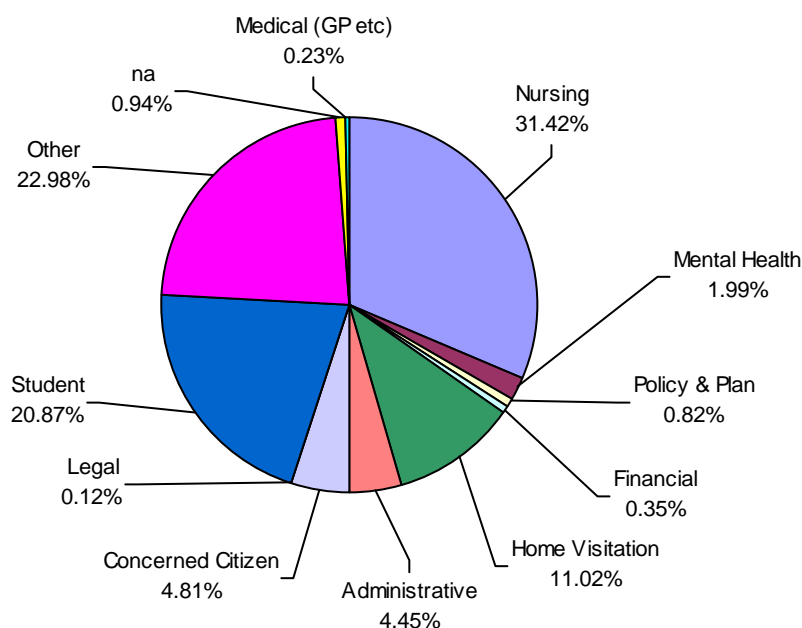
EAPU delivers its education on elder abuse prevention in various ways, and evaluating these methods is crucial to the continual improvement of education strategies and the EAPU program in general. However, if we limit ourselves only to those strategies that can be directly and formally evaluated, we will miss out on great opportunities to reach much wider target groups. Furthermore, the EAPU is now at a stage of having reached maximum capacity in responding to the current level of demand from around Queensland, which in turn impacts on the unit's ability to review or develop new resources for the educational activities it undertakes.

The various educational strategies include training sessions, awareness raising sessions, speaking at forums, having stalls at Expos, coordinating seminars for or with other presenters, writing articles, providing interviews for television, radio and newspapers, disseminating EAPU information material, responding to requests over the phone for verbal or written information, providing student-packs and more.

The Training Sessions are usually delivered to workers, volunteers and students in relevant vocational studies and, generally, to anyone who has to exercise Duty of Care in their relationship with the abused person.

Awareness Raising Sessions are delivered to any interested community group, in general, and to older people's groups in particular. Duration of these sessions is usually around one hour. This target group does not have a duty of care to other members of the community; however, many draw on their ethical and moral values in supporting and informing others who may be at risk.

Attendance Break-up
(Training data 1/07/2004 to 30/06/2005 N=853)



EAPU Service Profile

The Elder Abuse Prevention Unit (EAPU) is funded by the Department of Communities and operates under the auspice of Lifeline Brisbane. The EAPU provides a state-wide service to respond to the abuse of older people in Queensland. EAPU Project Officers provide a flexible service delivery model via travel throughout the state.

The goal of EAPU is to enhance the quality of life and safety of older people in Queensland by ensuring that:

- Older people are aware of how to prevent elder abuse
- Older people who are abused have access to information and assistance
- Older people have access to services with fully developed inter-agency networks providing a coordinated response
- Staff in community organisations that provide services to older people have the knowledge and skills to assist them
- Current and proposed legislation addresses the issue of elder abuse
- Older people and organisations are empowered by having access to decision-making processes

The EAPU provides a number of services to respond to the abuse of older people within Queensland for example:

- A state-wide confidential telephone information, support and referral service for anyone experiencing or witnessing the abuse of an older person. Callers can call HELPLINE on 1300 651 192 between 9am-5pm Monday to Friday for the cost of a local call from anywhere in Queensland.
- Training and Community Education.
- The collection and analyses of data from Helpline calls to enable better understanding of the nature and extent of elder abuse in Queensland.
- Responding to legislation and policy development in relation to elder abuse prevention.
- Assisting services and community groups to develop local coordinated responses to elder abuse.

[For more information or to submit a service profile please contact:](#)

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Events

24th Annual Congress and Federal Education Forum - Aged Care: A world of change

23-26 October 2005

Brisbane Convention and Exhibition Centre

Phone: 07 3725 5588 Fax: 07 3715 8166 Email: acaa2005@acqi.org.au

Seniors on the Move Conference

22-25 November 2005

Hervey Bay

www.activeageing.com

Older People Speak Out Media Awards 2005

18th October

For more information or a nomination form call the OPSO office on (07) 3219 2572,

email: opso@opso.com.au,

or visit www.opso.com.au.

Australian Association on Gerontology 38th National Conference

9 - 11 November 2005

Gold Coast International Hotel: Surfers Paradise, Queensland

Draft Program:

www.aag.asn.au/conf/Program/DraftProgram.pdf

Carers Week

16 - 22 October

St Lukes Confident Living Expo At the Cultural and Civic Centre

18th October 2005

Longreach

Please phone 46582389 for further information.

Multi-purpose Centre Confident Living Expo

20/10/2005

Wowan Town Hall

Phone 49371119

CQ Safe and Confident Living Social Group

16 November 2005

Joshleigh Sea Island Museum 11.00am to 3pm

Phone 49223876

Referral Options

For the period 1/9/04 to 30/6/05, 1269 referral options were provided to 430 callers reporting elder abuse. As to be expected, the largest number of options related to a domestic and family violence or criminal response with 261 callers (or 60.7%) located in the safety and protection options area. Referral options for services that can assist a victim who may not have decision making capacity were made in 160 instances (or 37.2% of calls).

Other services frequently referred too include counselling areas (36%), Health and Well-being areas (40.7%) to address health issues and often to engage services for support, reducing isolation, monitoring etc, while one-third of callers were given options in the Legal: Non D&FV (11%) area. This last area often relates to calls involving financial abuse or where an elder law specialist may be needed.

The EAPU hopes you have enjoyed the 6th edition of "Queensland Focus". Please contact the unit if you would like additional information on any of the material within this publication. Service providers, health care workers and students are invited to join the Peer Support Network. For more information about The Peer Support Network please contact EAPU Brisbane on (07) 3250 1955. This newsletter is free to distribute. If you wish to become an online recipient of "Queensland Focus" please email the EAPU to join the mailing list.

The Elder Abuse Prevention Unit is funded by the Queensland Government Department of Communities and operates under the auspice of Lifeline Brisbane.



For more information please contact:

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