



CONFRONTING ELDER ABUSE

AN AGED CARE INDUSTRY RESPONSE

The aged care industry is alarmed about the recent allegations of abuse in residential care facilities. The industry is examining ways it can strengthen the protection of Australia's elders whether they live in a residential care facility or in their own home in the community.

Aged and Community Services Australia (ACSA) believes that elder abuse is a significant public policy issue, even if it only affects a small proportion of older people in its more extreme forms.

This position paper briefly outlines what elder abuse is, how protection of elders currently occurs and what else needs to be done.

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What is Elder Abuse?

Five different types of elder abuse have been identified by the NSW Advisory Committee on Abuse of Older People (1997):

- *Financial or material abuse*: the illegal or improper use of the older person's property or finances. This would include misappropriation of money, valuables or property, forced changes to a will or other legal document, and denial of the right of access to, or control over, personal funds.
- *Psychological abuse*: the infliction of mental anguish, involving actions that cause fear of violence, isolation or deprivation, and feelings of shame, indignity and powerlessness. Examples include verbal intimidation, humiliation and harassment, shouting, threats of physical harm or institutionalisation and the withholding of affection.
- *Physical abuse*: the infliction of physical pain or injury, or physical coercion. Examples include any form of assault such as hitting, slapping, pushing, burning. It includes physical restraint such as tying an older person in a chair or bed.
- *Sexual abuse*: sexually abusive or exploitative behaviour, ranging from violent rape to indecent assault and sexual harassment.
- *Neglect*: the failure of a caregiver to provide the necessities of life to an older person, ie, adequate food, shelter, clothing, medical care or dental care. Neglect may involve the refusal to permit other people to provide appropriate care. Examples include abandonment, non-provision of food, clothing or shelter, inappropriate use of medication, and poor hygiene or personal care.

The abuser may be a family member, friend, neighbour, care worker, another nursing home resident or other person in close contact with the victim. The abuse of people receiving care services is only one aspect of the much broader issue of the safety and security of older people.

Prevalence of Abuse

International research suggests that between 4% and 6% of older people are victims of elder abuse when all types of abuse are considered. The more severe forms of abuse, such as physical and sexual assault are rare (World Health Organisation 2002).

There has been no similar research in Australia. The Commissioner for Complaints' Annual Report 2004-05 indicates that about 100 out of 1,004 complaints were about "abuse/restraint". Minister Santoro's (2006) media release indicated that only around 1% of the 6,000 contacts with the Complaints Resolution Scheme were related to abuse of any kind, and only a fraction were about alleged sexual abuse.

Current Systems of Support & Protection

General Systems

Work has been undertaken by various State Governments to address concerns about elder abuse in community or residential settings:

- Australian Capital Territory, Queensland and South Australia have funded specialist statewide information and education services to provide telephone assistance and referral support in dealing with cases of abuse. The services also provide community education and a central point for dissemination of research and materials on good practice.
- A number of Australian states have worked on guidelines or training packages for workers (eg Hughes 1995; NSW Advisory Committee on Abuse of Older People 1995a; Ageing & Disability Department 1995; ACT Health 2004).

- The NSW Advisory Committee on Abuse of Older People produced an Inter-Agency Protocol in 1995 covering identification, assessment, case management, other interventions and legal intervention. Notably it separated out financial abuse from other types of abuse.

Aged and community care providers and their staff have a duty of care to ensure the safety of their residents or clients. Many aged and community care providers have developed policies and procedures to be followed by staff to assist them in meeting their duty of care. Not all of these policies are explicitly titled elder abuse, they may be covered under, for example, occupational health & safety and discipline. Commonly, providers will refer criminal activity, such as sexual assault, to the police immediately on becoming aware of such behaviour.

Residential Aged Care

There are systems in place which aim to ensure the quality of residential aged care services:

- the Aged Care Standards and Accreditation Agency undertakes regular visits and spot checks to monitor and address quality issues;
- the Complaints Resolution Scheme which receives and deals with complaints about care in residential aged care facilities;
- residents' advocacy services which are funded to support residents who raise and address issues and/or complaints about an aged care provider; and
- complaints can also be made to the Department of Health & Ageing, and State consumer affairs and health complaints bodies.

Recent Developments

As a result of the recent media coverage of sexual assault allegations in residential aged care there have been public calls to introduce mandatory reporting.

No Australian jurisdiction, including the Australian Government currently has a system of mandatory reporting for elder abuse.

The consensus of government reports and researchers has been to oppose the introduction of mandatory reporting¹.

What Needs to be Done

Clearly greater support and protection needs to be built into the system to ensure that abuse is prevented where possible and dealt with effectively when it does occur. No system will be 100% foolproof but we owe it to our elders to make the system as good as it can be.

All stakeholders – the aged care industry, Australian Government, State and Territory Governments, public and consumer advocacy groups – have a role to play in improving and strengthening the system's ability to address elder abuse.

Any response to elder abuse must start from a position of recognising the inherent dignity and worth of all older people, irrespective of disability or any other characteristic. Combating ageist stereotypes of older people will go a long way to setting a scene where older people are valued and treated with the respect they deserve.

¹ Australian Society for Geriatric Medicine Position Statement No. 1 Elder Abuse, Revised 2003

ACSA has identified the following actions which will strengthen and enhance protection for our elders. There are some things which can, and need to, occur immediately and others which will take time to achieve. The actions outlined are confined to the steps that the aged care industry and Governments can take.

Immediate Action Required

Aged Care Industry

- The aged care industry supports the immediate reporting of any criminal activity to the Police.
- Ensure all relevant staff are trained in identifying and responding to elder abuse.
- Develop support resources for staff in residential and community aged care on elder abuse.
- Develop and implement policies, procedures and reporting protocols for residential aged care and community care staff to prevent and respond to elder abuse.
- Gain a commitment from all employee or employer representative bodies to take a proactive stance to combat elder abuse.

Australian Government

- Introduce and fund a staff screening system prior to any worker or volunteer commencing work with older people. This could be based on similar schemes currently in operation in the child care sector, such as Queensland's Blue Card.
- Introduce legislation to allow aged care providers to act in the best interests of older people by refusing access to anyone who appears to represent a threat to the wellbeing of the elder, pending action by appropriate parties (e.g. Police Force, Adult Guardian).
- Fund the development and provide ongoing funding for implementation of training packages on identifying, preventing and responding to elder abuse for residential aged care and community care staff.

State & Territory Governments

- Ensure expeditious conducting of criminal records checks.
- All professional Registration Boards audit their systems so they can assist in identifying improper behaviour and the proper sanctioning of that behaviour.

Medium Term Action Required

Australian Government

- Develop protocols and procedures that guide the action of various agencies, including the police, Aged Care Standards & Accreditation Agency and the aged care Complaints Resolution Scheme in responding to abuse allegations. In cases of criminal activity the police must be given the prime carriage and responsibility.
- Assessors for the Aged Care Standards & Accreditation Agency should be trained to review systems to manage elder abuse in residential aged care facilities, as part of their current role in monitoring the safety of residents' living environment.
- The Complaints Resolution Scheme should be reconstituted as an independent body with investigatory and deliberative powers, reporting to the Australian Parliament.
- Consider and develop an appropriate system for identification and management of elder abuse in community care service delivery as part of *The Way Forward* reform agenda.

State & Territory Governments

- Consider the introduction of Elder Abuse Prevention Units (already operating in some states) to provide telephone information and support as well as professional training on abuse and protection issues in all States and Territories.

Other

- Inclusion of appropriate content on identifying and responding to abuse in Certificate III qualifications in Aged Care Work and Home & Community Care as part of the review of training packages shortly to be undertaken by the Community Services & Health Industry Skills Council.

This industry response is based on an ACSA Background Paper "Elder Abuse: A Holistic Response" prepared by Paul Sadler, CEO of Aged & Community Services NSW & ACT