

Facts on Elder Abuse - Australia

Incidents of Abuse

- In comparing population numbers from around the world, it is projected that there are over 20,000 unreported cases of abuse, neglect, and exploitation in Victoria per year and approximately 100,000 throughout Australia per year. Other estimates include 20,000 for NSW and 25,000 for Queensland.
- Almost four times as many new incidents of abuse, neglect, and exploitation are not reported as those that were reported to and substantiated by adult protective services agencies and/or ombudsman entities. These predictions are also accurate for Australia. Thus 20,000 become 80,000. 100,000 become 400,000.

Lack of Reporting Mechanisms

- There are no mandatory reporting requirements in any State or Territory throughout Australia for elder abuse that is occurring in the community setting.
- Effective 1 July 2007, there will be mandatory reporting for all residential care facility staff for **only incidents of serious physical assault and criminal sexual assault.**
- There is no central database in any State or Territory recording incidents of abuse, neglect, and/or exploitation of vulnerable adults from the community sector.
- There is a state of continuous confusion throughout Australia about where to go for assistance. Currently there are no adequate response systems for those who need to report.

Concerns for the Federal Government

- By 2025 it is estimated that elder abuse will be costing the health system over \$350 million dollars per year.
- There were 3947 cases probed nationally by aged-care watchdog the Office of Aged Care Quality and Compliance from July to December 31 in 2007- an increase from the 2005-06 financial year, when there were 1260 complaints under the former model. 1447 of them were in Victoria.
- Victoria is also responsible for more than half of all elderly care inquiries, aged-care standards and external agencies referred to police and the coroner. The report shows seven Victorian cases were referred to the coroner in the last six months of last year, six to police and 324 to the Aged Care Standards and Accreditation Agency.
- Cases investigated include allegations of serious physical assault, medical mismanagement and failed personal care.
- The Office of Aged Care Quality and Compliance says in NSW there were 929 breaches in aged care homes.
- There were 418 sexual and physical assaults on elderly people - 138 occurring in NSW nursing homes.
- There were 332 reports of medication management issues where elderly residents were administered an overdose, not given enough pain relief or given incorrect medication.
- Police investigated 23 incidents in aged care homes last year, with seven cases referred to the coroner, two to the Nurses Board and 101 to the Aged Care Standards and Accreditation Agency (ACSAA).
- Minister for Ageing Justine Elliot said the Government would introduce increased police checks on all staff employed at nursing homes and aged care facilities. As well, government inspections would increase by a third to 7000 a year.
- More than 1400 assault allegations were made by nursing-home residents in the past financial year 2008-2009. This is a record and a 52 per cent rise on the previous year's figures.
- Only 13 people have been convicted of nursing-home violence since compulsory reporting began in 2007.
- The Report on the Operation of the Aged Care Act reveals 1121 aged care facilities reported "alleged unreasonable use of force" on residents in 2008-09.
- Another 272 incidents involved residents who had been sexually assaulted; 18 incidents out of this total reported the residents were the victims of violence and sexual assault.
- Complaints against nursing homes jumped to more than 12,500.
- 367 police reports were made over missing residents.
- In 2009-2010, there were 1488 assaults on residents with 80% being physical assaults and/or unreasonable use of force, 19% being sexual assaults, and 1% being both.
- 745 residents went missing during this same period but there is no overall recording of what happened in these circumstances.

Causative Factors within Residential Care Facilities

- **Since 1997, there have been no minimum staffing requirements with the Aged Care Act which merely states that a nursing home maintain an “adequate number of appropriately skilled” staff.**
- There have been changes to state and federal laws that mean facilities no longer have to employ a minimum number of qualified nurses.
- May 2005 Report from Aged Care Association Australia represented only 93 responses or 3% of the 2,963 facilities at the time. The facilities comfortable with their competence in complaints handling were the majority of those completing the survey – resulting in 97% of the facilities not feeling competent about their complaints handling.
- Failure to provide a level of staffing is often a causative factor for residents to be at a critical risk of such serious problems as infections, bedsores, weight loss, functional decline and avoidable hospitalizations – placing the residents in serious jeopardy.
- Some facilities owned and operated by For Profit Corporations care more about the bottom line than overall quality of resident care and treatment. They do not provide the salaries and incentives that would attract enough qualified doctors, nurses, and aides to properly care for residents.
- **75% of the residents in residential care facilities do not receive regular visits by relatives, are visited infrequently or not at all - thus these residents are not well represented in complaints.**
- In the Aged Care Association Australia 2005 study, respondents stated that focussed training on complaints handling and its processes is minimal or absent in about a third of all facilities. As to accountability, staff are not always clear about procedures and what to do when they encounter a complaint. The response “fall through the cracks” represented 20% of the answers given by the facilities questioned.
- One third of the facilities stated they handled complaints “informally”.
- “We lose good staff because we do not prepare and support them properly to handle complaints” featured in 12% of the answers by respondents for their facility.

Legal Issues

- There are no special statutes to cover neglect, mistreatment, or psychological abuse in any State or Territory.
- Elder abuse is not taught in the law school curriculum.
- Elder abuse is not a specialty area of law with most elder lawyers dealing with wills and estate matters.
- Elder Abuse cases are extremely difficult to prosecute in court due to lack of specific elder abuse laws as well as due to unduly influenced and/or incapacitated victims.

Victimisation Facts

- Persons, aged 80 years and older, suffer abuse and neglect two to three times their proportion of the older population.
- Among known perpetrators of abuse and neglect, the perpetrator is a family member in 90 percent of the cases.
- Two-thirds of the perpetrators are adult children or spouses.
- The offender is most commonly a close relative, especially a grown child, spouse, or sibling.
- Less often, the abuser is a son-, or daughter-in-law, grandchild, niece, nephew, or friend and neighbour.
- The typical target is a frail, ailing woman more than 70 years old.
- In most cases, the victim and the abuser live in the same household in social isolation from friends, neighbours, and kin who might otherwise informally deter the wrongdoing.
- When homebound parents are physically beaten or financially exploited, sons are the most likely culprits.
- When daughters and daughters-in-law are abusive, their maltreatment usually takes the form of emotional and physical neglect.
- Mistreatment by home health aides and nursing home staff members is also suspected to be commonplace (Pagelow, 1989).
- Older persons who are mistreated can suffer from severe emotional distress, especially depression, and are likely to die more quickly.