Towards a better understanding of elder abuse

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Strengthening Elder Caregiving in Ageing Societies — 29 November 2017

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Presentation overview

1. Elder abuse: what is it?
2. State of the evidence: nature and prevalence of elder abuse
3. Risk factors
4. Protective factors
5. Future directions
What is elder abuse?

- 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. (WHO, 2008)
- Any act occurring within a relationship where there is an implication of trust which results in harm to an older person.
  - Abuse may be physical, sexual, financial, psychological and/or neglect. (Australian Network for the Prevention of Elder Abuse, 1999)
High to middle income countries:

- Estimated overall prevalence varying from 2%–12% (AIFS, 2017).
- Prevalence estimates for varying forms of elder abuse:

  - Physical abuse: 0–5%
  - Psychological abuse: 1–6%
  - Financial abuse: 1–9%
  - Neglect: 0–6%

• Absence of national Australian prevalence research.
• Two population based studies providing some insight:
  – 2015 ANROWS analysis of Personal Safety Survey data.
• Studies based on calls to helplines re elder abuse:
  – Victoria (Joosten, Dow and Blakey, 2015).
  – Queensland (Spike, 2015).
  – New South Wales (NSW Elder Abuse Helpline and Resource Unit, 2015.)
• South Australia – Office for the Ageing (SA) commissioned research on data collection practices of key agencies (Uni SA – Lacey et al, 2017).

• Queensland Department of Communities, Child Safety and Disability Services – commissioned review to inform prevention improved responses to elder abuse in Queensland.

• National Ageing Research Institute (NARI) – conducting research in relation to potential action to tackle elder abuse in Victoria.

• See also earlier research of Clare, Blundel & Clare, 2011; Miskovski, 2014 and Wainer, Darzins & Owada, 2010.
AIFS Research:

- Elder abuse: Understanding issues, frameworks and responses (2016);
- Elder Abuse Prevalence Scoping Study (2017); and
- Current Study Elder Abuse National Research – Stage 1.
ALRC Inquiry into protecting the rights of older Australians from abuse – Final report: Elder Abuse – A National Legal Response (2017)

Recommendations include:
• development of “national plan to combat elder abuse”.
• measures to build “trust and confidence in enduring appointments as important advance planning tools”.
Summary:

- No systematic, national prevalence data in Australia in the context of an ageing population.
- Some insight into the nature and prevalence of abuse from international research.
- Analyses of calls to Australian elder abuse helplines suggest:
  - Financial abuse concerns most commonly raised.
  - Most concerns involved adult children as perpetrators and parents as victims.
Common risk factors for older person experiencing abuse include:

- cognitive impairment or other disability;
- poor physical or mental health;
- social isolation;
- reliance or dependence on others;
- previous history of abuse as a child or adult.
Common risk factors for perpetrators of elder abuse include:

- substance abuse or misuse;
- mental health issues;
- relationship of dependence with older person.
Protective factors (1)

• Australia: complex, intersecting legal, policy and practice frameworks
• Commonwealth, States and Territories provide for the prevention of elder abuse through:
  – legislative regulatory frameworks for the provision of aged care;
  – civil law;
  – criminal law; and
  – personal protection order frameworks.
Pre-emptive arrangements may include:

1. Executing a will;
2. Appointing enduring powers of attorney or enduring guardians;
3. Making supportive attorney appointments;
Protective factors (3)

• Enduring appointments or supportive appointments enable a person to pre-plan and make supportive or substituted decision-making arrangements in Australia.

• BUT there are variations between the states and territories.

   For example, *Powers of Attorney Act 2014 (Vic.)*
   – Enduring power of attorney – financial and personal matters;
   – Enduring power of attorney – medical treatment; and
   – Supported attorney appointment – to support a person to make and act on their own decisions.
Benefits of appointments include allowing a person to:

- plan and make decisions and arrangements to manage a range of significant matters, including financial arrangements, medical care or treatment and other personal decisions such as living arrangements;
- select trusted person/s to make decisions and act on their behalf in these matters where their capacity is diminished or lost;
- arrange for trusted person/s to protect them against abuse when they are unable to protect themselves.
Problems may arise where pre-emptive arrangements have not been made including:

- older person may be vulnerable to abuse;
- decisions may be made that are not in their best interests;
- disputes among interested parties about what the older person’s wishes were and/or what is in their best interests;
- a court or tribunal may be required to appoint a substitute decision-maker/guardian who may or may not be appraised of their wishes.
BUT pre-emptive arrangements are not a panacea. For example:

- Pressure may be exerted upon an older person to execute or amend a will.
- Enduring appointments may in some circumstances facilitate abuse by appointed person/s.
ALRC Final Report (2017) recommendations include:
• The development of “national best practice guidelines” for lawyers in relation to “the preparation and execution of wills and other advance planning documents”.
ALRC Final Report (2017):

- In relation to substituted decision-makers, recommendations include:
  - introducing “nationally consistent safeguards” and national approach to enduring documents”;
  - a move towards “supporting and representing will, preferences and rights”;
  - providing jurisdiction to tribunals to award compensation for abuse, misuse or failure to exercise substituted decision-making; and
  - establishing a national online registration scheme.
Practical barriers to reporting and seeking redress:

- Parents find it difficult to reveal they have been mistreated by their children.
- Revealing the mistreatment may mean they are left without family support.
- It may also mean an unchosen change in living circumstances (for e.g., move into residential care).
- If abuse is financial, assets may not be recoverable.
- An older person may not have the capacity to seek redress.

How do these frameworks work for people with cognitive impairment?

- Inability to monitor decisions made on their behalf.
Future directions

• Review of ALRC Report arising from the Inquiry into protecting the rights of older Australians from abuse – Elder Abuse – A National Legal Response July 2017:
  – Recommendations include development of national plan to combat elder abuse and to provide a coordinating framework for Commonwealth, state and territory initiatives.

• Australian Government Attorney-General
  – Building the national response to elder abuse June 2017
  – AIFS: Current Study Elder Abuse National Research – Stage 1.

• Development of further research strategies to inform future policy responses to elder abuse.
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