

SKILLS MODULES

1 OF 7

MODULE 1
Working with
Older Persons

1

2

3

4

5

BEFORE WE BEGIN

REFLECTION

Before we begin, take a moment to think about this statement from the Australian Parliament's [Older People and the Law Report](#):

As with other segments of the population, it is all too easy to stereotype older Australians as being frail, easily duped and in need of protection and assistance in managing their day to day affairs. While some older Australians do indeed need assistance, many are living vital, fulfilling lives, are active within their local communities, and are making significant contributions to Australian society...

How do our ideas about older persons or social constructs and stereotypes colour the way we work with them as clients?

OVERVIEW

WORKING WITH OLDER PERSONS

Working effectively with older persons, especially those at risk of, or experiencing financial abuse, requires specialised knowledge and some key skills. Developing an appropriate approach to working with older persons is ethically sound practice.

Working with older persons involves effective interviewing techniques and environments, taking an older person centered approach, and ensuring privacy, confidentiality and safety. It is also fundamental to have conversations with older persons that are sensitive to their conceptions of abuse and the particular nuances of abuse in the context of older persons' lives. Being skilled in recognising cultural and other perspectives is also essential to providing appropriate and adapted services.

LEARNING OUTCOMES

include learning how to work with older persons by recognising their needs and taking an appropriate approach. This includes how to have conversations about financial abuse with older persons.

WORKING WITH OLDER PERSONS

This module includes the following topics:



OLDER PERSONS
AND THE LAW



POSITION OF
TRUST



INTERVIEWING
OLDER
PERSONS



TALKING
ABOUT ABUSE



NOT TALKING
ABOUT ABUSE

OLDER PERSONS AND THE LAW



Advisers must appreciate and understand that older persons are **less likely to take action** through general information and education initiatives, and will benefit from tailored initiatives that reach into the community.

The [2012 LAW Legal Needs Survey](#) noted the **lower reporting of legal issues** by older persons may be due to three issues:

1. A failure to identify legal needs
2. A reluctance to complain and
3. A tendency to ignore legal needs.

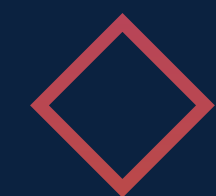
[Wainer \(2010\)](#) confirmed that the legal system was **rarely used** and may in fact be unhelpful when trying “to prevent or remedy financial abuse”.

POSITION OF TRUST



Advisers must understand and act as if they are in a positions of trust with older persons.

This relationship creates a range of possible duties that might need to be observed:



Statutory Duties

- Duties under the Corporations Act



Contractual Duties

- Duties under a client agreement, retainer or service agreement



Tortious Duties

- Negligence



Equitable Duties

- Fiduciary



Ethical Duties

- Code of Ethics

INDUSTRY EXAMPLE



POSITION OF TRUST

The position of trust is often reflected in a professional setting. For example, the CPA Australia notes this is the case in the relationship between accountant and client:

The accountant as a trusted advisor

Accountants, particularly those in public practice, are typically persons who clients trust to know and understand financial matters which can affect them, whether it be tax, financial planning or other general financial advice.

A read of money sections of the daily press will show that correspondents are very often advised to discuss matters with their accountant before making financial decisions. This is an indication of the broad perception that the accountant is the “doctor” of matters financial and should be referred to for professional, unbiased and sound advice

This position of trust implies trusted advisers can be perpetrators within the definition of elder abuse?

KNOWING YOUR CLIENT



Advisers must ‘know their client’. This goes a long way to avoiding becoming complicit in financial abuse. It is also essential when an adviser is planning or taking proactive steps to avoid possible abuse at a later date.

For financial advisers it includes two separate issues:

1. Knowing who is THE client and thereby avoiding undue influence etc
2. Knowing the INTERESTS of the client.

For accountants it includes all of the fundamental principles and specific issues such as communicating with those charged with governance only (APES 110, 100.25-26).

For licensed financial advisers additional statutory duties include ‘knowing’ their client’s suitability for credit (for example under the National Consumer Credit Protection Act 2009) and the best interests obligation when giving financial advice (for example under the Corporations Act 2001).

INTERVIEWING OLDER PERSONS



Advisers must have adapted interviewing processes. Making older persons **feel comfortable** enough to share personal information is the first challenge wherever the interview is conducted ([Nagpaul, 2001a](#)).

The environment must be conducive to **effective communications**, taking into account sensory (vision, hearing) deficits due to normal ageing processes ([Nagpaul, 2001a](#)).

Considerations include available privacy, light, background noise, seating arrangements and language ([Nagpaul, 2001a](#)).

Clients need to feel at ease and conversation needs to be warm, empathetic and non-judgmental (Donner, 1995).

The practitioner's **ability to engage older persons** is central to the success of any client relationship. The older person's abilities, cognition, memory recall, confusion and orientation must be considered.

INTERVIEWING OLDER PERSONS



Older persons **may be more comfortable** in their own home, but this isn't always possible. It may be the setting of abuse and the perpetrator may be present. This can also occur when older persons are **accompanied** by third parties.

Direct questioning needs to be sensitive and acceptable to ensure accurate disclosure. Self-reporting can lead to incomplete responses and are problematic for those distressed or suffering cognitive impairment.

Self-reporting of elder abuse cannot always be relied upon to identify and treat cases ([Fulmer, 2004](#)). Research shows that some older persons may **actively hide** symptoms during interviewing ([Lachs, 2004](#)).

INDUSTRY EXAMPLE

CPA AUSTRALIA



CPA Australia notes that older persons **may not be forthcoming** about abuse for a range of reasons:

- fear of the costs or consequences such as being removed from their home, being placed in an aged care facility, losing the right to see grandchildren, losing a relationship with a family member or the chance of providing parental love
- feelings of shame about their adult child's behaviour
- not wanting to reveal deeply held personal matters
- the tendency to excuse the failings of their children or reluctance to get their children into trouble (protective love)
- lack of understanding that what is occurring is abusive
- cognitive impairment
- multiple health problems.

Fear, lack of confidence, frailty, declining health, resulting depression, a feeling of powerlessness. All these factors may be present to undermine the motivation of the older victim to act.

OLDER PERSON CENTERED APPROACH



A central skill in working with older persons is taking a person-centered approach. In this case an older-person-centered approach.

A **person-centered approach** seeks to support autonomy by building on the individual's strengths and honouring his or her values, choices, and will preferences ([Fazio, 2013](#)).

Some underlying **assumptions** of this approach are that:

- People are more than the sum of their cognitive abilities
- Traditional approaches overemphasise deficits and underemphasise strengths and
- The importance of understanding the person's subjective experience, particularly in relation to his or her positive and negative reactions to others' behaviour ([Mast, 2011](#)).

OLDER PERSON CENTERED APPROACH



At the core of person-centered care is **the self**—who we are, our conscience, views, values and beliefs, etc.

Selfhood is much more than memory and should not be viewed only in terms of cognitive abilities.

Recognizing and **maintaining selfhood** is key to person-centered care ([Fazio, 2018](#)). An approach that is centred on older people is grounded in the perspective that older people are more than vessels of their disorders or health conditions.

They are individuals with unique experiences, needs and preferences. Also, they are seen in the context of their daily lives, as part of a family and a community (WHO, 2015).

INDUSTRY EXAMPLE



OLDER PERSON CENTERED APPROACH

A recent comprehensive report about elder abuse interventions from an older person's **perspective** noted:

Independent advice to older people considering financial arrangements with children (asset for care or loans, transferring property to children) and the implications of inheritance decisions is currently provided by SRV and other seniors' organisations. However, older people are generally reluctant to seek out independent advice before a conflict arises as they do not expect their own children to be capable of abusive behaviour. Efforts should be made to increase the likelihood of people accessing independent advice before entering into financial agreements with their children. Financial institutions and the legal profession have a key role in this report; however, community awareness campaigns may also assist. ([NARI, 2016b](#))

How can you encourage this in your own work environment and more broadly?

OLDER PERSON CENTERED APPROACH



The [NARI, 2016b](#) report recommended:

Greater efforts to ensure older people obtain independent advice regarding financial and other arrangements with children is needed. These efforts need to include lawyers, banking institutions, older people and the community more generally. ([NARI, 2016b](#))

This was a consistent message in the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

When older persons are entering financial arrangements with third parties, timely, independent advice is key to a older-person-centered approach.

This may include providing advice or facilitating the provision of advice or a combination of both.

INDUSTRY EXAMPLE



EMPOWERMENT & ADVOCACY

The [FCAQ CODE OF ETHICS](#) sets out that financial counsellors operate from a client centered approach through:

Empowerment

Financial counsellors empower their clients to take control of their own financial situation. They encourage clients to make informed choices and to determine their own courses of action.

And through:

Advocacy

Financial counsellors may act as an advocate for their client, if this is what the client wishes. The nature of that advocacy will be determined by the client.

PRIVACY AND CONFIDENTIALITY



Privacy and confidentiality are obligations owed by advisers to clients and (sometimes) third parties. They arise as statutory, contractual, legal and ethical obligations. Observing privacy and confidentiality are also essential to an older-person-centered approach.

Care should always be taken to interview the older person alone.

Facilitated, self-completed questionnaires ([Hawkins, 2009](#)), and telephone interviews can heighten confidentiality ([Acierno, 2003](#)). They can also mean less detail is given and non-verbal cues are missed.

If you are working with clients remotely, e.g. through email, care should be taken to identify who has access to an older person's mobile phone, computer and other electronic records such as email.

It is essential that **privacy** is afforded to older person in order to disclose abuse in a safe environment.

INDUSTRY EXAMPLE



ACCOUNTANTS' DUTY OF CONFIDENTIALITY

APES 110 includes confidentiality as a fundamental principle and APES notes the influence of close or immediate family members:

140.2 A Member shall maintain confidentiality, including in a social environment, being alert to the possibility of inadvertent disclosure, particularly to a close business associate or a Close or Immediate Family member.

It is not only an ethical principle but subject of legal and regulatory considerations:

140.7.1 The circumstances described in paragraph 140.7 do not take into account Australian legal and regulatory requirements. A Member considering disclosing confidential information about a client or employer without their consent is strongly advised to first obtain legal advice.

TALKING ABOUT ABUSE



THERE'S NO EXCUSE FOR ABUSE

It is important to recognise that the Queensland Government already has a policy approach to the issue of elder abuse.

The Queensland Government's elder abuse campaign "There's no excuse for elder abuse" is an important **awareness campaign** that begins a community conversation about elder abuse.

The Government's resources can be found at the website: [There's No Excuse for Elder Abuse](#)

When dealing with older persons, **messages** need to be nuanced and subtle and ensure that older persons feel comfortable.

Older persons might be frightened to discuss financial abuse or even not realise they are at risk or experiencing it.

NOT TALKING ABOUT ABUSE?



If it seems talking about abuse might be too confronting, alternative conversations can be had with older persons.

The **sensitivity** of the topic of elder abuse and the lack of discourse in everyday conversation are important considerations.

Research on elder abuse consistently reinforces the **hidden** nature of it within the community.

Older persons' conceptions of abuse provide important **insights** into how we can have a conversation by using how older persons see and define elder abuse.

Very little work has focused on older persons' **views of financial abuse** as a discrete phenomenon. It is important to recognise that older persons' views and the community views about financial abuse **share some similarities** but can also be **quite different** ([Mihaljic, 2013](#)).

INDIVIDUAL & COMMUNITY ATTITUDES TOWARDS ELDER ABUSE

MIHALJCIC, 2013

SIMILARITIES ACROSS GROUPS

Aged care workers, Older persons and Younger persons.

The topic of older abuse is complex. Abuse behaviour is difficult to define due to individual, family and cultural norms and expectations. More formal regulation is required to reduce abuse, including regulation of financial EPAs.

Financial abuse includes the following:

- using older persons' assets but not for their benefit
- an action that results in a loss of security for the older person
- not allowing the older person access to their assets
- taking assets without consent
- preserving the older person access to their assets
- manipulation, coercion, or emotional pressure to separate an older person from their assets

Abuse occurs because:

- older persons are vulnerable
- abusers are greedy
- abusers have a sense of entitlement due to underlying expectation of inheritance

DIFFERENCES ACROSS GROUPS

Aged care workers, Older persons and Younger persons.

- Capacity of older persons to manage their finances / assets independently
- who the most likely abusers are (e.g., institutions vs. family)
- types of prevention strategies recommended (e.g., formal measures vs. education)
- reasons for vulnerability of older persons (e.g., disability vs. lack of education)
- some behaviours considered abusive (e.g., providing misleading information)
- reasons why financial abuse occurs (e.g., greed vs. generosity of victims)
- Expectations and norms about appropriate financial transactions within families (e.g., borrowing / lending money)
- role of social values, morals and culture

OLDER PERSONS' BROAD CONCEPTIONS OF ABUSE

[Erlingsson's](#) work (2005) on how older persons **see** causes of elder abuse revealed three dominant issues:

1. The changing society
2. Changing families and
3. Individual determinants.

These themes have continued to be highlighted by research on older persons' conceptions of abuse.

A recent systematic review of **how older persons conceive abuse** is enlightening ([Killick, 2015](#)). Two common themes in older people's descriptions of abuse were family loyalty and obligations. Many older persons perceived abuse as a **failure by families or society** to value and respect older people.

OLDER PERSONS' BROAD CONCEPTIONS OF ABUSE?

Older people from a range of cultures and locations indicated that the **changing nature of society** had affected attitudes relating to older people and caring responsibility. They felt that their **status** in families and society had diminished as they aged, and as a result their social, emotional, and care needs were not being met ([Killick, 2015](#)).

A systemic review into conceptions of elder abuse identified that:

- Not all older persons **understand** the concept of abuse of older people
- Older persons **conceptualise** elder abuse on a societal level as well as an individual level
- Older persons **recognise** the impact of ageism and disempowerment and
- Older persons **understand** and value the central role of family carers. Often, they did not perceive investigation and prosecution as beneficial, preferring interventions that focused on family preservation or harm reduction ([Killick, 2015](#))

OLDER PERSONS' BROAD CONCEPTIONS OF ABUSE?

Older persons **attributed** abuse to:

- Dependency and vulnerability
- Changing societal norms and values
- A changed position of older persons in today's society, a position that they described as marginalised and disadvantaged
- A lack of respect for older persons and
- General lack of social control and responsibility in modern society

INDUSTRY EXAMPLE

ACCOUNTANTS' DUTY OF CONFIDENTIALITY

CPA Australia notes older persons' conceptions can be different:

Is it considered abuse if the person is being financially abused doesn't accept they're a victim?

Unwillingness to accept that they are a victim of financial abuse is a common reaction for older people, particularly where family members are concerned.

Denial is a common first reaction to the receipt of bad news for many people, old or young. When loved family members are involved, disbelief that they are victims of abuse can often be followed by anger at the person who suggested it.

Older people often fail to act on abuse. There is a tendency to excuse the failings of their children, a reluctance to get them into trouble. There is a fear of the loss of love, of isolation and abandonment, of loss of contact with grandchildren.

OLDER PERSONS' SPECIFIC CONCEPTIONS

Research shows older persons hold some consistent conceptions of elder abuse and shared beliefs in what causes it.

CAREGIVING

Subthemes under the category of **caregiving** included: changing structures within families, expectations, interactions, stress, and intergenerational issues ([Killick, 2015](#)). Older persons link changing structures within families to the potential for abusive situations. Additionally, they noted that changing perceptions of the caregiving role impacted on older people ([Killick, 2015](#)).

Older persons noted that the **loss of a spouse, and possibly remarriage**, could contribute to complex family **dynamics and conflict** ([Killick, 2015](#)). Another linked theme was the failure of family members to behave in an expected manner. Older people described a **mismatch** between their expectations and modern family life ([Killick, 2015](#)).

OLDER PERSONS' SPECIFIC CONCEPTIONS

Important **interactions** noted by older persons included:

- Resistance to care and the use of coercive force were recognized as creating a dilemma between the victim's right to choice and their need for support
- Abuse could be retaliation for previous incidents or conflicts, creating a mutually harmful dynamic
- Habitual abuse by caregivers was deemed to be more serious than the single event, which might be discounted as 'one-off' or unintentional ([Mouton, 2005](#))

Older persons recognised the **intergenerational nature** of violence and abuse. Adults who perpetrate abuse on their children can become victims of abuse when they are older and dependent.

Similarly, examples were given of abusive acts replicating from grandparents to parents and on to children ([Killick, 2015](#)).

OLDER PERSONS' SPECIFIC CONCEPTIONS

WHAT IS ABUSIVE?

Studies groups of older persons described elder abuse as a physical act of robbery or assault, often perpetrated by 'young people'. The focus was on **physical violence and intentionality** and the older person's vulnerability to this harm. Despite references to robbery, financial abuse was **infrequently identified** as elder abuse, especially within the home or family setting. Older persons who identified financial abuse thought it was common, yet the majority of older persons did not recognise financial abuse as a type of abuse.

In a recent European study, the **distinctive features** of older persons' understanding of elder abuse also included a strong emphasis on physical violence and the highlighting of intentionality. Interestingly, neither features prominently in the definitions of abuse ([Mysyuk, 2016](#)). Older persons also emphasized the **destructive and invisible** nature of non-physical abuse, and many felt that emotional and psychological abuse was worse than physical abuse ([Killick, 2015](#)).

OLDER PERSONS' SPECIFIC CONCEPTIONS

SEVERITY OF ABUSE

In rating the severity of different types of abuse, older persons noted those lacking physical or mental capacity were deemed to be more vulnerable, and the actions of the carer were therefore more abusive.

Older persons also felt that having greater physical size or strength could make a carer (particularly a male) more powerful than the older person ([Killick, 2015](#)).


Financial abuse was frequently rated as the **least serious** form of abuse ([Killick, 2015](#)).

OLDER PERSONS' SPECIFIC CONCEPTIONS

BLAME

Older persons sometimes think they **bring elder abuse on themselves**. Opening their doors to strangers, lending money to their children, not speaking up for themselves, carrying too much cash, or showing hostile behaviour were situations named as those facilitating abuse ([Erlingsson, 2005](#)).

Focus on the **behaviours of the perpetrators** of financial abuse and even some of the individual determinants is important. Individual determinants included mental illness, drug and alcohol dependence, financial troubles and relationship breakdown.



Where older persons can articulate reasons and explanations why some in their close social network or family act like they do, it can make discussion easier.

OLDER PERSONS' SPECIFIC CONCEPTIONS

SOCIETY

Society in general was perceived as less caring, and ageist attitudes had the potential to alienate older people ([Killick, 2015](#)). This includes a concept of 'personhood abuse' or 'societal abuse,' referring to the loss of respect in society that **filters down** to a personal level and impacts of older persons.

Older persons reported this in relation to **lack of respect** in health and care facilities, and feelings of being worthless once becoming a pensioner. Links between the challenges of ageism and issues of abuse was reflected in many findings ([Taylor, 2014](#)).

OLDER PERSONS' SPECIFIC CONCEPTIONS

SHAME

Older persons are **ashamed** of talking about financial abuse. It often exists within their close social networks. The perpetrators are family or close friends. Their friends may be experiencing abuse.

Some **cultural and religious contexts** may heighten a sense of shame felt by an older person making them unlikely to engage in discussion. The inter-familial and intergenerational nature of elder abuse deepens some older person's sense of shame.

OLDER PERSONS' VIEWS ARE DIFFERENT TO DEFINITIONS

Older persons **perceive** abuse differently than it is described and defined in current literature and by professionals in the field of elder abuse ([Mysyuk, 2016](#)). This means that conversations, discussions and messages must **bridge the gap** between how older persons see abuse and how it is defined by laws, policies and programmes.

Older persons who don't report or seek assistance may simply fail to see that they are victims of elder abuse or that their circumstances or the behaviour of others are outside acceptable norms.

Older persons do not focus on **intra-personal characteristics** of the abuser or the dynamics of interpersonal relationships. Rather their explanations of abuse emphasise societal changes, placing responsibility for the occurrence of abuse in a wider contextual field and considering elder abuse foremost as a societal problem ([Mysyuk, 2016](#)).

HOW OLDER PERSONS' SUPPORTERS SEE ABUSE

Even older persons' supporters have **difficulty recognising** the nature of financial abuse. Australian work on financial literacy highlighted the perceptions of supporters of older persons that financial abuse as cognitive health deteriorated was not a prevalent issue.

Supporters perceived that financial abuse related to scams, as opposed to family members or friends taking advantage of the older person. Most supporters believed that the perceived slow onset of deterioration meant that they **could intervene before** financial abuse became a serious issue.

Supporters considered they would have time to put appropriate arrangements in place to prevent any family member causing significant financial damage." ([ASIC, 2017](#)).

CULTURAL ASPECTS

Although there is great variability among cultures, **four aspects** have been identified as particularly important to the understanding of culture:

- How much 'directness' is valued, i.e., getting 'right to the point' versus sharing information in more indirect and implicit ways,
- How hierarchical the society is, i.e., do people tend to 'know their place' and follow the rules, or is there freedom to disagree and perhaps reach different conclusions,
- How much value is placed on groups reaching unanimous consensus versus allowing individuals to dissent and reach different conclusions,
- Whether more emphasis is placed on the rights of the individual versus the importance and centrality of the group (Hofstede, 2005; Kotelnikov, n.d.). For example, Americans tend to be direct and to value the individual over the group, but many other groups are exactly the opposite.

CULTURAL ASPECTS

Key considerations when working with older persons from diverse cultural backgrounds include the following:



Compassion and sincerity are universally recognized and can often be communicated nonverbally, despite significant differences in language, age, and culture. Expressing these characteristics will enable professionals to have greater success with all older persons with whom they interact.



Older persons may hold onto their **native cultural values** much more tightly than younger persons, especially so if older persons do not speak English or were not born in Australia.



Advisers must learn about the **unique cultures** present in their own service areas.

CULTURAL ASPECTS

Key considerations when working with older persons from diverse cultural backgrounds include the following:



Respect is key. Advisers should address the older person by his or her last name unless, and until, invited by the person to do otherwise.



Language is fundamental to understanding. An objective interpreter should be obtained if the professional cannot speak the person's language. Use of a certified interpreter is recommended, because they have received training in the ethics of interpretation, including the fact that all information discussed is strictly confidential. It is not appropriate to rely on a family member or another person close to the person to translate personal and painful information. In fact, doing so violates the confidentiality and could very well jeopardize the older person's safety.



Avoiding bringing shame on one's family is a widely shared cultural value among virtually all groups, but especially so in societies where there is more of an emphasis on the family and family honour than on individuals. Because elder abuse, especially multiple types of abuse, is generally regarded as shameful, many older adults may be extremely reluctant to report the abuse to outsiders. (Kotelnikov, n.d.)

THINGS ARE DIFFERENT IN THE BUSH

It is important to note the complexity of assets held by families in **regional and rural areas** such as farming properties; a lack of access to services that may assist with asset management arrangements and limited responses to situation where elder abuse is occurring or expected ([Tilse, 2006](#)).

The **dynamics** involved in reporting or disclosing elder abuse in rural communities, where shame and concern to protect the family name potentially play an inhibiting role.

Cultural factors can also play a role in communities with predominant CALD populations.

TESTING THE PRESENCE OF SOCIAL ISOLATION

Social isolation is common among victims of financial abuse. Based on self-report and accounts from collateral sources, some older persons become isolated after losing a spouse, becoming physically disabled or suffering poor health, whereas others were lifelong introverts.

Isolating life events increase victimisation risk by reducing the presence of capable guardians in addition to reducing psychological well-being ([DeLiema, 2017](#)).

POSITIVE MESSAGES

An overarching view is that autonomy, independence, and making one's own decisions is essential to avoid elder abuse ([Mysyuk, 2016](#)).

This is reinforced by the view that older persons **strongly hold** that remaining independent as long as possible, and self-reliant, will protect them from abuse ([Mysyuk, 2016](#)).

BEFORE WE LEAVE

REFLECTION

Think about working effectively with older persons and the skills needed to do that.

Think about:

- Is your usual setting conducive to working with older persons?
- Are you in a position of trust, what are the implications of that?
- Do you adapt your style when interviewing older persons?
- Do you take an older persons centred approach?
- How do you broach the subject of financial abuse if needed?
- What is your own attitude to abuse, does it colour your interactions?
- Are you listening for cues that mask abuse by older person's conceptions or other obstacles such as shame, cultural aspects etc?