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## **Crime and Older People, ISBN 0 642 22739 X**

### **Engaging Service Providers In An Effective Response To Elder Abuse: The South Australian Experience**

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#### **Introduction**

During 1992, the Office of the Commissioner for the Ageing, the four metropolitan Domiciliary Care Services and the Guardianship Board, jointly sponsored the Elder Abuse Project in South Australia. The project laid the foundations for a coordinated and effective response mechanism for dealing with reports or allegations of elder abuse.

This paper discusses the South Australian experience of negotiations with service providers; barriers to program development; identified needs of service providers; and the project outcomes.

#### **Background**

McCallum, Matiasz and Graycar (1990) confirmed the existence of elder abuse in South Australia, described the range of abuse observed by service providers and the difficulties which they experienced in responding to abuse.

These authors concluded:

*We need to move towards a situation of readiness to take responsibility for reporting suspected abuse and willingness to discuss the issues of different cases and responses. The expectation should become one of reporting to appropriate bodies to the extent that the failure to report may involve later litigation over abnegation of responsibility, if severe consequences result from unreported abuse. Considerable clarification of definition and issues will be needed before this position is reached. (McCallum et al. 1990, p. 39).*

Since 1990, both locally and interstate service providers, the media, members of Parliament and members of the public have continued to raise concerns about the susceptibility of older people to victimisation and the need to "do something about it".

When the Elder Abuse Project was established, a conscious decision was made to exclude community crime (i.e. crime against an older person as a member of the community) from consideration. Elder abuse here refers therefore to abuse which occurs within the context of a known relationship whether this be with a family member, friend, neighbour, volunteer or service provider. While acknowledging that some elder abuse occurring within these relationships will be criminal in nature and will require legal intervention, generally the aetiology of elder abuse and the responses required differ from that of community crime.

### **The Project**

The Elder Abuse Project was set up with a very practical intent—to get on with the job of doing something about elder abuse. Taking those issues raised in the 1990 Report (McCallum et al.) and in other reports such as that of the Office of the Public Advocate, Victoria (1990), the following objectives were set:

- *to secure an agreed upon working definition amongst interested parties of the range of abusive behaviours shown towards people over 55 years which may warrant further investigation, and possibly intervention by an appropriate agency;*
  - *to define policy goals for such investigation and intervention;*
- to achieve agreement amongst agencies working with older people and their carers on a clear point (or points) of entry into referral networks and on a division of responsibilities for investigating, and possibly intervening in, cases of alleged abuse;*
- *to assist responsible agencies to establish procedural guidelines for investigation of and intervention in, cases of alleged abuse;*
  - *to consider, and to make recommendations on any legislative initiatives(s) which may be necessary to support an appropriate response to cases of alleged elder abuse.*

(*Elder Abuse Project Report*, 1992, vol. 1, pp. 3-4). The major outcomes of the Project were:

- *an accepted definition of elder abuse and policy objectives for responding to it in South Australia,*
- *an in-principle agreement by a number of organisations to the establishment of an Elder Protection Program to enhance operational responses to reports and allegations of elder abuse in the community,*

- *practice principles and guidelines for use by agencies involved in elder abuse investigation and intervention, establishment of an Education Working Party to develop training and information packages for workers in aged care, to be available later in 1993,*
- *collation of resource material, discussion documents and an extensive reference list,*
- *participation in an informal national information network designed to keep pace with developments in this field in each State,*
- *promotion of greater awareness of elder protection issues amongst service providers and consumer groups in South Australia (Elder Abuse Project Report 1992, vol. 1, p. (iv)).*

Perhaps the most important outcome is the agreement between a number of key service providers to participate in the development of an Elder Protection Program. In brief, this program is a multi-agency intake, assessment and intervention system which is reliant on the ability of participating agencies, called Core Agencies, to respond to reports or allegations of abuse in a manner which is philosophically consistent with the Elder Protection Policy and Intervention Principles and shares responsibility between agencies in a rational and coordinated manner. Responsibility for the development and oversight of this Program will lie with a Program Management Committee representative of the nominated Core Agencies and other interested parties. The Program proposal includes the employment of regional Elder Protection Workers who will act as an "expert" resource for intervention, consultative and educative activities in their nominated regions. In particular, they would become the publicised point of referral for the Program and act as a safety net so that all referred to the Program are offered help. The Program goals are outlined in the Report as follows:

*To provide a clearly identifiable point within the aged care system to which suspected cases of elder abuse can be referred by agencies, professionals, older people, families and the community at large.*

*To ensure that agencies and professionals who work with older people clearly define the nature and extent of their responsibilities.*

*To create a coordinated network of agencies which provides a prompt, practical and effective response to reports or allegations of elder abuse. (Source: Elder Abuse Project Report, 1992, vol. 1, p. 39).*

It is stressed that the proposed Elder Protection Program is designed to augment and support the investigative and interventive activities of individuals and agencies which are already dealing with cases of elder abuse.

A critical component of the Program is therefore the ongoing development of worker competence and confidence within organisations through education and consultation.

### **The Negotiation Process: From Beginning to End**

As you are all aware, the issues surrounding elder abuse are complex and there are wide-ranging views on what should be called abuse, how it should be explained, what strategies for response should be emphasised and who should take responsibility for this and how. In the remainder of this paper some of the concerns, anxieties and resistances encountered in negotiating with service providers are outlined. The negotiation processes involved three main elements:

- exploring the issues and concerns of service providers;

- identification of their perceived needs and their suggested solutions to the problems identified;
- negotiation of acceptable definitions, policies and operational service responses;

### *Initial Consultations*

The issues raised in initial consultations confirmed the earlier findings of McCallum et al. (1990) and reinforced the very practical import of the project. Repetitive themes included:

- lack of clear mandate to respond to referrals of elder abuse;
- confusion amongst some as to where to go for help and lack of confidence in how to help;
- lack of guidelines within organisations to assist workers to intervene in suspected cases of elder abuse;
- felt lack of knowledge and competence in responding to suspected cases of abuse and associated resource limitations;
- lack of consistency in definition or interpretation of what constitutes elder abuse;
- some cross professional and cross agency finger pointing regarding the perceived inactivity or over activity in responding to suspected or known cases of elder abuse;
- reluctance to be identified as the special agency of choice for dealing with elder abuse.

In response to these problems most workers were supportive of strategies to develop definitions, policies and guidelines for practice, provide educative and consultative resources readily accessible to workers and carefully orchestrated community education strategies.

### **Development of a Service Response**

While general support existed for heightening awareness about the issue of elder abuse, there were concerns raised by some regarding the development of a special program. The following are some of the points raised and the ways in which they were viewed:

The **first** of these points centre around the premise that it is better not to change anything. However, if it is necessary to make changes then it is important to be careful about what changes are made.

There were three main arguments in this area:

- Workers are already dealing with elder abuse but maybe under a different label.
- Focussing on abuse or using the label abuse, tends to lead to conflictual or adversarial response, and
- Creating another "specialist" service delivery system with yet another level of bureaucracy is not warranted.

It is certainly the case that many service providers are already dealing with elder abuse, often in the most effective manner possible. However, it is also true that the main impetus for this project arose out of service provider concerns, some of which have already been listed. A central objective of the proposed Program is to build on work already being done by service providers and also use educative strategies to develop a more competent work force. It recognises the need for some extra resources to spearhead the Program and to provide the fabric which connects participating agencies but does not create a new bureaucratic structure.

Utilisation of the term "abuse" was debated at length and eventually retained in this State's definition. However, the Project Management Committee wished to promote a "no blame" rather than adversarial approach to intervention and to emphasise preventive strategies as well as responses which alleviate abuse when it occurs. South Australia has adopted "elder protection" as its policy and program theme to highlight the importance of all aspects of

prevention, detection and intervention. This places responding to individual allegations of abuse in the proper context without detracting from the need to provide a positive response mechanism to abuse when it occurs.

The **second** concern questioned whether it is appropriate for service providers to handle cases of abuse in their own workloads.

The three main arguments raised here were:

- Workers do not feel equipped to handle cases of abuse and are concerned about it becoming part of their workloads.
- Workers believe that relationships between themselves and their clients will be jeopardised if they attempt to handle abuse in their workloads.
- There is not the expertise to take on a specialist responsibility for receiving and dealing with referrals specifically related to elder abuse.

In fact the Management Committee found that there are many workers with considerable experience and expertise in handling elder abuse but there is currently no organised way of sharing that expertise across agencies or workers. On the other hand, some workers clearly do not have the expertise and there is no regular forum for training to better equip them to handle abuse in their own workloads. The model proposed allows for pooling and development of expertise within the Core Agencies and regional workers with training responsibilities. Some workers will clearly not be responsible for the process of investigation and intervention but all workers involved with aged care will need some skills in detection and appropriate referral.

It is believed that workers have a duty of care towards their clients and if they come across suspect abuse in their day-to-day work, they have a responsibility to try to deal with it while preserving their relationships with significant others to the best of their ability. It is

well recognised that victims of abuse are most likely to confide in someone whom they trust and those people will be required to take the initial steps towards abuse resolution.

At one level, this concern about preserving relationships can be seen as an excuse for not doing anything, at another an expression of concern regarding dealing with conflictual relationships. The Program recognises the need to develop assertive outreach strategies to deal with hard to reach cases and acknowledges the need for worker support and assistance through the development of agency policies and procedures and the special resources of the regional worker. In a case of major conflict of interests, the agency worker could be replaced to ensure that the abuse is addressed from the perspective of the abused.

The management committee also had concern that the greater the identification of abuse as a specialist worker issue, the greater its removal from other aspects of the person's life with which the abuse is often inextricably linked.

The **third** concern related to the provision of a response system and whether this would be too narrow in its application.

Some of the arguments were:

- Prevention of abuse is more important than detection.
- Community attitudes and values need to be addressed otherwise abuse will not reduce.

The development of education strategies for the community will usually cause an increase in the awareness of the problem, a greater expectation that something can be done and a search for a source of problem resolution.

A more confident response system must be in place before the impact of community education can be dealt with. The model recognises the importance of community education but this would be a medium term strategy and should be considered in the light of other education programs which are addressing family violence and so on.

A coordinated program should assist in gathering data about the factors involved in abuse thus developing better screening, resourcing and prevention strategies.

The **fourth** concern centred around the provision of extra resources to support families and carers and whether this would be a more productive use of resources.

These concerns reflected the fact that:

- Most elder abuse is related to carer stress which is a resourcing issue. Diversion of funds to more assessors, brokers, etc. is inappropriate.
- Elder abuse can be solved by the introduction of more services.

While there is probably some truth in this belief, it is unlikely that service provision alone will solve all abuse. In fact some of the recent US research has focussed on the psychopathology and dependency of the abusers as the better predictor of abuse than carer stress (Pillemer & Wolf 1986). A range of response systems for elder abuse intervention is needed, including, but not exclusively, services to alleviate stress.

On the other hand, the creation of new services could be problematic because:

- There will be a huge influx of work for which we will not be properly resourced.

- The image of a program rests on the ability of that program to respond effectively.

Even without concerted community education, the raising of consciousness amongst workers and the word of mouth promotion of a program will lead to an increased identification of abuse cases. While this is a concern it cannot be a sufficient justification for doing nothing.

It is anticipated that the majority of victims of elder abuse will be known to service providers for other reasons and that responding to abuse should be within the capacity of many of these service providers. Emphasis in the program is on shared responsibility with no expectations that one agency will handle the lot. This, coupled with responsible and timely community education, will hopefully avoid referrals in epidemic proportions.

### **The need for more power to effectively deal with abuse**

There were also arguments presented, both for and against a need for more power to effectively deal with abuse. The opposing views were briefly:

- Workers need a mandate/more powers to provide effective intervention
- Workers don't want more laws, particularly mandatory reporting laws: over-regulation occurs already.

The management committee, backed by the views of the Reference Group and the majority of other people whose opinions have been sought throughout the project, recommend that Mandatory Reporting Legislation not be pursued at this point of time. However, that does not close the debate on the issue.

It is worth exploring a little more fully the perceived need for more power. Is it to make professionals act on cases of abuse? Can this be done via training, joint work and support?

- mandatory reporting is widely ignored according to some research into child abuse and elder abuse reporting.

Is it to make the abused accept intervention and allow for their removal?

- this is not consistent with a "no blame" approach and is usually listed as last resort or emergency tactic (e.g. via court or police actions).
- SA has some legal provisions to allow such action in the interests of the abused (e.g. Guardianship).

Is it to make the abuser give access?

- in cases where access is denied there are some courses of action which can be pursued anyway, (e.g. police, courts, Guardianship).
- there will always be the "grey area" cases which will cause concern.

Is it to protect workers from legal action if they act on abuse?

- This is primarily the responsibility of agency management to ensure that staff are well briefed and well backed in these areas.
- the chances of legal actions are slim if the worker is acting in the proper interests of the abused.

- No amount of legislation will protect a worker from a disgruntled customer: effective agency and outside complaints structures which take the debate over the worker's actions out of the worker's hands are useful.
- Access to legal advice is also important.
- Is it to make agencies cooperate and accept responsibility for their part in the work?
- This is more likely to come from commitment to a common approach/issue or program and having a vested interest in it working rather than directive tactics.
- Another powerful influence is money. Longer term thought to funding initiatives which allow funding of special programs/services for individual clients in order to alleviate abuse should be considered.

At present there is not enough local information to pursue legal resolutions to the above issues. The ability to gather more information to advance these debates is dependent on cooperation amongst service providers.

It was also thought that it may be ideologically unsound to have workers who investigate abuse attached to service providers. The arguments offered in support to this concern were:

- Service providers might be the abusers and it would be difficult for a worker of an organisation to investigate a colleague in their own organisation or in a related field. There is also the potential for collusion between workers where abuse by a family member may have been known but no action taken resulting in serious consequences for the abused person.

- Clients are unlikely to trust or seek help from someone who is attached to a service provision agency.
- Workers who are advocating on behalf of an abused person, e.g. about resources may have to confront their own agencies and may not have the power to do this.
- Abuse cases cause conflict between services and workers in each service have to be sure of the independence and neutrality of regional workers.

The focus of this program is on improving the service delivery and response in cases of elder abuse. Research has consistently highlighted the family as a main source of abuse (e.g. Tatara 1990, p. 26).

It is hoped that joint ownership of the program and the regional workers will lead to a cooperative atmosphere rather than adversarial.

It is agreed that workers should not be put in the position of investigating allegations of abuse by their own colleagues. Internal and external complaints and advocacy mechanisms should be in place to deal with these.

### **Conclusion**

The South Australian experience has been one of developing positive concern and interest amongst service providers, healthy apprehension about the complex issues surrounding elder abuse intervention and ultimate support for a practical multi-agency response.

An obvious byproduct of the intensive debates in 1992 is a heightened awareness and anxiety amongst service providers. A great strength of the proposed Program is its emphasis on supporting and informing service providers in the frontline of elder abuse

investigation and intervention through the provision of policy and procedural guidelines, education and consultative resources.

The Program is in its infancy and will, no doubt, be the subject of ongoing debate. However, it is pleasing that Management in many agencies are providing strong support for its development and some have already begun the preliminary tasks of developing policy and procedural responses suited to their own agencies.

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