

ELDER ABUSE AND NEGLECT

COMMUNITY SERVICES (ACQS 8)



1. Purpose

To protect older clients and individuals who engage directly or indirectly with Northside's Community Service programs from harm, abuse and neglect.

To ensure Community Service staff have a detailed and thorough understanding of their obligations in reporting suspicions of abuse or neglect.

2. Scope

This policy applies only to instances of abuse of older people occurring in the community or in their home. Where the abuse of the older person is reported to have occurred in a Residential Aged Care facility, reports should be made in accordance with the Aged Care Act 1997 to the Department of Health on 1800 081 549. In these instances Northside management should refer to the Compulsory Reporting Guidelines for Approved Providers of Residential Aged Care (2008).

This policy relates to all individuals engaged directly or indirectly in all programs, services, activities, events or other activities in which Northside is involved.

This policy applies to all persons employed (paid and unpaid) within Northside's Community Service Division.

This policy applies to Northside Management, Executive and Board.

3. Policy

All community Service staff, paid or unpaid employed by Northside Community Service are required to report suspicions of abuse and neglect.

Staff must report suspicions of harm, abuse and/or neglect. This includes:

- Financial abuse
- Psychological Abuse
- Physical abuse
- Sexual Abuse
- Social abuse
- Neglect

Staff will report, but not investigate, suspicions of abuse and/or neglect. A staff member may report directly to the Police or other agencies. This may occur, for example, if a staff member does not feel comfortable reporting alleged incidents that may directly involve the Northside's management.

Abuse of older people is a human rights issue. Northside recognises that abuse of older people does exist in the community and supports the ACT 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

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

Northside endorses and follows the principles governing the responses to abuse of older people living in the community as articulated in the Preventing and Responding to Abuse of Older People: NSW Interagency Policy 2015. The following principles guide Northside 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.
- 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, domestic violence, abuse, threats, fraud, neglect, stalking, intimidation and harassment.
- 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 of their own.
- When the safety of others is involved, confidentiality cannot be offered unconditionally. In situations where a report to ACT Police is required, such as criminal activity, 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.
- Responsibilities for interagency practice and cooperation addressed in service system agreements and protocols between agencies and provide guidance about first point of contact to seek advice within (name of agency), information sharing and resources and training.

Northside Community Service will provide information and online training upon commencement of employment, in addition to support in the workplace to report, retrain, and access to counselling through the Employee Assistance Program.

Compulsory Reporting to Commonwealth Department of Health

Under the compulsory reporting requirements for Aged Care, Northside management are also required to contact the Commonwealth Department of Health to report assaults on clients which include:

- Unreasonable use of force
- Unlawful sexual contact
- Any/All other serious assaults or allegations of assaults of clients engaged in Northside's service delivery

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Duty of Care

When the abuse of an older person is identified or reasonably suspected, Management and staff are to take reasonable action to ensure others are not harmed in the course of their work 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 the staff member. Staff should only provide advice which is within their competence and position responsibilities

Immediate responses in relation to witnessed abuse should be managed in accordance with the Management of a Serious Incident Policy.

Use of Restraints

Northside does not use **any** type of restraint in the care of clients. Safety devices, such as seat belts on wheelchairs are not considered a restraint and are in place to ensure consumer safety, not to impinge on their ability to be self-determining in their mobility.

4. Procedure

Mandatory Reporting

If a staff member considers there is an immediate risk of harm for an older person, they should ring the Police on 000.

All records for clients must be maintained in a secure location, where staff can access them in the event of making a report.

Any suspicions of abuse or neglect must be reported to the staff member's Manager and Senior Manager, and documented on the individuals file in a concise manner.

The staff member who raises initial suspicions is required to directly make a report to via the online staff notification tool and at their earliest possible opportunity report their concerns to their Manager.

The Manager or Senior Manager will work then decide the safest course of action in relation to contacting the individual at risk and/or notifying the relevant authorities and/or referring the matter to an advocating and insitigative body (ACT Human Rights Commission, Age Care Complaints Commissioner, Older Persons ACT Legal Service)

Staff are not to assume that another staff member will have reported suspicions.

If the subject of the concern is another staff member, the Manager of the staff member must be notified immediately. If the person of concern is a Manager or Senior Manager, the Executive Director or CEO must be notified immediately. The Worker in question will be stood down immediately with pay until an investigation is complete.

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Staff are to cooperate with ACT Policing and any other regulated body regarding any investigation into abuse and neglect.

Northside is committed to providing a working environment which enables staff identify abuse early and to deal effectively with the reporting of suspected abuse of older people. To this end the organisation is committed to:

- Identification and reporting training of staff and volunteers at induction and annually.
- Creating a climate of trust where staff are encouraged, comfortable and confident about identifying and responding to the abuse of older people.
- Ongoing reporting and review processes which alert Management to wellbeing or concern notifications for staff out in the community.
- Supporting and protecting staff from any adverse action when making a report.
- 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 information to clients engaged in Northside’s services about how to identify and respond to the abuse and where to get confidential help.
- Properly managing any workplace issues that the allegations identify or that result from a report or any other identified problem (e.g. staff 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 this policy periodically to ensure it is relevant and effective (e.g when the ACT Charter of Victims’ Rights is finalised)

5. Definitions

Northside: Northside Community Service, including all Services operated by both Community Services and Children’s Services business units.

Staff member: Any person, paid or unpaid, engaging in work or representing the interests of Northside Community Service.

Elder Abuse – Northside has adopted the World Health Organisation definition of elder abuse as cited in the Preventing and Responding to Abuse of Older People: NSW Interagency Policy 2015. 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 financial, physical, psychological and sexual. It can also be the result of intentional or unintentional neglect”.

Financial Abuse involves the illegal or improper use of an older person’s finances or property. It can include:

- stealing or misappropriating money
- forcing changes to a will or other legal documents
- denying access to personal funds, forging signatures or misusing Power of Attorney.

Psychological Abuse is the infliction of mental anguish involving actions that cause fear of violence, isolation or deprivation and feelings of shame, indignity or powerlessness. It can include:

- verbal intimidation and shouting

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- humiliation or embarrassment
- threats of physical harm
- withholding of affection
- threats of institutionalization
- removal of decision-making powers.

Physical Abuse is the infliction of physical pain, injury or physical coercion. It can include:

- hitting, slapping, pushing, punching, kicking, beating, biting, scratching, shaking, arm twisting, dragging or burning
- inappropriate restraint or medicating
- locking a person in a room.

Sexual Abuse or exploitation can include:

- rape (sexual intercourse against the wishes of an individual)
- indecent assault (inappropriate sexual handling or touching)
- sexual harassment (inappropriate comments or labelling about general appearance, attitude and behaviour).

Social Abuse involves preventing a person from having social contact, or access to social activities. It can include preventing independence with threats, manipulation and control as well as:

- isolating a person from the support of family or friends
- monitoring a person's calls or not allowing them to use the telephone
- preventing a person from socialising or meeting neighbours.

Neglect is the failure of a carer to provide the necessities of life to a person for whom they are caring. It can be intentional or unintentional, and include:

- inadequate or inappropriate food or drink, supervision, clothing or accommodation
- lack of mental, physical, social or cultural contact and/or stimulation
- failure to meet physical needs or provide medical treatment

6. Key Roles & Responsibilities

Managers play a lead role in identifying and responding to the abuse of older people and the consideration of safety, protection, consent, confidentiality and duty of care issues, including:

- Assess and respond to immediate and serious risk of harm of an older person and exercise duty of care to make reports to the Police.
- Support staff that respond to an emergency situation and protect evidence.
- Identify response options including collection of information about what the older person wants for referral options.
- Discuss options with the older person.

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- Complete agency specific documentation.
- Support the staff member who was the identifier of abuse, including providing access to debriefing and training such as an Employee Assistance Program.

Staff play a key role in responding to abuse situations by identifying abuse (potential, suspected or actual) reporting to the manager, documenting and following agency procedures, including

- In an emergency situation, contacting the ACT Police and/or other emergency services and protecting evidence.
- Initial detection of abuse and notification to management.
- Support the older person with empathy, asking what the older person wants and exploring needs.
- If safe to do so, inform the alleged victim of the responsibility to tell a senior staff member about concerns for the older person’s health, safety or well-being.
- Inform managers about what happened and what was noticed, said and done in the situation.
- Referral, if appropriate, to a specialist response agency for further assessment, investigation or to negotiate a support plan.
- Complete necessary documentation and reporting.
- Participation in debriefing where appropriate.
- If there is an issue about the older person’s mental capacity to act or make decisions, seek advice from the manager
- Support the older person with empathy, asking what the older person wants and exploring needs.
- Refer, if appropriate, to a specialist response agency for further assessment, investigation or to negotiate a support plan such as via the MyAgedCare Portal.

7. Related Standards, Legislation and Documents

- Aged Care Act 1997
- Aged Care Amendment (Residential Care) Act 2007
- Age Discrimination Amendment Act 2004
- Crimes Act 1914
- Disability Discrimination Act 1992
- Disability Services Act 1986

8. Document Control & Version History

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Date of effect

Brief Summary of Change

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APPENDIX 1. Information, Advice or Support in the ACT

Legal Aid ACT – Older Persons ACT Legal Service

Visit www.legalaidact.org.au/opals or contact the Older Persons ACT Legal Service (OPALS) on (02) 6243 3436 or via email on opals@legalaidact.org.au

A confidential telephone service for callers who are seeking advice on elder abuse.

Aboriginal Legal Service (NSW/ACT)

An Aboriginal community organisation assisting Aboriginal and Torres Strait Islander men, women and children with court representation, advice and information, and referral to further support services.

www.alsnswact.org.au | 6249 8488

ACT Civil and Administrative Tribunal

Guardianship and management of property orders.

www.acat.act.gov.au | 6207 1740

ACT Disability, Aged and Carer Advocacy Service

ADACAS provides free, independent advocacy and information for people with disabilities, older people and their carers in the ACT.

www.adacas.org.au | 6242 5060

ACT Human Rights Commission

Deals with complaints about discrimination, health services and services for older people and their carers.

hrc.act.gov.au | 6205 2222

ACT Policing

24-hour emergency response **000**

24-hour assistance line **131 444**

Crime Stoppers **1800 333 000**

General enquiries **6256 7777**

Aged Care Complaints Commissioner

Provides a free service for anyone to raise their concerns about the quality of care or services being delivered to people receiving aged care services subsidised by the Australian Government.

www.agedcarecomplaints.gov.au | 1800 550 552

Health Services Commissioner

The Commissioner's mandate is to consider complaints about the provision of health services and services for older people, and complaints about contraventions of the *Health Records (Privacy and Access) Act 1997*.

hrc.act.gov.au/health | 6205 2222

Public Trustee and Guardian

Help and advice with will-making and with asset services under Enduring Power of Attorney.

www.ptg.act.gov.au | 6207 9800

Victims of Crime Coordinator

www.victimsupport.act.gov.au | 1800 822 272

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