

Legal Aid ACT

working with older people
at risk of abuse



Information for workers about promoting the safety and wellbeing of older people



Legal Aid ACT

Legal Aid ACT helps people in the ACT with their legal problems. We provide free initial advice and assistance on criminal, family, and civil matters, and ongoing assistance to people who cannot afford a private lawyer.

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If you work with older people, this help sheet will assist you to understand some of the issues that may be facing older people who are experiencing abuse. This Fact Sheet can be used in conjunction with Legal Aid ACT's Plan for Your Safety Help Sheet to develop a personalised safety plan for an older person.

Older people have rights

Older people have the right to live in safety, to be treated with dignity and respect and to make their own decisions. Some older people are denied their rights through elder abuse, sometimes by those who are closest to them. As support workers, we can help promote an older person's safety and wellbeing. It is important that we do so in ways that respects the rights of older people.

What is 'elder abuse'?

Elder abuse is any mistreatment of an older person. Often the older person has a relationship of trust with the abuser. The abuser can be a family member or carer but it could be a friend or neighbour whom the older person depends on for care and support.

The abuse can be financial, emotional, physical, sexual, psychological or include other forms of threatening and coercive behaviour.

Elder abuse can also involve social isolation and neglect. More than one type of abuse may be occurring at the same time. Some forms of elder abuse may constitute criminal offences, such as theft, fraud or assault.

Examples of abuse

Financial abuse: Using the older person's money, property or other assets improperly or even illegally. For example, forcing the older person to hand over money, change their Will or sign documents they may not understand.

Emotional or psychological abuse: Behaviour by a person that torments, intimidates, harasses or is offensive to the older person. This often occurs in combination with other forms of abuse and may involve verbal threats or name-calling that causes the older person to feel humiliation, anguish, shame or powerlessness. A family member may also threaten self-harm as a way of controlling the older person.

Physical abuse: Inflicting pain or injury. For example, hitting, slapping, pushing, blocking, removing a person's walking aids and/or hearing aids or using restraints.

Sexual abuse: Any sexual behaviour or activity that the older person hasn't consented to.

Social abuse: Preventing the older person from having phone or face-to-face contact with relatives, friends or support services. This may include stopping them from attending social activities, cultural or religious events.

Neglect: Failing to provide the basic necessities of life, either intentionally or unintentionally. For example, withholding food, water, medication, personal healthcare items, hearing devices, walking aids or other things necessary for the person's health or quality of life.





Some warning signs of elder abuse

Some warning signs or red flags you may identify when working with your client include:

- The older person seems fearful, worried or withdrawn
- The older person seems nervous or anxious when talking about, or spending time with, certain people
- Family and/or friends have been denied access to the older person
- The older person no longer goes out socially or is involved in community activities
- The older person has unexplained injuries such as bruises, broken bones, sprains, cuts, etc.
- The older person does not have enough money to meet their daily needs. Alternatively, they may have unpaid bills or unusual activity relating to bank accounts or credit cards
- Sudden and unexpected changes to a Will, title or other documents
- Disappearance of possessions
- Absence of necessary health items such as hearing aids, dentures, medications etc.

Remember: Older people have the right to make their own decisions, even if they choose to take no action. Always continue to offer support and encouragement.





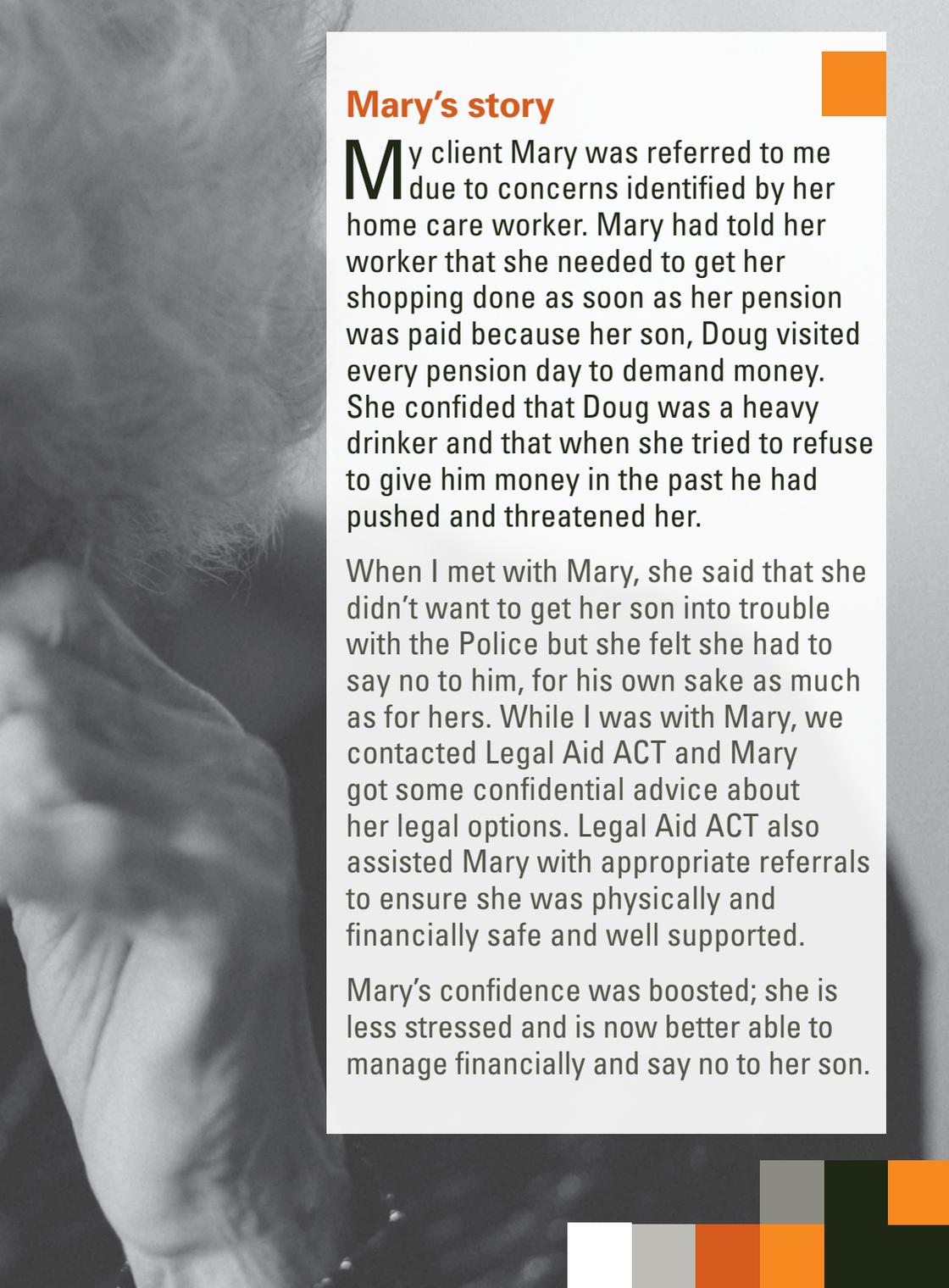
Why is elder abuse hard to talk about?

There are many reasons why older people may find it difficult to talk about abuse. Older people may feel ashamed or guilty about their family member's behaviour, or they may not think of it as abuse. Some older people may feel 'protective' love towards the abuser, who may be an adult child or close family member. The older person may want to help them and feel afraid of getting them into trouble. The older person may also fear having to leave their home, being forced into a care facility or losing their cultural and support networks. The situation becomes even more complicated where they may depend on the abuser for care or daily support.



A CASE STUDY





Mary's story

My client Mary was referred to me due to concerns identified by her home care worker. Mary had told her worker that she needed to get her shopping done as soon as her pension was paid because her son, Doug visited every pension day to demand money. She confided that Doug was a heavy drinker and that when she tried to refuse to give him money in the past he had pushed and threatened her.

When I met with Mary, she said that she didn't want to get her son into trouble with the Police but she felt she had to say no to him, for his own sake as much as for hers. While I was with Mary, we contacted Legal Aid ACT and Mary got some confidential advice about her legal options. Legal Aid ACT also assisted Mary with appropriate referrals to ensure she was physically and financially safe and well supported.

Mary's confidence was boosted; she is less stressed and is now better able to manage financially and say no to her son.



What you can do to assist your client

When talking to an older person who may be experiencing abuse, it is important to:

- Listen and give assurance that you will maintain their confidentiality.
- Provide reassurance that they are not at fault and that no one deserves to be a victim of abuse.
- Let them know that they are not alone and that help is available. Suggest they seek support from a local support agency or obtain legal advice or information from Legal Aid ACT. Provide practical information about how they can access these supports.
- Provide information about help available for the abuser, such as drug and alcohol or mental health services.
- Always speak to your client. The adult child is not your client and cannot make decisions or speak on behalf of your client unless your client consents or they hold decision-making authority. In fact, an adult child may be trying to control your client's life or finances and seeking to cease services on their behalf.
- If the situation is dangerous, contact emergency services: if you believe your client is in immediate danger, call the police on 000 or refer to your organisation's policies and procedures for direction. You may also wish to speak to your direct supervisor or manager.

What can I do to help maintain the person's safety and wellbeing?

Help them to work out a safety plan

A safety plan can help someone protect themselves from abuse. It includes steps to improve safety and strategies for responding to or escaping abusive behaviour when it happens. A safety planning Help Sheet for older people is available from Legal Aid ACT and is called Plan for Your Safety. It is designed to help older people think about their safety if leaving home in a hurry.

Encourage and support the older person to develop their own safety plan and to keep it accessible. Offer ongoing support and encouragement so the person reviews their safety plan often.

Other safety matters to consider...

- Encourage the older person to get involved in a support group or in activities, which can be a source of strength and confidence.
- Identify supportive friends or family who the person may call if they are feeling down or need support.
- Identify appropriate cultural or faith-based supports.
- Reduce the older person's dependency on the abuser, for example by arranging home care services.
- Encourage the older person to join a community visitor scheme.

How the law can help your client?

The law does not treat an older person differently from any other adult. Older people have the same protections as other adults under existing laws. There are many ways the law may be able to help your client. This is a complex area and the best thing to do is to let your client know they can contact Legal Aid ACT to get free and confidential advice.

A lawyer can have a confidential conversation with your client on the phone, or see your client at a suitable venue if required.

You may also wish to encourage your client to contact Legal Aid ACT while your client is with you. Legal Aid ACT staff understand the legal issues many older people face and will work with your client in a way which assists them understand their rights while respecting their choices.



How Legal Aid can help you

There are no mandatory reporting laws for elder abuse anywhere in Australia. There is, however, compulsory reporting of certain assaults inflicted on a recipient in residential care.

If you are supporting an older client experiencing, or at risk of experiencing, elder abuse you can contact Legal Aid ACT for an appointment.

While Legal Aid ACT will not be able to give you direct legal advice about your professional obligations, we can assist by providing information on legal and related options available to your client. We could also arrange to meet your client with you if required.

Please also see our fact Sheet Decision-Making and Your Rights for further information on when an older person may lack the capacity to make decisions.



Information and Resources

Emergency '000' information in the person's own language
(www.triplezero.gov.au)

Legal Aid ACT **Plan for Your Safety Help Sheet** available at www.legalaidact.org.au

Legal Aid ACT
[02] 6243 3436
9am–4pm Monday to Friday
www.legalaidact.org.au
Free legal advice and support services

Carers ACT

1800 242 636
www.carersact.org.au

Free services and programs to help carers including information, counselling, workshops, referrals to other services and supports.

Conflict Resolution Service

(02) 6190 7100
www.crs.org.au
Provides mediation services in the ACT.

COTA (ACT)

(02) 6282 3777
www.cotaact.org.au
COTA ACT is the peak organisation for all issues relating to older Canberra citizens, seniors, those of mature age and their families.

Domestic Violence Crisis Service

(02) 6280 0900

24 hours/7 days

www.dvcs.org.au

Domestic Violence Crisis Service provides a variety of services from crisis intervention to community education.

Lifeline

131 114 24 hours/7 days

www.lifeline.org.au

Support in a crisis and suicide prevention.

Relationships Australia Elder Relationships Service

(02) 6122 7100

www.relationships.org.au

The Relationships Australia Elder Relationship Service is a counselling and mediation service to support families who need help negotiating complex issues related to ageing.

The ACT Disability, Aged and Carer Advocacy Service (ADACAS)

(02) 6242 5060

www.adacas.org.au

ADACAS provides help and support to people with disabilities, the elderly and their carers.

1800 RESPECT

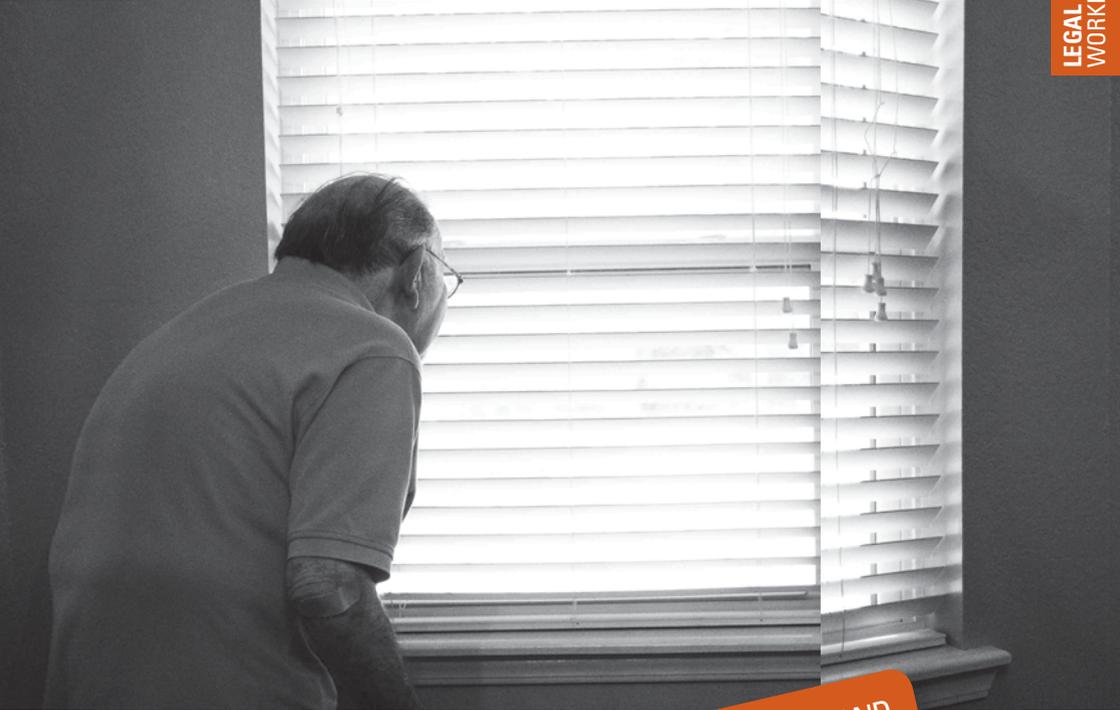
1800 737 732

www.1800respect.org.au

National sexual assault, domestic and family violence counselling service.



LEGAL AID FACT SHEET — 31 MAY 2018
WORKING WITH OLDER PEOPLE AT RISK OF ABUSE



IF YOU NEED HELP PLEASE CALL
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**FREE LEGAL ADVICE AND
SUPPORT SERVICES**

Legal Aid ACT