

29 May 2015

Ms Leanne Donaldson MP
Chair
Communities, Disability Services and Domestic
and Family Violence Prevention Committee
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FPQS Inquiry
Sub. 014

Dear Ms Donaldson

UnitingCare Community welcomes the opportunity to provide this submission to the Communities, Disability Services and Domestic and Family Violence Prevention Committee's inquiry into the adequacy of existing financial protections for Queensland's seniors. In making this submission, UnitingCare Community has drawn upon our experience in supporting Queensland seniors through providing advice and support through the Elder Abuse Prevention Unit and Seniors Enquiry Line. This submission also builds on UnitingCare Community's public briefing to the Committee on 20 May 2015.

UnitingCare Community has operated the Elder Abuse Helpline (the Helpline) since November 1999. The Helpline is an activity of the Elder Abuse Prevention Unit, a program funded by the Queensland Government Department of Communities, Child Safety and Disability Services. The Helpline offers support, information and referrals for anyone who experiences, witnesses or suspects abuse of an older person by someone they know and trust. The Helpline is also a means of collecting non-identifiable data which the Elder Abuse Prevention Unit makes available to provide a better understanding of the issues surrounding elder abuse.

Data provided in this submission is collected through the Elder Abuse Prevention Unit Helpline. There are limitations to this data, including that it is collected through the voluntary disclosure of the notifiers and therefore vulnerable to the incompleteness and subjective assessment of the notifier. In addition, abuse cases self-select themselves into the dataset - notifiers choose to call us, we do not individually seek them out.

Despite its limitations, data collected by the Elder Abuse Prevention Unit Helpline remains the only known ongoing data collection in Queensland specific to elder abuse.

Term of Reference:

The current levels of financial literacy of seniors and how that can be improved, for example by education programs

The Elder Abuse Prevention Unit provides extensive elder abuse awareness and educational services across Queensland. Across the 2013-14 financial year, the Elder Abuse Prevention Unit participated in 205 events with 537 agencies which were attended by 5,230 participants. Included in these

figures are 39 face-to-face awareness sessions delivered by the EAPU to 1,113 older people and 109 training sessions to aged care agencies or educational facilities and attended by 2,107 aged care workers, or those soon to enter the aged care workforce.

A focus of the awareness sessions to seniors is financial safety which is informed by elder abuse situations arising from Helpline calls and stakeholders. Elder Abuse Prevention Unit presenters note that financial abuse generates a great deal of discussion among participants but also highlights a general lack of understanding around the Enduring Power of Attorney document, particularly in relation to when they commence, how to make them safe and the powers and responsibilities they endow on their appointed attorney(s). Attendees at these sessions are encouraged to support their friends and seek advice through the Helpline if abuse is suspected. Service providers are also trained by the Elder Abuse Prevention Unit to identify clients at risk or experiencing various forms of abuse including financial abuse and how to safely respond and support their clients. The integration of the Helpline, awareness and training services allows the Elder Abuse Prevention Unit to provide information based on real experiences of victims and service providers and as such is considered very useful by clients. Although face to face sessions are an effective way to impart information, this type of response is limited by the size, diversity and geographical spread of Queensland's older population and aged care workforce.

Term of Reference:

Online and internet based vulnerabilities and the prevalence and vulnerability of seniors to scams

UnitingCare Community operates the state-wide Seniors Enquiry Line delivering an information, referral and support service for older people, their friends, families and carers as well as service providers. The Seniors Enquiry Line also provides information sessions for Senior's groups. Since January 2007 the Seniors Enquiry Line has responded to approximately 105,000 enquiries.

While not an online vulnerability, the Seniors Enquiry Line is aware of broader service access vulnerabilities for seniors, including difficulties of seniors in dealing with automated telephone systems. This includes lengthy call waiting queues, computer generated voice responses which are often difficult to understand or which do not understand the older person's response, and press button phone systems which at times can be difficult to negotiate.

Clients of the Seniors Enquiry Line also complain that they are often not listened to, they are not given time to explain their situation and feel dismissed by call centre services which are on tight turnaround times to respond to enquiries. Older people may have speech or hearing difficulties which may not be considered by call centre staff. A further vulnerability for older people is that they may be socially isolated and unable to seek the assistance of family to support them to access services, in particular financial, and thus need the opportunity to be listened to, understood and referred appropriately.

Term of Reference:

What support and advice is available to assist seniors with their independent financial decision-making

Agencies and organisations that provide advice and support to seniors requiring financial protection

“Elder abuse is 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.” (World Health Organisation)

This definition includes the following categories:

- Physical - the infliction of pain, injury or force
- Psychological – the infliction of mental anguish, fear, and feelings of shame, and powerlessness
- Financial – the illegal or improper use of an older person’s finances or assets
- Social - preventing a person from having social contact or attending activities
- Sexual- sexually abusive or exploitative behaviour
- Neglect - the failure of a carer to provide for an older person in their care

Queensland’s *Domestic and Family Violence Protection Act 2012* clearly includes elder abuse within its scope. The key features of the legislation are:

- Broad definitions of what behaviour constitutes domestic and family violence (physical, sexual, emotional/psychological, economic, threatening, coercive, controlling/dominating/causing fear, damage to property, threats of self-harm)
- A range of relationships including:
 - intimate personal relationships – couples including those separated or divorced, people who have a child together, can include people who haven’t lived together and people under 18 years old
 - family relationships – related by blood or marriage, spouse, child, parent, sibling, grandparent, aunt/uncle, cousin, step-relative, half-relatives, in-laws, allows wide interpretation for Aboriginal and Torres Strait Islander extended family constructs
 - informal care relationships – where a person is dependent on another person for help in their daily lives, where the care is provided without payment (person receiving a government carer’s payment could be captured)

Notwithstanding these formal definitions, older people recognise elder abuse as a much broader range of behaviours and relationships including; disrespect by younger people, scams, neighbourhood bullying and many systemic issues around the cost and quality of aged care¹.

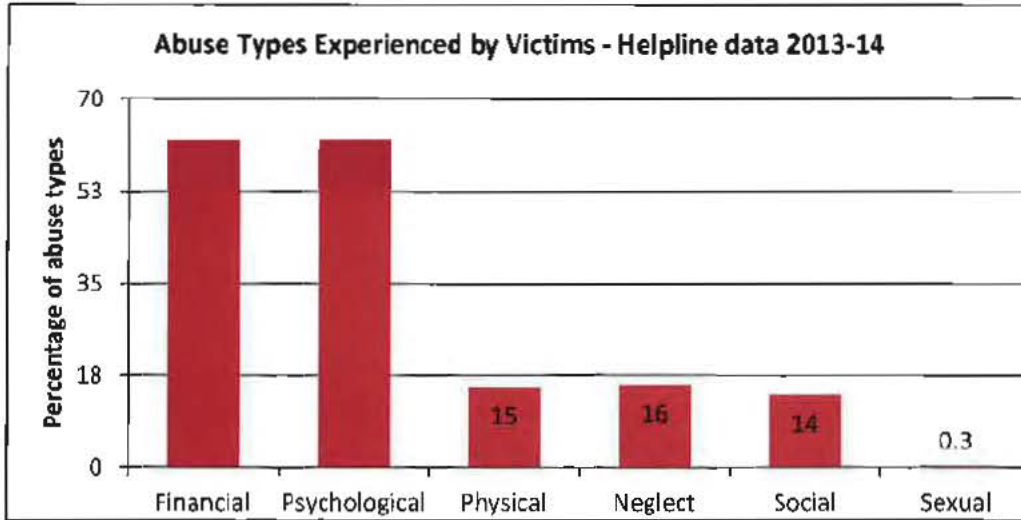
Although the Helpline receives calls and collects data on these broader abuse issues, the statistics presented in this submission are selected using the World Health Organisation definition.

Types of abuse

Data collected by the UnitingCare Community Elder Abuse Prevention Unit over 2013-14 as shown in **Chart 2** highlights that older victims often experience more than one type of abuse, with 62% of the victims experiencing financial abuse and 62% experiencing psychological abuse.

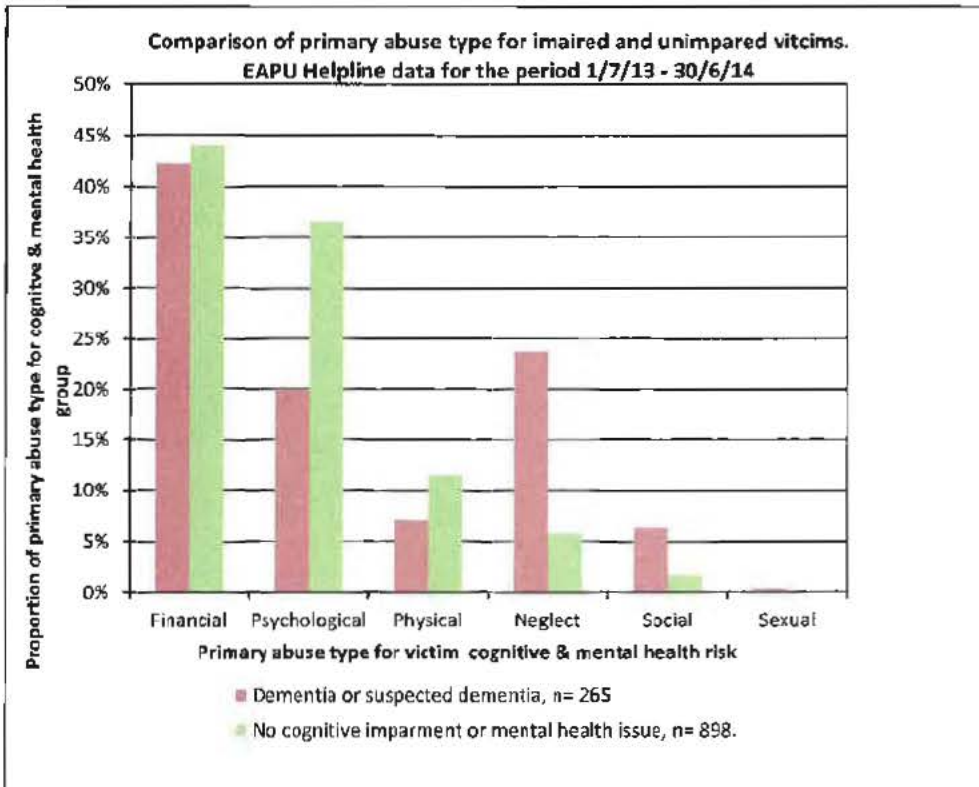
¹ The World Health Organisation report *Missing Voices: views of older persons on elder abuse (2002)* found that structural and societal abuse were identified as common themes while a workshop by Older People Speak Out (OPSO) in June 2013 identified neighbourhood bullying, scams and treatment of older people in residential aged care as elder abuse issues.

Chart 2



Elder abuse is a complex phenomenon and usually there are many types of abuse occurring in any given situation. There is no academically validated theoretical model of abuse. However, the experience of frontline services - documented by the Elder Abuse Prevention Unit's Research Subgroup Report into a Prevalence Study, identified that elder abuse in Queensland is motivated by financial or lifestyle gain for the perpetrator. Other abuse types, psychological in particular, facilitate financial abuse. This can be seen in the comparison of abuse types by victim mental health risk. Where the victim has dementia, the occurrence of psychological abuse as a primary abuse type is halved; perpetrators usually already have unfettered access to the assets of the older person, rendering psychological abuse unnecessary. Last year, dementia was reported for 13.5% of elder abuse victims, and a further 7.5% were suspected to have dementia, see **Chart 3**.

Chart 3



Around 22% of all referrals from the elder abuse Helpline are made to one of the five Seniors Legal and Support Services (SLASS) across Queensland. For any given call however, a number of referrals may be made. When broken down by calls, 38% of callers were referred to SLASS, and 46% of callers were referred to a legal service of some kind. This in part reflects the high numbers of seniors affected by financial and psychological abuse and the value of the SLASS model of combining legal and social work outreach services to provide a holistic approach to the complex safety and legal issues involved.

Gender profile

The victims of elder abuse are overwhelmingly women; however the gender of perpetrators are more evenly distributed between males and females as highlighted in the following table of Helpline records. Gender proportions for victim/abuser have remained relatively stable since Helpline records have been kept (June 2000 onwards).

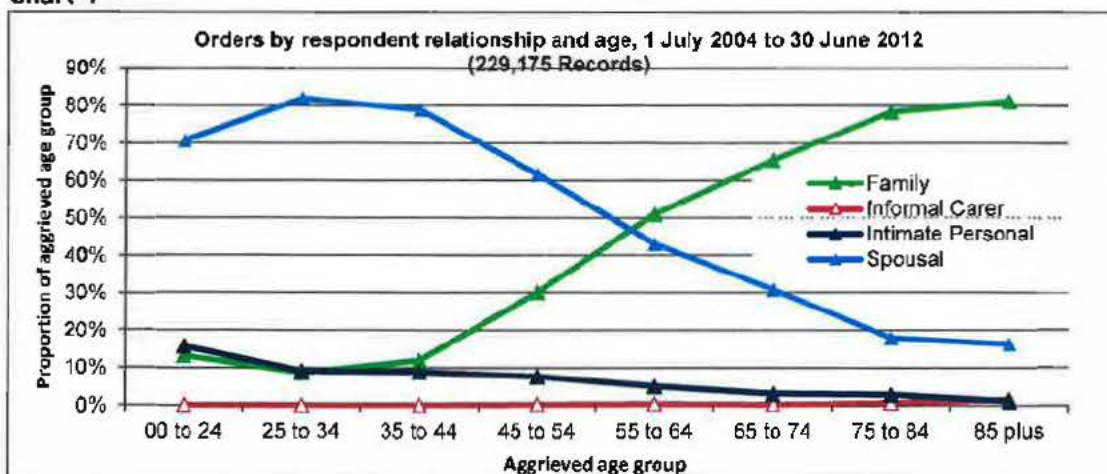
Table 1

Helpline data – 2013-14	Victim		Perpetrator	
	Records	Percent	Records	Percent
Female	740	67.77%	568	49.39%
Male	352	32.23%	573	49.83%
Unknown	0	0%	8	0.78%
Totals	1092	100.00 %	1150	100.00 %

Relationships

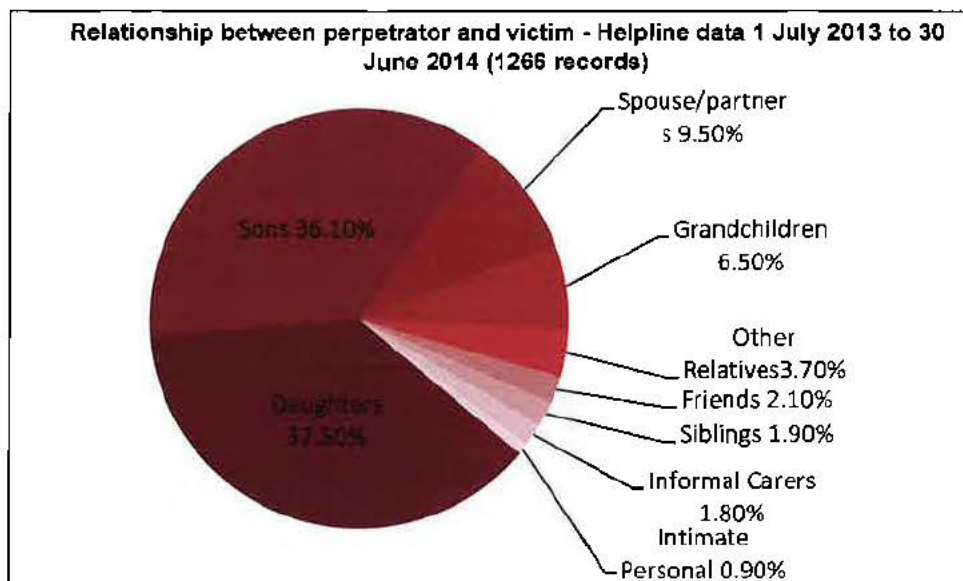
Data on Domestic Violence Orders² and Helpline records support that most elder abuse is non-spousal violence, as shown in **Charts 4** and **5**. The proportion of orders made under either the *Family* or *Spousal* relationship categories neatly reverse with age (**Chart 4**). While **Chart 5** suggests that the Domestic Violence Orders granted under the *Family* relationships category would likely involve the adult children who comprise 70% of the perpetrators recorded by the Helpline.

Chart 4



² Data supplied by the Dept Communities, Child safety and Disability Services on 26/10/10 with supplementary data provided on 10/01/13. All data are sourced from the Department of Justice and Attorney General (prepared by OESR).

Chart 5



Financial impact of Elder Abuse

Elder abuse not only significantly affects the physical and mental health of the older victim, but can also affect their financial security and access to health care options. Elder abuse also has a flow on cost to many government and non-government agencies.

During the 2013-14 financial year UnitingCare Community's Elder Abuse Prevention Unit records show that a total of \$56.7 million was misappropriated from 139 elder abuse victims. There was a total 789 records for financial abuse that year, leaving a further 650 instances where a dollar amount was not provided. Data shows that a target of financial elder abuse is the older person's home, increasing the risk of homelessness and reducing the options for aged care.

How the EAPU responds to calls about financial abuse

With regard to the Helpline's responses to financial abuse, each older person's situation is different and no advice fits all, or even most, scenarios. However, when financial abuse is present legal advice is usually necessary and so a referral to the Seniors Legal and Support Service is made if there is one available in the older person's region. Where the older person has lost decision making capacity, the caller is often advised to contact the Office of the Public Guardian, or to seek legal advice if it is the Enduring Power of Attorney who has called the Elder Abuse Prevention Unit after discovering the older person is being financially abused by another person.

The Elder Abuse Prevention Unit strongly recognises the human rights of older people with impaired capacity and explores with callers the balance between the need for financial safeguarding and rights of the cognitively impaired older person to participate in community life, to be as self-reliant as possible, to contribute to decisions about their life and circumstance and be minimally limited as far as possible given their capacity. For an older person who is being taken to the bank by their niece or nephew to withdraw large sums of cash on a regular basis, the solution may be to limit the amount of money they have access to rather than stopping all access which would reduce

independence and potentially socially isolate the older person. Although the exploiter may still end up getting some money, the amount can be dramatically reduced, and the older person can remain engaged with their community.

In some cases, the older person has full capacity to make decisions, but chooses not to take action against the abuser for a range of reasons including safety and the preservation of family relationships including access to grandchildren. In such cases we discuss with the older person, or the concerned other, the importance of planning for the future (e.g. drawing up an EPoA that does not name the abuser as the Attorney for financial matters), as well as what steps could be taken to minimise the harm in the present situation such as cancelling keycards or credit cards, limiting withdrawal amounts, having bills paid automatically by Centrelink, and setting up alternative bank accounts.

Emerging trends in the financial vulnerability of older Queenslanders

Aged Care Reforms

Under the Commonwealth Aged Care reforms currently being rolled out there is an expectation of 'user pays' if the older person is assessed to have sufficient assets to contribute to the funding of their aged care. In order to minimise the impact of this, the older person may want to provide an early inheritance to their children and divest themselves from assets. Children may also be motivated to coerce their parents into accepting fewer services in aged care for their own financial gain. The EAPU is monitoring this emerging trend.

Carers Payments

With an ageing population and increased pressure on services to care for the elderly, there is an increase in families taking on the care of their elderly relatives. This responsibility can be challenging and difficult for a family. Our society acknowledges this and provides the carer's benefit, a limited assistance to support the carer in fulfilling their caring role. Of concern, is an increasing number of neglect notifications received by the Elder Abuse Prevention Unit Helpline relating to a family member becoming a 'carer' of the older person, motivated by receiving the carer allowance from the Department of Human Services, and 'free' accommodation while residing with the elderly person. The carer payment is often more attractive than other allowances such as the Newstart Allowance in both the amount paid and requirements for maintaining ongoing eligibility³.

In 2013-14 Elder Abuse Prevention Unit data identified that 14.39% of elder abuse perpetrators recorded as being a recipient of a carer's benefit were also recorded as providing no care at all to the victim. In these calls, it is reported that the health and wellbeing of the older person deteriorated rapidly under the arrangement.

Key considerations for increasing financial protections for Queensland's seniors

- Awareness campaigns are widely recognised as a sound prevention strategy that help older people and their supportive family members and friends to recognise the issue and either prevent or act early in elder abuse situations. The Department of Communities, Child Safety and

³ For a single adult a base Carer payment is \$766 per fortnight and Newstart Allowance is \$510.50. To remain eligible for the Carer Payment requires that the older person meets eligibility conditions, while there are much more stringent and ongoing requirements in place for the recipient of Newstart Allowance.

Disability Services' education campaign has been successful in raising community awareness of elder abuse. However, further community education messages, specifically around the protections available for older people would support increased financial protections for Queensland's seniors.

- The Elder Abuse Prevention Unit's experience is that targeted education programs with a focus on financial protections such as Enduring Power of Attorney support increasing financial safety and literacy of Queensland seniors.
- A Queensland based prevalence study of elder abuse would achieve an accurate understanding of the extent of elder abuse, build a rigorous evidence-base to support the development of responses, and assist to determine the impact of any prevention strategies.
- It is noted that the Domestic and Family Violence Taskforce report *Not Now, Not Ever* recommended responses to build community awareness of elder abuse and understand the prevalence of the issue in our community. UnitingCare Community welcomes the Queensland Government's response to the report and opportunity to support the implementation of its recommendations, in particular:

Recommendation 12: The Queensland Government includes specific elements in the communication strategy (see Recommendation 18) that target elder abuse, and where to go for support.

Recommendation 11: The Queensland Government commissions a specific review into the prevalence and characteristics of elder abuse in Queensland to inform development of integrated responses (see Chapter 7) and a communications strategy for elderly victims of domestic and family violence (see Chapter 6).

- An older abused person's access to the law is fundamental and the SLASS program should be supported to expand into other areas of need. Helpline data of percentage of calls received based on location, indicates expansion should be prioritised to the Gold Coast (10.5% of calls), Sunshine Coast (8.2% of calls) and Rockhampton (4% of calls).
- While an Australian Government responsibility, the inclusion of monitoring measures for the carers payment would be a protective measure in ensuring the prevention of financial elder abuse.
- Queensland legislation is under review for further improvement. State based legislation and documents are not recognised across all Australian jurisdictions. Of particular concern is that abusers move the victims interstate to avoid investigation and penalties. The Australian Guardianship and Administration Council (AGAC) has been aware of this issue for some time, however little progress has been made.



Bob Gilkes
Executive Director