

## Elder Abuse – ‘Duty To Report’ should be enshrined in law

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Unanimous agreement, Canada needs ‘Duty To Report’ elder abuse enshrined in law: CARP Poll™

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TORONTO, ON: There is virtually unanimous agreement among CARP members that Canada needs a mandated ‘Duty to Report’ for professionals who suspect elder abuse of the person in their care. This must be coupled with whistleblower protection and a specialized agency to respond to the reports as well as adequate supports and services. A model already exists in Newfoundland and Nova Scotia and other provinces should follow suit.

In the CARP Poll™:

- 95% of CARP members support a duty to report elder abuse
- 80% think a duty to report should be part of the professional’s practice protocols (35%) or be mandated by law (45%)
- 79% think it is more important to protect vulnerable adults and prevent abuse even if there is a risk of interfering in the lives older adults

CARP calls on government to legislate a ‘Duty to Report’ elder abuse with whistleblower protection and resources to investigate and respond to such reports. A model already exists in two Canadian provinces: Nova Scotia’s Adult Protection Act and Newfoundland’s Adult Protection Act, which came into effect in June 2014. The Newfoundland Adult Protection Act obligates everyone to report, not just professionals, and a failure to report can lead to a fine up to \$10,000 or a year in prison, or both. Additionally, it supports the Duty to Report with a 1-855 hotline, specialized investigative support, whistle blower protection, trained social workers, and social, healthcare, financial and other supports and services for the affected individual and the family. The Act is based on similar legislation in Nova Scotia.

CARP calls for a comprehensive strategy to eradicate elder abuse: of which the duty to report is a part along with an elder abuse hot line, caregiver support, specialized investigative and prosecution resources and victim services.

Detection of elder abuse is a critical element in preventing harm and saving lives. Elder abuse is significantly under-reported for many reasons: shame, not wanting to alienate the family member who may also be a caregiver, not wanting to interfere in another person’s family situation, fear of potential repercussions. According to Statistics Canada, 7 out of 10 crimes against older Canadians are never reported.

“The first step in eradicating elder abuse is to uncover it since it happens most often within the home. Without a clear legislated mandate and protections, most people hesitate to report or act on their suspicions and if there is to be a duty to report, there must be someone with the resources and duty to respond. We can talk all we want about wanting to end elder abuse but we have to take at least this first step. For CARP members, this is a ballot issue”, said Susan Eng, VP Advocacy, CARP.

According to CARP members:

- One third of members (31%) report knowing a senior who has been abused
- Few (3%) report being abused themselves
- Half (51%) of our members do not think the provinces, under whose jurisdiction most elder abuse protection initiatives fall, have made much or any progress in combatting elder abuse. A minority (14%) say some provinces have begun to act
- 70% of CARP members said that they would hold their vote from a candidate who does not support comprehensive anti-elder abuse legislation and funding

CARP recommends a ‘Duty to Report’ for professionals who interact with elderly and dependent adults, with clear guidelines for action, intervention and protection, along with adding professional capacity to investigate such reports. Do you agree or disagree a ‘Duty to Report’ is necessary for professionals who deal with elderly and dependent adults?

AGREE 95%

Agree strongly 62%

Agree 33%

DISAGREE 3%

Disagree 2%

Disagree strongly 1%

DON'T KNOW 3%

What is the best way to implement a ‘Duty to Report’ for professionals who deal with dependent adults?

Enshrine ‘Duty To Report’ in law 45%

Mandated by professional associations/agencies 35%

Encourage as social goal/not mandated 14%

NO ‘DUTY TO REPORT’ NECESSARY 1%

OTHER/DON'T KNOW 5%

Some say a "Duty to Report" risks infantilizing seniors and limits professionals' freedom of action, while others say it may be necessary to counter the power imbalance that often exists between a dependent adult and a caregiver. Which of these two positions do you support?

Infantilizes/limits freedom of action 3%

Necessary to counter power imbalance 79%

NEITHER 7%

OTHER/DON'T KNOW 10%

Elder abuse can be physical abuse, verbal and psychological abuse, financial abuse, sexual abuse or neglect. Have you, or has anyone you know ever been a victim of elder abuse?

December 2011 October 2012 June 2013 January 2015

YES 34% 37% 38% 34%

Me 2% 4% 3% 3%

Someone I know 32% 33% 35% 31%

NO 66% 62% 60% 65%

PREFER NOT TO ANSWER n/a 1% 1% 1%

Many of CARP's recommendations for further action against elder abuse fall under provincial jurisdiction, including a duty to report, an elder abuse reporting hotline, victim services and investigation/prosecution support. How much progress is being made by the provinces on combating elder abuse?

PROGRESS MADE 15%

Great deal, provinces lead effort 1%

Some, provinces have begun to act 14%

PROGRESS NOT MADE 51%

Not very much, minor efforts only 22%

Very little, provinces not doing enough 26%

None 3%

DON'T KNOW 35%

More than 1200 CARP Poll™ online panel members responded to this poll between January 28 and 31, 2015. The margin of error for a probability sample this size is about plus or minus 3%, 19 times out of 20

CARP is a national, non-partisan, non-profit organization committed to advocating for a New Vision of Aging for Canada, social change that will bring financial security, equitable access to health care and freedom from discrimination. CARP seeks to ensure that the marketplace serves the needs and expectations of our generation and provides value-added benefits, products and services to our members. Through our network of chapters across Canada, CARP is dedicated to building a sense of community and shared values among our members in support of CARP's mission.

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## Prevalence of Elder Abuse

CARP member polling shows that approximately 10% of older Canadians experience some form of abuse, which is consistent with academic and Statistics Canada research.<sup>v</sup>

Based on the current population of 5.2 million Canadians aged 65 and over, there are potentially 520,000 people confronting elder abuse in Canada.<sup>vi</sup> In 10 years, it is estimated that the 65-plus population will grow to 8 million and if nothing is done to reduce the incidence of abuse, 800,000 seniors may become victims elder abuse.

While 10% of all Canadians over 65 experience one or more type of abuse, evidence from the UK suggests that vulnerable seniors, defined as those who are dependent on others for care or those who suffer from some type of disability, suffer much higher rates of abuse. Twenty-five percent of such vulnerable seniors suffer abuse.<sup>vii</sup>

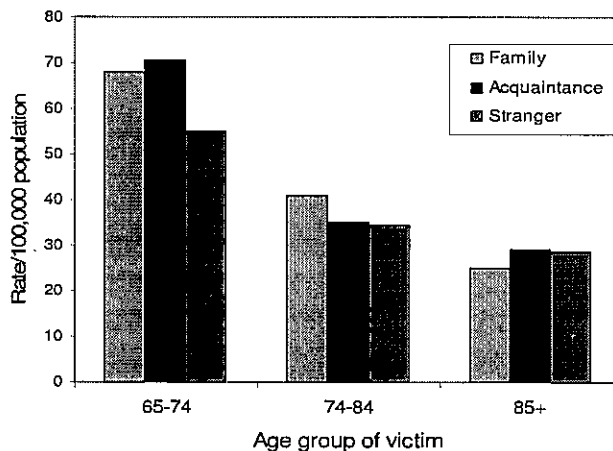
## Largely an Underreported Crime

Elder abuse is a seriously underreported crime with more unknown victims than known. Those in unreported cases are locked in the abuse and suffer the effects in silence.

According to Statistics Canada, approximately 7 in 10 crimes against older Canadians are never reported to police because the victims did not believe the incident was important enough to seek help or because they dealt with the issue personally.<sup>viii</sup> Studies of elder abuse in the US showed that as many as 90% of all cases of older abuse go unreported.<sup>ix</sup>

Even 30% of CARP members indicated that they know of someone who is or has been abused, contrary to the statistic that 10% of seniors experience elder abuse.<sup>x</sup> Underreporting is taking place and it is often attributed to shame, fear, and not knowing where to turn.

Senior victims of violence, by age group and accused to victim relationship, 2009



## Barriers to Reporting Elder Abuse

Under reporting happens for a number of reasons. Among older seniors, communicating abuse or neglect can be difficult. Victims may be mentally or cognitively impaired, may have physical disabilities, or literacy and language problems that severely limit ability to understand or report the nature of the crime. Even in cases where obvious disability is not an issue, dependence on the abuser as a caregiver, friend, or family member can cause fear of retaliation from the abuser.<sup>xi</sup>

Social and cultural issues also account for underreporting and underestimation of the problem. Most victims and abusers are closely related, where the victim may be dependent on the abuser for care, finances, and/or safety. As a result, abused individuals may have limited options to seek help, especially when dependence is coupled with isolation and lack of social contact. Culturally, some people do not interfere with other people's families. And family, friends, and authorities often err on the side of privacy rather than action or investigation in suspected cases of elder abuse.

Such barriers should no longer allow elder abuse to go underreported. It is important that elder abuse be recognized as a public crime and not just a personal matter.

## **CARP Members Want Proactive Investigation and Prosecution**

Research and awareness campaigns can certainly play a role in bringing elder abuse into public attention, but CARP members favour proactive investigation and prosecution as means to ending elder abuse. Almost 25% of members polled think that specialized investigation and prosecution teams working with police is the best solution while another 25% of CARP members want to see Elder Protection Agencies in every province, as there currently is in each US State.<sup>xii</sup>

Even when elder abuse cases are discovered, they are notoriously difficult to prosecute and often result in what many see as insufficient deterrence. The federal government's promise to amend the criminal code to add increased sentencing for convicted perpetrators of elder abuse is a substantial step in the right direction of deterrence and justice. The vast majority of CARP members (95%) believe that exacerbated sentencing is crucial to combating elder abuse. Forty-two percent of members think that increasing sentencing measures will raise awareness of elder abuse while 20% think that it will reduce incidence of abuse.<sup>xiii</sup>

## **Elder Abuse Criminal Code Provision is a Great First Step... Now What's Next?**

Early 2012, Justice Minister Rob Nicholson hoisted the issue of elder abuse into the media spotlight with his bill to increase sentencing for elder abuse convictions, which passed in December 2012. Having a senior minister of the Crown telling Canadians that a largely hidden crime is a public offence puts the issue on the front burner of public policy and starts the conversation around the country about what needs to be done to eradicate this scourge. More importantly, it highlighted what individuals can and should do if they or people close to them are facing abuse.

The tragedy is that victim services and prevention programs are not readily or uniformly available. So the demand must now be directed

at getting the resources for them. With the heightened attention paid to the issue with this announcement, advocacy for a comprehensive strategy and resources should fall on more receptive ears.

A Criminal Code provision increasing the sentence will not solve the problem on its own. There needs first to be a national hotline to report abuse, such as a 1-800 number or 911, some obligation on front line service providers to report any abuse they see and specialized training and resources for investigators and prosecutors to actually get the conviction before the increased sentencing provision can be put to use. Then, its deterrent effect can be felt when the case is publicized.

Preventing the abuse in the first place is certainly preferable and important initiatives are scattered across the country but suffer from perennial under funding and lack of public awareness. This would be the time for them to pursue funding and resources on a comprehensive basis.

Ultimately, people need to know they have the right to be treated properly whether they're dealing with strangers or their own family. If and when they reach out for help, it is incumbent on the rest of us to ensure that it is there for them.

Perspective matters. That's why "World Elder Abuse Awareness Day" should be renamed "The Day to End Elder Abuse".



## References:

- <sup>i</sup> [http://www.who.int/ageing/projects/elder\\_abuse/en/](http://www.who.int/ageing/projects/elder_abuse/en/)
- <sup>ii</sup> *Family Violence in Canada: A Statistical Profile 2000* No. 85-224 (Ottawa: Statistics Canada; Cat. No. 85-224, 2000): 6, 27-28 and CARP Member Poll, [http://www.imakenews.com/carp/index000568065.cfm&XXDESXXs\\_how\\_votes=T&XXDESXXuser=carp](http://www.imakenews.com/carp/index000568065.cfm&XXDESXXs_how_votes=T&XXDESXXuser=carp)
- <sup>iii</sup> Statistics Canada. 2011 Census of Canada: Topic-based tabulations. <http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/tbt-tt/Rp-eng.cfm?LANG=E&APATH=3&DETAIL=0&DIM=0&FL=A&FREE=0&GC=0&GID=0&GK=0&GRP=1&PID=102014&PRID=0&PTYPE=101955&S=0&SHOWALL=0&SUB=0&Temporal=2011&THEME=88&VID=0&VNAMEE=&VNAMEF=>
- <sup>iv</sup> Statistics Canada. Informal Caregiver for Seniors. <http://www.statcan.gc.ca/pub/82-003-x/2012003/article/11694-eng.htm>
- <sup>v</sup> *Ibid.* and *Family Violence in Canada: A Statistical Profile 2000* No. 85-224 (Ottawa: Statistics Canada; Cat. No. 85-224, 2000): 6, 27-28. Note: The General Social Survey (GSS) is a telephone survey and therefore may not reach individuals who do not have a telephone, are infirm, have hearing difficulties, or are isolated in other ways.
- <sup>vi</sup> Statistics Canada. <http://www5.statcan.gc.ca/cansim/a47#F17>
- <sup>vii</sup> Cooper, Claudia et al. "The Prevalence of Elder Abuse and Neglect: A Systematic Review." *Age and Aging*, 2008; 37: 151-160.
- <sup>viii</sup> Statistics Canada, "Family Violence in Canada: A Statistical Profile." 2011 <http://www.statcan.gc.ca/pub/85-224-x/85-224-x2010000-eng.pdf>.
- <sup>ix</sup> Se'ner, Aysan. "More than wife abuse that has gone old". University of Toronto Department of Sociology, 2008.
- <sup>x</sup> CARP Member Polls, archived at <http://www.carp.ca/2011/07/15/elder-abuse-poll-report/> and <http://www.carp.ca/2009/06/15/carp-poll-uncovers-high-rate-of-elder-abuse-those-with-caregivers-most-at-risk/>
- <sup>xi</sup> Se'ner, Aysan. "More than wife abuse that has gone old". University of Toronto Department of Sociology, 2008.
- <sup>xii</sup> CARP Member Poll, archived at [http://www.imakenews.com/carp/index000568065.cfm&XXDESXXs\\_how\\_votes=T&XXDESXXuser=carp](http://www.imakenews.com/carp/index000568065.cfm&XXDESXXs_how_votes=T&XXDESXXuser=carp)
- <sup>xiii</sup> CARP Member Poll, archived at [http://www.imakenews.com/carp/index000568065.cfm&XXDESXXs\\_how\\_votes=T&XXDESXXuser=carp](http://www.imakenews.com/carp/index000568065.cfm&XXDESXXs_how_votes=T&XXDESXXuser=carp)

# CARP Action Against Elder Abuse



## Ending Elder Abuse

Elder abuse is “a single or repeated act, or lack of appropriate action, occurring within a relationship where there is an expectation of trust, which causes harm or distress to an older person” according to the World Health Organization<sup>i</sup>. It is an imbalance of power and breach of trust, where the older person is dependent on the abuser, usually family member, caregiver, or friend.

Today, half a million seniors in Canada potentially experience some form of elder abuse, representing up to 10% of the population aged 65 and over.<sup>ii</sup> If nothing is done, the number could increase to 800,000 when the senior population reaches the projected 8 million in 10 years.<sup>iii</sup>

CARP is calling for a comprehensive strategy to end elder abuse. While the recent change to the Criminal Code to increase sentencing for elder abuse convictions was welcomed, more is needed. Action must take place to punish the most egregious manifestations of elder abuse but also to prevent the abuse from occurring in the first place.

## CARP Recommendations

CARP calls on governments for a comprehensive strategy to eradicate elder abuse with adequate financial and legal resources, training and support for law enforcement, caregivers support, and policies and laws that protect older Canadians from abuse - everyone has a role in ensuring a safe society. CARP recommends the following:

1. **Elder Abuse Hot Line** – A single point of first contact like a 911 or 1-800 line – widely known across the country, with the capacity to re-direct to local service agencies, and sensitive to cultural and linguistic needs.
2. **Duty to Report** reflects social responsibility. There must be clear guidelines for action and intervention, protection and the professional investigative capacity to respond to such reporting.
3. **Added Caregiver Support** – Greater support for the 3.8 million Canadians now caring for loved ones at home by providing targeted financial support along with training and clinical support.<sup>iv</sup>
4. **Specialized Investigative Support** for existing criminal offenses.
5. **Expedite passage of provision for Exacerbated Sentencing** for hate crimes and breach of trust already in the Criminal Code, promised during the recent federal election.
6. **New Criminal Offence of Elder Abuse** – if warranted following a review.