People with Disabilities WA

Individual & systemic advocacy

**Submission**

**Legislative Council Inquiry into Elder Abuse**

People with Disabilities (WA) Inc. (PWdWA) would like to thank the Western Australian State Parliament for inviting us to make a submission on this topic.

PWdWA is the peak disability consumer organisation representing the rights, needs and equity of all Western Australians with disabilities via individual and systemic advocacy. PWdWA is run BY and FOR people with disabilities and, as such, strives to be the voice for all people with disabilities in Western Australia.

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### People with disabilities WA (PWdWA)

Since 1981 PWdWA has been the peak disability consumer organisation representing the rights, needs, and equity of all Western Australians with a physical, intellectual, neurological, psychosocial, or sensory disability via individual and systemic advocacy. We provide access to information, and independent individual and systemic advocacy with a focus on those who are most vulnerable.

PWdWA is run by and for people with disabilities and aims to empower the voices of all people with disabilities in Western Australia.

**Submission**

PWdWA is an organisation that represents people with disability and as such does not profess to be an expert in matters affecting elderly people. However, there is evidence to support that abuse and neglect that elderly people encounter in their daily lives is mirrored in those issues faced by people with disability due to the similar circumstances of likelihood of increased isolation, vulnerability and reliance on others for support. PWdWA has a great deal of evidence, knowledge and understanding in this area and are qualified in providing information that affects both groups of people.

We refer the legislative council to a document entitled ‘Behind Closed Doors’ – preventing violence, neglect and abuse against West Australians with disability. This provides a detailed view of what is happening in WA in regards to abuse and neglect of people with disability, together with a set of recommendations that begin to address some of the issues to reduce the prevalence of abuse and neglect. Although the focus is on people with disability, the issues are fundamentally the same and many of the recommendations are relevant to elder abuse.

The report uses a definition that crosses all boundaries

‘*Abuse occurs when integrity of any person is violated by another person who inflicts physical or psychological pain on them or in situations where an individual’s civil rights are breached, negated or ignored. The unequal power that accrues to adults in our society and particularly to adults in care-giving positions is an important factor in conceptualising abuse of children and of vulnerable adults.’ (Brown & Turk 1992).*

It is the unequal power base that PWdWA would strongly recommend the legislative council explore further. Passive neglect where the neglect is unintentional, withholding or failure to provide the necessities of life, is a common area that elderly people and vulnerable people with disability face.

The neglect that elderly people have to endure is often very subtle and is not always physical abuse. Verbal, Economic, Social, Emotional, Psychological and Carer abuse are all facets that are prevalent in elderly care settings, and also where families have taken control.

Abuse of elderly people in institutional settings is widespread. People who are isolated – whether it be in hospital, aged care facility, residential care or day centre are less likely to be able to access complaints mechanisms and more likely to experience abuse and neglect.

Attitudes around complaints were highlighted in the report as concerns in aged care facilities. The main reason for not reporting violence and abuse was fear of retribution followed by fear of not being believed. Advocacy, information and access to independent third parties is crucial to address these issues.

People are not able to easily access police or justice systems and are not supported to do so. Many people after being abused are not offered counselling or support mechanisms.

We commend the work of Advocare, but recognise one small agency is not enough.

**Recommendations**

PWdWA have stated the following recommendations to recent submissions and inquiries. The focus has been on people with disability, however the issues for elderly people are similar and should be viewed concurrently.

**Ensure there is real opportunity to develop and enhance natural safeguards. Building natural safeguards is a process that takes time; it is an ongoing process that requires an in depth understanding of a person’s life history, circumstances, choices and aspirations. An individual’s needs are paramount and by empowering a person to feel safe and secure through a natural process will reduce the need for corrective measures in the future.**

**Ensure advocacy, which plays an important role in all facets life, is highly visible, resourced and accessible for elderly people.**

**Develop mechanisms including peer support, training and self-advocacy that empower individuals, promote independence and provide options for flexibility.**

**Any sector development or modification is co-designed with elderly people. The system will be flawed without the design and input from people who know and live these issues on a daily basis.**

**Work with mainstream safeguards including consumer affairs, police and court systems to ensure elderly people, particularly those in care facilities, can use and access them, information can be shared, and that mainstream safeguards will respond appropriately.**

**PWdWA supports the introduction third party mechanisms like the community visitor scheme into the sector will have a positive impact on quality and safeguarding. This also provides another person or authority to disclose information to without fear of retribution from either the elderly person or the staff.**

**Although WA has reputedly the strongest whistleblowing legislation in Australia, it extends only to the public service. PWdWA believes that legislation must be adopted that provides protection for ‘whistle blowing’ beyond just the public sector to all jurisdictions. Where appropriate, help and support can be provided through advocacy to allow whistleblowing to happen.**

**The existing legislative powers be more effectively used in the aged care sector to investigate complaints and put sanctions in place if required.**

*Attachment : Behind Closed Doors – Preventing Violence, Neglect and Abuse against West Australians with Disability*

<http://pwdwa.org/submissions/>