



Family &
Community
Services

Preventing and responding to abuse of older people

NSW interagency policy

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1 Introduction and background

1.1 Developing an interagency policy

The NSW Government first published an *Abuse of Older People: Interagency Protocol* and an associated *Legal Issues Manual* in 1995. The interagency protocol was revised in 2007 to take into account changes over the previous decade in service delivery and in practice, legislation and approaches to victims' rights. The interagency protocol continued to promote a coordinated response to the abuse of older people living in community settings and the need to prioritise the safety and well being of older people who are at risk or have experienced abuse and neglect and the role that service providers have in responding.

The review found that the success of an interagency protocol is largely determined by the ability of staff from different agencies around the state to respond with both a common purpose and confidence to different cases of abuse.

The subsequent release of the NSW Ageing Strategy in 2012 provided an impetus for establishing a statewide specialist helpline and resource unit to help ensure the policy is effectively implemented and outcomes monitored. www.adhc.nsw.gov.au/about_us/strategies/nsw_ageing_strategy

The Interagency Committee on Responding to Elder Abuse recognised the need for a greater focus on interagency cooperation statewide in responding to different forms of abuse. It therefore decided this was best achieved through refining the interagency protocol as a State policy which sets out principles for action to guide the work of the Helpline and Resource Unit and the development of local/regional protocols and practice guidelines at agency level.

The NSW Government's commitment to tackling abuse reflects the UN Principles for Older Persons. The 'United Nations Principles for Older Persons' (resolution 46/91) encourages governments to incorporate them into national programmes when ever possible. The principles call for action in many areas, among them: independence, participation, care, self-fulfilment and dignity. These principles are set out in Appendix Two. In addition, UN Declaration on the Rights of Indigenous Peoples (2007, resolution 61/295) provides that States shall take effective measures to ensure continuing improvement of economic and social conditions, rights and special needs of Indigenous elders (Arts 21(2) and 22(1)).

1.2 The NSW Government commitment

The NSW Government's vision is for a healthy, vibrant and active ageing population in NSW. It is committed to helping individual citizens take responsibility for their future. The government has developed a NSW Ageing Strategy designed to harness the contribution of seniors and meet the challenges and opportunities of an ageing population now and into the future. The NSW Government's commitment includes responding to the abuse of older people. It has therefore made tackling abuse a priority and recognises that older people will benefit from strategies put in place to help them prevent and end abuse when it occurs.

At 30 June 2012 there were 1.02 million people aged 65 and over living in NSW (14 per cent of the population). It is predicted the number of people aged over 65 years in NSW will double from 1.02 million people in 2012 to 2.3 million in 2050 (24 per cent of the population).

As the population ages the rates of abuse of older people are expected to increase. The extent of elder abuse in the community is unclear with estimates suggesting prevalence to be between 0.5 and 5 per cent of people 65 and over.¹ A 2011 Western Australian study calculated an average prevalence rate to be 4.6 per cent (ranging between 3.1 and 6 per cent).²

Elder abuse is complex and multi-dimensional and understanding the extent of abuse on older people can be difficult.

The NSW Government is committed to achieving the following outcomes for older people potentially at risk of some form of abuse in the community.

- Older people and their carers are supported to live in safety and with dignity in the community through such programs as Volunteers in Policing, Neighbourhood Watch and Eyewatch.
- Older people at risk of abuse are empowered to make their own decisions and to practice self-determination.
- Older people suffering or potentially suffering abuse have access to people, groups and support services that empower them to decide to respond to situations of abuse.
- When contacting services, older people obtain useful and timely information and referral as appropriate.
- Carers of older people subject to abuse by the person they are caring for are supported in their caring role, including through access to respite services or residential facilities as appropriate.
- Families are strengthened and supported in their caring role to reduce the risk of domestic violence and abuse of older people living in community settings.

1.3 A societal approach

While abuse of older people is generally understood in terms of the types of abuse experienced by older people, this fails to take into account the broader social context in which the abuse is allowed to occur. Older people themselves often define it using societal terms including social exclusion, the belittling of their views and contribution, and violation of their rights.³

The World Health Organisation Missing Voices (2002) report also found older people's perceptions fall under three main areas: neglect, including isolation, abandonment, and social exclusion; violation, of human, legal, and medical rights; and deprivation of choices, decisions, status, finance, and respect.⁴

This policy therefore encompasses the view that social isolation is a key risk factor and that older people experiencing abuse often lack social connection.

1.4 The wider context

This policy applies primarily to instances of abuse occurring in the community. NSW agencies, organisations and community members need however, to be aware of abuse occurring in institutional settings and any relevant guidelines.

For example, the Australian Government has protocols and requirements in relation to abuse of older people living in residential aged care or in receipt of services that they fund. Since 1 July 2007, under amendments to the Aged Care Act 1997, approved providers have been required to report allegations or suspicions of unlawful sexual contact, or unreasonable use of force, on a resident of an Australian Government subsidised residential aged care service. Providers are also required to have systems and protocols in place to enable compulsory reporting and to provide protection for staff who report.

Information about the Compulsory Reporting Guidelines for Approved Providers of Residential Aged Care (2008) may be sought from the Australian Government Department of Social Services and incorporated into local agency policies and procedures as appropriate.

www.health.gov.au/internet/main/publishing.nsf/Content/ageing-quality-guidelines-cr-ap.htm

While the NSW interagency policy does not extend to residential aged care, agencies need to be familiar with the Australian Government guidelines and to understand what obligations apply in situations bridging community and residential aged care; for example, when a client returns to the community following an episode of residential respite aged care and a situation of abuse is suspected.

In situations of abuse of older people within facilities such as hospitals or supported accommodation, workers should continue to be guided by individual agency policies and procedures in addition to this policy.

1.5 Governance

The NSW Ageing Strategy identifies a range of commitments by the NSW Government to address abuse of older people: establishing a specialist helpline and resource unit; a review and update of the NSW Interagency protocols for responding to abuse of older people and to convene a high-level advisory committee.

The NSW Steering Committee – Prevention of Abuse of Older People will provide expert advice and support key initiatives that reduce abuse occurring in the community. The role of the committee will include, but not be limited to:

- identifying future state-wide policy direction
- overseeing the direction of the Helpline and Resource Unit including training resources, requirements and implementation across all sectors
- monitoring local and regional policies and programs
- collaborating with representatives from Commonwealth Government and state jurisdictions to promote a national response
- reviewing current data to identify priority areas and trends.

The Steering Committee will provide progress reports to the Interdepartmental Committee (IDC) as and when required, on the actions identified to tackle abuse in NSW.

The Interdepartmental Committee (IDC) was established to guide the NSW response to opportunities and challenges of an ageing population. The IDC will develop an ongoing and strategic approach and will monitor the implementation of the NSW Ageing Strategy with an emphasis on accountability. The committee will provide a yearly progress report to the Minister for Ageing and the Premier of NSW which includes information on progress against the implementation plan and delays or risks and proposed remedies.

Final accountability for the Ageing Strategy will be with the Premier, consistent with arrangements for the *NSW 2021 Plan*.

2 Parameters of the policy

2.1 Purpose of policy

The purpose of the NSW Interagency policy for responding to the abuse of older people is to:

- outline the commitment of the NSW Government to preventing and responding to the abuse of older people and to minimising risk for those living in community settings
- guide the conduct, accountability and ongoing development of the NSW Elder Abuse Helpline and Resource Unit (EAHRU)
 - provide direction to government and non-government agencies and community organisations working with older people to support the:
 - development of their local/regional policies
 - coordination of their local/regional responses to abuse of older people living in community settings
 - protection and support of their workers in situations when abuse is suspected alleged or witnessed
 - engagement of the community supporting older people experiencing or at risk of abuse
 - provide a clear understanding of the principles and concepts underpinning an effective response to situations of abuse of older people in the community to all agencies and their workers (including volunteers) providing services to or in other ways working with older people
 - define the forms of abuse as a guide to the consistent collection of data, monitoring, analysis and reporting on the incidence of abuse and trends in outcomes at regional and statewide level over time.

2.2 Agency responsibilities

Government, non-government, community agencies and organisations should ensure their workers:

- are alert to the risk of abuse and are appropriately trained to respond in a timely manner, at all times acting in the best interests of an older person who has been abused.
- are protected and supported by local policies and procedures governing the safe handling of cases of suspected or actual abuse of older people, particularly front line staff who may be unwilling to report abuse for fear about their own safety should the perpetrator of the abuse become aware.
- read and are familiar with this policy, in conjunction with relevant policies and procedures of their own agency or service, particularly

those relating to vulnerable older people or crimes committed against clients.

- refer to the policy together with other measures for responding to violence and abuse of adults when appropriate (eg. domestic violence interagency guidelines).
- are aware of and, when required, act in accordance with regional partnerships and service systems developed by their agency to reflect the statewide policy.
- when responding to abuse of older people, understand that each circumstance will be different and that they need to exercise professional judgement in conjunction with the use of the policy. For frontline workers this will include reporting to and receiving guidance from their supervisor or line manager in accordance with local policy.

3 Definitions and forms of abuse of older people

3.1 Definition of abuse

The policy is consistent with internationally accepted definition of elder abuse adopted by the World Health Organisation in *The Toronto Declaration on the Global Prevention of Elder Abuse 2002*:

Elder abuse can be defined as “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”. Elder abuse can take various forms such as physical, psychological or emotional, sexual and financial abuse. It can also be the result of intentional or unintentional neglect.

www.who.int/ageing/projects/elder_abuse/alc_toronto_declaration_en.pdf

Fundamentally abuse is a violation of an individual’s human rights by another person or persons. Abuse can take many forms including but not limited to abuse of older people by a friend, relative, carer, paid or unpaid worker, partner abuse, abuse of parents by adult children and sexual abuse.

Abuse may involve a single act, repeated behaviour, or a lack of appropriate action. It may occur when a vulnerable older person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent. Many forms of abuse of older people are crimes.

It should be noted that the definition of abuse does not include self neglect or self harm.

3.2 Forms of abuse of older people

Some of the more common forms of abuse of older people are financial abuse, psychological abuse, neglect, physical abuse and sexual abuse. Indicators for these forms of abuse are detailed below. Different forms of abuse may coexist but the presence of one or more indicators does not necessarily mean that abuse has occurred. In these circumstances workers should remain vigilant to indicators of abuse.

Identifying the various forms of abuse allows for consistent data collection and analysis to inform future decision making, planning and policy development.

Financial abuse

Financial abuse is the illegal or improper use of an older person's property or finances. This includes misuse of a power of attorney, forcing or coercing an older person to change their will, taking control of a person's finances against their wishes and denying them access to their own money.

Indicators of financial abuse may include:

Unexplained or sudden inability to pay bills, significant bank withdrawals, and significant changes to wills, unexplained disappearance of possessions, lack of funds for food or clothing, disparity between living conditions and money, recent addition of a signature on a bank account.

Neglect

Neglect is a term used to describe the failure of a carer or responsible person to provide the necessities of life to an older person. Necessities of life are usually considered to be adequate food, shelter, clothing, medical or dental care. Neglect may also involve the refusal to permit others to provide appropriate care for an older person.

Indicators of neglect may include:

Dehydration, poor skin integrity, malnutrition, inappropriate clothing, poor hygiene, unkempt appearance, under/over medication, unattended medical or dental needs, exposure to danger or lack of supervision, absence of required aids, an overly attentive carer in the company of others.

Psychological abuse

Psychological abuse is the infliction of mental stress involving actions and threats that cause isolation, fear of violence, deprivation and feelings of shame and powerlessness. Examples include treating an older person as if they are a child, engaging in emotional blackmail and preventing contact with family and friends and/or access to services.

Indicators of psychological abuse may include:

Depression, demoralisation, feelings of helplessness, disrupted appetite or sleeping patterns, tearfulness, excessive fear, confusion, agitation, resignation, unexplained paranoia.

Physical abuse

Physical abuse involves the infliction of physical pain or injury, or physical coercion. Physical abuse can also include physical acts such as hitting, slapping, punching, burning, tying an older person to a chair or bed, locking an older person in a room and overuse or misuse of medications.

Indicators of physical abuse may include:

Bruises on different areas of the body; lacerations particularly to mouth, lips, gums, eyes or ears; abrasions; scratches; burns inflicted by cigarettes, matches, iron, rope; immersion in hot water; sprains, dislocations and fractures; hair loss (perhaps from pulling); missing teeth; eye injuries, scalding through immersion, pressure sores through the use of physical restraint.

Sexual abuse

Sexual abuse is a broad term used to describe a range of sexual acts where the victim's consent has not been obtained or where consent has been obtained through coercion.

Indicators of sexual abuse may include:

Trauma around genitals, rectum or mouth; injury to face, neck, chest, abdomen, thighs or buttocks; presence of sexually transmitted infections; human bite marks, anxiety around the perpetrator and other psychological symptoms.

4 Principles governing responses to abuse of older people living in community settings

4.1 General principle

The NSW Government promotes the general principle that older people have the right to:

- be treated with dignity and respect
- make their own decisions and choices
- live in a safe environment
- access the protections available to other adults in the community.

The NSW Government's NSW Ageing Strategy (2012) identifies a key action as: *Prevent and address abuse against older people.*

4.2 Principles for intervention

The following principles guide agency practice and partnerships in responding to the abuse of older people living in community settings:

- older people who are at risk or have experienced abuse are to be:
 - provided with information about all relevant options available to them, including services trained to support and empower them and equipped to help them end abuse when it occurs
 - encouraged and assisted to make their own decisions, including a decision not to act.
 - respected and given the choice to accept or refuse services if they are competent to make that decision.
- every effort must be made to ensure the views of the older person are taken into account even when they cannot make their own decisions.
- responses to the abuse of older people will be in the interests of the older person at risk or who has been abused and focused on ensuring safety and ongoing protection from violence and abuse.
- many forms of abuse of older people are crimes. Legal remedies and protections are available for older people who have experienced: violence, sexual assault, physical assault, domestic violence, abuse, threats, fraud, neglect, stalking, intimidation and harassment.
- responses to the abuse of older people will be consistent with the NSW Charter of Victims Rights (Refer to Appendix One) which is accompanied by the NSW Code of Practice for the Charter of Victims Rights.

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- responses to the abuse of older people will as far as possible take account of the needs of the older person in relation to Aboriginality, culture, disability, language, religion, gender and sexuality.
 - the needs of the older person at risk of abuse or who has been abused and the abuser must be kept separate at all times. This is particularly important in situations where the abuser has been the victim's carer or has complex needs.
 - when the safety of others is involved, confidentiality cannot be offered unconditionally. In situations where a report to NSW Police is required, the consent of the person involved is not necessary.
 - any person should be able to report abuse of older people without fear of retaliation or retribution and in a supportive environment.

4.3 Risk factors

Some older people who may be at heightened risk include:

- the older person who is isolated from neighbours, family and/or community
- the older person who is confused about their property, belongings and/or surroundings
- those who are vulnerable to other persons taking advantage of them, including family members and carers
- the older person who becomes physically or verbally violent/aggressive because of progressively worsening conditions such as dementia
- the person whose personality and/or behaviour changes due to illness and some other progressively worsening condition
- those who are relatively powerless because of diminished ability to advocate effectively for themselves or to modify their environment
- women who have suffered (often unreported) domestic violence for many years.

Carers play a very important role but due to circumstances may become abusive. These circumstances include: the stress of the carer role, financial stress, emotional, physical, sleep deprivation, challenging behaviours from the person being cared for, lack of support from family, community and the service system.

Abuse of older people may also constitute domestic violence. Domestic violence involves violent, abusive or intimidating behaviour carried out by a partner, carer or family member to control, dominate or instil fear. It includes physical, emotional, psychological, financial, sexual or other types of abuse.

The current definition of domestic violence, under Section 5 of the Crimes (*Domestic and Personal Violence*) Act 2007, includes relationships involving those dependent on the ongoing paid or unpaid care of the other person, as

well as family members, partners, those living in the same household, and those in an intimate relationship.

For further information on domestic and family violence, refer to the NSW Domestic and Family Violence website

www.domesticviolence.nsw.gov.au/home

4.4 Principles of interagency practice

The identification, assessment, protection and care of older people who have been abused are an interagency and multi-disciplinary responsibility. A prompt response to the abuse of older people is a priority for all government, non- government and community organisations.

Responsibilities for interagency practice and cooperation should be articulated in service system agreements and regional protocols negotiated between respective support agencies and service providers in consultation with the NSW Elder Abuse Helpline and Resource Unit.

The local agreements and protocols should provide detailed guidance, including:

- the first point of contact from which agencies in the area can seek advice or to which they can make a referral in different situations
- when and what type of information can be shared, consistent with relevant legislation
- developing resources and training for staff in consultation with the NSW Elder Abuse Helpline and Resource Unit.

All relevant agencies and service providers should review their local policies, procedures and training materials addressing the abuse of older people to ensure alignment with this policy and any revised local or regional protocols and practice guidelines. They also need to be familiar with the role of the NSW Elder Abuse Helpline and Resource Unit (EAHRU).

5 Key concepts in responding to abuse of older people

5.1 Mental capacity and consent

It is important to consider issues of mental capacity and consent when responding to abuse. Mental capacity is the ability to understand an act or a decision and its consequences. Impaired mental capacity, such as dementia, may make an older person susceptible to abuse. Having capacity to make informed decisions is critical, particularly in the context of financial abuse, sexual abuse and medical assessment or treatment.

A person has capacity to make a decision or to give their consent if they can:

- understand the nature and effect of a particular act or decision
- weigh up the consequences of the act or decision
- communicate their decision.

In NSW there is a legal presumption that all adults have capacity and ability to make their own decisions until proven otherwise. The process of establishing mental capacity can be difficult. Depending on the act or decision, capacity may be determined according to a legal test, and may require the support of a medical assessment. This is why assessment of capacity and consent may need to be undertaken by professionals; for example, legal practitioners and medical practitioners.

A person lacking capacity to act or make decisions may require a guardian or financial manager if they have failed to make a power of attorney or enduring guardianship appointment while they were capable. It is recommended that workers do not get involved in issues relating to the status and/or the validity of such documents, and that they refer the matter to their supervisor. Incapacity should not be assumed on a once off basis but needs to be assessed according to the kind of decision a person is able or unable to make.

For further information and assistance assessing capacity refer to the Capacity Toolkit:

www.diversityservices.lawlink.nsw.gov.au/agdbasev7wr/divserv/documents/pdf/capacity_toolkit0609.pdf

5.2 Undue influence and consent

Abuse due to undue influence may occur even where an older person is capable of understanding what is being done to them or on their behalf. Undue influence is a risk when a person is vulnerable or dependent upon another person, and may involve that other person threatening to withdraw essential support, or threatening to harm the person or another person.

Many instances of financial abuse contain elements of undue influence. In such situations, the older person may be influenced by a fear of the disapproval or anger of the person upon whom they have become dependent.

The best interests of the older person must be considered in situations where undue influence is suspected.

5.3 Privacy, confidentiality and sharing information

In responding to abuse of older people it is important that workers are aware of and respect the right of older people to privacy and confidentiality.

The promise of complete confidentiality cannot be given to any person who raises a concern about the abuse of an older person. This includes the older person themselves, a relative, a fellow worker or a member of the public. When information about abuse is provided to Police and other key NSW Government agencies, these agencies may act, even if consent has not been given, when:

- the vulnerable older person is believed to lack capacity to make an informed choice
- a criminal investigation by the Police may be required
- there is a wider public interest.

Confidentiality refers to the obligation that arises under general law and in some instances under legislation or professional codes of conduct. However, there will be situations where confidentiality is lawfully overridden. In these circumstances where the situation may override an older person's right to confidentiality, workers should always consult their supervisors who will act in accordance with their agencies policies and guidelines.

Every worker, regardless of their role, profession or discipline, must communicate and cooperate with others in responding to the abuse of older people. Sharing information lawfully between agencies is essential to the protection of vulnerable older people.

There are a number of legislative instruments and related publications that should be considered in determining when confidential information may be shared. These are:

- *Privacy and Personal Information Protection Act 1998 NSW*, this piece of legislation outlines the principles that govern the collection, storage, access, use and disclosure of personal information
- *Health Records and Information Privacy Act 2002*, this piece of legislation outlines the principles that govern the collection, storage, access, use and disclosure of health information
- *Privacy and People with Decision-Making Disabilities* (Privacy NSW publication), this is the best practice guide to assist people who handle the personal information of people with decision-making disabilities

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- *Health Records and Information Privacy Code of Practice 2005*, the provisions in this Code protect some disclosure of health information by workers in human services agencies and funded organisations provided certain conditions are met
 - Public Interest Directions made by the NSW Privacy Commissioner also may also allow the disclosure of information in certain situations (for example when an investigation is underway)
 - *Victims Rights and Support Act 2013*, this Act contains the Charter of victim's rights
 - *Crimes (Domestic and Personal Violence) Act 2007*, this is the principal legislation relating to and domestic violence-specific offences. Part 13A allows information sharing
 - *Domestic Violence Information Sharing Protocol*, explains how to share information under
 - Part 13A of the *Crimes (Domestic and Personal Violence) Act 2007 (Part 13 A)*.

Worker Responsibilities

While there is no mandatory reporting of abuse of older people, it is expected that agencies will have policies and guidelines in place to guide workers to respond to abuse proactively.

The appropriate course of action may depend on the mental capacity of the older person, as outlined in 5.1 Mental Capacity and Consent.

6 Roles and responsibilities

6.1 NSW Elder Abuse Helpline and Resource Unit

The NSW Elder Abuse Helpline and Resource Unit (EAHRU) will act as a central point for information, advice, referral and data collection. Concerned older people and carers, as well as friends, family, support workers and service providers, will have access to a range of services including the provision of information, advice and referral to support agencies or service providers as and when appropriate. The unit will also provide education and training for frontline workers, such as police and care workers, in addition to engaging in community awareness and education. As a specialist unit the EAHRU will be responsible for caller data collection, management and reporting using a data set consistent with other states and territories.

The unit will complement the NSW Steering Committee – Prevention of Abuse of Older People as a key advisory body and support the implementation of this Policy.

Functions of the EAHRU include:

- telephone service, with a central toll-free number available across NSW and supplemented by a website
- promotion of the EAHRU
- service planning and development including community awareness and education activities
- data collection, management and reporting sourced from caller activity, promotional and education activities, with service gaps and unmet need identified through community/service engagement
- development of a suite of resources, including promotional and training materials
- relationship building, including working with key government and non-government agencies and support services to develop a state-wide response to the abuse of older people.

6.2 NSW agencies including police

All workers employed in NSW agencies, whether government or non-government, have a responsibility to respond to abuse of older people in our community. In addition, there are specific roles for agencies that provide specialist care or support for older people or respond to victims of crime.

Agency roles will vary according to the nature of the abuse and the level of independence or health status of the older person who has experienced abuse. Not all agencies will need to be involved in every case of abuse of an older person.

Where an agency has a key role in responding to abuse of older people in NSW, it is responsible for recognising abuse of older people within its specific jurisdiction, for developing agency-specific policies and guidelines, and for maintaining appropriate records. Workers are advised to refer to their agency policies and guidelines governing documentation and record keeping.

Frontline workers will often be the first to recognise or suspect abuse of an older person. Agencies should ensure that their policies and guidelines protect and support their workers dealing with abuse, including volunteers and any who may have experienced threats (whether legal, physical or psychological). They should also provide appropriate ongoing training for all levels of staff and management and maintain an up-to-date list of specialist services able to provide advice to their workers on responding to the abuse of older people particularly in specific circumstances.

6.2.1 Reporting to NSW Police

Many forms of abuse of older people are crimes and may require NSW Police intervention.

In situations requiring NSW Police intervention it is preferable that the older person is consulted and provides consent for the report. However, when a significant risk to the safety of the older person or others is involved, confidentiality cannot be offered unconditionally. In situations where a report to NSW Police is required, the consent of the person involved is not necessary.

Regardless of the victim's views, agencies must ensure workers report to NSW Police any instances where:

- the abusive situation results in serious injury inflicted on the victim
- the perpetrator has access to a gun and is threatening to cause physical injury to any person
- the perpetrator is using or carrying a weapon (including guns, knives or any other weapon capable of injuring a person) in a manner likely to cause physical injury to any person or likely to cause a reasonable person to fear for their safety

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- an immediate serious risk to individual/s or public safety exists workers are threatened.

Agencies may also seek guidance from NSW Police where there is any genuine and realistic concern about harm to a person's safety. Where this action is taken, it is not considered a breach of confidentiality as workers are deemed to be acting with lawful excuse.

In all circumstances, an older person who has experienced abuse has a right to report and be supported in reporting an offence to NSW Police. Any requests to report to NSW Police should be facilitated immediately. In all situations where workers are not required to notify NSW Police, the victim's right to pursue or not to pursue the crime with NSW Police and report the offence should be respected.

When frontline workers take a decision to report an incident to NSW Police, they must inform their supervisors or line managers in accordance with local protocols on first point of contact. They should also consult their supervisors or line managers when there is doubt as to the most appropriate action to take.

7 Policy review

A review of the *NSW Policy for Responding to and Preventing Abuse of Older People* will be done on a three yearly basis. This process will be overseen by the NSW Steering Committee, or relevant authority, and approved by the Inter Departmental Committee (IDC).

Appendix One – Charter of Victims Rights

The Charter of Victims Rights is about how government agencies should treat a victim of crime. The Charter of Victims Rights is found in the *Victims Rights and Support Act 2013*.

Under the charter a victim is a person who suffers harm as a direct result of a criminal offence.

The charter requires NSW Government agencies to ensure that a victim has rights to:

- respect and compassion
- information about and access to welfare, health, counseling and legal services
- protection, privacy and safety
- information about investigation and prosecution of the crime
- help with preparing victim impact statements
- make submissions about offenders in custody
- information about compensation

The full Charter of Victims Rights and accompanying NSW Code of Practice for the Charter of Victims Rights can be accessed at:

www.lawlink.nsw.gov.au/lawlink/victimsservices/ll_vs.nsf/pages/VS_victims

Appendix Two – United Nations Principles for Older Persons

The United Nations General Assembly adopted the following eighteen Principles for Older Persons on 16 December 1991 (Resolution No.46/91).

Independence

1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.
2. Older persons should have the opportunity to work or have access to other income-generating opportunities.
3. Older persons should be able to participate in determining when and at what pace withdrawal from the labour force takes place.
4. Older persons should have access to appropriate educational and training programmes.
5. Older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities.
6. Older persons should be able to reside at home for as long as possible.

Participation

7. Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.
8. Older persons should be able to seek and develop opportunities for service to the community and to serve as volunteers in positions appropriate to their interests and capabilities.
9. Older persons should be able to form movements or associations of older persons.

Care

10. Older persons should benefit from family and community care and protection in accordance with each society's system of cultural values.
11. Older persons should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.
12. Older persons should have access to social and legal services to enhance their autonomy, protection and care.
13. Older persons should be able to utilise appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment.
14. Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.

Self-fulfilment

15. Older persons should be able to pursue opportunities for the full development of their potential.
16. Older persons should have access to the educational, cultural, spiritual and recreational resources of society.

Dignity

17. Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse.
18. Older persons should be treated fairly, regardless of age, gender, racial or ethnic background, disability or other status, and valued independently of their economic contribution.

Contact details

NSW Police

Emergency – Dial 000

Non- Emergency (Police Assistance Line) - 131444

[Online – www.police.nsw.gov.au/news/police_assistance_line](http://www.police.nsw.gov.au/news/police_assistance_line)

NSW Elder Abuse Helpline and Resource Unit (EAHRU)

1800 628 221

www.elderabusehelpline.com.au

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