

DISCUSSION RESOURCE

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PROJECT OF
5TH NATIONAL ELDER
ABUSE CONFERENCE

HOSTED BY SENIORS
RIGHTS SERVICE



LEGAL AND SOCIAL WORK PARTNERSHIPS TO ADDRESS ELDER ABUSE

SCOTT McDOUGALL





ABOUT THIS PROJECT

In February 2018, Seniors Rights Service hosted the 5th National Elder Abuse Conference, which brought together more than 500 delegates from a broad range of backgrounds. The conference culminated in an announcement by the Commonwealth Attorney-General, Hon Christian Porter MP, that a “National Plan” would be developed to ensure the protection of older people in Australian society.

To further the conversations generated by the conference, Seniors Rights Service engaged Ellen Fanning to conduct a series of interviews with experts who attended the conference. These videos, along with a discussion sheet for each video, are freely available to community members, professionals and students of all sectors, to enable engagement with the content using suggested discussion questions and to follow up with further reading.

IMPORTANT! READ THIS BEFORE HOLDING A DISCUSSION GROUP

Many people will share and benefit from participating in study and discussion on the topics.

Due to the sensitive nature of the topics, however, group leaders should ensure they are prepared to support individuals to find qualified assistance in a timely manner, should a topic generate personal concerns or issues for individuals.

As a minimum, group leaders should have available information sheets and phone numbers from the relevant seniors' legal rights service and/or elder abuse prevention service in your state or territory (on page 4 and current as of 2018).

ABOUT THIS RESOURCE

SHORT DESCRIPTION

Mr McDougall explains the elder abuse response model developed by the Caxton Legal Centre in Queensland. The model, which has been working very well, involves pairing a lawyer and a social worker to do outreach to a person's home. Subsequently the service discovered a similar model operating in New York. The model enables clients to be intensely supported to address fears and concerns about disrupting family relationships, or about housing or financial security, to enable people to feel secure enough to consider legal action if they want it. Mr McDougall also raises the question as to the “tricky balance” between the autonomy of an older person (to not take action to stop abuse) and society's obligation to protect vulnerable adults or stand up to power imbalances that enable abuse to occur.

FOCUS AREA

Legal and social work partnerships to address elder abuse

RELATED TOPICS

Elder abuse prevention, elder abuse intervention, legal responses, law, social work, protection, autonomy, safeguarding

AUDIENCES

Legal professionals, police officers, community members, health workers, aged-care workers, community workers, researchers, students, advocates, policy officers

MATERIALS FOR FURTHER READING

Caxton Legal Centre (2016) Submission #174, Australian Law Reform Commission Elder Abuse Inquiry, accessed from www.alrc.gov.au/sites/default/files/subs/174._caxton_legal_centre.pdf

LEGAL AND SOCIAL WORK PARTNERSHIPS TO ADDRESS ELDER ABUSE

DISCUSSION QUESTIONS

In what way is the elder abuse response model developed by the Caxton Legal Centre unique in Australia? Why was it developed this way?

The Caxton Legal Centre (Queensland) developed a model based on outreach. This means, instead of waiting for seniors to contact the Centre, Caxton Legal Centre proactively goes into the community and reaches out to people in need of legal advice and assistance. The model is also unique because it pairs a social worker with a lawyer and they go to a person's home setting. The reason they developed this model was because older people weren't accessing the centre. When the centre investigated why, they found there were many barriers to older people seeing lawyers and accessing legal advice, even though they really needed it. Sometimes they are isolated, or fear repercussions if they do speak up. Examples include the fear of losing family relationships, being denied access to grandchildren, even fear of being homeless.

Mr McDougall speaks of the "very tricky issue to balance the tension between autonomy and protection". Can you describe what he means by this? What example did he give to illustrate?

Mr McDougall explains that people need to feel secure before they can get to a point of making tough decisions. Because of this, the Caxton Legal Centre's model works to empower the older person to consider acting to end the abuse. But there can be real and/or feared consequences to doing this. For example, an older person may choose to "trade" what they see as minimal abuse to secure relationships with children or grandchildren. This trade-off is made in the context of perhaps only having a few more years to live. On the other hand, society at large wants to say, "No, we're not going to let you put up with that much abuse." But, in the end, it is the decision of the older person about what they want that is most important.

What example is given of the Caxton Legal Centre making a big difference to an older person's life?

A person was incorrectly diagnosed with dementia and placed in a dementia section of an aged-care facility. He said that while he was there, his colostomy bag wasn't changed and was overflowing. He said people did not speak to him like he was human. The Caxton Legal Centre represented him and the diagnosis was eventually reversed. He was then moved to a non-dementia section where, he said, he "felt human again". He said the care he received changed markedly.



SCOTT McDOUGALL

DIRECTOR AND PRINCIPAL SOLICITOR, CAXTON LEGAL CENTRE, BRISBANE

BIOGRAPHY

Scott McDougall is the director and principal solicitor of Caxton Legal Centre Inc. in Brisbane. He has a long-held interest in the representation of disadvantaged litigants, particularly Indigenous Australians, and has conducted a wide variety of cases in the Queensland and Commonwealth jurisdictions. Scott is a past president of the Queensland Association of Independent Legal Services (QAIS) and is presently a member of several committees including Legal Aid Queensland, First Nations Advisory Committee, UQ Pro Bono Centre Advisory Board and the Queensland Law Society Access to Justice Committee. Scott was involved in the design and development of the multi-disciplinary elder abuse response model that has operated successfully in Queensland for more than a decade.



| STATE/TERRITORY | AGENCY CONTACT | CONTACT |
|-------------------------------------|--|--|
| AUSTRALIA-WIDE | Older Persons Advocacy Network (OPAN) | 1800 700 600 Connects you with aged-care advocacy services in your state or territory |
| NEW SOUTH WALES | Seniors Rights Service | 1800 424 079 |
| | NSW Elder Abuse Helpline | 1800 628 221 |
| AUSTRALIAN CAPITAL TERRITORY | Older Persons Abuse Prevention Referral and Information Line (APRIL) | (02) 6205 3535 |
| | A.C.T. Disability, Aged and Carer Advocacy Service (ADACAS) | 02 6242 5060 |
| NORTHERN TERRITORY | Elder Abuse Information Line | 1800 037 072 |
| | Seniors and Disability Rights Service of Darwin Community Legal Service | 1800 812 953 |
| QUEENSLAND | Elder Abuse Prevention Unit | 1300 651 192 |
| | Aged and Disability Advocacy Australia (ADA Australia) | 1800 818 338 |
| | Caxton Legal Centre | (07) 3214 6333 |
| SOUTH AUSTRALIA | Aged Rights Advocacy Service | (08) 8232 5377 (Adelaide) |
| | Alliance for the Prevention of Elder Abuse | 1800 700 600 (rural) |
| | Legal Services Commission of South Australia | 1300 366 424 (08) 8111 5555 |
| TASMANIA | Tasmanian Elder Abuse Helpline | 1800 441 169 |
| | Advocacy Tasmania Inc. (ATI) | (03) 6224 2240 |
| | Legal Aid Commission of Tasmania | 1300 366 611 (03) 6236 3800 |
| VICTORIA | Seniors Rights, Victoria | 1300 368 821 |
| | Elder Rights Advocacy (ERA) | (03) 9602 3066 1800 700 600 (rural) |
| WESTERN AUSTRALIA | Advocare Inc. | 1300 724 679 (Perth) 1800 655 566 (rural) |
| | Older Persons Rights Service, Northern Suburbs Community Legal Centre | (08) 9440 1663 (Mirrabooka) (08) 9301 4413 (Joondalup) |

DISCLAIMER

This is information only, not legal advice. If you have a legal problem, call our service directly or see your lawyer. The views expressed in the video are the views of the individual making them, not those of Seniors Rights Service Inc.