

ELDER ABUSE – CASE STUDY WEBINAR

HOW TO SEEK ASSISTANCE AS A CHSP PROVIDER

9 SEPTEMBER 2024, 10AM TO 11AM



Presenters

- **Rose Brown**

Tenants Qld DFV Sector Capacity Building Project Worker

- **Anne-Louise McCawley**

Community Engagement and Education leader Senior Legal & Support Service (SLASS) Caxton

- **Debbie Phillips Detective Senior Sergeant**

QPS Disability and Elder Abuse Program coordinator



Tenants Queensland Community Legal Centre



Tenants Queensland
free statewide advice
service

1300 744 263

9am – 5pm Mon-Fri
Tues & Wed til 7pm



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Domestic and Family Violence (DFV) Sector Capacity Building Project

Aim of the project

To build the capacity of workers to assist people with DFV related tenancy issues



TQ Financial Counsellor

Free Financial Counselling Service for any tenant with any matter in relation to debt, loans, credit cards, utilities, fines.

Can provide assistance to analyse current financial situation, budgeting, managing debt

Call 38329447
financialcounsellor@tenantsqld.org.au





Domestic and Family Violence and Tenancy Law

This video is intended to provide you with information only. If you have a tenancy problem, please contact Tenants Queensland for advice.

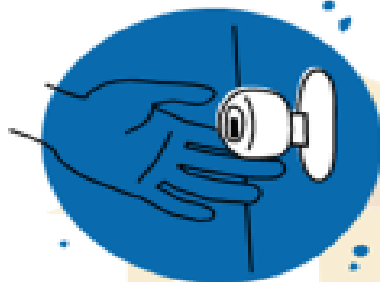


DOMESTIC VIOLENCE AND TENANCY LAW Video 1 <https://vimeo.com/731998107>



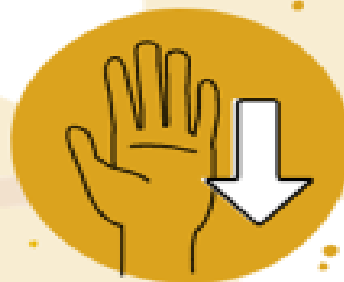
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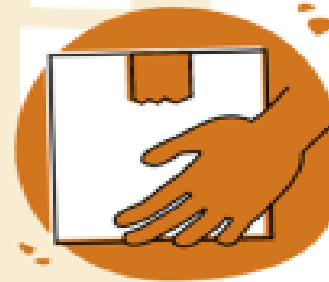
START

YOU WANT TO
START A TENANCY



STAY

YOU WANT TO STAY
IN THE PREMISES



LEAVE

YOU WANT TO
LEAVE THE PREMISES

<https://tenantsqld.org.au/start-stay-leave/>

Tenants Queensland
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Residential Tenancies and Rooming Accommodation Act 2008

LEAVE if a sole tenant or a co-tenant

- A tenant has a right to leave if they believe that they can no longer safely continue to occupy the premises because of domestic violence
- A tenant can give 7 days Notice Ending Tenancy with supporting evidence of DFV
- Not responsible for break lease/reletting fees or goods left on premises
- Can apply for bond refund Form 4a

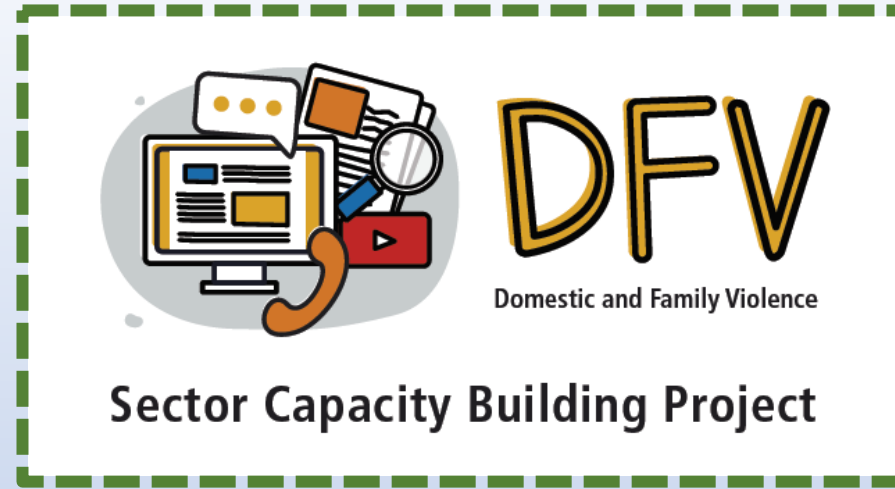
DAMAGE

- Not responsible for to compensate the lessor for damage caused by violence they have experienced

STAY

- Can change the locks without lessor or agent approval
- Can apply to the tribunal to be recognised as a sole tenant where co-tenant is a person using violence





TQ Domestic & Family Violence Sector Capacity Building Project supports DFV workers to assist clients with tenancy issues and improve housing outcomes for women

Helpdesk 3708 4833

Email dfvproject@tenantsqld.org.au



Caxton Legal Centre

- 48 years non-profit community legal centre
- 18 programs including human rights, consumer and credit law, employment law, family and domestic violence, coronial services
- 16 years Senior legal and support services (SLASS)
 - free social support, practical assistance and legal services for older persons at risk of or experiencing elder abuse, mistreatment, neglect or financial exploitation.
 - Call SLASS 07 3187 7187 or 1800 954 494 – or email slass@caxton.org.au



[Our SLASS website on Caxton site](#) including referral

[Other QLD SLASS services](#)





DISABILITY & ELDER ABUSE

Living free from violence is everyone's right and reducing violence is everyone's responsibility.

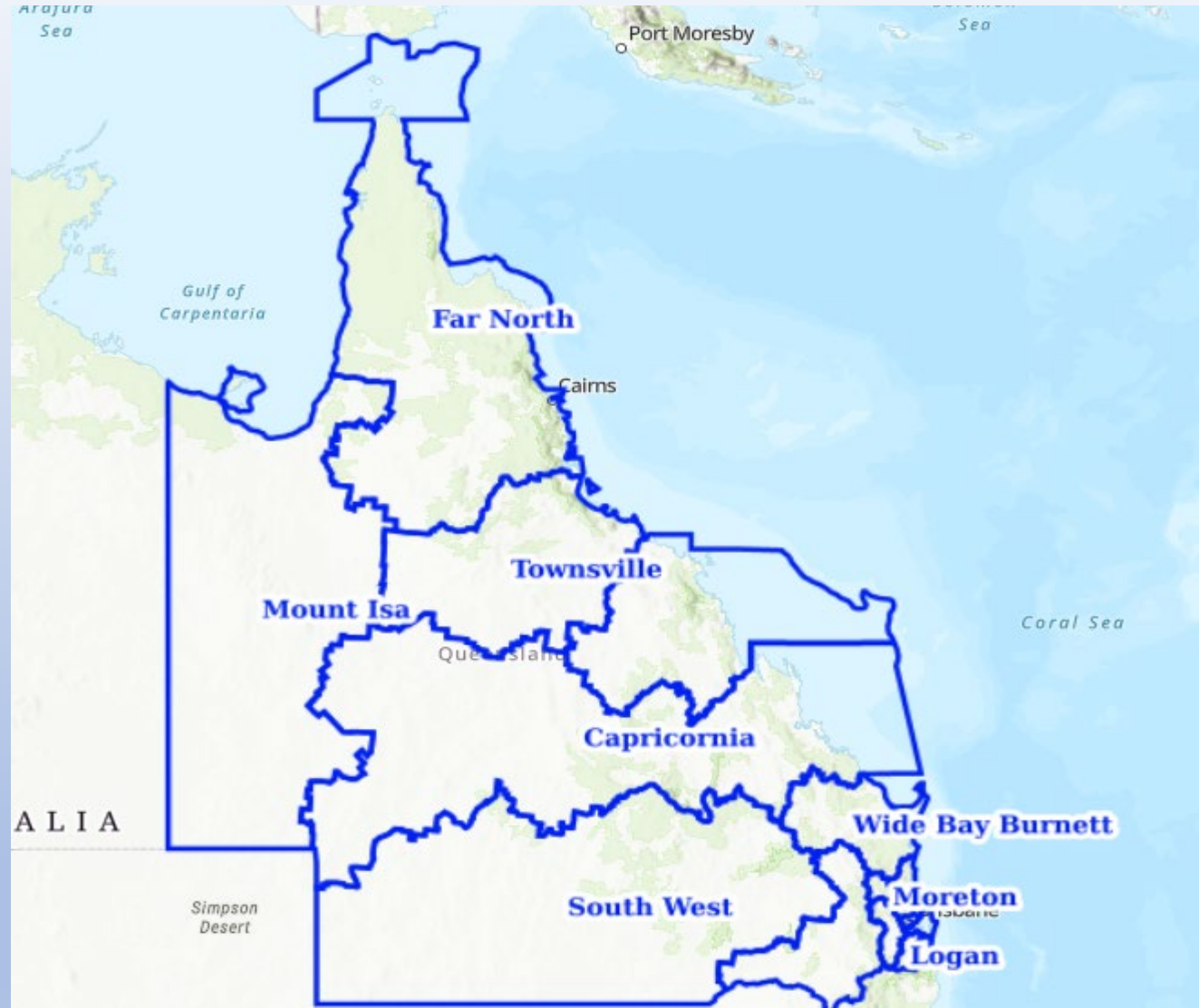
Disability and Elder Abuse Team | Disability&elderabuse.statecoord@police.qld.gov.au
State Domestic Family Violence & Vulnerable Persons Unit



Qld Police Domestic Family Violence and & Vulnerable Persons Command



15 Police Districts





WHY

148

recommendations



Aged Care Quality and Safety Commission

Our vision is for older Australians to trust and have confidence that aged care **services protect and enhance their safety, health and quality of life.**

Everyone has the right to safe, compassionate care. We preserve this right and ensure that people who use aged care are treated with **dignity and respect.**



Serious Incident Response Scheme (SIRS)

- As a worker, you must know your obligation to report all incidents to the appropriate staff member.
- Priority 1 reportable incidents
- Priority 2 reportable incidents



Reporting to the police

- **Providers must report an incident to the police where there are reasonable grounds to do so.** This includes scenarios where the provider is aware of facts or circumstances that lead to a belief that an incident is unlawful or considered to be of a criminal nature. An example is sexual assault. These incidents **must also be reported to police within 24 hours of becoming aware of the incident.**



How does research and law help us understand elder abuse?



What is Elder Abuse

A single or repeated act or failure to act, including threats, that results in harm or distress to an older person. These occur where there is an expectation of trust and/or where there is a power imbalance between the party responsible and the older person.

(Source: Australian Institute of Family Studies (2021) *National Elder Abuse Prevalence Study: Final Report*)



National Prevalence Study

1 in 6 older Australians reported experiencing abuse in the 12 months prior to being surveyed



Australia's overall **elder abuse** prevalence rate is **14.8%**

Prevalence rates are **slightly higher** for **women** than for **men**



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Physical Abuse

An act that causes physical pain, injury or a combination of both. Physical abuse may appear as a change in appearance, attitude or behaviour.



Financial Abuse

This is the theft or misuse of an older person's money, assets or property.



Emotional or Psychological Abuse

Any act that causes emotional pain, anguish, or distress or is demeaning to an individual.

What is Elder Abuse?



Sexual Abuse

Any behaviour of a sexual nature, done to an older person without their consent. This includes physical interactions and non-contact acts of a sexual nature.



Neglect

The failure to meet an older person's basic needs, such as food, shelter, clothing, warmth or essential medical care.



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What is domestic and family violence?

Domestic violence (as defined in the [Domestic and Family Violence Protection Act 2012](#))

a) is physically or sexually abusive; or

b) is emotionally or psychologically abusive; or

c) is economically abusive; or

d) is threatening; or

e) is coercive; or

f) in any other way controls or dominates the second person and causes the second person to fear for their safety or wellbeing or that of someone else.



TYPES of ELDER ABUSE

Emotional/Psychological

Intimidation, humiliation
or harassment

Assaulting or restraining
someone

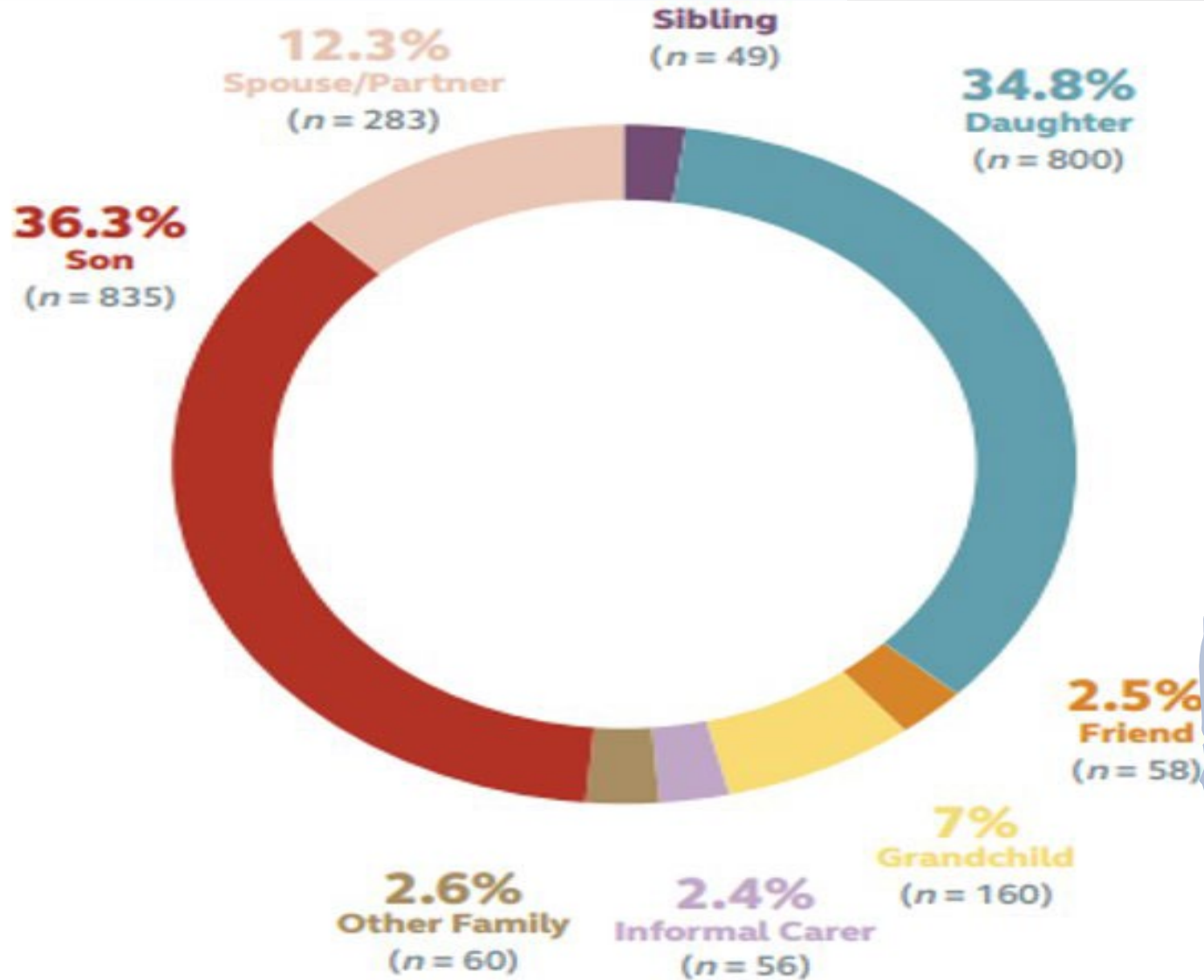
Causing fear by
threatening to hurt a pet
or break belongings

Financial Abuse

Threatening eviction or
moving to nursing home

Social Isolation
Blocking contact with
family or friends ...

WHO IS COMMITTING THE ABUSE



- Almost all cases of abuse in close or intimate relationships occurs within family relationships (95%)
- Sons and daughters (including in-laws) were almost equally reported as perpetrators, together accounting for close to three-quarters of cases (71.1%).
- Spouses or partners were recorded as perpetrators in 12.3 per cent of cases.
- Poor family relationships were identified in 21.7 per cent of cases and sibling rivalry was identified in 9.7 per cent of cases.
- Data acquired from the Elder Abuse Hotline – Elder Abuse Statistics in Review 2021-2022. The Helpline received a total of 3,841 calls during the 2021–22 financial year. This included 2,338 abuse notifications and 1,503 enquiry calls.

Unpacking a case: Applying evidence in practice

Case Study

Background

- Mary is a 75-year-old widow who lives in a private rental with her adult daughter, Alice.
- Mary is the tenant, and Alice is an approved occupant. Mary has recently signed a new lease for 12 months.
- Alice has a child, but child is living with the father.
- Mary receives bathroom cleaning and showering services from a home care agency.
- Alice receives a Carers payment and manages Mary's meals, transport to GP, food and outings.
- She is noted on the agency file as being Mary's EPOA for finances, health and personal matters.

- Alice is very pleasant to all staff who have attended the home.
- She advises that she needs to be included in all conversations as Mary has early dementia and is not thinking clearly.

So what are the other red flag warnings in this case?



- Sue has been the agency's personal care provider for Mary for 6 months.
- Recently, during showering of Mary, she has noticed that Mary has bruising on her back and shoulders.
- Mary says that it is caused by her hitting the wall when walking without her stick. When being asked about it, Mary becomes teary and avoids eye contact with Sue.
- Mary says that she is becoming a burden to Alice and Alice often complains that she needs to go to a nursing home.



Sue starts to notice other issues:

- A strong smell of urine from Mary's clothes and lack of appropriate clothing to manage the cold.
- Mary states that Alice no longer has time to buy her incontinence pads as she is busy outside the home, and she has no money in her Age Pension to pay for clothes.
- Alice is managing all Mary's money. Alice has been using Mary's money to pay for her child support but this leaves Alice with no money left for rent. Alice says that Mary will not see the grandson if she does not allow this.
- Mary used to talk about her adult son, Peter, but when Sue mentions him now, she says that Peter is not able to visit as he had a fight with Alice. She cannot phone Peter as Alice controls the mobile and any mail that comes to the house.
- Increasingly, Mary is not able to attend her local church as Alice is too busy on the weekend and this was her main contact with her external network.



Barriers to disclosure



Shame, stigma, self-blame and embarrassment or fears of retaliation and escalation of abuse (Allagis, Regehr and Rishchynski, 2009)

Cultural barriers e.g. collectivism, social harmony and family honour – fear of community shunning (Burman & Chantler, 2005; Yn, 2014)

If physically frail or disabled, fear losing limited social and financial supports or lose relationship with the carer or placement in RACF

Severing of relationship or implicating perpetrator in legal justice system (Burnes, 2017)

Lose control of the situation if report

People insisting that they leave or press charges can be a deterrent to disclosure follow-up (Keeling & Wormer, 2011)

Can take a long time to disclose or choose to leave etc.

Tenancy Trouble

- Mary states that she may soon be evicted as Alice says there is no money to pay for the rent.
- The agent knows Mary and even though rent is 3 weeks behind, the agent has just issued a Notice to Remedy Breach



Mary is admitted to hospital and stays for two weeks. On discharge, the agency is advised that:

- Mary had de-hydration and constipation
- Life-saving medication was not being administered as required
- Hospital asked Alice and she says that Mary is fine and gets her medication regularly.
- Hospital also rang that GP, and he has not seen Mary for 3 months – the daughter calls in for her appointments.
- Social Worker in hospital advises Mary did not want to report elder abuse but just wanted to go home – she refused a referral to any elder abuse agency or QPS.



- Mary is discharged home.
- QPS gets a call from Mary's neighbour concerned about shouting and smashing noises coming from Mary's home. QPS attend.
- There's a Notice to Leave due to rent arrears when Mary gets home from the hospital.
- Police separate Mary and Alice in different areas to avoid them hearing each other's version of events (this can be challenging when the perpetrator tries to dominate the narrative and refers to their parent having Dementia or cognitive issues)
- Mary tells the police that she accidentally dropped a plate and poor Alice got cranky and through one back.
- Alice tells the police that her mum has dementia and drops things.
- Police ask Mary about any in-home supports, and she tells them about Sue.

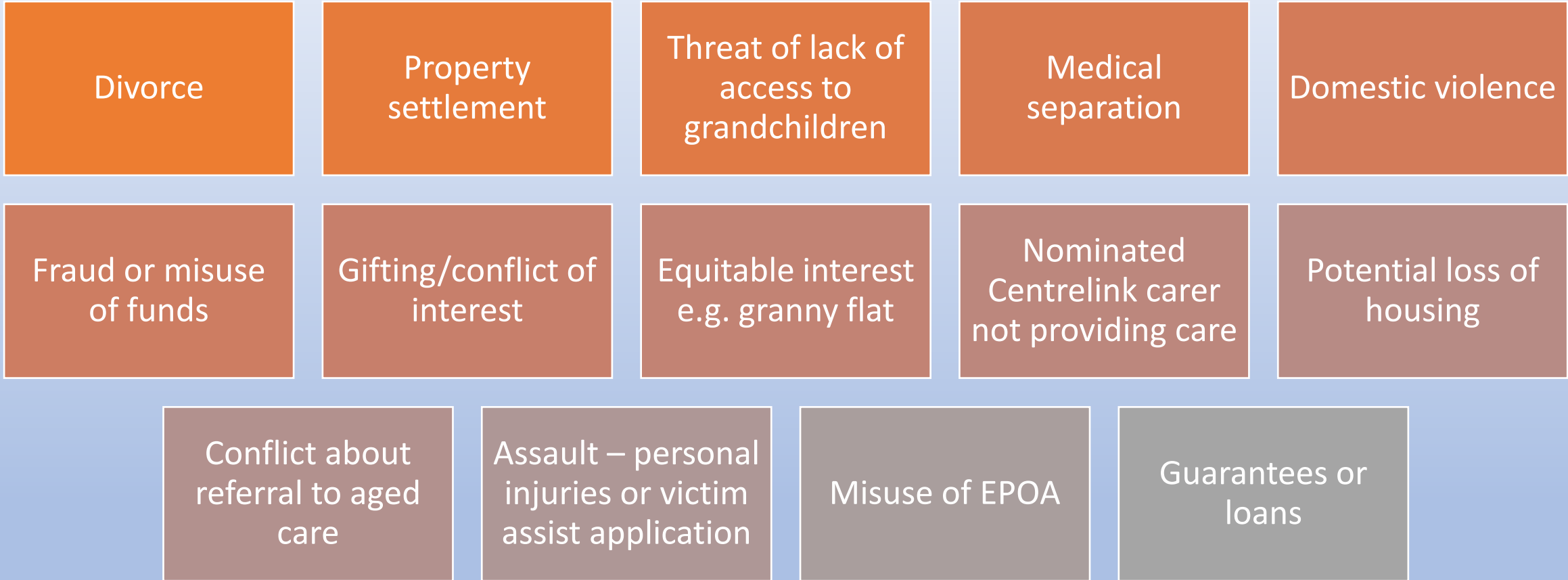


What are the common trends which QPS are notified of

Domestic and Family Violence & Criminal Offences :

- 1. Fraud – Section 408C Criminal Code**
- 2. Stealing – Section 398 Criminal Code**
- 3. Wilful Damage – Section 469 Criminal Code**
- 4. Extortion – Section 415 Criminal Code**
- 5. Rape & Sexual Assault – Sections 349 & 342 Criminal Code**
- 6. Serious Assault – Section 340 Criminal Code**
- 7. Failure to Provide Necessaries – Section 324 Criminal Code**
- 8. Abuse of persons with impairment of the mind - Section 216 Criminal Code**

SLASS Interventions: Comprehensive Psychosocial Assessment + Legal Issues



- Police are concerned and have suspicions, however, have no evidence of DFV. They tell Mary they will be referring to SLASS due to concerns and the impending eviction notice.
- They refer the matter to SLASS (with consent) and include the care provider and the recent hospital visit



Tenancy options

- Mary will need to pay rent or at least make a rent repayment plan.

If Mary wants to **STAY**

- She can change the locks without needing to get the Lessor/Agent's approval.
- Tenancy advice QSTARS can assist Mary with dealing with the agent and potential hearing in the tribunal to terminate the tenancy.

If Mary wants to **LEAVE**

- She can give a Notice Ending Tenancy if she does not feel safe to stay due to domestic family violence. This means she is not responsible for break lease or reletting fees and she can give 7 days notice.



Key messages

- Poor physical or psychological health and higher levels of isolation mean that older people are more likely to experience elder abuse
- Almost two thirds of older people don't seek help when they are abused (61%)
- Elder abuse remains hidden, with the most frequent action taken to stop the abuse involving the victim speaking directly to the perpetrator
- Family and friends are the most common source of support for older people who experience abuse



HELP IS AVAILABLE

- We encourage everyone to speak up and seek support if you need assistance
- **Remember it is unlikely that Elder Abuse will stop unless someone does something is done**



WHO CAN HELP

**POLICE - Triple Zero 000 for
Emergencies**

**131 444 Police Link or Visit
your Local Station**

Investigate criminal offences
and domestic family violence
incidents

Provide a referral for the
victim and offender for
ongoing support

**ELDER ABUSE HELPLINE –
1300 651 192 (Mon-Fri 9am-
5pm)**

The Elder Abuse Helpline
provides free, confidential
advice, support and referral to
anyone experiencing abuse or
suspecting or witnessing
abuse of an older person.

An operator will take the time
to listen to you and refer you
to the service/s that can best
deal with the issue/s.



Tenants Queensland