



Summary of submission to the Royal Commission into Family Violence – June 2015

Introduction

The purpose of the submission made by Seniors Rights Victoria (SRV) to the Royal Commission into Family Violence is to bring much needed political and community attention to the under-recognised and underreported abuse of older people – known as 'elder abuse'. Elder abuse includes physical, sexual, emotional or psychological, financial or social abuse and neglect. Through its Helpline and legal and advocacy services, SRV assists people aged 60 years and older (45 years and older for Indigenous clients) who are experiencing any form of abuse, mistreatment or financial exploitation at the hands of a trusted person such as a family member, friend or carer.

Research on the prevalence of elder abuse is limited. Internationally, elder abuse is estimated to affect between 1% and 10% of older populations. Australian research indicates that approximately 2% to 6% of people aged 60 years and over suffer abuse. There is no prevalence data for Victoria. However, in 2013-14, SRV provided legal and advocacy advice to 343 older people. Financial and emotional or psychological abuse are the most common forms of abuse reported to SRV.

Elder abuse is family violence when it occurs within the context of a family relationship and this is commonly the case: an analysis of SRV's Helpline data for a recent two year period showed that over 90% of alleged perpetrators were related to the older person including by marriage or as de facto partners, with two thirds of abuse being perpetrated by a son or daughter of the older person.

Elder abuse is not widely acknowledged by the public. Older people who seek help from SRV rarely identify themselves as victims of 'elder abuse' or 'family violence'. As such, SRV's submission urges the

Royal Commission to help bring the largely hidden experiences of older victims of family violence into the public consciousness. Family violence does not limit itself as to age, gender, socio-economic background or type of relationship; in cases of elder abuse, there may be long-term intimate partner violence that continues into old age, intimate partner violence that begins to occur because a partner declines in cognitive abilities (for example, because of dementia) or abuse in any of its forms by an adult son or daughter against his or her mother or father. Raising public awareness of this breadth of experience of family violence should, SRV submits, be a major goal of the Royal Commission.

SRV's extensive list of recommendations to the Royal Commission are made in the context of a recommended whole-of-government approach led by the Minister for the Prevention of Family Violence, the Minister for Housing, Disability and Ageing and the Attorney-General with the potential for greater vision and innovation to be exercised by the Commissioner for Senior Victorians in advocating for the rights and interests of elder abuse victims.

Recommendations made by SRV to the Royal Commission focus on ways to prevent elder abuse in families, to intervene early where abuse occurs, to support victims in accessing assistance and services and to hold perpetrators accountable for their actions.

Prevention of elder abuse

To prevent elder abuse, SRV recommends awareness-raising and education, research to enhance understanding of elder abuse and to provide a basis for policies and programs, targeted action in relation to financial abuse and implementation of a strategy to break the silence around sexual abuse of older women.

Awareness-raising and education

Amongst the public

Because of the hidden nature of elder abuse, SRV recommends that the Victorian Government invest in a broad public awareness campaign that raises the profile of elder abuse in families and challenges ageist attitudes. Such a campaign would aim to broaden people's understanding of the concept of family violence which currently may be limited to situations of intimate partner violence perpetrated by a man against a woman (and at times children) and which does not take into account the unique profile of elder abuse cases. An anti-ageist approach should underpin an elder abuse awareness campaign to challenge underlying causes like ageism, old age discrimination and the denial of older people's rights. Examples of effective family violence and elder abuse awareness campaigns from overseas referred to by SRV in its submission include New Zealand's 'Family Violence: It's not OK' campaign and Age UK's short film, 'His name is Charles'.

For senior Victorians

Effectively communicating to older members of the community about elder abuse requires a sensitive approach which takes their particular circumstances and needs into consideration. To enable SRV to better reach and assist seniors all across Victoria, it is recommended that the Victorian Government fund regional coordinators, led by the SRV Melbourne office. A practical and systematic approach to information dissemination could also be achieved by sending out information packs to Victorian Seniors Card holders, particularly in relation to the importance of future planning which SRV submits would help older people retain control of their lifestyle, health and finances as they age.

Starting young

It makes sense to instill values that promote respect and a culture of intolerance to violence in our communities by teaching younger generations. SRV believes that respectful relationships programs for high-school students have the potential to be expanded to cover elder abuse because of its common themes of gender, power, violence and respect and that a pilot study to measure its effectiveness should be carried out. In addition, enormous opportunities exist to look at youth and community education in a lateral way and this could include school-based intergenerational programs or innovative education programs that target groups of people at different life stages.

Research into prevalence and programs

A growing number of research studies around the world are starting to reveal the magnitude of the crisis, yet according to the World Health Organisation in August 2011: "... the scope and nature of the problem is only beginning to be delineated. Many risk factors remain contested, and the evidence for what works to prevent elder mistreatment is limited". There is need for research about the prevalence of elder abuse in Victoria in order for government and policy makers to understand how and why elder abuse in families is happening and to nourish the development of prevention strategies. New and existing programs must also be evaluated for effectiveness.

Financial abuse: prevention

Financial abuse is statistically the most common kind of abuse encountered at SRV. An analysis of SRV's Helpline data for a recent two year period showed that 37% of clients reported financial abuse, closely followed by psychological or emotional abuse at 35.8%. A common problem is where older people have transferred part or all of their home to a family member, or sold it and given the money to a family member in expectation of future care, without first seeking independent legal and financial advice or entering into a formal agreement. These informal 'assets for care' arrangements may be entered into in good faith but can result in unintended consequences for an older person such as loss of own resources, Centrelink benefits or an interest in property, and sometimes homelessness.

SRV has developed resources to educate older people and lawyers about this issue but more needs to be done to encourage older people to plan for their financial future in a comprehensive way. SRV calls on professionals involved in future planning to develop ways to encourage clients to plan their finances in ways that minimise risk of financial abuse in later years. SRV also recommends that the Victorian Government encourage and facilitate the increased use of family meetings and mediation to help family members proactively plan for changes to an aged parent's finances, health or lifestyle. This is an area in which SRV has already taken action, having entered into a referral program with the Dispute Settlement Centre of Victoria.

Early intervention in elder abuse

In relation to early intervention, SRV identified the need for an improved and more consistent first response by members of Victoria Police, health care professionals and social workers as well as necessity to fill the 'investigations gap' where suspected cases of abuses may be falling through the cracks, particularly cases of neglect. The submission also focused on two worrying trends: adult children with 'early inheritance syndrome' and adult children staying at home or returning home which can sometimes lead to adverse consequences for parents.

Improving first response

Members of Victoria Police, health care professionals and social workers are often amongst the first to suspect elder abuse or to receive a complaint. The ability to recognise the signs of elder abuse and the level of willingness to act on suspicions or complaints has been increasing amongst these groups but a systematic and comprehensive approach to education is needed. Inconsistent police response should be addressed through Victoria Police training modules and an increase in numbers of police with specialist capability in elder abuse. It is imperative that GPs understand elder abuse and are able to respond with appropriate care, assistance and referrals. Furthermore, as rates of dementia increase with an ageing population, there is need for standards and protocols to be developed which allow GPs to apply a more consistent approach to assessing capacity so that elder abuse can be prevented or mitigated. Victorian hospitals should look to the example of St Vincent's hospital where groundbreaking work has been undertaken to deliver an integrated and consistent approach to the detection and management of suspected elder abuse, following a UK model.

Filling the 'investigations gap'

In delivering SRV's advocacy and legal services based on an empowerment model where we give advice to, and act in accordance with the wishes of, an older person, SRV has noticed a gap in service provision around assertive outreach and investigation of situations of concern raised by third parties. SRV submits that investigatory powers and functions should be vested in the Public Advocate so that genuine concerns

raised by individuals and service providers about a vulnerable older person are properly looked into. Police 'welfare checks' are not sufficient as the power to carry them out is discretionary; the Public Advocate should be statutorily mandated to investigate situations of concern.

'Early inheritance syndrome' and adult children at home

Financial abuse of older people can occur where an adult child decides to take a parent's assets in order to pay off their own debts, invest in their own business venture or otherwise spend money that they expect to inherit but does not belong to them yet. It can also occur when adult children stay at home or return home and use their parent's money or assets to finance their own lifestyle using coercive or fraudulent means.

Apart from empowering older people to retain control of their finances and manage their relationships with adult children so that financial abuse does not occur – something that SRV focuses on – it is clear that lawyers, the banking industry and police have a role to play in intervening at key points to stop abuse. Lawyers acting for adult children in property transfers must be more conscientious in referring an older parent for independent legal advice; the banking industry needs to develop strategies to detect financial abuse of older clients, particularly in electronic transactions; and the Victoria Police should look to overseas examples where active enforcement of financial abuse of older people is taking place.

Support for victims of elder abuse

SRV submits that support for victims of elder abuse in families can be enhanced through better court systems, greater integration of services and more appropriate housing options.

Court systems

Victims of elder abuse often find themselves involved in the court system as an applicant for a family violence intervention order (IVO). Generally a last resort for older victims who have desperately tried to preserve their relationship with the perpetrator who is commonly their adult child, obtaining an IVO can be a confusing and stressful experience. To minimise the trauma, SRV submits that significant improvements must be made in relation to court systems and the IVO process. This includes educating the community about the purposes and practicalities of IVOs, improving Magistrates' attitudes and behaviour towards older applicants in IVO proceedings and making the process for obtaining an IVO smoother, more user-friendly and adapted to the needs of victims.

Integration of services

SRV knows from experience that having social workers and lawyers working together on a daily basis is an effective model for helping victims of elder abuse. SRV is supportive of building upon this model and of

integrating our services in appropriate host agencies across all regions of Victoria. In addition, SRV supports innovations such as Health Justice Partnerships which involve collaboration between lawyers and health professionals.

Housing

Lack of appropriate crisis or long-term housing can force a victim to remain in an abusive situation and this is unacceptable. SRV calls for long term government commitment to housing and draws the Royal Commission's attention to the needs of both victims and perpetrators of elder abuse.

Perpetrator accountability

Counselling and behaviour change programs can help perpetrators change their ways. The spectrum of abuse ranges from acts that are maliciously intended to those that are a result of carelessness, ignorance or even overprotectiveness. Perpetrators of elder abuse in families may be facing their own difficulties such as addiction or mental health issues or may not have the emotional tools to handle a difficult situation. As such, SRV sees great potential for behaviour change programs to be developed for perpetrators of elder abuse in families and for behaviour change programs and counselling to be more commonly attached as conditions of IVOs.

Elder abuse in Indigenous and CALD communities

Recognising that elder abuse can involve different behaviours, occur for different reasons and require a culturally sensitive response depending on the family's ethnic background, SRV seeks government commitment and funding to continue and enhance progress already achieved within Indigenous and CALD communities.

Conclusion and next steps

Unabated, elder abuse will affect more and more people as time goes by. It will ruin more lives, increasingly damage familial and societal structures, rob younger people of the benefits of healthy intergenerational relationships and cost governments more money. Everyone in an ageing population has an interest in stopping elder abuse in families and in fighting the underlying causes of gender inequality and ageism.

SRV will continue to engage with the Royal Commission over the coming months, including by giving evidence in the public hearings scheduled in July/August 2015, to shine a spotlight on the societal damage caused by elder abuse, to represent the rights and interests of older people and to make Victoria safer for all seniors.