



Royal Commission
into Family Violence

WITNESS STATEMENT OF JENNIFER BLAKEY

I, Jenny Blakey, Manager of Seniors Rights Victoria (**SRV**), of Level 4, 98 Elizabeth Street, Melbourne, in the State of Victoria, say as follows:

1. I am authorised by **SRV** to make this statement on their behalf.
2. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

Current role

3. As the Manager of SRV, I am responsible for leadership and organisational development, staff management, operations, service development and delivery and communications. I manage nine staff including three advocates who are social workers, two lawyers, a community education coordinator, a communications officer, a project officer and an administration officer.
4. During my five years in this role, I have overseen both the daily operations and strategic planning of SRV as the peak Victorian body providing assistance to elder abuse victims. To fulfil my duties, I regularly liaise with Victorian and interstate elder abuse experts. I am a member of the State Government Elder Abuse Prevention Advisory Group, the CPA Elder Financial Abuse Taskforce and the Victoria Police Seniors Portfolio Reference Group. I have given presentations on elder abuse, the SRV service model, cases and law reform at national conferences and at the International Federation on Ageing 11th Global Conference in Prague in 2012. SRV will host the 4th National Elder Abuse Conference in February 2016.

Background and qualifications

5. A social worker by profession, I have over thirty years' experience in the community services sector including as Executive Officer of the Fitzroy Legal Service, Manager of Centacare Catholic Family Services (now CatholicCare) and Manager of

Windana Outreach Services in St Kilda, Victoria. I have been the Manager of SRV since 2010. I have a Graduate Diploma of Business (Management) from RMIT and am a current member of the Australian Institute of Company Directors and the Australian Institute of Management.

Seniors Rights Victoria

6. SRV exists as a program within the Council on the Ageing Victoria (**COTA**) and was established in 2008. The funding is provided by Victoria Legal Aid, the Department of Health and Human Services and the Commonwealth Attorney-General's Department. SRV works in partnership with Justice Connect, Eastern Community Legal Centre and Loddon Campaspe Community Legal Centre.
7. SRV seeks to empower older Victorians so they can take steps to live in safety with dignity and independence. We assist Victorians who are 60 years of age or older; 45 years and older for Indigenous clients, and any person approaching 60 years of age who has age-related disabilities or illnesses.
8. We assist people who are at a risk of elder abuse, mistreatment and/or financial exploitation within a relationship of trust. SRV provides information, support, advice and education to help prevent elder abuse and safeguard the rights, dignity and independence of older people. SRV also provides legal support to older people who have capacity to give legal instructions, and advice to people who are experiencing issues related to ageing.
9. Our services include a Helpline, a specialist legal service, as well as short-term support and longer term advocacy for individuals. We also provide education around elder abuse and leadership on policy and law reform.

Elder abuse

10. Elder abuse is any act which causes harm to an older person and is carried out by someone they know and trust, such as a carer, family member or friend. The World Health Organisation (**WHO**) has defined elder abuse as abuse that can take the

form of a single or repeated act occurring within a relationship where there is an expectation of trust which causes harm or distress to an older person¹.

11. Elder abuse is family violence when it occurs within the context of a family relationship. Elder abuse is sometimes the continuation of other forms of family violence that have been perpetrated over a long period of time. The abuse takes many forms, from the basic denial of human rights of older people to mistreatment, neglect, financial abuse, physical or sexual abuse, psychological and emotional abuse and/or social abuse.
12. Elder abuse is less likely to be reported than some other kinds of abuse as often the perpetrator is related to the victim, which creates a reluctance on the part of the victim to report the violence and potentially sever the family relationship. Often victims do not want a criminal justice response against a family member as they have concerns regarding the outcome of the criminal response for their associated family member. Elder abuse victims report that subsequent to the abuse they have suffered, they want the relationship with their child to be different, but they do not want to disengage with the relationship entirely.
13. Elder abuse victims may experience social isolation and some older people feel if they sever a relationship with the perpetrator, they will experience further isolation from their family and the community.
14. Largely, the abuse occurs behind closed doors in the home, and is effectively hidden from the community. By way of going unreported, or by occurring in a private space, there is less acknowledgement by support services and the broader community of elder abuse. This means there is a significant barrier to access to justice and support services available to older Victorians.

The Submission

15. In SRV's Submission to the Royal Commission, the section 'Elder abuse in the family violence context' seeks to provide a profile for elder abuse within families by providing information about both the forms of elder abuse and a range of associated problematic behaviours. **Attached** to this statement and marked '[JB-1]' is a copy

¹ World Health Organisation, *The Toronto Declaration on the Global Prevention of Elder Abuse* (17 November 2002).

of 'Seniors Rights Victoria Submission to the Royal Commission into Family Violence' (the **Submission**) dated June 2015.

16. The Submission details the prevalence of elder abuse both in Australia and globally; and speaks to the broad spectrum of the causes of elder abuse; including ageism, old age discrimination and the denial of older people's human rights. There is a unique experience for older people who are victims of family violence; and there are substantial barriers to access justice and services due to the specificity of these issues.
17. The purpose of this witness statement is to bring more detail to the profile of elder abuse in families in Victoria by providing the Royal Commission with a statistical analysis of SRV's Helpline data over a recent two-year period. **Attached** to this statement and marked '[JB-2]' is a copy of 'Profile of elder abuse in Victoria: Analysis of the data about people seeking help from Seniors Rights Victoria Summary Report' (the **Report**) dated June 2015.
18. I also seek to provide the Royal Commission with further information about financial abuse in the context of elder abuse, which is pervasive and often hidden, and is most often perpetrated by adult children against their parents.

The Report

19. SRV partnered with the National Ageing Research Institute (**NARI**) to collate and analyse SRV's Helpline data over a two-year period from July 2012 to June 2014. The purpose of the Report was to develop a better understanding of elder abuse as experienced by older Victorians. The Report illustrates both the types and frequency of abuse, some of the common characteristics of people who experience abuse, as well as the characteristics of those who perpetrate it. The substance of the study of elder abuse is outlined below:
 - 19.1. Over the two-year period, SRV conducted advice calls with 755 older people. The advice calls covered a range of matters including abusive and non-abusive matters. Of the total matters, 279 clients or 37% reported financial abuse and 270 clients or 35.8% reported psychological/emotional abuse.
 - 19.2. The majority of the calls reported multiple forms of abuse occurring concurrently. Of the 755 clients, 455 reported at least one of the following

types of abuse: financial abuse, psychological/emotional abuse, physical abuse, social abuse, sexual abuse, and neglect.

- 19.3. The occurrence of the types of abuse as captured during the advice calls is set out within the below table:

	Number of occurrences	% of clients who reported this type of abuse (455)	% of total abuse occurrences (671)
Financial abuse	279	61.32	41.58
Psychological/Emotional abuse	270	59.34	40.24
Physical abuse	75	16.48	11.18
Social abuse	39	8.57	5.81
Neglect abuse	6	1.32	0.89
Sexual abuse	2	0.44	0.30

20. Financial abuse was the most commonly reported type of abuse. To give a complete picture of the kinds of financial abuse experienced by SRV clients, the numbers of older people who reported experiencing financial abuse matters, as well as the form in which the financial abuse manifested itself, is set out below:

Financial abuse occurrences included:	#	%
Incurring bills for which older person is responsible	64	22.9
Taking up residence in home for reasons other than benefit of older person	43	15.4
Stealing goods from older person	38	13.6
Threatening, coercing or forcing an older person into handing over an asset (e.g. Signing paperwork concerning property, wills or POA)	36	12.9
Abuse/neglect/misuse of POA, including failure to consult older person or act in accordance of direction of OP when OP has capacity	31	11.1
Debt matter – failure to repay loan	23	8.2
Use of pressure or force on the older person to enter into disadvantageous financial arrangements (e.g. Loan, guarantee, gift, change of will, house transfer)	23	8.2
Using an older person's money or possessions without their consent	19	6.8

Using older person's banking/financial docs without authorisation	18	6.5
Managing the finances of a competent older person without authority	16	5.7
Pressuring an older person to take out a loan or be a co-borrower/guarantor for loan for benefit of another	16	5.7
Threats of undue pressure on an older person to sell the house or handover assets	14	5
Pressuring older person to enter disadvantageous/uncertain granny flat or joint ownership arrangements	14	5
Assets for care – relationship breakdown	12	4.3
Appropriating proceeds of sale of older person's home with false promise of providing future accommodation or care, then not providing it	7	2.5
Breach of trust	5	1.8
Pressuring an older person to relinquish an anticipated inheritance or gift or loan	3	1.1
Assets for care – preventive	2	0.7
Pressuring an older person for financial assistance	1	0.4
Fraud	1	0.4

21. The second most commonly experienced elder abuse was psychological and/or emotional abuse. A detailed analysis of psychological and emotional abuse matters, as well as the five most common occurrences of psychological and/or emotional abuse experienced by SRV clients are outlined below:

Psychological/emotional abuse occurrences included:	#	%
Verbally abusing an older person	165	61.1
Pressuring, intimidating or bullying/harassment	114	42.2
Name calling, degrading, humiliating or treating the person like a child, in private or public	87	32.2
Controlling an older person	42	15.6
Threatening to harm the person, other people, pets	30	11.1

22. Physical abuse matters were the third most frequently reported form of abuse experienced by older clients to SRV. The five most common occurrences of physical abuse are outlined within the below table:

Physical abuse occurrences included:	#	%
Pushing or shoving	39	52
Kicking, punching, slapping, biting, burning	29	38.7
Rough handling	16	21.3
Other	8	10.7
Using chemical restraints including alcohol, prescribed and un-prescribed drugs, household chemicals, poisons	2	2.7

23. Details of social abuse experienced by clients of SRV were recorded during the advice calls, and five of the most common occurrences of social abuse have been recorded within the following table:

Social abuse occurrences included:	#	%
Preventing contact with family and friends	17	43.6
Living in, and taking control over an older person's home without consent	16	41
Other	3	7.7
Not allowing the older person to use the phone, or monitoring their calls, or disconnecting the phone without consent	3	7.7
Preventing an older person from returning home or accessing their home	2	5.1

24. The data illustrates that financial abuse and psychological and/or emotional abuse were the most common matters reported. Because of their common occurrence, SRV's Submission gave particular attention to the need to prevent and intervene early in cases of financial abuse of older people by family members.

Characteristics of older people and perpetrators of their associated abuse

25. SRV's data shows that 92.3% of perpetrators were related to the older people including by marriage or a de facto relationship, which clearly places elder abuse as a family violence issue.

26. But what is striking about elder abuse in families and what makes it different to intimate partner violence is that it is intergenerational. According to SRV's data, the majority of elder abuse incidents were reported by people aged 70 to 84 years and the majority of perpetrators were aged 35 to 54 years. Most perpetrators of elder abuse are the son or daughter of the client. Indeed, 40% of perpetrators were sons and 26.8% were daughters.
27. Because the predominant characteristic of elder abuse in families is that it occurs across generations, it is worth noting that amongst SRV clients during the reporting period, 4.4% of perpetrators were grandchildren, 3.3% were sons-in-law and 3.1% were daughters-in-law. Further, 27.5% of SRV clients were men. When a man was the victim of psychological/emotional abuse the perpetrator was almost as likely to be female as male.
28. Overall, the gendered nature of elder abuse in families cannot be denied and more women than men were victims of abuse across all recorded age ranges. The data illustrates that in all kinds of elder abuse (financial, psychological and/or emotional, physical, social and sexual) men are more likely to be the perpetrators, and women are more likely to be the victims. Women accounted for 72.5% of clients reporting abuse and men were the perpetrators in 60% of the cases.

Risk factors

29. The data enables us to identify possible risk factors for elder abuse, as set out below:
- 29.1. Being a woman: the total number of women reporting abuse was approximately 2.5 times that of older men.
- 29.2. Parents and adult children living together: in the overwhelming majority of cases where an older person reported living with one of their children, a son, daughter (or son-in-law/daughter-in-law) was responsible for the abuse.
- 29.3. Older people living alone: older people living alone received advice from SRV at a higher rate than expected when compared with their presence in the wider population.
- 29.4. Perpetrators with substance abuse issues, gambling addiction and mental health issues: perpetrators were identified by victims as having substance

abuse issues or gambling addiction within 18.5% of cases and mental health issues in 13.2% of cases.

- 29.5. Financial difficulties: both clients and perpetrators were suffering financial hardship (each at 18.2%).
- 29.6. Having a disability: over half (62%) of older people who reported abuse had some kind of disability, the majority (45%) being physical.
- 29.7. Family conflict and violence: across all forms of abuse, the existence of family conflict was noted by a third of clients. However, it is difficult to say whether this conflict is long-term and ongoing or an outcome of the abusive situation. A family history of violence was most significantly noted for clients who experienced physical abuse, and was also reported when social and psychological abuse occurred.

Financial abuse as a form of family violence

- 30. Financial abuse is the use of someone's money, property or other assets illegally or improperly and is the most common type of abuse reported by SRV's clients.
- 31. There are a variety of ways in which financial abuse is perpetrated against older people that include forcing an older person to change their will or mortgage their house so that the perpetrator can obtain a financial benefit. Our clients have also reported instances of financial abuse when bills and/or debts are placed in their name for the benefit of the perpetrator, or when a perpetrator coerces the older person into handing over assets and/or money. A particularly worrying trend which has caused SRV clients to lose substantial amounts of money and in some cases face homelessness is in relation to failed 'assets for care' arrangements. This is where an adult child agrees to care for their parent for the rest of their lives in exchange for the transfer of money or property. The misuse of powers of attorney documents by unscrupulous or uninformed family members is also not uncommon.
- 32. Clients of SRV have reported that, as outlined above, it is common for the abuse to be perpetrated by the adult child of the victim. In our experience, the justification the perpetrator often uses is that they feel that they have an entitlement to the money, due to the fact that when the victim of the financial abuse dies, the perpetrator will eventually inherit the full sum of money. The view that parents have an ongoing obligation to support their children regardless of age also exists. These

expectations can lead to unfair outcomes for an older person because they are denied the right to enjoy and benefit from their life savings.

Further Recommendations

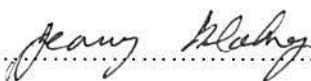
33. A policy framework which reflects a whole of government approach requires cooperative efforts of the Minister for the Prevention of Family Violence, the Minister for Housing, Disability and Ageing and the Attorney-General. Additionally, increased resources are required for the Commissioner for Senior Victorians to assist in representing the rights of victims of elder abuse.
34. In relation to the prevention of elder abuse, a broad public awareness campaign should be funded and implemented to raise awareness of issues associated with elder abuse including underlying causes such as ageism and generational expectations. The inclusion of information regarding elder abuse in respectful relationships education in secondary schools would also assist in acknowledging the specificity of the kinds of abuse perpetrated against older Victorians, challenge root causes and engender respect across generations from an early age. Efforts to inform older people about their rights and what help is available when abuse occurs must continue and be enhanced including in relation to Indigenous Victorians and those from CALD backgrounds who may have different and additional needs.
35. Given the number of SRV clients identifying that the perpetrators have addiction and mental health issues, SRV's Submission recommends that greater support be given to parents who remain or become carers of their adult children. Further, the Submission recommends that counselling and behavioural change programs tailored to address situations of elder abuse in families be made available to the broader community and are attached as conditions of intervention orders.
36. Research into the prevalence of elder abuse in Victoria is required to understand the breadth of the problem and to design and assess the effectiveness of prevention and intervention strategies. The data from the Report (as outlined above) is indicative of the extent of elder abuse in Victoria; but the data only captures the clients of SRV. SRV recommends a State-wide elder abuse

prevalence study to gain a more accurate and complete understanding of the extent and nature of elder abuse in Victoria.

37. As a way to counteract the risk of family violence abuse within family relationships, SRV's Submission recommends that improved housing options for both victims and perpetrators be made available.
38. The existing family violence system was initially designed around women and children, and fails to recognise the specific needs of older people suffering from abuse. For example, crisis accommodation does not provide support which is specific to older people's needs, such as disability access. Access to safe crisis housing within more appropriate facilities, such as aged care facilities, would be more appropriate to meet the needs of victims of elder abuse. Family violence counselling services must be tailored to the particular needs of older people including the fact that victims are both men and women and that they come from a range of cultural and linguistic backgrounds.
39. Financial abuse of older people requires prevention methods, early intervention and ongoing support to ensure that the abuse does not continue. SRV recommends that the Victorian Government provide an information package about future planning targeted at seniors when sending out the Victorian Seniors Card or related newsletters. Additionally, the Government should facilitate the increased use of mediation and family meetings when the older person is planning their finances.
40. In terms of intervening in financial and other abuse, there is an obligation to learn to identify elder abuse by professionals. There are common access points at which elder abuse can be identified. Professionals with whom a victim of elder abuse often comes into contact should be aware of risks and their obligations to intervene in instances of abuse:
 - 40.1. If an older person suddenly mortgages their house, or experiences further instances of irregular banking patterns, the banking staff should be equipped to recognise that there is a potential incident of elder financial abuse and have knowledge of avenues available to refer or support that person. Banks also need to develop strategies to intervene when financial abuse occurs online.

- 40.2. There are reported instances of lawyers facilitating significant asset transfers from older people to their children when there is an absence of understanding and/or consent from the older person. Appropriate checks and balances need to be put in place to ensure that lawyers are trained to identify this type of abuse.
- 40.3. In the instance of physical abuse, victims first seek help from General Practitioners. GPs should be able to identify that the injuries suffered by their patient may mean that physical elder abuse may be occurring and have the knowledge to refer accordingly. Issues around the consistency of approach in capacity testing must also be addressed as diminished capacity can be a risk factor for abuse – particularly financial – and there will be increasing rates of dementia in an ageing population.
- 40.4. Additionally, improvements to training for Victoria Police would ensure a more informed and effective response to elder abuse incidents and could provide a more rapid and comprehensive referral network. Police need to put resources into investigating suspected financial exploitation of older people and be more willing to take enforcement action.
41. It is critical that all points of access for older people, including medical, legal, banking, financial planning, aged care, housing and police facilities are trained to recognise when elder abuse may be taking place and have systems regarding the most appropriate referral platform or service to assist the older person.
42. Services for elder abuse victims require coordination and funding. A collaborative approach across a range of services should inform the response to elder abuse, including an accurate and consistent referral system to support services, legal services and counselling which takes into account the unique profile of older victims of family violence.
43. Looking to the future, SRV seeks to better reach older people across Victoria by creating a network of regional coordinators. It is envisaged that regional coordinators, led by the SRV Melbourne office, would be integrated into appropriate host agencies with which older people are likely to have contact and would work to build and maintain consistency of response and appropriate and timely referrals. SRV requires government commitment and funding to achieve this vision.

44. In addition, a more comprehensive service delivery to older people should be achieved by expansion of the powers of the Public Advocate to investigate cases of abuse where a vulnerable older person is unable and/or unlikely to seek help for themselves. This may be relevant to suspected cases of neglect and financial exploitation of older people with diminished capacity due to dementia. Whilst SRV operates on an empowerment model and does not support mandatory reporting or an Adult Protective Services model that exist in some overseas jurisdictions, there is scope to continue to explore ways in which the State can better assist older people who are vulnerable to abuse.



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Jennifer Blakey

Dated: 10 July 2015