Legal Aid Western Australia

Elder Abuse Strategy
2020 – 2021
In early 2019, Legal Aid WA implemented a Seniors Rights and Advocacy Service in the Civil Law Division, to provide effective legal assistance to older people affected by any form of elder abuse, and to safeguard and advocate for the rights of older people in Western Australia.

Our Elder Abuse Strategy 2020 – 2021 focuses on four high level key objectives and is consistent with the Legal Aid WA vision of delivering equitable access to justice to support a fair and safe community.
The key objectives are to:

» Improve our knowledge and skills to identify and respond to elder abuse.
» Increase our engagement with the community to improve awareness of elder abuse and the role that lawyers play in responding to elder abuse.
» Work in partnership with others to ensure joined up service delivery and improved collaboration.
» Improve access to information about older peoples’ rights and how to get legal help.

Our strategy also reflects the five core values identified in the Legal Aid WA Corporate Plan:

» Making a difference: we’re committed to helping people understand and protect their rights
» Client-centred: we put clients at the centre of everything we do.
» Respect: we care about our clients and the community in which we live
» Innovation: we’re committed to continuous improvement
» Transparency: we are an open and accountable organisation
What is elder abuse?

Elder abuse is defined as ‘a single or repeated act, or lack of appropriate action, that occurs in a relationship with an older person where there is an expectation of trust and where that action causes harm or distress to the older person’ (WHO, 2008).

The term ‘older person’ usually includes people over the age of 65, but we will still assist people younger than 65 in circumstances where the risk factors for elder abuse exist, especially when financial and material elder abuse has or may have occurred.

Risk factors for elder abuse include vulnerability; social isolation; abusive relationships; disability and cognitive impairment; issues involving grandchildren; abuse of a relationship of trust; misuse of enduring appointments; and coercive behaviours.

For ATSI and CALD communities it is accepted that people from the age of 55 and upwards may come within the term ‘older person’.
## Types of elder abuse:

<table>
<thead>
<tr>
<th>Type / Description</th>
<th>Behaviours – examples only, not an exhaustive list</th>
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</table>
| **Financial** - The misuse or theft of an older person's money or assets | » Using finances without permission  
» Using a legal document such as an Enduring Power of Attorney for purposes outside what it was originally signed for  
» Withholding care for financial gain  
» Selling or transferring property against an older person’s wishes |
| **Psychological/emotional** - Any behaviour that causes an older person mental anguish, and/or to feel shame, fear, powerlessness or worthlessness | » Use of threats, humiliation, insults and intimidation  
» Withholding affection and social contact  
» Verbal abuse and intimidation, including name calling and other insults  
» Isolating the older person from family, friends and other social supports  
» Treating the older person as a child  
» Threats of harm and abandonment, including to put them in an institution against their will  
» Disregarding the older person’s rights, choices and privacy |
| **Social** - Intentional prevention from having social contact with family or friends, or accessing social activities | » Denying or preventing communication with others  
» Preventing the older person from engaging in cultural or religious practices  
» Unexpected cancellation of services  
» Disconnecting communication services |
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<tbody>
<tr>
<td><strong>Physical</strong></td>
<td>» Kicking, hitting and punching i.e. assault</td>
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<td>» Rough handling</td>
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<td>» Forceful and/or improper use of restraints</td>
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<td>» Under or over medication</td>
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<td><strong>Neglect</strong></td>
<td>» Delayed and inadequate provision of food, shelter, clothing and hygiene</td>
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<td>» Not providing or enabling access to health and medical services and medication</td>
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<td></td>
<td>» Unable to prevent or resolve self-neglect</td>
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<td><strong>Sexual</strong></td>
<td>» Sexually abusive behaviour and/or indecent assault</td>
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<td></td>
<td>» Sexual harassment</td>
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<td>» Use of sexually offensive language and/or materials/media</td>
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<td></td>
<td>» Inappropriate touching</td>
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<td></td>
<td>» Withholding needed care in exchange for sexual favours</td>
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1 Page 11, WA Strategy to Respond to the Abuse of Older People (Elder Abuse) 2019-2029
Our service delivery model

The Seniors Rights and Advocacy Service will coordinate the delivery of all elder abuse services at Legal Aid WA.

We will also provide a diverse range of legal assistance services that are specially tailored to the needs of the client and will carefully consider the complexity of the legal, social and emotional presentation of the matter.

Our range of legal services include:

**Legal advice, minor assistance and advocacy:**
- Guardianship and Administration
- Misuse of Enduring Powers of Attorney and other enduring appointments
- Fraud, undue influence, unconscionability, duress in relation to Enduring Powers of Attorney, Enduring Powers of Guardianship, land titles, and wills
- Recovery of money taken without permission from an older person
- An older person as guarantor for an adult child and the loan is in default
- Family Violence Restraining Orders, Violence Restraining Orders and Misconduct Restraining Orders
- Grandparents being denied contact with grandchildren
- Granny flat arrangements and issues that arise with shared living arrangements
- Referral to Advocare and other appropriate services for aged care queries and complaints
- Limited advice about wills, for example where there are allegations of fraud or duress
Court and Tribunal work
» Guardianship and Administration matters in the State Administrative Tribunal
» Magistrates Court litigation – General Procedure Claims, Family Violence Restraining Orders, Violence Restraining Orders and Misconduct Restraining Orders

Community Legal Education
An important aspect of our service delivery model is raising community awareness and delivering education sessions in the community.

We partner with stakeholders, including Advocare and local government, to help us to reach our target audiences.

We will continue to develop and maintain accessible information about elder abuse and related legal issues on the Legal Aid WA website, including videos and links to other sources of information.
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<th>Our key objectives</th>
<th>How we will achieve them</th>
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| Improve our knowledge and skills to identify and respond to elder abuse          | » In collaboration with the Northern Suburbs Community Legal Centre, implement a community of practice for lawyers working in the area of elder abuse  
» Develop pro bono relationships with private lawyers to enhance the scope of legal assistance services provided by Legal Aid WA  
» Maintain professional development, knowledge and skills in contemporary elder law issues  
» Identify opportunities to undertake complex and novel elder law matters  
» Present to staff in other Legal Aid WA practice areas, client contact areas and the regions about the Seniors Rights and Advocacy Service and this strategy |
| Work in partnership with others to ensure joined up service delivery and improved collaboration | » Continue to work together with Advocare  
» Maintain active participation in the Alliance for the Prevention of Elder Abuse WA (APEA: WA)  
» Implement and develop Health Justice Partnerships with metropolitan and regional health service providers |
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| Increase our engagement with the community to improve awareness of elder abuse and the role that lawyers play in responding to elder abuse | » Work collaboratively with the WA State Government to deliver legal services in alignment with the WA Government Strategy to Respond to the Abuse of Older People (Elder Abuse) 2019 – 2029  
» Work collaboratively with local government to deliver community legal education and participate in seniors' events  
» Recognise World Elder Abuse Awareness Day (WEAAD) and Seniors Week  
» Attend community events in regional locations including the Dowerin Field Day |
| Improve access to information about older peoples’ rights and how to get legal help | » Enhance the Legal Aid WA website to include more information in various formats about elder abuse and how to get help  
» Contribute to the COMPASS – Guiding Action on Elder Abuse resource  
» Continue to contribute to the Attorney-General’s Department - National Awareness Raising Working Group (elder abuse)  
» Partner with the State Library of Western Australia to enhance community access to information about elder abuse  
» Provide legal outreach by attending various community events, including the Have a Go Day |