

Ageing and Disability Commission

Keeping residents safe from abuse

A guide for retirement village operators to meet Rule 10 in the mandatory rules of conduct



May 2023



Acknowledgment

This guide is for retirement village operators to meet Rule 10 in the mandatory rules of conduct. We believe that retirement village operators play a significant role in protecting and promoting the rights of older people to live free from abuse.

This has been developed by the NSW Ageing and Disability Commission.

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The Ageing and Disability Commission acknowledges Aboriginal People as the First Nations Peoples of NSW, and we pay our respects to Elders past, present and future. We acknowledge the ongoing connection Aboriginal people have to this land and recognise Aboriginal people as the original custodians of this land.

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Purpose of this guide

Everyone has the right to live free from abuse in their family, home and community.

Every retirement village in NSW has a responsibility to ensure their residents live in safe environments with access to services and information that support their safety and wellbeing, and are bound by the <u>Retirement Villages Regulation 2017</u> (the Regulation).

NSW Fair Trading takes carriage of this Regulation under the NSW Minister of Fair Trading, and must ensure the rights and obligations of residents and operators of NSW retirement villages are upheld.

Rule 10 of the Rules of Conduct for Operators of Retirement Villages (Schedule 3A of the Regulation) requires operators to develop and implement a strategy that supports staff and residents to identify and respond to elder abuse in the village. This guide provides a framework to help retirement village operators meet Rule 10.

About the Ageing and Disability Commission

The Ageing and Disability Commission (ADC) is an independent agency of the NSW Government that promotes the rights of older people and adults with disability to live free from abuse, neglect and exploitation in their family, home and community. The ADC has a range of functions, including:

- raising awareness and educating the public about abuse, neglect and exploitation of older people and adults with disability
- responding to reports of abuse, neglect and exploitation of older people and adults with disability
- inquiring into and reporting on systemic issues relating to abuse, neglect and exploitation, or the protection and promotion of the rights of older people and adults with disability.



The bigger picture of abuse

Abuse and neglect can happen to anyone. However, there are some factors that can contribute to increased risk. Social isolation and poor quality relationships are among the main risk factors associated with the abuse of older people in community settings. Particular groups may also be at greater risk, including people from culturally and linguistically diverse (CALD) backgrounds, people living in regional and remote communities, people from the LGBTQI+ community and people from First Nations communities.

Abuse of older people

Abuse of older people in Australia is an increasing issue. It is expected that in 2061, 25% of NSW's population will be aged 65 or older. The National Elder Abuse Prevalence Study (2021) found that one in six older Australians living in the community self-reported that they have experienced abuse. The most common perpetrators were found to be family and community members, particularly adult children and intimate partners. Social isolation, mental ill-health, physical-ill health, disability, and housing insecurity are factors that can significantly contribute to an older person's vulnerability to abuse¹.



1. 2021 Qu, L., Kaspiew, R., Carson, R., Roopani, D., De Maio, J., Harvey, J., Horsfall, B. National Elder Abuse Prevalence Study: Final Report. (Research Report). Melbourne: Australian Institute of Family Studies.



Abuse of adults with disability

Research in Australia indicates that adults with disability are more likely to experience violence than adults without disability. It is estimated that 1 in 5 adults with disability have experienced abuse before the age of 18, with up to 32% of adults experiencing high to very high psychological distress². People with disability are also more likely to feel unsafe in their own home than people without disability³. In particular, women with disability experience higher rates of abuse including emotional and sexual abuse than women without disability³.

^{2.} Australian Institute Health and Welfare, People with Disability Report September 2019 - https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia-inbrief/contents/about

^{3.2020} Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Issues Paper: Violence and abuse of people with disability at home. - https:// disability.royalcommission.gov.au/

What we're seeing in NSW





40%

of alleged abuse of **older people** was psychological (verbal abuse and preventing/restricting access to family and friends)

28%

of alleged abuse of **older people** was financial (financial exploitation, misuse of Power of Attorney/Enduring Power of Attorney, theft)

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Adult children (29%) and paid workers (28%) were the main reporters of concern about older people. 16% of reports were made by the older person themselves.

Most reports were about alleged abuse by **relatives** (mainly adult children and parents) for both

older people (62%) and adults

with disability (50%)



Data collected by the NSW Ageing and Disability Commission from 1 January 2020 – 31 December 2022.

How to use this guide

This guide is to support retirement village operators meet their obligations under Rule 10 of the Rules of Conduct in the Regulation. It provides information and resources to inform a strategy to improve the detection and response to abuse of an older person in your retirement village.

NSW Fair Trading can provide assistance related to the resolution of complaints, disputes between operators and residents, and other related matters.

NSW Fair Trading 13 32 20 or make an enquiry on www.fairtrading.nsw.gov.au.

For further advice and support for your work, please refer to the following bodies:

Property Council of Australia (02) 9033 1900 or www.propertycouncil.com.au Aged and Community Care Providers Association 1300 222 721 or www.accpa.asn.au

Your role in preventing and responding to the abuse of older residents

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E FIRST DI GRAS Preventing and responding to abuse of older people is a shared responsibility of the community, services and government. As retirement village operators, you have mandatory obligations to have an elder abuse prevention strategy that can assist to keep your residents safe from abuse.

1. Your legislative obligations to help keep residents safe from abuse

Rule 10 in the Rules of Conduct outline clear requirements for the development and use of an elder abuse prevention strategy. Elder abuse is defined in the legislation 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".

Operators must:

- Prepare and give effect to a strategy for the identification and prevention of any elder abuse in the retirement village
- ✓ Ensure a copy of the strategy is posted on the notice board of the retirement village
- ✓ Ensure that all of the operators staff are familiar with the strategy

The strategy must include:

- Examples of common forms of elder abuse, as well as specific examples in relation to retirement villages
- ✓ Information on how to identify elder abuse including signs of elder abuse and how to prevent elder abuse
- ✓ Information on ways to respond to elder abuse or concerns of suspected abuse, including procedures for reporting abuse, escalating matters to appropriate agencies and authorities and response times
- An explanation of the roles and responsibilities of the operator and retirement village staff in relation to elder abuse in the retirement village
- ✓ Guidance for accessing support from the Ageing and Disability Abuse Helpline, and other relevant local services and support agencies

In addition to preparing a strategy, operators are legally required to:

- \checkmark Ensure a copy of the strategy is posted on the notice board of the retirement village
- ✓ Ensure staff are familiar with the strategy

Operators must review the strategy every 2 years to ensure it is appropriately identifying and responding to the abuse of residents.



2. Your social responsibility to keep residents safe from abuse

Many older people choose to live in retirement villages to be part of a like-minded community that supports their safety and wellbeing. As operators, you have a responsibility to create a safe environment for residents that upholds their human right to live free from abuse.

Taking measures to build trust with your residents is an essential part of establishing a safe environment. By developing and promoting an abuse prevention strategy, you are publicly demonstrating that you and your staff can appropriately respond to abuse and that residents can feel confident in disclosing concerns they have about themselves or someone else.

This guide contains the resources and support you need as operators to develop and action a strategy that meets your legislative obligations and social responsibility to keep your residents safe from abuse.



The three keys to unlocking your abuse prevention strategy



Rule 10 identifies the key components that must be in your elder abuse prevention strategy.



Ensure your strategy is clear with examples

Your strategy must include information on common forms of abuse of older people, as well as specific examples in relation to retirement villages. This includes:

- ✓ information outlining how to identify abuse of older people, including signs and symptoms.
- ✓ an explanation of your roles and responsibilities as an operator and of your staff in responding to the abuse of older people in a retirement village



Increase capabilities and awareness of staff

Staff play a critical role in supporting the safety and wellbeing of residents. They must be familiar with your strategy to understand how to identify abuse, and the processes to follow if they have concerns. Your strategy must include:

- ✓ information on ways to respond to abuse of residents
- ✓ guidance on how to raise concerns about suspected abuse, including procedures for reporting abuse, escalating matters to appropriate organisations and authorities, and response times
- ✓ information about the Ageing and Disability Abuse Helpline, relevant local support services, resources and support agencies.



Promote services and your strategy to residents

Residents need to be aware of your strategy and know there are services available to them if they are at risk of, or subject to elder abuse. Your strategy must:

- ✓ include accessible information about how to access services and resources from the Ageing and Disability Abuse Helpline, as well as relevant local services and support agencies. Resources to support this component can be found on page 19 of this guide.
- ✓ be posted on village notice boards to ensure residents can access resources and information.



Support for you and your staff

Building the capability of staff to identify and respond to abuse of residents is a crucial element of your strategy, as they have direct contact with residents in their living environment, and may receive disclosures of abuse.

Training

Training should be available to all retirement village staff to ensure they understand what abuse, neglect and exploitation is and how to respond. The ADC provides free e-Learning modules that equips staff with the information and guidance they need to confidently identify and respond to abuse.



Module One is designed to prepare support staff, volunteers and community members with the skills to confidently and competently detect and respond to concerns of abuse of an older person in their family, home and community. This training includes case studies and guidance on having conversations about abuse and reporting concerns to managers.

We recommend this training be provided to all staff, refreshed on a regular basis and included in your induction package for new starters.



<u>Module Two</u> is designed for senior managers and staff who are involved in the development, review and guidance of staff policies and procedures.

As operators and retirement village professionals, this training will support you to:

- strengthen workplaces practices to guide staff on how to respond to risks or disclosures of abuse, neglect and exploitation of older people and adults with disability in their family, home and community
- develop strategies on how to better support staff and build confidence to detect and raise concerns of abuse earlier
- better understand the importance of workplace culture and how this can influence staff to act on matters of concern earlier
- understand the importance of reflective practice and policy review in the context of abuse in family, home and community settings.

Please contact training@adc.nsw.gov.au to discuss how this training can work for you.



Clear procedures for reporting abuse

Your village is required to develop a procedure for reporting abuse that ensures staff know how to raise concerns with senior managers/supervisors and are supported to seek ad vice or make a report to the relevant agency.

You need to share your reporting procedure with staff on a regular basis and with new staff to ensure they can identify and respond to elder abuse.

Strengthening your procedures

Staff need to feel confident that reporting procedures are safe and effective. Embedding the following principles in to your procedures will foster a proactive culture of abuse prevention in your village and encourage staff to take action against abuse:

- clearly communicate about the village's commitment to upholding the rights of older people to live free from abuse in their family, home and community
- ✓ reporting for residents and staff is made easy
- ✓ policies and procedures are easy to understand and accessible to everyone
- ✓ all staff are inducted into elder abuse response procedures
- ✓ regular, tailored training is available for staff on how to respond to identified or suspected abuse
- ✓ regular opportunities are provided for staff to receive productive feedback on their practice to make sure they understand the procedures and policies
- ✓ procedures should clearly identify the roles and responsibilities of the operator and staff, and timeframes for responding to abuse.

Support for your residents



The ADC's role is to better protect older people and adults with disability from abuse in their family, home and community. We do this through a variety of functions, including:

- responding to enquiries and reports about abuse through the NSW Ageing and Disability Abuse Helpline
- raising awareness through resources and community education initiatives.

To meet Rule 10, you need to provide information to residents and staff on how to access the services and resources of the NSW Ageing and Disability Abuse Helpline and relevant local services and support agencies.

Our response when abuse is reported

Anyone who believes that an older person or adult with disability is subject to, or at risk of, abuse, neglect or exploitation can make a report to the NSW Ageing and Disability Abuse Helpline.

- Reporters can be anonymous.
- Reporters have protections under the law.
- Reports can be made to our Helpline: by phone, email or online.

There are many ways the NSW Ageing and Disability Commission responds to enquiries and reports. We may:

- **Provide information and support:** The NSW Ageing and Disability Abuse Helpline may provide information, support, and make referrals to appropriate services. The report may also be assigned to the Community Support & Investigation Unit, who can explore the matter further. This will help to better understand what actions are needed, and how best to respond.
- Engage other professionals: Depending on the report, we may work with the adult and relevant agencies to improve their supports and safeguard them from further abuse. We are required to refer certain matters to other agencies, including NSW Police and some complaint handling bodies.
- **Investigate:** We may conduct an investigation. Prior to this step, we will typically seek the consent of the adult at the heart of the report. Following an investigation, further protective actions may be taken. The intention is always to improve the safety of the adult, and uphold their rights

Our resources

We know that abuse isn't easy to talk about. However, conversations are one of the most powerful ways to support someone who may be subject to abuse. Our flyers and resources are designed to facilitate conversations about abuse and give people the information they need to seek support.

We have a range of flyers:

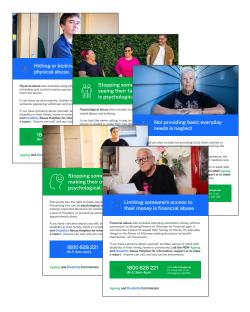


Common signs of abuse,

neglect and exploitation



How the ADC can support older people and adults with disability



Specific abuse types, e.g. <u>financial abuse</u>, <u>psychological</u> <u>abuse</u>, <u>neglect</u>, <u>physical abuse</u> and <u>sexual abuse</u> (also available in Easy Read)

Revoking (cancelling) a Power of Attorney Revoking (cancelling) a Power of Attorney (POA) can be easy. If you have a have the right to revoke that power if you no lenger want that person(s) me assets and financial affrains.		Fact sheet Ageing and Disability Com		adusiag (u	ortions
Who can revoke a POA? Yave can revoke your POA at any time as long as you have the capacity to do so. How do you revoke a POA? Making a new POA does not automatically revoke a	If you lack capacity and you others feel that your assets are being misused by your attorney is not acting in you application can be made to	We receive reports about abuse, neglect and disability in their family, home, and communit psychological abuse result from the misuse o roles of attorneys and enduring guardians.	exploitation of ol y. Many instance	der people and s of financial a	adults with
 The previous one. To revoke your POA, you must write to: the person(s) previously appointed as the (attorney's), stating that you are ending their 	Administrative Tribunal (NC the EPOA. What can NCAT do? NCAT can review the makin operation and effect of an I During or after its review, N • place your extate un a private financial mu Trustee and Quardian	What to consider	General Power of Attorney	Enduring Power of Attorney	Enduring Guardian
appointment vour benef(a) and any other organisations your attorney was dealing with on your behalf (e.g. Centrelink) the NSW Land Registry Office (if registered).		Can only be appointed by you while you have capacity.	×	 Image: A second s	~
		You can appoint more than one person.	×	 Image: A second s	 Image: A second s
Once revoked, it is best to destroy the original POA documents and any copies.	 vary the EPOA remove the attorney appoint a substitute a 	You can appoint substitutes.	1	 Image: A second s	 Image: A second s
There is no specific form to fill out when revoking a POA - a letter is encugh. However, there is a Revocation of Power of Attorney template from <u>NSW</u> Land Registry Services you can use.	newska all or part of t newska till or part of t maska other orders th What is capacity? Generally, which you have the follower ander stand the fr ander stander stander stander stander ander stander stander	The person appointed manages your assets and makes financial and legal decisions on your behalt (e.g. paying bills, managing your bank accounts, investments, burvine or selling property).	1	~	
A document revoking a POA must state: • your name • the date your POA was appointed (if not registered) • the resistered number of the POA (if resistered)		Helps if you are overseas for an extended period o time, are busy or unwell, and need your finances managed by another person.	~	~	
the date of the revocation, and words indicating association such as "I hereby revolus." Work Inspensit TypoLack capacity? If you have a general POA, if ends ence you have lost capacity, "You attacking cains longer autist with you POA (EPOA), it continues after you have lost capacity." POA (EPOA), it continues after you have lost capacity. If you lack capacity you cannot revolve an EPOA or make a new one.		Can be in effect while you have capacity.	1	1	
		Is in effect when you lose capacity.		1	v
		The person appointed may make decisions about where you are to live.			×
	the nature, significance of the decision you are n	The person appointed may make health care decisions for you.			 Image: A second s
Ageing and Disability Abuse Helpline	Professionals such as do assess your capacity to financial management d whether you have capac	The person appointed may make decisions about other kinds of personal services you are to receive (e.g. support services).			1
1800 628 221 (M-F 9-5) adc.nsw.gov.au	POA.	The person appointed may consent to medical or dental treatment for you.			 Image: A second s

Understanding decision-making appointments e.g. <u>the difference between Powers of Attorney</u> and <u>Enduring Guardians, and revoking (cancelling) a</u> <u>Power of Attorney.</u>



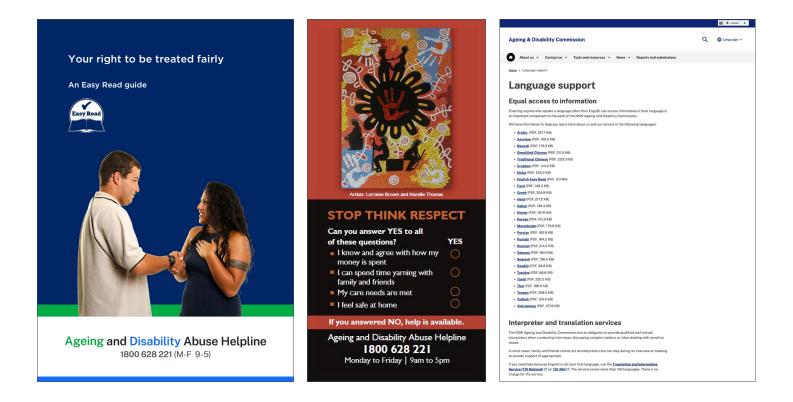
'<u>My Wellbeing Checklist</u>' that supports adults to reflect on their wellbeing and recognise signs of abuse. The checklist is available in English, <u>Indonesian</u> and <u>Mandarin</u>

The ADC is committed to creating resources that respond to the needs of different communities. This includes:

- <u>Accessible resources in Easy Read</u>
- <u>Culturally appropriate information for Aboriginal and Torres Strait Islander communities</u>
- Resources available in 24 different languages for multicultural communities

All of these resources promote the Ageing and Disability Abuse Helpline and can be circulated on community notice boards and common areas of your village.

You can access digital copies and order physical copies of our resources for free on the ADC website.



Connecting locally with your residents

The ADC can deliver in-person community education sessions for your residents. In these sessions, we share information about abuse, signs of abuse and how the ADC can support residents and staff. If you are interested in a community education session, please contact training@adc.nsw.gov.au

Handy websites and resources

Agency	Contact details	How can they help you?
Ageing and Disability Commission	1800 628 221 (M-F, 9-5) <u>nswadc@adc.nsw.gov.au</u> <u>www.adc.nsw.gov.au</u>	The Ageing and Disability Commission (ADC) is an independent NSW government agency, which works to promote the rights and protect older people and adults with disability, so they can live free from abuse, neglect and exploitation. The ADC runs the Ageing and Disability Abuse Helpline. Contact the Helpline for information, support or to make a report about abuse, neglect and exploitation of an older person or adult with disability in their family, home and community.
NSW Fair Trading	13 32 30 (M-F, 9.30am -5pm) www.fairtrading.nsw.gov.au	Contact NSW Fair Trading if you have any questions about your rights and responsibilities as a current or future resident or operator of a retirement village.
Seniors Rights Service	1800 424 079 www.seniorsrightsservice.org.au	Free independent legal advice about areas of law affecting older people, plus aged care advocacy to people receiving in- home and residential aged care services.
Aged Care Quality and Safety Commission	1800 200 422 <u>www.agedcarequality.gov.au</u>	Contact the Aged Care Quality and Safety Commission if you have concerns about the abuse, neglect and exploitation of someone who is receiving aged care services by aged care workers, or would like to make a complaint about an aged care provider.
NSW Trustee and Guardian	1300 364 103 <u>www.tag.nsw.gov.au</u>	NSW Trustee and Guardian supports vulnerable community members by providing independent and impartial financial management, guardianship and trustee services that support customers and help them manage their health, lifestyle and financial affairs.
NSW Police	131 444 <u>www.police.nsw.gov.au</u>	Contact NSW Police if you believe a crime has been committed but the incident is not life threatening or a critical emergency – for example, theft, fraud, harassment. In an emergency, call 000.
Law Access	1300 888 529 www.lawaccess.nsw.gov.au	For free information and legal assistance.
Dementia Australia	1800 100 500 <u>www.dementia.org.au</u>	People with dementia are at higher risk of elder abuse. Contact Dementia Australia for information, support and referral services for people with dementia and their supporters.
Relationships Australia	1300 364 277 www.relationshipsnsw.org.au/ support/services/lets-talk-elder- mediation	Let's Talk: Elder Support and Mediation Service assists older people and their families to prevent or resolve family conflict, and have difficult conversations including about medical, health, financial or living arrangements.
Carers NSW	02 9280 4744 www.carersnsw.org.au	Carers NSW offers information and support for carers.

Ageing and Disability Commission

