

## **ELDER ABUSE**

### **POLICY AND PROCEDURE**

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#### **PURPOSE**

The purpose of this policy is to guide commitment of all staff in the prevention and response to the abuse of older people in line with the Preventing and Responding to Abuse of Older People (Elder Abuse): NSW Interagency Policy 2020. Berry Park will act in the best interests of an older person who has been abused by upholding their rights and ensuring that the dignity and respect of older people accessing services is upheld at all times.

Staff are protected and supported by the organisations policy governing the management of suspected or actual cases of abuse of older people, particularly staff who may be unwilling to report abuse for fear about their own safety, should the perpetrator of the abuse become aware.

#### **WHO THIS POLICY AND PROCEDURE APPLIES TO**

This Policy applies to employees (including temporary employees) of Berry Park Village and Berry Park Gatehouse.

#### **DEFINITION OF ELDER ABUSE**

Berry Park has adopted the World Health Organisation definition of elder abuse as cited in the Preventing and Responding to Abuse of Older People (Elder Abuse): NSW Interagency Policy 2020.

Elder abuse can be defined as:

“A single, or repeated act, or lack of action, occurring within a relationship where there is an expectation of trust, and which causes harm or distress to an older person”.

Berry Park adopts the NSW Interagency guiding principles of:

- Protect
- Empower
- Respect
- Respond
- Separate and Collaborate

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Elder abuse can take various forms such as:

- Physical Abuse
- Sexual Abuse
- Financial Abuse
- Neglect
- Psychological / Emotional Abuse

### **KEY PRINCIPLES OF WORKING WITH OLDER PEOPLE**

Abuse of older people is a human rights issue. Berry Park recognises that abuse of older people does exist in the community and supports the NSW Government in promoting 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

Berry Park also recognises that in the course of its work, staff may encounter potential, suspected and alleged abuse situations involving older people and sometimes carers.

The following principles guide Berry Park staff in responding to the abuse of older people living in community settings:

- The views of the older person are taken into account even when they cannot make their own decisions.
- Information is provided 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.
- Respect is demonstrated by encouraging and assisting decision making by offering choices, including respecting the decision not to act and refuse services if they are competent to make that decision and it is likely not to cause harm to others in the community.

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- Responses will be in the interests of the older person at risk or who has been abused and focussed 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

Berry Park staff must take into account the needs of the older person in relation to Aboriginality, culture, disability, language, religion, gender and sexuality.

Berry Park staff will seek to ensure that the needs and safety of the older person experiencing, or at risk of, abuse are managed separately from those of the alleged abuser wherever it is practical, appropriate, and safe to do so.

When the safety of others is involved, confidentiality cannot be offered unconditionally. In situations where a report to Police is required, such as criminal activity, the consent of the person involved is not required.

Any person should be able to report abuse of older people without fear of retaliation or retribution and in a supportive environment.

### **COMMITMENT**

Berry Park is committed to dealing effectively with the abuse of older people and is committed to:

- Creating a climate of trust where staff are encouraged, comfortable and confident about identifying and responding to the abuse of older people.
- Protecting staff from any adverse action when making a report.

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- Developing a process to deal with reports thoroughly and taking appropriate action to address the reported abuse and prevent it from reoccurring.
- Providing resources and training for staff about how to identify and respond to the abuse of older people.
- Properly managing any workplace issues that the allegations identify or that result from a report or any other identified problem (e.g. employee safety).
- Working collaboratively within the agency and across agencies to achieve the best outcome for the older person and prevent abuse from reoccurring (e.g. share and review effective intervention and prevention strategies).
- Reassessing/reviewing the policy periodically to ensure it is relevant and effective.

### **IDENTIFYING ABUSE**

All staff play an important role in identifying suspected abuse and protecting older people by responding to suspected cases of abuse. Berry Park recognises five (5) forms of abuse of older people within NSW: Physical abuse, Sexual abuse, Financial abuse, Neglect and Psychological / Emotional abuse.

This policy embodies the view that social isolation is a key risk factor and that older people experiencing abuse often lack social connection. The policy also recognises that:

- More than one abuse type can coexist.
- The presence of one or more indicators does not mean that abuse has occurred, but does require staff to be observant and hold knowledge about abuse types, signs and indicators.
- Indicators of abuse are not always obvious and can vary, but the relationship between frontline staff and the older person means they are best placed to recognise behavioural changes that may be a sign that a client is being abused.
- Staff have a duty of care to report incidents, suspected incidents and/or changes in well-being to their manager.

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#### ABUSE TYPES AND INDICATORS

##### Physical abuse

Intentionally inflicting physical pain or injury or physical coercion.

**Behaviours that are physically abusive include:** hitting, slapping, and punching; burning; restraining (e.g. restraining to a chair or bed); locking the person in a room; overuse, underuse or misuse of prescription medications; and use of other chemical restraints such as alcohol, household chemicals or poisons.

**Signs of physical abuse include:** injuries or bruises, lacerations, choke marks, abrasions and scratches; burns (such as from cigarettes, matches, an iron, rope); broken bones; unexplained hair loss (such as from pulling); missing teeth; eye injuries; pressure sores from the use of restraints; hypothermia or dehydration; and cringing or acting fearfully.

##### Sexual abuse

Unwanted sexual acts including sexual contact, rape, language or exploitative behaviours where the older person's consent has not been obtained, where consent has been obtained through coercion, or where consent is not possible due to cognitive incapacity.

**Behaviours that are sexually abusive include:** non-consensual sexual contact, language or exploitative behaviour; inappropriate touching, grabbing or treating someone's private areas roughly; unwanted exposure to pornography; enforced nudity; and sexual harassment.

**Signs of sexual abuse may include:** trauma around private areas, injury to face, neck, chest, abdomen, thighs or buttocks; presence of sexually transmitted diseases; recent incontinence (bladder or bowel); internal injuries; human bite marks; scratches, bruises, pain on touching, choke marks on throat, burn marks; torn or bloody underclothing or bedding; anxiety when near the alleged perpetrator; and changes in sleep patterns, sleep disturbances or nightmares.

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#### Financial abuse

Neglect The illegal or improper use or management of an older person's money, property or other financial resources.

**Behaviours that are financially abusive include:** threatening, coercing, pressuring or deceiving an older person into giving up money, property or assets; misusing powers of attorney; taking control of finances without consent; unauthorised use of bank accounts or credit cards; stealing money or possessions; exploiting property or inheritance arrangements; or incurring debts in the older person's name

**Signs of financial abuse include:** unexplained or sudden inability to pay bills; significant bank withdrawals; significant changes to wills; unexplained disappearance of possessions; lack of funds for food or clothing; disparity between living conditions and money; and recent addition of a signature on a bank account.

#### Neglect

The failure of a responsible person to provide the necessities of life—such as adequate food, shelter, clothing medical or dental care—to an older person. Neglect can be intentional or passive.

**Behaviours that are neglectful include:** failing to provide for the needs outlined above; refusing to permit others to provide appropriate care.

**Signs of neglect include:** inadequate nutrition, malnourishment and unexplained weight loss; inappropriate clothing (such as for the season); poor personal hygiene, unkempt appearance; poor skin integrity; hypothermia or overheating; being left alone, abandoned or unattended for long periods, or lacking in social, cultural, intellectual or physical stimulation; injuries that have not been appropriately cared for; exposure to danger or lack of supervision; absence of required aids.

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#### Psychological / Emotional abuse

The infliction of mental stress involving actions and threats that cause isolation, fear of violence, deprivation and feelings of shame and powerlessness, as well as restricting or stopping social contact with others.

**Behaviours that are psychologically or emotionally abusive include:** may include name-calling, degrading comments, humiliation, emotional blackmail, intimidation, bullying, threats, controlling behaviour, treating an older person as incapable, restricting their independence or decision-making, isolating them from family, friends or services, limiting access to communication, and preventing participation in cultural, social or religious activities.

**Signs of psychological or emotional abuse include:** depression or tearfulness; feelings of helplessness; excessive fear; confusion or agitation; appearing ashamed or resigned; unexplained paranoia; disrupted appetite or sleeping patterns; sadness or grief at the loss of interaction with others, changes in levels of self-esteem and marked passivity or anger.

#### RISK FACTORS

Generally older people are at risk where the following factors are present:

- Socially isolated from neighbours, family and/or community.
- Confused about their property, belongings and/or surroundings.
- Vulnerable to other persons taking advantage of them because of deteriorating health, cognitive decline, dementia and capacity issues.
- Physically or verbally violent/aggressive because of progressively worsening conditions such as dementia.
- A history of family dysfunction and abuse. ∪ Insecure accommodation.
- Substance abuse and gambling.
- Financial difficulties.
- Personality and/or behaviour changes due to illness or some other progressively worsening condition.

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- Relative powerlessness because of diminished ability to advocate effectively for themselves or to modify their environment.
- A history of domestic violence where often women are the victims and have failed to report, for many years.
- Cultural issues and dependency.

Carers and family members play a crucial role in caring for older people but may become abusive in certain situations such as the stress of the carer role. Stress factors can include, but not be limited to concerns from:

- Financial, emotional and physical situations
- Sleep deprivation
- Challenging behaviours from the person being cared for
- Lack of support from family, community and the service system
- Substance abuse and gambling
- Cognitive decline of the carer
- Cultural issues
- Lack of skill in the caring role

### **PRIVACY AND CONFIDENTIALITY**

Privacy and confidentiality refers to protecting the information provided to an employee by a client in the context of a professional relationship.

Under federal and some state privacy legislation, privacy principles relate to the collection, usage, disclosure and storage of personal information. In the case of managing suspected or actual abuse of older people, staff have an obligation to gain the older persons consent in sharing information. The older person has the right to decide what personal information is to be revealed to someone else outside the organisation.

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There are some exceptions where the requirement of confidentiality can be lawfully overridden and complete confidentiality cannot always be guaranteed to any person who raises a concern about the abuse of an older person. These situations include where the organisation believes, on reasonable grounds, that the use and disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person. This includes the older person themselves, a relative, a fellow worker or a member of the public.

### **MENTAL CAPACITY AND CONSENT**

In some states there is a legal presumption that all adults have the mental (cognitive) capacity and ability to make their own decisions until proven otherwise. Mental capacity is the ability to understand an act or a decision and its consequences. Impaired mental capacity can make an older person susceptible to abuse.

Part of the response to abuse of an older person is an assessment of the older person's needs and will require consultation with the older person, other relatives/ carers or external agencies (such as service providers) who deliver services to the older person in their home. Staff within Berry Park are to be aware that capacity to make informed decisions is critical and will consider issues of mental capacity, undue influence and consent when determining the most appropriate response to reports of actual, potential and suspected abuse.

A person lacking capacity to act or make decisions may need a guardian or financial manager if they have not appointed an enduring power of attorney or enduring guardian while they are capable.

Older people should be supported to make their own informed decisions wherever possible.

### **CULTURAL CONSIDERATIONS IN WORKING WITH OLDER PEOPLE**

Berry Park recognises the diversity of our community and respects the cultural norms that influence how families function and the place of the older person within the family context. Culture, language, ethnicity or religion can impact on an older person's freedom to make decisions. Cultural factors also

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influence how all forms of abuse are viewed, and specific strategies and responses to abuse of older people should address such differences.

### **ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE**

Aboriginal and Torres Strait Islander people will be provided with culturally appropriate services and support by acknowledging the impact of change, dispossession of land, culture and the breakdown of traditional ways of life in communities that contributes to the vulnerability of older Aboriginal people.

Berry Park will support staff to:

- Seek advice from the person's local Aboriginal community, acknowledging that cultural difference may require special sensitivity in relation to the abuse of older people in their communities.
- Provide service delivery that is flexible, offers choice and is culturally responsive to build family and community resilience.
- Recognise that service support should be provided from an Aboriginal-specific worker or organisation, depending on the person's choice and circumstances such as an Aboriginal Health Worker or Aboriginal Police Liaison Officer where possible.
- Recognise that the term 'Elder' has different meanings for different Aboriginal communities. In some, an 'Elder' can be any respected member of the community regardless of age. It is important to recognise that elder abuse is something that can happen to any older Aboriginal person, not just Elders.
- Understand that the average life expectancy of Aboriginal people is 17 years shorter than non-Aboriginal people and account for this difference in accessing aged care support as well as the expected increase in the Aboriginal population.
- Accommodate the role of kinship in Aboriginal communities where members of the community, including older members, take on responsibility for multiple roles, such as caring for children who have been removed from parents.

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#### PEOPLE FROM CULTURAL AND LINGUISTICALLY DIVERSE BACKGROUNDS (CALD)

All staff will treat people from a CALD background with culturally appropriate services and support by acknowledging that factors including isolation, dependency, concepts of individual rights of older people and stress in the care relationship are of particular concern for older people in CALD communities. Berry Park will support staff to:

- Provide appropriate support to older people from CALD backgrounds such as interpreter services recognising that lack of English language skills and cultural influences can mean that an older person is more vulnerable to abuse where it occurs, and that they are less likely to identify abuse or seek support.
- Understand the different cultural world views that can affect the way that the abuse of older people is perceived.
- Seek advice from people experienced with the particular cultural background of the family concerned, acknowledging that cultural difference may require sensitivity in relation to the abuse of older people in CALD communities (e.g. Police Domestic Violence Liaison Officer, bilingual staff).
- Respond sensitively where actions reflect the important role of family and that separating older people from their family may be an inappropriate response.

Berry Park believes it has a duty of care to take reasonable action to ensure all in our communities including our staff are not harmed and to prevent abuse from reoccurring. In responding to abuse the priority is to provide an appropriate, adequate and timely response, with a focus on the immediate safety of the older person, the carer (if applicable) and/or the employee. Staff should only provide advice which is within their competence and position responsibilities.

It is the expectation of Berry Park that all staff will be issued the *Elder Abuse Policy & Procedure* and will receive adequate initial training on dealing with elder abuse and then have the opportunity for this training to be revisited regularly throughout their employment.

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#### INTERVENTION AND PROTECTION STAGES

There are essentially five stages to identifying and responding to abuse, as follows.

1. **Identify abuse** – consider whether a risk assessment is appropriate. Where you suspect, have witnessed or have had abuse disclosed, gather information. Always take an account directly from the victim rather than a ‘carer’ or family member.
2. **Assess immediate safety** – evaluate the urgency of safety concerns. Contact emergency services where appropriate. Protect evidence. Report via internal channels.
3. **Provide support** – Listen, acknowledge and validate. Offer information to support fully informed decision making. Refer to other services as appropriate.
4. **Inform manager and document** – Document and report suspected, witnessed or disclosed abuse in accordance with the below procedure. Document where the older person has made an informed decision not to accept intervention.
5. **Respond and refer** – Discuss the available options with the older person (not an intermediary). If the person does not have decision making capacity, discuss the available options with the older person and their lawful substitute decision-maker. Offer information in an easily understood way.

Seek consent from the older person or their substitute decision maker for referral, then make the referrals. Where the older person makes an informed decision to not accept assistance, assess whether their safety is at risk or there is criminal activity. Be aware of the need for additional resources such as language or culture-specific supports.

Understand when it is important to act without consent of the older person.

Understand when to contact the NSW Ageing and Disability Abuse Helpline for assistance and action.

Understand when to refer to NSW Police – staff should refer to procedure below clarifying situations when Police must be called for reports or violence, abuse and neglect. Coordinate and monitor as appropriate.

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#### PROCEDURE – IDENTIFYING AND RESPONDING TO ELDER ABUSE

Berry Park provides the following guidelines to employees for action in the event elder abuse is identified within the village community:

##### 1. Report Concerns Immediately

Respond promptly and notify your Village Manager or Director, who will act immediately.

- If either the Village Manager or Director is unavailable, contact the on-site person in charge.
- If no on-site person in charge is available, contact the CEO.

##### 2. Initial Assessment by the Manager / Director

Upon receiving a report, the Manager / Director will determine the immediate level of risk.

###### a) Identify if the situation is an emergency

**Call 000 immediately if:**

- The abusive situation has resulted in a serious injury to the older person.
- The perpetrator has used, or is carrying, a weapon (including guns, knives, or any other object capable of causing injury) in a threatening manner.
- There is an immediate and serious risk to individual or public safety.
- Staff, residents, or visitors have been threatened.

###### b) Preserve evidence where criminal activity is suspected

- Preserve the scene until Police provide direction.
- Preserve any evidence, documentation, photographs, and relevant records.
- Do not alter or destroy potential evidence.
- Berry Park and staff will fully cooperate with any investigation.

##### 3. Gather Information and Assess the Situation

Where there is no immediate danger or emergency the Manager / Director will:

- Identify whether elder abuse is likely to be occurring.
- Ask further questions and clarify the situation.
- Gather relevant information from staff, neighbours, friends, family members, and other appropriate sources.

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- Identify the wishes, needs, and desired outcomes of the older person.
- Discuss available options with the older person.
- Agree on appropriate next steps with the older person.

#### 4. Provide Support to the Older Person

The Manager / Director will:

- Remain calm and provide reassurance.
- Accept the person's level of disclosure.
- Allow the person time to speak without pressure.
- Avoid making promises about specific outcomes.
- Maintain strict confidentiality.
- Continue to support the older person regardless of the choices they make.
- Provide information and contact details for relevant support services and agencies where appropriate.

#### 5. Document All Information and Actions

The Manager / Director will document and date all relevant information, including:

- What was witnessed, disclosed, or observed.
- Significant conversations with the older person.
- Statements, disclosures, or observations relating to other parties.
- Any refusal of intervention.
- Observations regarding decision-making capacity.
- Current or historical injuries, damage, or signs of abuse.
- Dates and times of all conversations, observations, and actions taken.
- All actions undertaken in response to the concern.

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#### 6. Determine the Appropriate Response

##### a) Urgent Response

Identify situations that require an **urgent response**, where there is a high likelihood of:

- Threats to safety;
- Serious injury;
- Significant damage or loss; or
- Escalating risk to the older person or others.

These situations may require notification to Police to investigate and report a crime.

##### b) Non-Urgent Response

Where there is no immediate risk:

- Seek advice from the NSW Ageing and Disability Commission Abuse Helpline.
- Consider referral to appropriate support agencies.

#### 7. Implement Recommendations and Coordinate Support

The Manager / Director will:

- Implement reasonable recommendations provided by the Abuse Helpline or other relevant agencies.
- Engage appropriate support services.
- Work collaboratively with all parties toward a resolution that reflects the wishes and best interests of the older person.

#### 8. Monitor and Follow Up

The Manager / Director will discreetly monitor the situation and follow up with the older person periodically.

Where staff awareness is necessary to assist with monitoring:

- The Manager / Director must first obtain the older person's written consent before discussing the matter with staff.
- Any discussion must be limited to information necessary to support the older person's safety and wellbeing.

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#### 9. Support Employees Involved

Where an employee has identified or reported elder abuse, the Manager / Director will ensure the employee has access to:

- Debriefing;
- Counselling; and
- Additional training or support, as appropriate.

#### Agencies that may assist in Elder Abuse cases include:

- NSW Ageing and Disability Commission (ADC)
- NSW Ageing and Disability Commission - Abuse Helpline: 1800 628 221
- Department of Health, Disability & Ageing - National Elder Abuse Phone Line - 1800 353 374
- Police Assistance Line – 131 444
- Emergency Services - 000

The NSW Government operates additional services that can provide support for people experiencing abuse, from health through to justice. Key services offered include the following:

- **NSW Health** – Mental Health Access Line
- **NSW Trustee and Guardian** – the Public Guardian provides financial management services and health decisions for people with decision-making disabilities.
- **LawAccess NSW** – provides legal information, referrals and in some cases advice for people who have a legal problem in NSW.
- **NSW Victims Services** – provides information, support and referral to victims of violent crime, with an emphasis on immediate assistance and counselling.
- **Domestic Violence Line** – offers telephone counselling, information and referrals for women and same-sex partners who are experiencing or have experienced Domestic Violence.
- **Seniors Rights Service** – A community legal centre that offers telephone advice, advocacy and legal advice and educational services for older people.