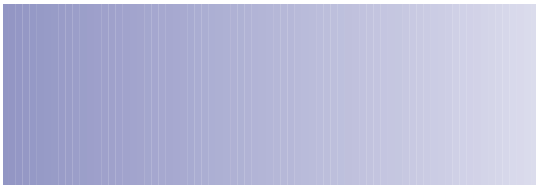





Promoting the Safety, Dignity and Independence of Senior Victorians



Implementation of
Elder Abuse
Prevention Strategies



Consultation Paper -
Community Education
and Older Persons'
Legal Service

March 2007

Acknowledgement

The Department for Victorian Communities acknowledges the contribution of participants at the Elder Abuse Prevention Community Education - Service Development Workshop, held on Friday, 8 December, 2006.

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1. Purpose

This consultation paper seeks to obtain community views on the development of the elder abuse prevention community education service and older persons' legal service, with a specific focus on:

- Service outcomes (what should the service achieve?)
- Functions of the service (what should the service deliver?)

The views and opinions expressed in response to this consultation paper will contribute to the development of a Victorian Government tender for these services. It is expected that the services will be tendered by May 2007.

A Government Working Group has been established comprising representatives of those agencies with specific responsibility for implementation of the various commitments made by the Victorian Government. This group is convened by the Office of Senior Victorians, who as the agency for coordinating a whole of government approach to implementation of elder abuse prevention initiatives, have the responsibility for ensuring that a consistent and coordinated approach to elder abuse prevention is adopted.

In addition to this consultative process, an Elder Abuse Prevention Advisory Group will also be established to guide the implementation process and ensure that a broad community representation is kept informed on progress of key initiatives.

2. Background

The former Victorian Minister for Aged Care, Gavin Jennings MLC, established the Elder Abuse Prevention Project (March 2005) to consult and report on current prevention and response arrangements to elder abuse in Victoria.

The *Strengthening Victoria's Response to Elder Abuse, Report of the Elder Abuse Prevention Project* (December 2005) identified a range of emerging issues regarding elder

abuse and a number of strategies for improving and strengthening the response to elder abuse across the whole of government and the Victorian community.

The report covered:

- community awareness
- community capacity building
- strengthening the capacity of professionals to respond to suspected and actual incidences of elder abuse.

A framework of five key elements aimed at strengthening current responses to elder abuse prevention was outlined:

- Provision of community education to raise awareness
- Support for communities to feel safe and confident and address social isolation
- Building professional knowledge and capability
- Improving the effectiveness of service responses
- Providing support to older people in need of assistance.

The report can be viewed at www.seniors.vic.gov.au or copies can be obtained from the Office of Senior Victorians (see contact details on page 3).

The Victorian Government supported all of the eleven recommendations and outlined its intended actions in its report *Supporting the Safety and Dignity of Senior Victorians, Victorian Government response to the report of the Elder Abuse Prevention Project* (June 2006).

The government response is based on a model of empowerment of older persons which recognises their right to determine their own course of action, and where required, access practical assistance to deal appropriately with instances of elder abuse and regain independence and control over their lives. (This response document can be viewed at www.seniors.vic.gov.au or copies can be obtained from the Office of Senior Victorians.)

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Two key commitments of the Victorian Government form the focus of this consultation paper:

1. Establishment of a state-wide information and education service (community education service) to provide:
 - 1.1. information and telephone assistance and referral support to older people experiencing abuse
 - 1.2. community and professional education
 - 1.3. a central point for dissemination of research and materials on best practice to older people, service providers and the general community.

The development of this service is the responsibility of the Office of Senior Victorians, Department for Victorian Communities.

2. Establishment of an older persons' legal service to target the specific needs of disadvantaged older people to improve their access to justice, through:
 - 2.1. general legal education
 - 2.2. advocacy and support to older people and their families
 - 2.3. community and professional education regarding older persons' legal issues
 - 2.4. support to expand the capacity of existing community legal centres to address the legal needs of older people.

The development of this service is the responsibility of Victoria Legal Aid.

In support of these two commitments the government has allocated \$1.44 million over four years for the community education service and a total of \$1.2 million over four years for the older persons' legal service.

The annual level of funds allocated to the community education service will translate into approximately 3.0 full time equivalent (FTE) positions. The annual level of funds allocated to the older persons' legal service will translate to approximately 2.5 FTE positions. It will therefore be necessary to ensure that the resources are used effectively and efficiently to meet community demand and expectation.

Some functions of the two services overlap, including community and professional education and awareness raising.

The Department for Victorian Communities and Victoria Legal Aid have determined that the preferred model for the delivery and operation of both services is a single integrated service.

The advantage of a single service model include:

- operating under one management structure
- having one set of operational policies and protocols
- a combined operational style and referral practice
- offering a range of services, from telephone information to individual consultation about a legal issue.

For purposes of this consultation paper, both the community education service and the older persons' legal service are known as a single entity, sometimes referred to as "the service".

3. Development of the new service

To support the development of the community education service, the Department for Victorian Communities held a workshop on 8 December 2006 with a range of participants, selected on the basis of their individual expertise and background in elder abuse prevention.

The questions that were posed included:

- Who are the stakeholders and client groups for this service?
- What are the range of outcomes expected for this service and for specific client groups?
- What are the functions of the service?
- What assumptions underpin our view of the outcomes to be achieved and functions of the service?

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The outcomes of this workshop, together with submissions made to the Elder Abuse Prevention Project and discussions held with other key stakeholders, have informed the development of this consultation paper.

Victoria Legal Aid has provided information on community legal services that also informs this consultation paper. Victoria Legal Aid will also conduct a workshop with stakeholders from the legal sector to inform the development of the older persons' legal service.

4. Timeframes and Format for Providing Feedback

This paper identifies a number of specific questions on which we seek your comments.

You can also provide other comments if there are any issues you think we need to consider in establishing the service.

Officers from the Office of Senior Victorians are available to address your group/network to assist you in providing feedback to this paper.

Comments are due by close of business, **Friday, 13th April, 2007.**

Written responses are requested, by email, facsimile or by postal mail, and are able to be forwarded to:

Email: enquiries@seniors.vic.gov.au

Fax: (03) 9208 3870

Mail: Office of Senior Victorians
Department for Victorian
Communities
GPO Box 2392
MELBOURNE VIC 3001

For further information, please contact David Carey, Senior Policy Officer, Office of Senior Victorians, on telephone (03) 9208 3881.

5. Defining Elder Abuse

The abuse and neglect of older people is a complex problem. The terminology "elder abuse" has been adopted from the USA where it was used to describe family violence situations involving older people.

The definition adopted in the *Elder Abuse Prevention Project Report* (December 2005), was *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, social and/or neglect* (ANPEA 1999).

This definition has been adopted by the Victorian Government to underpin its elder abuse strategy, and is the one which will be used to define the nature of the work of the service.

There is a range of views about the appropriateness of the term "elder abuse". There is some concern that the term "elder abuse" stigmatises the older person who is subject to abuse. Many older people who experience abuse often do not identify that abuse is occurring. The term "elder" also has particular meanings in relation to some cultural and ethnic communities.

Another point of view supports the use of the words "elder abuse", as this terminology appropriately and accurately describes the range of physical, sexual, financial, psychological and social neglect that may be experienced by some older people.

When using the term "elder abuse" in relation to the community education and older persons' legal service, there is a concern that:

- Elder abuse may have negative connotations and the terminology adopted should help to promote a more positive image of older people, one that highlights the rights of older people to live in safety, with dignity and independence.
- The term elder abuse may adversely affect an older person's willingness to access the service if they do not identify that they are experiencing abuse.
- The term prevention is too narrow a description of a service activity, when the service may also deliver early intervention and intervention strategies.

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One possible approach would be to refer to the service as the *Older Persons' Rights Service*, which encapsulates the work of the service with an emphasis on having rights, rather than the abuse of these rights. This term would also potentially embrace the aims and goals of the older persons' legal service component.

Question 5

How should we refer to the Elder Abuse Prevention - Community Education and Older Persons' Legal Service?

5.1 What is the most appropriate terminology to use in referring to elder abuse strategies?

6. Service Outcomes

The *Report of the Elder Abuse Prevention Project* (December 2005) outlines a range of issues regarding the provision of support and information to older people and the need to raise community awareness and advance professional responses to elder abuse.

The use of a public health framework may be useful when considering the potential outcomes that could be achieved by a community education and older persons' legal service. This framework classifies the range of possible interventions in relation to elder abuse as primary prevention, early intervention and interventions.

Primary prevention strategies seek to prevent abuse before it occurs and can be targeted to the whole population or to particular segments of the population. These may focus on changing behaviour, developing knowledge and skill or may address the underlying causes of abuse.

Early intervention strategies target individuals and groups who exhibit signs of perpetrating abuse, or who may be vulnerable to abuse, aiming to change behaviours or environments where abuse may occur.

Intervention strategies are implemented after the abuse occurs, and aim to deal with the abuse and ensure that the abuse does not escalate or re-occur.

It is important that the service not only focuses on prevention strategies, but also assists in improving the detection and response to instances of elder abuse. In applying this public health framework there are a range of possible outcomes that the new service could achieve with the community, older people and their families and professionals.

These service outcomes are set out below:

6.1. The community

The community education and older persons' legal service will develop an increased community awareness and understanding of elder abuse. This will promote broader community debate about elder abuse and about the kind of strategies that can be implemented to prevent elder abuse.

It will also aim to reduce the stigma attached to raising and discussing issues of elder abuse.

Improving community awareness of elder abuse and neglect could help change values and behaviours which may prevent elder abuse. It can also assist the community to improve their capacity to detect and respond to instances of elder abuse.

Raising community awareness and delivering education strategies will:

- Serve to highlight that the issue of elder abuse is the responsibility of the whole community
- Seek to enhance the safety, dignity and independence of older people.

6.2 Older People and Families

The community education and older persons' legal service can assist older people to be better informed about elder abuse. This approach can increase the confidence of older people to act upon instances of abuse. The empowerment of older people is not simply a matter of providing education or information. It involves a more "active" process to ensure that older people can make decisions about their lives and are supported and encouraged to ask for assistance, if required.

By adopting a guiding philosophy of "enabling" and "supporting" the older person, the service can assist older people to make

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their own decisions. Community education and information will emphasise the 'rights' of the older person, rather than depict older people as 'victims' of elder abuse.

Older people may also improve their understanding of their legal rights, and feel more confident about accessing legal information. For those older people with a specific legal issue, referrals will be made from the community education and older persons' legal service to established community legal centres and legal practitioners.

There are specific "populations" of older people, such as those with dementia, those receiving care or who are socially isolated, those from an Indigenous community or the Culturally and Linguistically Diverse (CALD) communities, who may be vulnerable to elder abuse and would benefit from specific targeting of elder abuse prevention strategies.

The service will promote greater understanding of elder abuse issues related to Indigenous and CALD communities through developing appropriate responses which recognise custom, culture and religion. Consultation around specific issues of custom, culture and religion could occur with specialist stakeholders who are involved in these groups.

Family members may become more aware and involved in those instances of alleged abuse of a family member.

6.3 Professionals (Service Providers)

The community education and older persons' legal service would provide information and education to a wide range of services, such as health and community services and to the finance sector, all of whom may need to be able to respond to instances of abuse. This would seek to compliment the work of the Department of Human Services (DHS) in assisting funded agencies to develop common and consistent policies and protocols which will improve their capacity to identify and respond to instances of elder abuse.

Any common and consistent policies and protocols will be based on a common set of values and principles.

The aim of any education effort would be to strengthen the capacity of professionals (service providers) to detect, and appropriately respond, to suspected and actual instances of elder abuse. This may lead to the development of a range of tools or set of data questions to assist professionals in the detection of elder abuse.

In the family violence sector, a "Common Risk Assessment and Risk Management Framework for Family Violence" has been developed. This tool should be assessed to determine the extent to which it can be adapted to prevent and detect instances of elder abuse.

The service should also promote collaboration across agencies and networks to deliver a coordinated response.

The individual worker will be supported by their agency in the decisions they make regarding issues of elder abuse.

The community education and older persons' legal service will recognise the needs of older people who are vulnerable or at high risk of elder abuse and the particular difficulties that older people may experience in becoming empowered. Professionals (service providers) will also receive advice on local level agencies and resources that can be accessed to address the issue of elder abuse.

Professionals (service providers) will also have enhanced knowledge of legal issues relating to older people.

Legal practitioners will receive advice and support to improve their responsiveness to older people. Legal practitioners will also receive specific training on older people's legal issues.

Legal services and related agencies will coordinate and cooperate in their efforts to improve service responses to older people.

To achieve these outcomes it will be important to ensure:

- Feedback from stakeholders, and the conduct of more formal evaluation processes, informs the service about how effective a prevention activity has been and the actions that must be taken in the future.

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- Older people will be involved in all aspects of management and the delivery of the community education and older persons' legal service.
- Staff delivering community education must be skilled in a variety of functions, including the empowerment of older people, responding to instances of abuse, referral to other appropriate services, inter-agency and inter-sectoral collaboration.
- Staff should understand the range of services available in local areas.

Question 6.3

Are these the outcomes the community education and older persons' legal service should seek to achieve?

6.3.1 Are there other outcomes that should be considered?

6.3.2 Are there other target groups that need to be considered in relation to the outcome that can be achieved?

should be achieved in the short or long term, including:

- development of a community education strategy
- development of a professional (service provider) education strategy
- development of local area networks (see page 9)
- development of strategies to address financial abuse of elders.

Question 7

Given the limited resources, which groups do you think the community education and older persons' legal service should target as a priority?

7.1. Which initiatives or actions should the service prioritise?

7.1.2 What should be the immediate priorities and what should be longer term priorities for implementation?

7. Priorities for target audiences

In identifying priorities for the targeting of elder abuse prevention strategies, consideration needs to be given to how to best focus the limited resources that will be available to the service.

The primary target audience for the service will be those older people living in their own homes.

There is also a need to focus on those who are experiencing most disadvantage and who are most vulnerable to abuse. Research would suggest that this tends to be:

- older women
- those who are dependent on others for their care
- those who are socially isolated
- those who have some level of cognitive impairment.

The service will work collaboratively with a variety of agencies to address those target groups considered to be a priority for elder abuse prevention strategies.

Consideration must be also given to the priority for implementing the following initiatives or actions and whether they

8. Functions of the service

Given this broad range of anticipated **outcomes**, we would like you to consider the following range of possible **functions** which a combined community education and older persons' legal service could fulfil. Please comment on the number of functions, their appropriateness and applicability.

8.1 Provide information, including telephone advice and referral to appropriate services

The telephone advisory function could provide a key point of contact for the community seeking information on elder abuse. This may be accessed by older people, family members, professionals (service providers) and other community members.

The telephone advisory function could:

- provide a confidential and anonymous service for older people or family members requiring information on elder abuse
- discuss possible instances of elder abuse with callers

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- refer individuals or groups to appropriate third parties, such as professionals (service providers) and the older persons' legal service
- provide information to professionals (service providers) about local level resources that may be available to deal with instances of elder abuse.

Support would be provided to professionals (service providers) or family members who may detect, experience, or be involved in instances of elder abuse. This support could generally encourage professionals or family members to support and empower the older person experiencing the abuse through the provision of information, options, and referral to local sources of support. The service would need to work closely with existing services that also provide this support such as the Office of the Public Advocate.

Question 8.1

Should the community education and older persons' legal service provide direct intervention in some individual cases of suspected abuse as a last resort where there is no one else who can assist the older person with the decision they wish to make? (Note: It is expected that the legal service will provide advocacy in relation to individual cases)

8.1.1 Should the service not become involved in individual cases as this may undermine its ability to build the local capacity of others to respond?

8.1.2 What factors could assist in maximising legal pro-bono and volunteer support for the service?

This could be delivered through:

- information sessions
- giving talks and lectures
- addressing seniors groups
- use of various media to raise awareness of the issue.

Older people may be involved to support or participate in delivering education initiatives. Older people may act as peer educators and retired lawyers may assist the legal work of the service.

Community education strategies may also involve the use of personal stories or case studies of elder abuse as a learning tool to illustrate specific points or issues. Privacy legislation and human rights principles would need to be complied with. Undertaking market research to identify existing levels of community awareness of elder abuse is an important first step. This will assist the development of the most appropriate methodologies for awareness raising and delivering education on detection and dealing with elder abuse.

Question 8.2

Are there any other functions the community education and older persons' legal service should undertake to ensure that the community and older people are more confident in being able to identify and respond to situations of abuse?

8.3 Provide Professional Education

Professionals (or service providers) are a key point of contact for older people and consequently have the opportunity to detect possible abuse. These professionals may include home helpers, personal care workers, allied health professionals, nurses, general practitioners and other aged care workers. In relation to financial abuse this may also include workers in the finance sector.

The work of DHS and the Office of the Public Advocate will be critical in promoting improved responses from allied health and community care agencies. In addition, the service is likely to respond to calls from professionals (service providers) for information and advice. Potentially, this will place the service in a position from which it

8.2. Provide Community Education

The community education and older persons' legal service would deliver community education aimed at a wide range of groups with a particular focus on those at high risk of elder abuse. It is envisaged that the service would also work closely with Indigenous and CALD communities to ensure that relevant education strategies could be developed which target their specific needs. Specific education would also be provided in relation to legal issues.

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can identify professional education needs in this area. A close working relationship will be critical to the service in working with these professionals (service providers) so that a consistent and coordinated approach is adopted.

Raising awareness about elder abuse prevention and training in detecting and responding to elder abuse, is critical for workers involved with older people. Such training needs to highlight the rights of the older person to make their own informed decisions about their situation. Training also needs to highlight that it may be appropriate to act in a more protective way due to proven lack of capacity for the older person to make informed decisions.

The education of professionals (service providers) needs to occur in a variety of ways including:

- information sessions, talks, lectures, events and the development and distribution of printed materials
- support the development of ongoing training opportunities for service providers
- provide support to the development of curricula featuring elder abuse issues, for university and other tertiary and training institutions.

In addition, the community education and older persons' legal service has a specific role in providing education to the legal sector so that it can respond more effectively to the legal needs of older people.

The service could develop training and education programs for other community legal services, Victoria Legal Aid centres and for other legal practitioners. These programs may be developed by the service, or adapted from existing training packages. The service may work collaboratively with universities and other tertiary/training institutions to develop appropriate training materials and resources.

The service could specifically target those community legal centres, Victoria Legal Aid centres or legal practitioners who are known to have high numbers of older people in their client group.

The community education and older persons' legal service will work to develop linkages between service providers who deal with older people and specifically with those providers who deal with older persons' legal issues. The service will also support professionals (service providers) to develop common and consistent policies and protocols for dealing with elder abuse.

Question 8.3

Are there any other functions the community education and older persons' legal service should undertake to ensure that professionals are more confident in being able to identify and respond to situations of abuse?

8.4 Clearinghouse of research and material on best practice

The community education and older persons' legal service could act as a clearinghouse of best practice materials and information to ensure a wide stakeholder audience is kept up to date with developments and trends in national and international elder abuse prevention activities. Alternatively, this function could be performed by another service or organisation, such as a university or existing service clearinghouse.

There are two proposals for consideration in relation to research into elder abuse. These proposals are that the service:

1. Acts as a clearinghouse for research, identifying research efforts, promoting research products, reviewing research and disseminating research. The community education component could serve as a repository for materials, review and distribute materials and could develop an expertise on secondary source material for a range of interested parties.
2. Acts as a collaborator or participates in research efforts, working with tertiary institutions to influence the research agenda, participate or fund research as part of its own research agenda.

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Question 8.4

What role should the community education and older persons' legal service play in research on elder abuse?

8.4.1 Should the service act primarily as a clearinghouse for research or should the service more actively participate in undertaking research efforts?

8.4.2 Should the service act as a clearinghouse for best practice materials and information or is this function best performed by another service or organisation?

The community education and older persons' legal service could:

- encourage existing networks and the development of local area networks
- support local area networks to develop a local process for training, education and updating knowledge of professionals (service providers)
- promote consistency in the provision of information regarding elder abuse
- develop standard protocols for dealing with elder abuse and adoption of them at the local level according to local circumstances and situations
- capture and share positive approaches to elder abuse developed at a local level across the state to inform improved practice
- work to promote and support multi-agency and multi-sectoral cooperation on elder abuse.

8.5. Development of expertise and knowledge of the Victorian community and facilitate establishment and maintenance of links with local area networks and service providers

Strong links with the wider community and developing an understanding of the local resources available to respond to elder abuse is critical to achieving the proposed outcomes of the service.

Improved knowledge of existing community responses to elder abuse and the resources that are available will assist the service to work with other agencies, and be able to refer older people and families to appropriate agencies. Health and community aged care providers also receive training and are guided by the DHS material on elder abuse.

In *Supporting the Safety and Dignity of Senior Victorians*, Victorian Government Response to the Report of the Elder Abuse Prevention Project (June 2006) the Victorian Government committed support to extend local area networks and strengthen their knowledge and capability in dealing with instances of elder abuse.

Local Area Networks are comprised of support services and community agencies who aim to meet the needs of older people and their carers regarding elder abuse. Some local area networks already function and others may need to be strengthened or developed.

Question 8.5

Should the community education and older persons' legal service have a role in supporting existing and helping new local area networks of service providers to develop?

8.5.1 If yes what functions should the service perform in relation to these networks?

8.5.2 If no, how can local area networks best be supported to develop protocols and keep up to date with current events in elder abuse prevention?

8.5.3 How could these local area networks best align with existing established networks and sectoral arrangements to reduce duplication of effort?

8.5.4 Are there any other functions the community education service should undertake?

Question 9.

Is there anything else you would like us to know with regard to the subject matter scoped in this paper?

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Consultation Paper - Community Education Service and Older Persons'
Legal Service

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