284. FMC Mediation & Counselling

Proposal 2–1

This, from the FMC perspective, is what is missing in the discussion paper from the ALRC. Our experience is that victims of elder abuse may want a stepped approach to dealing with their situation rather than a purely legalistic approach. They can benefit from an approach that has the potential to retain some sort of relationship with the ‘perpetrator’ (most often their child) and will enable the abusive behaviours to stop. This stepped approach is an alternative approach that FMC notes is valued by its older clients who fear the shame of their situation yet want the abuse and distress to stop. A legal action for them is too much of a distressing prospect. To FMC, facilitated family discussions and mediation and the empowerment of the older person represents a valuable and effective earlier stage intervention for Elder Abuse that can complement the legal process. A national plan that is inclusive and acknowledges the older persons preferences is required. Self determination for the older person should be an option offered to older people in this situation.

FMC has attached a document to this submission that defines its position and proposes a model that explains this self determination pathway.

Proposal 2–2

FMC refers to the report "Profile of elder abuse in Victoria. Analysis of data about people seeking help from Seniors Rights Victoria. Summary Report June 2015. National Ageing Research Institute in partnership with Seniors Rights Victoria".

The incidence is of enough magnitude now to warrant action. Given that older people are at risk everyday FMC hopes that the commissioning of the report does not delay the funding that is required now to support front line services. FMC believes that once greater awareness is generated about the issue then incidence will greatly increase.

Proposal 3–1

FMC concurs with this recommendation however notes that the Advocates would need to be working in tandem with alternate dispute resolution pathway services. FMC is concerned too punitive approach will drive some older people away as they fear for the child whom they love yet who is causing them distress.

Proposal 3–2

We would hold that there is a missing fourth principle:

(d) older people will be informed of alternative ways to reduce their distress through non legal pathways such as mediation and counselling

Proposal 3–3

In principle 'yes' however the abuser is quite likely to then challenge the older person. This is a risky proposition for older people suffering from anxiety and depression because of their family situation. Older people must be supported in this situation in a methodical manner. Similiar to service developments in Famliy Violence in Victoria, a 'hub' approach will be required to secure integrated services. Demanding responses from a potential perpetrator and the subsequent risk to the older person is emotionally significant.

Proposal 3–4

Again the Advocate should advise that there are non legal alternatives to resolving their situation. Security and safety should be responded to first however referral to an elder persons' intake service to assess and locate appropriate services is essential to reduce the risk to the older person. Having socially isolated people finding themselves in a very distressing situation is a significant issue. Providing a 'referral' to an infirm and isolated person is problematic if it is not conducted in an integrated manner. Is the public guardian best placed to draw up a older person's care plan? The situation for the older person initially has been one of their control lost to their child, having a higher authority take on this planning responsibility seems to be contining a loss of control dynamic for the older person. FMC believes that the older person would benefit from a service that enables their self determination and not an external prescription.

Proposal 3–5

In principle yes, however FMC has had perpetrators requesting mediation to consolidate their position against their siblings. This difficult situation required the provision of family meetings, older person coaching and counselling. This enabled the older person to advocate for themself and establish what the their wishes were rather than the machinations of a controlling child.

Proposal 5–1

A dispute register would also be useful to prevent some repeat offenders conducting vexatious disputes to disturb the older person and disrupt family dynamics.

Proposal 5–2

Agreed.

Proposal 5–3

Question 5–1

Registered family dispute practitioners and family consultants.

Question 5–2

Consider this very carefully as it may have unintended consequences of abusers perveting their power more clandestinely. FMC would say that given that perpetrators often think that the older person's estate will be theirs one day anyway that it is only a short term risk and they need the money now. An equal alternative should be to conduct a public awareness campiagn aimed at informing older people about the risk of Elder Abuse and power of attorneys. FMC has recently been granted a Lord Mayors Charitable Foundation Grant and this awareness raising as a key part of its proposal.

Proposal 5–4

Proposal 5–5

Proposal 5–6

Agree.

Proposal 5–7

Agree. FMC has had clients who are elderly and isolated and have no other remaining contacts. This may cause resourcing issues for an independent Guardianship body.

Proposal 5–8

Agree

Proposal 5–9

Agree

Proposal 5–10

Agree

Proposal 5–11

Proposal 5–12

Proposal 5–13

Proposal 6–1

Agree. This may be a professional development opportunity.

Question 6–1

Suggest option a) with a flexible mode of delivery ie online provision.

Proposal 6–2

Agree.

Question 6–2

Question 6–3

Proposal 7–1

Agree

Proposal 7–2

Agree.

Question 7–1

Question 7–2

Proposal 8–1

Question 8–1

Proposal 9–1

Proposal 9–2

Proposal 9–3

Proposal 10–1

Agree for the need for the strategy. The challenge will be in the execution of the strategy given that older people are not necessarily mobile and not likely to be using online conversant. Given the Department can target groups by age and pension type it is recommended to  conduct an awareness campaign directed to older people (by mail) and provide them with a unique identified telephone number so that they can be make enquiries.

Proposal 10–2

Agree.

Proposal 10–3

Agree and alert the older person of the risk of Elder Abuse.

Proposal 10–4

Agree.

Proposal 11–1

Should be handled with care as the abuser may manipulate the older person. FMC notes that some perpetrators are vigilant in their attention of the older person so that they can control all aspects of the older persons life. It would be recommended that Centrelink staff are aware of this and insist on some 1 on 1 time with the older person in the absence of the family member or carer who is 'assisting' with the paperwork.

Proposal 11–2

Elder abuse is predominantly financial so this needs acknowledgement.

Proposal 11–3

Agreed.

Proposal 11–4

Proposal 11–5

Question 11–1

Question 11–2

Question 11–3

Proposal 11–6

Proposal 11–7

Proposal 11–8

A serious matter for discussion in the aged care services provision area.

Proposal 11–9

Proposal 11–10

Proposal 11–11