



# Multi Service Outlet Policy MSO002

## Elder Abuse Policy

Application	All Multi Service Outlet employees
Responsible Officer	Multi Service Outlet Coordinator
Authorised by	General Manager
Original adoption date	21/09/2021

### Purpose

To guide commitment of all staff of Carrathool Shire Council's Multi Service Outlet ("Council") in preventing and responding appropriately to the abuse of older people in line with the *Preventing and Responding to Abuse of Older People: NSW Interagency Policy 2020*. In addition, Council will act in the best interests of an older person who has been abused by upholding their rights, and ensuring that the dignity and respect of older people accessing services is upheld at all times.

### Policy statement

Council is committed to ensuring that, as far as possible, all clients are protected from all forms of abuse. This policy outlines the key principles of working with older people to identify abuse and recognises key considerations in responding to abuse of older people.

### Policy

#### Key principles of working with older people

Council recognises that abuse of older people does exist in the community and supports the general principle that older people have the right to:

- be treated with dignity and respect.
- make their own decisions and choices.
- live in a safe environment.
- access the protections available to other adults in the community.

#### Mental capacity and consent

In NSW there is a legal presumption that all adults have the mental (cognitive) capacity and ability to make their own decisions until proven otherwise. A person lacking capacity to act or make decisions may need a guardian or financial manager if they have not appointed an enduring power of attorney or enduring guardian while they are capable.

#### Regional/Rural Communities

Council recognises that staff and clients may have concerns about identifying perpetrators of abuse within their own community. Perpetrators may have access to personal information about the person reporting the abuse and there are potential issues such as isolation, stigma, and fear of exclusion that may prevent reporting. Council will take all reasonable measures to maintain the confidentiality of staff and others involved in the identification process.

#### Confidentiality

All staff must follow the requirements of Council's Employee Confidentiality Policy and maintain privacy and confidentiality. Confidentiality cannot be guaranteed by Council if information must be disclosed to the appropriate agency if there are reasonable grounds to believe there is a serious and/or imminent threat to the safety of the older person or another individual.

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### Commitment

Council is committed to dealing effectively with the abuse of older people and is committed to:

- Creating a climate of trust where staff are encouraged, comfortable and confident about identifying and responding to the abuse of older people.
- Protecting and supporting staff from any adverse action when making a report.
- Providing resources and training for staff about how to identify and respond to the abuse of older people.
- Properly managing any workplace issues that the allegations identify or that result from a report or any other identified problem (e.g. staff safety).
- Developing a process to deal with reports thoroughly and taking appropriate action to address the reported abuse and prevent it from reoccurring.
- Working collaboratively within the organisation and across agencies to achieve the best outcome for the older person and prevent abuse from reoccurring (e.g. share and review effective intervention and prevention strategies).

### Duty of Care

- **Responsibilities**

All staff working for Council's Multi Service Outlet are responsible for identifying and responding appropriately to abuse of older people. Management plays a lead role in identifying and responding to the abuse of older people in accordance with policies and procedures and consistent with the *Preventing and Responding to Abuse of Older People: NSW Interagency Policy 2020*. Staff play a key role in responding to abuse situations by identifying abuse (potential, suspected or actual), reporting to the manager, documenting, and following Council's procedures.

- **Reporting Obligations**

In NSW, with limited exceptions, there is an offence under s316 of the Crimes Act 1900 of failing without reasonable excuse to report a serious indictable offence. This applies where someone knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension, prosecution or conviction of the offender. A serious indictable offence is anything punishable by five or more years imprisonment, which would include the more serious instances of physical, sexual and financial abuse. The following are serious crimes under NSW law: murder, attempted murder, sexual assault, acts of indecency, rape, sexual offences against people with cognitive impairment, physical assault, grievous bodily harm, poisoning to endanger life or inflict harm or to injure or cause distress, domestic violence, neglect, kidnapping, robbery/stealing, stealing or destroying wills, fraud, forgery, harassment and intimidation.

- **Abuse by Council Staff**

When the alleged perpetrator is a Council staff member, they may have committed a criminal act and/or breached Council's Code of Conduct.

### Breach of this policy

Where an employee of Council is found to have breached this Policy, they may be subjected to disciplinary action in accordance with relevant Council policies. The type and severity of the disciplinary action will depend upon the circumstances of the case and the seriousness of the breach. In serious cases, this may include termination of employment.



### Definitions

#### **Elder abuse**

Council has adopted the World Health Organisation's definition of elder abuse as cited in the *Preventing and Responding to Abuse of Older People: NSW Interagency Policy 2020*. Elder abuse can be defined 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".

Elder abuse can take various forms such as financial, psychological (including social isolation) and emotional, physical and sexual abuse. It can also be the result of intentional or unintentional neglect. These forms of abuse may occur at the same time. The definition of abuse does not include self-neglect or self-harm.

#### **Financial abuse**

The illegal or improper use of an older person's assets, including property and/or finances. This includes misuse of a power of attorney, forcing or coercing an older person to change their Will, taking control of a person's finances against their wishes, stealing goods or money, adding their signature to the older person's bank account, and/or denying them access to their own money.

#### **Psychological/Emotional abuse**

The infliction of mental stress involving actions and threats that cause social isolation, fear of violence, deprivation and feelings of shame and powerlessness. This includes non-verbal and verbal intimidation, including forcing a person into making decisions against their will, humiliation and harassment, threats of physical harm and institutionalisation, and withholding affection, including refusing access to grandchildren. It is usually a pattern of behaviour repeated over time and intended to control the older person.

#### **Physical abuse**

The infliction of physical pain and injury. This includes overuse or misuse of medications, physical coercion, intentional injury with a weapon or object, physical restraint or confinement, including using chemical restraints such as (but not limited to) alcohol, medications, household chemicals or poisons.

#### **Sexual abuse**

Unwanted sexual acts including sexual contact, rape, language or exploitative behaviours where the older person's consent has not been obtained, where consent has been obtained through coercion, or where consent is not possible due to cognitive incapacity.

#### **Neglect**

The failure of a carer or responsible person to provide the necessities of life to an older person. Some examples are adequate food, shelter, clothing, medical or dental care and neglecting to meet a person's emotional needs. Self-neglect is not considered a form of elder abuse, although it can be a sign of abuse if, for example, the person is feeling hopeless or depressed from an abusive situation. Self-neglect may include living in unsafe or unhygienic conditions, refusing to seek or comply with treatment for injury or illness or failing to eat or drink adequately.

#### **Older person/people**

All people aged 65 and over, and aboriginal people aged 50 and over.

### References

Work Health and Safety Act 2011



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Work Health and Safety Regulations 2011  
Local Government (State) Award  
Preventing and Responding to Abuse of Older People: NSW Interagency Policy 2020  
Aged Care Act 1997  
NSW Charter of Victims Rights  
NSW Code of Practice for the Charter of Victims Rights  
Crimes Act 1900  
Crimes (Domestic and Personal Violence) Act 2007  
Crimes (Domestic and Personal Violence) Amendment (Information Sharing) Act 2013  
Health Records and Information Privacy Act 2002  
Privacy and Personal Information Protection Act 1998  
Privacy Act 1988  
Privacy Amendment (Enhancing Privacy Protection) Act 2015

### **Associated Documents**

Carrathool Shire Council Elder Abuse Procedure  
Carrathool Shire Council Elder Abuse Form

### **Review**

This policy may be amended from time to time and will be reviewed within four years of its adoption (or latest amendment).

### **Revision Table**

Date/Minute Number	Amendment - Reason or Reference
21.09.2021/1785	Adoption