

Elder Abuse in Queensland

A paper for the Domestic and Family Violence Taskforce
January 2015

UnitingCare Community is pleased to provide this paper on Elder Abuse as requested by the Premier's Special Taskforce on Domestic and Family Violence. This paper complements the information provided in UnitingCare Community's formal submission to the Taskforce on 1 December 2014.

What is UnitingCare Community's role in Elder Abuse prevention?

UnitingCare Community has operated the Elder Abuse Helpline (the Helpline) since November 1999. The Helpline is an activity of the Elder Abuse Prevention Unit, a program funded by the Queensland Government Department of Communities, Child Safety and Disability Services. The Helpline offers support, information and referrals for anyone who experiences, witnesses or suspects abuse of an older person by someone they know and trust. The Helpline is also a means of collecting non-identifiable data which the Elder Abuse Prevention Unit makes available to provide a better understanding of the issues surrounding elder abuse.

What is Elder Abuse?

Elder abuse is recognised world-wide as a growing social issue as the population ages and the parallel increase of people with health issues, particularly dementia living in the community. Elder abuse is a different form of family violence to spousal/ intimate partner violence. The effects of Elder Abuse are significant to the individual and our community. Elder abuse not only affects the physical and mental health of the older victim, but can also affect their financial security and access to health care options. Elder abuse also has a flow on cost to many government and non-government agencies.

The internationally accepted definition of elder abuse is:

"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)

This definition includes the following categories:

- Physical - the infliction of pain, injury or force
- Psychological – the infliction of mental anguish, fear, and feelings of shame, and powerlessness
- Financial – the illegal or improper use of an older person's finances or assets
- Social - preventing a person from having social contact or attending activities
- Sexual- sexually abusive or exploitative behaviour
- Neglect - the failure of a carer to provide for an older person in their care

Queensland's *Domestic and Family Violence Protection Act 2012* clearly includes elder abuse within its scope. The key features of the legislation are:

- Broad definitions of what behaviour constitutes domestic and family violence (physical, sexual, emotional/psychological, economic, threatening, coercive, controlling/dominating/causing fear, damage to property, threats of self-harm)
- A range of relationships including:

- intimate personal relationships – couples including those separated or divorced, people who have a child together, can include people who haven't lived together and people under 18 years old
- family relationships – related by blood or marriage, spouse, child, parent, sibling, grandparent, aunt/uncle, cousin, step-relative, half-relatives, in-laws, allows wide interpretation for Aboriginal and Torres Strait Islander extended family constructs
- informal care relationships – where a person is dependent on another person for help in their daily lives, where the care is provided without payment (person receiving a government carer's payment could be captured)

Notwithstanding these formal definitions, older people recognise elder abuse as a much broader range of behaviours and relationships including; disrespect by younger people, scams, neighbourhood bullying and many systemic issues around the cost and quality of aged care¹.

Although the Helpline receives calls and collects data on these broader abuse issues, the statistics presented in this report are selected using the World Health Organisation definition.

What does Elder Abuse look like in Queensland?

Data provided in this paper is collected through the Elder Abuse Prevention Unit Helpline. There are limitations to this data, including that it is collected through the voluntary disclosure of the notifiers and therefore vulnerable to the incompleteness and subjective assessment of the notifier. In addition, abuse cases self-select themselves into the dataset - notifiers choose to call us, we do not individually seek them out.

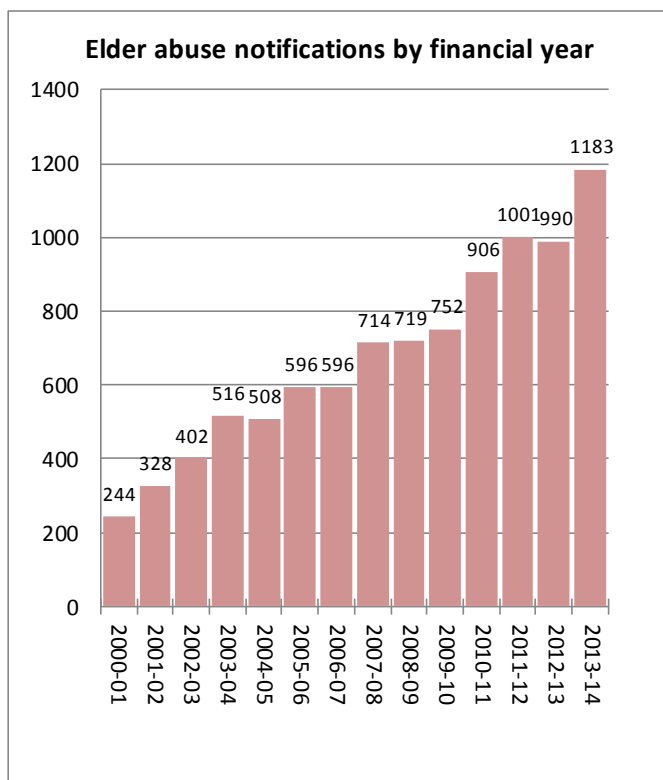
Despite its limitations, data collected by the Elder Abuse Prevention Unit Helpline remains the only known ongoing data collection in Queensland specific to elder abuse.

Prevalence

Data collected by the Elder Abuse Prevention Unit, as shown in **Chart 1** demonstrates that the number of elder abuse notifications to the Helpline is increasing each year. While this could indicate a trend in the rates of elder abuse, it is most likely that the increase in notifications is due to greater community awareness of the issue.

¹ The World Health Organization report *Missing Voices: views of older persons on elder abuse (2002)* found that structural and societal abuse were identified as common themes while a workshop by Older People Speak Out (OPSO) in June 2013 identified neighbourhood bullying, scams and treatment of older people in residential aged care as elder abuse issues.

Chart 1

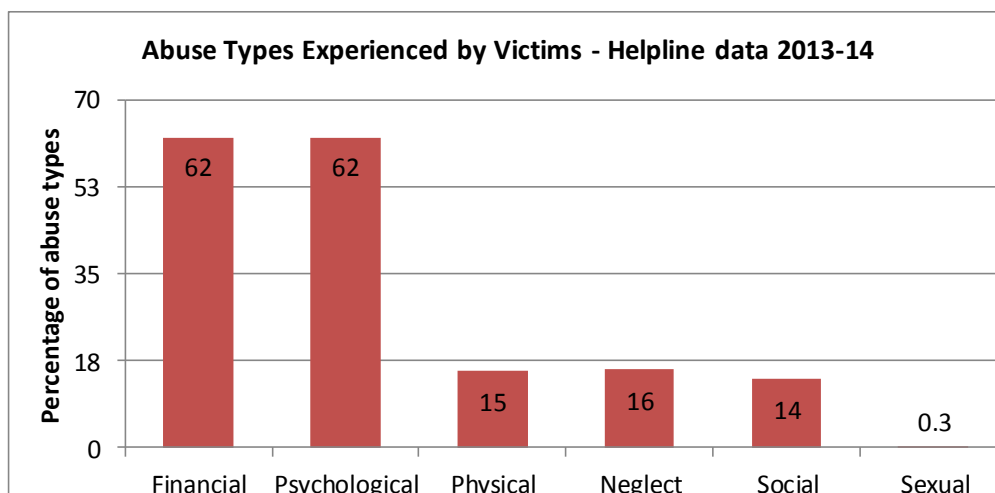


Note that the 1,183 new notifications to the Helpline in 2013-14 actually relates to 1,226 separate abuse relationships, as each call could identify more than one victim or perpetrator.

Types of abuse

Data collected by the UnitingCare Community Elder Abuse Prevention Unit over 2013-14 as shown in **Chart 2** highlights that older victims often experience more than one type of abuse, with 62% of the victims experiencing financial abuse and 62% experiencing psychological abuse.

Chart 2



The use of verbal harassment, intimidation and controlling behaviour (psychological abuse) is a common tactic used by the perpetrator to financially exploit the elderly. Around 22% of referrals from the elder abuse Helpline are made to one of the five Seniors Legal and Support Services (SLASS) across Queensland. This in part reflects the high numbers of seniors affected by financial and psychological abuse and the value of the SLASS model of combining legal and social work outreach services to provide a holistic approach to the complex safety and legal issues involved.

Gender profile

The victims of elder abuse are overwhelmingly women; however the gender of perpetrators are more evenly distributed between males and females as highlighted in the following table of Helpline records. Gender proportions for victim/abuser have remained relatively stable since Helpline records have been kept (June 2000 onwards).

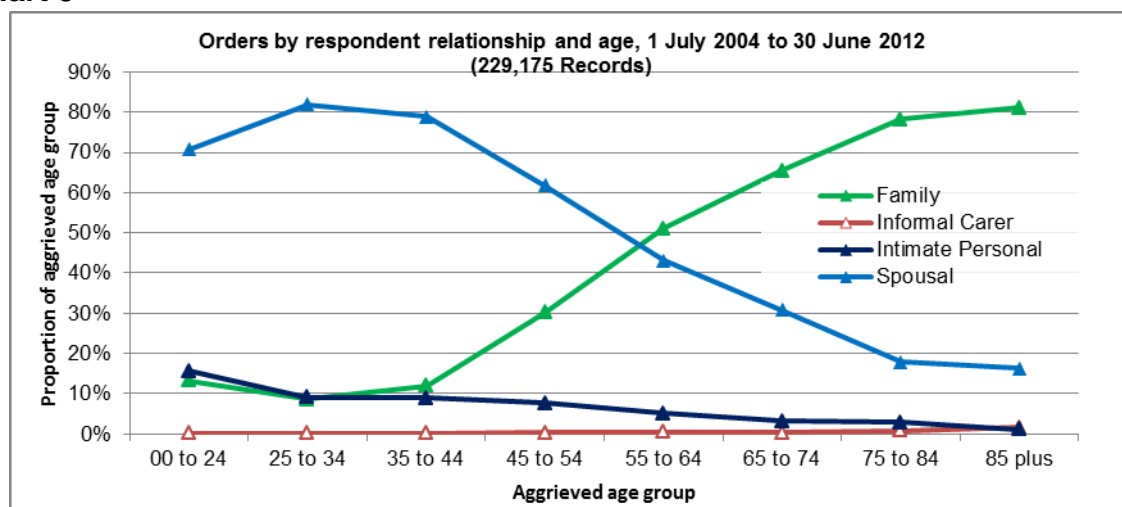
Table 1

Helpline data – 2013-14	Victim		Perpetrator	
	Records	Percent	Records	Percent
Female	740	67.77%	568	49.39%
Male	352	32.23%	573	49.83%
Unknown	0	0%	8	0.78%
Totals	1092	100.00%	1150	100.00%

Relationships

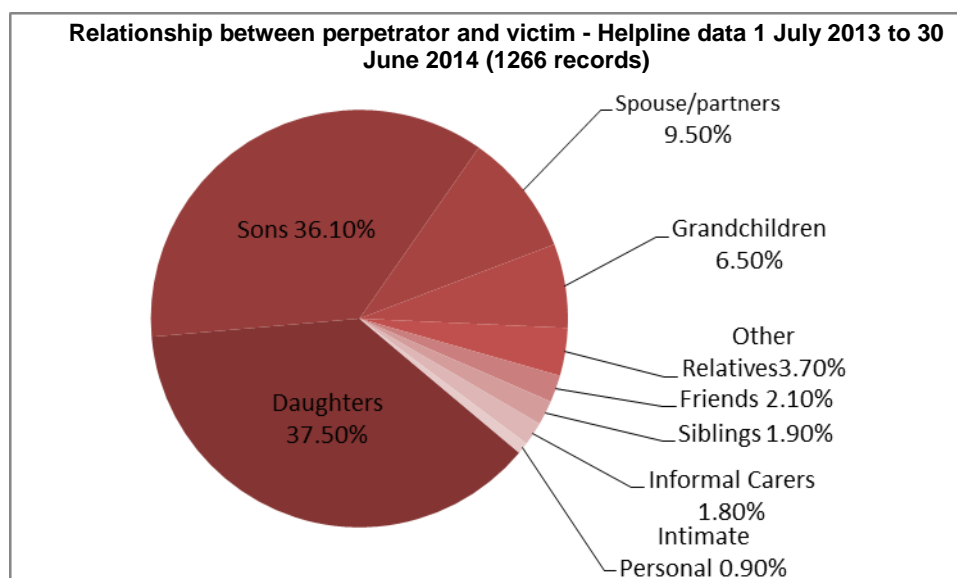
Data on Domestic Violence Orders² and Helpline records support that most elder abuse is non-spousal violence, as shown in **Charts 3** and **4**. The proportion of orders made under either the *Family* or *Spousal* relationship categories neatly reverse with age (**Chart 3**). While **Chart 4** suggests that the Domestic Violence Orders granted under the *Family* relationships category would likely involve the adult children who comprise 70% of the perpetrators recorded by the Helpline.

Chart 3



² Data supplied by the Dept Communities, Child safety and Disability Services on 26/10/10 with supplementary data provided on 10/01/13. All data are sourced from the Department of Justice and Attorney General (prepared by OESR).

Chart 4



Cost of Elder Abuse

Elder abuse not only significantly affects the physical and mental health of the older victim, but can also affect their financial security and access to health care options. Elder abuse also has a flow on cost to many government and non-government agencies.

During the 2013-14 financial year UnitingCare Community's Elder Abuse Prevention Unit records show that a total of \$56.7 million was misappropriated from 139 elder abuse victims. There was a total 789 records for financial abuse that year, leaving a further 650 instances where a dollar amount was not provided. Data shows that a target of financial elder abuse is the older person's home, increasing the risk of homelessness and reducing the options for aged care.

Older people experiencing abuse have poor health outcomes with higher rates of depression and emotional trauma, poor physical health and longer illnesses, are more likely to experience physical injury and require a hospital admission and have higher morbidity rates than non-abused older people³.

In 2012-13 the Elder Abuse Prevention Unit responded to 90 police referrals from SupportLink which rose to 131 in 2013-14, however this would likely represent a small proportion of the police and ambulance responses to incidents of elder abuse.

What's the current response to Elder Abuse in Queensland?

The lead Queensland Government agencies for elder abuse are the Department of Communities, Child Safety and Disability Services (Office for Seniors) and the Office of the Public Advocate in relation to ensuring guardianship systems are responding appropriately where abuse involves an adult with impaired decision making capacity.

³ World Report on Violence and Health - Chapter 5. Abuse of the Elderly (2002) World Health Organisation. Downloaded July 2014 from the WHO website- http://www.who.int/violence_injury_prevention/violence/world_report/en/

The Queensland Government funds two specific elder abuse services, the UnitingCare Community Elder Abuse Prevention Unit to deliver state-wide training and education of community groups and aged care workers and the operation of the information, support and referral Helpline. The second funded service is the Seniors Legal and Support Service (SLASS) which provides direct social and legal support in Cairns, Townsville, Hervey Bay, Toowoomba and Brisbane.

Government agencies responding to elder abuse include Queensland's Guardianship areas (Public Guardian, Public Trustee, Queensland Civil and Administrative Tribunal and the Public Advocate). Other government agencies also respond to abuse including Queensland Health and the Queensland Police Service through a frontline response.

Laws

As mentioned previously the *Domestic and Family Violence Protection Act 2012* (the Act) is the primary legislation concerning elder abuse as a form of domestic and family violence. The Act provides the same protections available to anyone under circumstances that satisfy criteria under the Act, including Domestic Violence Orders. A Domestic Violence Order aims to prevent domestic and family violence occurring within a domestic relationship by restricting the behaviour of the person committing the abuse.

Table 2⁴ of Domestic Violence Orders by respondent age for the period of 1 July 2004 to 30 June 2012 demonstrates the significant difference in the number of orders made by Queensland courts for younger victims of family violence compared to those aged 55 and over.

Table 2

Aggrieved Age	Number of DVOs
0 to 24	49,600
25 to 34	71,700
35 to 44	63,184
45 to 54	29,847
55 to 64	10,395
65 to 74	3,225
75 to 84	1,039
85 plus	185
Total Orders	229,175

An accurate rationale for this difference is difficult without further research. However, Helpline operators note a general reluctance by older victims to pursue the option of a protection order against the perpetrator when it is their own child. Other likely factors include a lack of awareness that protection orders are available for non-physical abuse

⁴ Data supplied by the Department of Communities, Child safety and Disability Services 10/01/2013, sourced from the Department of Justice and Attorney General.

situations or that orders can apply to a variety of relationships, not just spousal abuse situations. These and other factors may contribute to the small number of orders made in older age groups.

The *Guardianship and Administration Act 2000* is another key piece of legislation offering protection, and is applied where the older victim has impaired decision making capacity. State based legislation and documents are apparently not easily recognised across all Australian jurisdictions. Of particular concern is that this may give rise to abusers moving the victims interstate to avoid investigation and penalties. The Australian Guardianship and Administration Council (AGAC) has been aware of this issue for some time, however it appears little progress has been made.

What's working in Queensland's response to elder abuse?

Awareness Raising

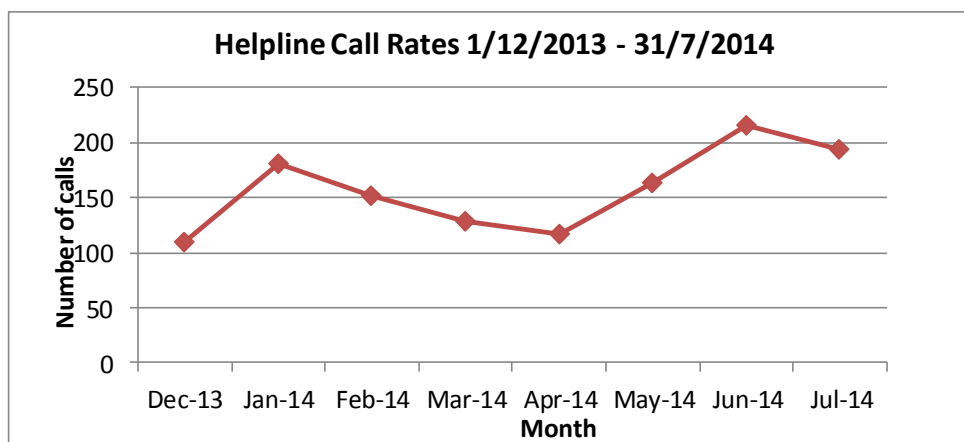
Awareness campaigns are widely recognised as a sound prevention strategy that help older people and their supportive family members and friends to recognise the issue and either prevent or act early in elder abuse situations. Campaigns that are informed by research and encourage participation and partnerships are seen as best practice.

The Queensland Government's elder abuse campaign is undertaken in partnership with the Public Trustee, Queensland Rail, UnitingCare Community and other stakeholders.

The Elder Abuse Prevention Unit collects data from these campaigns including call rates, the promotional material that prompted the call, where the material was located and who made the call. This data is shared with the Department of Communities, Child Safety and Disability Services to evaluate the impact of the campaign and inform future campaigns.

Chart 5 details the Helpline call rates and the effect of the campaign is evidenced in call numbers for June 2014, when the campaign was launched. The call rates begin declining in June, highlighting the need for community messages to be targeted and ongoing to ensure awareness is sustained amongst the community.

Chart 5



Seniors Legal and Support Services (SLASS)

Around 22% of referrals from the Helpline are made to one of the five SLASS services operating in Brisbane, Hervey Bay, Townsville, Toowoomba and Cairns. This rate of referral in part reflects the high numbers of seniors affected by financial and psychological abuse and the SLASS model of combining legal and social work outreach services provides a holistic approach to the often complex safety and legal issues involved.

An older abused person's access to the law is fundamental and the SLASS program should be supported to expand into other areas of need. Helpline data of percentage of calls received based on location, indicates expansion should be prioritised to the Gold Coast (10.5% of calls), Sunshine Coast (8.2% of calls) and Rockhampton (4% of calls).

A challenge to the SLASS model is that at times there will be a legal conflict, such as where the perpetrator has received legal advice from the Community Legal Centre from which the SLASS operates – in these situations the victim cannot be engaged by that particular SLASS and will be referred to another legal service who can provide the legal support needed.

Coordination and partnerships

The government's elder abuse awareness campaign has been mentioned previously as an example of best practice particularly with regard to the partnerships and measurable results. The Elder Abuse Prevention Unit has also been involved in a number of face to face awareness raising initiatives at a range of community forums across Queensland, with the most successful involving joint presentations with various combinations of guardianship areas, legal services (SLASS), Queensland Police (Crime Prevention), Centrelink and other agencies.

Evaluations of these joint sessions show they are a preferred method for older people to receive information on issues affecting their safety and wellbeing. Where this information is coordinated under one theme such as Senior Safety, a unified and more powerful message is made on elder abuse and also preventative measures against any form of victimisation such as safety around Enduring Powers of Attorney (EPoA), personal safety, scams and banking safety.

Emerging trends

Carers Payments

With an ageing population and increased pressure on access to services to care for the elderly, there is an increase in families taking on the care of their elderly relatives. This responsibility can be challenging and difficult for a family. Our society acknowledges this and provides the carer's benefit, a limited assistance to support the carer in fulfilling their caring role. Of concern, is an increasing number of neglect notifications received by the Elder Abuse Prevention Unit Helpline relating to a family member becoming a 'carer' of the older person, motivated by receiving the carer allowance from the Department of Human Services, and 'free' accommodation while residing with the elderly person. The carer

payment is often more attractive than other allowances such as the Newstart Allowance in both the amount paid and requirements for maintaining ongoing eligibility⁵.

In 2013-14 Elder Abuse Prevention Unit data identified that 14.39% of elder abuse perpetrators recorded as being a recipient of a carer's benefit were also recorded as providing no care at all to the victim. In these calls, it is reported that the health and wellbeing of the older person deteriorated rapidly under the arrangement.

The Coroner's Court of Queensland inquest of May 2013 into the death of Cynthia Thoresen⁶, is an example of this issue. Cynthia Thoresen was entirely dependent upon her daughter as her 'carer' for the provision of physical and medical care. The Coroner's report details Ms Thoresen suffered significant neglect and her 'carer' failed to access medical assistance for her. The evidence in this inquest was that after acceptance of the initial application for the carer's benefit, the carer was not required to submit any further regular documentation evidencing the medical status of the person being cared for. The Coroner believed the care arrangement was potentially financially motivated to receive a carers payment, and the Coroner also noted that there are no obligations for the carer to ensure medical treatment for the older person.

In addition, the investigating police officer who appeared before the inquest considered there was insufficient evidence to support a successful prosecution in the circumstances and in the context of the existing law. The Coroner recommended the matter be referred to the Attorney General, to consider a review of legislation to the Queensland Law Reform Commission.

Aged Care Reforms

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. An emerging trend that the EAPU is monitoring is situations 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. Children may also be motivated to coerce their parents into accepting fewer services in aged care for their own financial gain.

Key issues for consideration

As highlighted in UnitingCare Community's formal submission to the Domestic and Family Violence Taskforce, the key issues for consideration in relation to elder abuse are:

- Awareness campaigns are widely recognised as a sound prevention strategy that helps older people and their supportive family members and friends to recognise the issue and either prevent or act early in elder abuse situations. The Department of Communities, Child Safety and Disability Service's education campaign has been successful in raising community awareness of elder abuse. However, Elder Abuse Prevention Unit data

⁵ 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 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.

⁶ 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

indicates that there is a need for further community education messages, specifically around the protections available through domestic violence orders.

- A Queensland based prevalence study of elder abuse would achieve an accurate understanding of the extent of elder abuse, build a rigorous evidence-base to support the development of responses, and assist to determine the impact of any prevention strategies.
- Queensland Guardianship legislation and agencies provide protection for people with impaired decision making capacity. Queensland legislation is under review for further improvement. State based legislation and documents are not recognised across all Australian jurisdictions. Of particular concern is that abusers move the victims interstate to avoid investigation and penalties. The Australian Guardianship and Administration Council (AGAC) has been aware of this issue for some time, however little progress has been made.
- The Coroner's Court of Queensland inquest of May 2013 into the death of Cynthia Thoresen called for recipients of the carer's benefit be required to submit an annual independent medical review of the person being cared for. UnitingCare Community is not aware that this requirement has been imposed by the Federal government. The inquest found that prosecution in this case would be unsuccessful in the context of the existing law, and the Coroner referred the matter to the Attorney General, for considering a review of legislation to the Queensland Law Reform Commission. UnitingCare Community is also unaware that this review has been undertaken.
- An older abused person's access to the law is fundamental and the SLASS program should be supported to expand into other areas of need. Helpline data of percentage of calls received based on location, indicates expansion should be prioritised to the Gold Coast (10.5% of calls), Sunshine Coast (8.2% of calls) and Rockhampton (4% of calls).