

**Issues for Royal Commission Elder Rights Advocacy Level 2/85 Queen St Melbourne Mary Lyttle
CEO. Contact [REDACTED]**

Background: Issues raised with ERA mainly arise in residential aged care, with very limited matters raised from Home Care clients.

At times we are provided with referral by Senior Rights Victoria, as the issues relate to residential care. Otherwise, we are generally contacted by the Manager or Director of Nursing (DON), who may be concerned for the resident for the following reasons:

- Accounts not being paid by a family member who has financial Power of Attorney, with the resident in debt to the facility-this can affect their tenure.
- Residents not having money provided for their own needs, such as clothing or hair care, even after this has been raised with the family member and resident should have money available for these items.
- Residents with dementia going on home visits to a spouse, and returning dishevelled and distressed and staff having suspicions of sexual assault.
- Visiting family members 'force feeding' residents, or giving hard food items to residents on soft or pureed diet, despite information from the facility about what is safe, and being resistant to adapting to resident's needs.
- Competent residents telling the DON their family member is bringing in their own solicitor to have papers signed, even though the resident does not want to do this.
- Family members being seen (and heard) berating residents when they visit, with resident distressed after visits.
- Family threatening to not visit if resident does not agree to power of attorney dealing with finances in the ways they see best.
 - Family and/or power of attorney refusing to provide information about finances when requested by resident (who maybe has mild cognitive impairment).
- Psychological/controlling abuse by son on occasion, overheard by staff members CALD residents.

3 cases involving mothers and their sons, raise similar issues of concern as raised by providers:

- All day visits from the resident's son and interference or blocking of care.
- Restricting resident's choices re meals, activities and other visitors.
- Will not allow resident to participate in outings.
- Isolating resident in her room.
- In one case the son provided all personal care and was verbally threatening to staff.
- In another case the son took his mother to visit the GP but resisted information sharing or the need for documentation to be filed at the facility to enable emergency or other treatment.
- CALD client's daughter forcing her mother to exercise, eat and walk against the advice of a specialist, the GP and the palliative nurse.
- Daughter reported for yelling at her mother in her language, staff not aware of what was being said. Police became involved due to facility compulsory reports, but were reluctant to interfere in 'family matters'.

Factors identified by ERA to impact on the aged care system:

Education of staff in identifying elder abuse in both compulsory reporting regime and generally, is a vital first step- ERA provides education on compulsory reporting and identification and response to elder abuse in general, along with:

- Identification of abuse and what it means for the older person the initial step.
- Supporting resident's rights to safety if specific diets needed, including meeting with family and facility to discuss care concerns and ensure medical advice appropriately followed in resident's best interests. (This may mean another opinion is sought to ensure all advice up to date).
- Enabling residents to have visitors of their choice, or outings. This may include identifying the limits of powers of attorney for facility and family members, and differences with guardianship, including the specifics of any guardianship order.
- Identification of referral points such as VCAT and OPA important to protect residents from ongoing abuse.
- Supporting managers and staff to take steps to report, or raise issues with VCAT on behalf of residents.
- Supporting residents as requested to resist family member's abusive behaviour, and supporting staff to monitor this.
- Supporting competent residents to have separate legal advice-referral to Senior Rights Victoria if legal advice needed to address power of attorney changes etc.
- Identifying rights of residents to be free from abuse from other residents is also relevant.

Overall, the need for further education and information to residential care staff is a vital step, along with information written and verbal, as well as Video/DVD information is vital as a preventive and support response for the older person.