

Relationships Australia—response to the Department of Justice and Attorney-General’s Supported Elder Mediation Discussion Paper

The work of Relationships Australia

This submission is written on behalf of Relationships Australia’s eight member organisations.

We are a community-based, not-for-profit Australian organisation with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, cultural background or economic circumstances.

Relationships Australia provides a range of support services to Australian families, including counselling, dispute resolution, children’s services and relationship and professional education. We aim to support all people in Australia to achieve positive and respectful relationships. We also believe that people have the capacity to change their behaviour and how they relate to others.

Relationships Australia has been a provider of family relationships support services for nearly 70 years. Relationships Australia State and Territory organisations, along with our consortium partners, operate one third of the 65 Family Relationship Centres across the country. In addition, Relationships Australia Queensland is funded to operate the Family Relationships Advice Line.

Relationships Australia organisations each provide a range of support services to people whose lives have been, or are being, affected by change, challenge, crisis, conflict, violence and/or trauma. The information in this submission also reflects our involvement with, and support of, clients who have experienced ageing-related family relationship issues, including elder abuse. Our comments are informed by listening to the experiences of clients, discussion with practitioners and service providers, research and reports.

We commend the Queensland government for acknowledging the need for improved responses to, and greater and longer-term support for, families affected by elder abuse.

Introduction

On 1 January 2016, Relationships Australia commenced a twelve month trial of an elder relationship service in six selected locations around Australia. The aim of the service is to support families to plan for future medical, health, financial or living arrangements and make decisions that protect the interests, rights and safety of all family members. Sites include urban and regional locations: Canberra ACT, Wagga Wagga NSW, Kew VIC, Adelaide SA, Launceston TAS and Moreton Bay QLD.

The service was developed in response to changing demographic, health and social issues which have resulted in an ageing Australian population and increasingly complex family structures. These demographic and social factors have led to an increasing number of presentations at local family and relationship services, and a desire on the behalf of Relationships Australia to provide a more targeted service that meets the needs of older people and their families. In developing the service, we identified a service gap, with Australian elder mediation and counselling services embryonic when compared to overseas jurisdictions, such as Ireland and Canada.

People can attend the new service on their own, with their partner or extended family, and are supported by qualified mediators, psychologists and social workers who have been trained in delivering services to older people. Our pilot service has operated with an affordable and flexible charging policy as we did not want cost to be a barrier to families engaging with the service in its pilot stage. The service is flexible and innovative, responding to the presenting needs of clients, and may include counselling, mediation, education, information and referral to specialist support services and legal advice. A number of presentations to date have included elder abuse.

Our early experience suggests that the current service system and policy framework to prevent and respond to elder abuse are poorly designed, inadequate and fragmented. We welcome the discussion paper and the opportunity to contribute to the design of a better system.

Response to the discussion questions

Elder abuse

1. Should Supported Elder Mediation be offered in situations where it is identified that the older person is the subject of abuse?

- Our experience in delivering family relationship services suggests that a therapeutic model of elder mediation can lead to positive outcomes for older people, including perpetrators of family violence in some circumstances.
- Relationships Australia has a long history in delivering services for families affected by violence and routinely screens for violence at intake in most services. In delivering services to clients with ageing-related family issues, we have observed elder abuse that is the result of historical family violence continuing at older ages and/or situations where the abuse has arisen as victims age. In

the latter case, this has been facilitated through caring roles or the poor personal circumstances and behaviours of perpetrators. The response and interventions are likely to be different depending on the history of the family and the circumstances of victims and perpetrators.

- Many victims will be unlikely to pursue legal avenues to protect themselves, particularly where they rely on the perpetrator for care and/or the perpetrator is an adult child, and therapeutic mediation with appropriate referral pathways and support can offer a means to increase the safety of the victim and improve family relationships and support.
- Where there is a history of family violence, frailty of the perpetrator and fear of being left without a carer can be a leverage point for change and prevention of future abuse. However, the opportunity for change can only be maximised if appropriate family violence services are available. For example, whilst men's behavioural change programs are well-established in Australia, these services are not adequately funded or targeted towards older perpetrators. Similarly, family violence crisis services traditionally target women and children victims, and are less well equipped to deal with older people, and/or female perpetrated violence.
- Where violence has arisen due to the mental health, drug and alcohol or related issues of the carer or adult child, a holistic family relationship service that wraps around the family can support the victim and the perpetrator to access the services they need.

2. If so, what suitability criteria should be considered when proceeding with matters?

- We support an approach that respects the wishes of the older person and protects human rights, and criteria that assesses both the effect on the victim of abuse and the behaviour of the abuser.
- In our elder services model, the family meeting is often supported by both an independent counsellor and mediator. These practitioners meet with clients separately at the intake and assessment stage and can assist clients to develop a safety plan. Referrals can also be made to legal services or the police where appropriate.
- There are well established criteria to assess whether the issues are suitable for mediation, such as:
 - Family history, including violence, fear and power imbalances.
 - The future risk of harm, including escalation of the threat or violence
 - The level of vulnerability of the applicant
 - The capacity of both parties to understand and participate in the mediation process. This could include cognitive disability and language difficulties.
 - If there is police involvement or court orders
 - Whether both parties genuinely want to resolve the dispute and they are open to negotiation

In some circumstances, strategies can be put in place to overcome barriers to mediation. These include inviting an appropriate support person. A party with a cognitive disability who may have difficulty in understanding the mediation process may be able to participate with a support person—family member, a friend, a disability advocate, a lawyer or other professional person or advocate—assisting them. Services may also refer clients to counselling to assist them in preparing for their family meeting.

The elder relationship service is also able to organise an interpreter and offer flexible arrangements such as outreach, broken and shorter sessions, and age-friendly venues.

Where desired by the parties, Relationships Australia can also provide 'shuttle' mediation where victims and perpetrator are supported in different physical spaces with the practitioner(s) moving in between as the mediation proceeds.

3. What protections should be in place to ensure the ongoing safety of participants?

- Clients accessing Relationships Australia services that are affected by violence are supported with safety plans, follow-up and internal and external referrals to complementary support services.
- Through a family meeting process, additional informal and formal networks of support can be included to increase the visibility of the risk and correspondingly the safety of the older person.

Restorative Justice

4. Should restorative justice approaches be specifically available to older people in the context of elder abuse?

- We support the use of the term, restorative practice, rather than the more narrow and prescriptive term, restorative justice. Relationships Australia supports restorative practice approaches and our services have demonstrated the benefits of alternative forms of dispute resolution that use restorative and therapeutic approaches. These models of service may, or may not be linked with a criminal process.
- While additional legal safeguards may be put in place, clients presenting at our services are unlikely to access civil or criminal remedies as they do not wish to further damage their family relationships. These situations suggest a role for restorative processes that achieve positive outcomes for older victims, including healing, and preserving or improve family relationships that need to endure past the abuse.
- Policy frameworks could be informed by innovative restorative practice programs being trialled in international jurisdictions such as New Zealand and Canada.
- A number of clients presenting to the elder relationship service have indicated apology and restoration (eg. Paying back some or all of the misused funds of the older person, taking responsibility of the wrongdoing) as key elements of the outcomes they are seeking through the family meeting.
- We would also support additional services to support carers. A key feature of cases of elder abuse presenting at our services is an adult child/parent care relationship. Many of these carers are suffering their own financial, mental and physical health issues due to the significant burden of their caring role. It is also possible that the carer is being abused by the older person, particularly where there is cognitive decline. Our service has been able to provide additional supports to carers through referrals to community support organisations, and facilitating family meetings to encourage other family members to assist with care. Services that provide additional supports to people in caring roles could be significant in preventing elder abuse, particularly in relation to neglect.

5. What protections should be provided to ensure the ongoing safety and wellbeing of older people?

- We support the establishment of a single regulator with investigative powers, and redress that includes approaches that achieve the best possible outcomes for older people and their families, including restorative approaches such as family group conferencing, apology, restitution and criminal sanctions in serious cases of abuse.
- We have also observed the potential for domestic violence education to positively impact older generations, both at the community level in dispelling out-dated views, and at the individual level in encouraging respectful family relationships.

Capacity

6. What existing processes, sources of advice, tools, or techniques would be useful to assist mediators in assessing?

- We have observed situations where the capacity of the older person contributes to the opportunity for abuse. For example, medical diagnosis of Alzheimer's disease can take many years. In the intervening period it may be difficult to determine the capacity of the older person and this may also be the period in which Powers of Attorney are assigned and financial abuse takes place. Training for elder mediators should include modules that improve their understanding of the law (eg. Powers of Attorney, guardianship) and age care service system.
- Practitioners delivering services should also be trained in understanding capacity. There are some existing training, resources and tools, but these are often difficult to access and/or expensive. For example see <http://www.utas.edu.au/wicking/understanding-dementia>.
- Family violence assessment tools have been developed and are routinely applied in family services.
- Based on our experience in delivering family relationship and family law services, including elder relationship services, Relationships Australia is considering developing specialised training for elder mediators through one of its Registered Training Organisations.

a. What accommodations are required to maximise participation?

- Our services have increased access to services for older people through age-friendly physical spaces, redesign of letters and age-friendly information. For example see <http://www.cotatas.org.au/action-advocacy/finding-out-report/>

b. Whether a party has insufficient capacity to participate in mediation and to make decisions?

- Trained psychologists assess whether parties have sufficient capacity to participate in mediation. Note, this assessment is separate from a medical diagnosis.

Guardianship

7. Given the differing views regarding the use of ADR in the Guardianship Jurisdiction, what benefits or drawbacks exist for its inclusion?

- One of the key aims of Relationships Australia's elder relationship service is to help families have difficult conversations and come to agreement. The service can also assist decision-making, conflict resolution and agreement between parties in formal arrangements such as where there are guardianship issues or arrangements. It is our experience in delivering family law and family

and relationship services that agreements made in this way are less likely to break-down, and result in harm and future litigation. Even where guardianship orders are made, family relationships around the older person endure, often with increased conflict following a legal intervention. This conflict plays out in future decisions about the older person after the guardianship order has been made.

- Family meetings facilitated by a trained practitioner can bring in a wider range of people who can contribute to decision making that reflects the wishes of the older person, can be more flexible, and can reduce family conflict with the aim of improving future decision-making. Importantly, these services can assist all family members to have a voice in decision-making, particularly the older person.

8. What criteria should be used to assess the suitability of matters in the Guardianship Jurisdiction for ADR (e.g. Supported Elder Mediation)?

- The criteria should reflect established criterion that exists for determining the suitability of matters for mediation as is described above.

9. What options are there for effectively linking a Supported Elder Mediation service with the Guardianship Jurisdiction?

- Family meetings should be one of a suite of options available in the guardianship system.
- Suitability for mediation should be one of the assessments made early in the guardianship process.
- Supported elder mediation services should be adequately funded and staffed with trained and skilled practitioners.

10. What considerations will be relevant in ensuring that a Supported Elder Mediation service will be accessible for:

a. People living in rural and remote areas?

- Early presentations to the elder relationship service have included older people from regional and rural communities. In these cases, the ability of the older person to exercise their rights and wishes has been complicated by the existence of multi-family households, expectations of entitlement to the family farm, complex financial arrangements, social isolation, vulnerability of the older person and poor communication between family members. The geographic isolation of older people and their families may also make it difficult to access 'face to face' services.
- Given the core of our service model is a family meetings, family members may also be spread across several States and Territories and in some cases, other countries. In developing our pilot program to support older Australians, the large geographic spread of clients will feature highly in designing a future model of service delivery.
- With a broader rollout of funded services, Relationships Australia Queensland could utilise its existing footprint of 17 venues across Queensland and a range of complementary service delivery models that increase access to services for people who at great distances from physical venues or outreach services. Technology-assisted services currently delivered by Relationships Australia Queensland include secure video platforms to provide 'face to face' virtual service to clients who only have to travel to their local neighbourhood centre, chat rooms and telephone

counselling. In the last calendar year, around 150,000 calls were taken by the Client Contact Centre, including calls to Relationships Australia Queensland and the Family Relationships Advice Line. Many of the issues identified by callers were resolved at the first point of contact.

b. Aboriginal and Torres Strait Islander people?

- Relationships Australia delivers a range of counselling and mediation services to Aboriginal and Torres Strait Islander people. Our previous experience suggests that a range of strategies could be employed to increase access to a supported elder mediation service for Aboriginal and Torres Strait Islander people. This could include partnerships with local Indigenous services, recruitment of staff from Aboriginal and Torres Strait Islander backgrounds and flexible eligibility criteria in recognition that ageing happens differently for Aboriginal and Torres Strait Islander people.

c. People from culturally and linguistically diverse backgrounds?

- Clients from culturally and linguistically diverse (CALD) communities have raised issues consistent with observations in the literature, including male dominated cultural expectations, and vulnerabilities of elderly women due to language barriers and inexperience in navigating the Australian financial and social security systems. Where there has been a history of family violence, we observe intergenerational transfer that results in the abuse of mothers by sons at older ages.
- Many of the issues identified in the consultation paper exist for people from non-CALD backgrounds and there are existing service delivery learning. We note that some of the identified issues may occur in higher proportions for some people from CALD backgrounds.
- Training and professional development teams at Relationships Australia have made significant investments in developing and delivering training programs that increase the CALD competencies of the organisation. This has included cross cultural practice development with an opportunity to gain an accredited unit of competency with a registered RTO; sharing knowledge on specific cultural and ethnic groups; and looking at special concerns and need areas such as suicide, family violence, gambling addiction and family dispute within CALD families.
- While it is unrealistic to know the cultural practices of every ethnic and cultural group in our community, the key to overcoming this challenge is acknowledging the possible differences in our service delivery and practice, and attempting to seek clarification before taking action. Multicultural and cross-cultural competence is not seen in isolation from the overall standards and procedures of the service. We aim to provide high quality, accessible, inclusive and responsive services to individuals and families, in all aspects of our work and service delivery.

d. Lesbian, gay, bisexual, transgender, intersex and queer people?

- Relationships Australia Queensland has been delivering services to lesbian, gay, bisexual, transgender, intersex (LGBTI) and queer people for some time. Rainbow Counselling is offered at the Spring Hill venue which has remained our central hub for these services. The continuation of foundational LGBTI training for all our staff has contributed to increased levels of confidence and competence across the organisation.

- With respect to lesbian, gay, bisexual, transgender or intersex people, we also expect family conflict to arise where adult children do not respect the partner relationships and wishes of the older person when financial and end of life decisions need to be made.

Service Provision

- Where elder abuse differs markedly from other related social policy issues is in the gendered nature of the abuse. While we note that women are more likely to be the victims of elder abuse, and men the perpetrators, the gendered nature of elder abuse is not nearly as marked as for violence and abuse at younger ages. The current family violence sector is orientated (largely due to historical funding models and need) to provide services to women and children victims (eg crisis accommodation, child protection) and we suggest that many of these services are ill-equipped to deal with, inadequately funded, and inappropriate for, older people. This is particularly the case for male victims and female perpetrators. Within the elder relationship service we have used approaches developed for family law services where the service model supports both male and female members of couples.

11. What other considerations will be important when determining the most appropriate delivery of a Supported Elder Mediation service?

- Our experience suggests that the most efficient and effective model should include intake, preparation and mediation provided by trained practitioners. The vast majority of clients seeking services under our pilot program only attend the service for one session; this is consistent with other family law and counselling services. The single session is an opportunity to provide information and referral, possibly the only service the person requires.
- As mentioned above, the service should be developed with recognition of the distances between family members and include face-to-face and digital service delivery options.

12. What advantages or disadvantages would you perceive with a government provided service as against one provided by the NGO sector?

- Services provided by a non-for-profit organisation such as Relationships Australia can benefit from an existing service footprint and a history of delivering services to families affected by a far reaching and complex range of issues. These services are embedded in a network of other community and health services that can also support families with particular problems that require a specialised service, such as community legal aid, drug & alcohol or family violence services.
- Relationships Australia also has flexible and innovative service delivery models that include face-to-face onsite and outreach, telephone, video and on-line options. They are positioned as a general population services and therefore can directly address the stigma and shame associated with many family issues. Many of our clients, in particular CALD and Indigenous clients would be fearful of a government provided service and this would make it difficult to engage some high-risk groups.
- Problems such as mental health, conflict and violence are very common amongst our current client base and as such the incidence can be continually normalised across all populations and cultures. Family therapy has a long tradition of engaging diverse families and communities and

practitioners using family therapy approaches have the knowledge and skills to work with diversity and kinship groups.

13. Does your organisation have a steady stream of matters suitable for Elder Mediation and may it be a suitable pilot site?

- As mentioned earlier in this submission, Relationships Australia has been delivering mediation services to families on behalf of the Commonwealth Departments of Social Services and the Attorney-General since 2006. Over the past 12 months we have also been delivering services to families with age-related family issues at six locations around Australia.
- Learning from the 12 month elder services pilot could inform future service provision in Queensland. The most difficult part of service provision to date has been engaging families with age-related issues. Even where a family member approaches the service, it can be challenging to encourage other family members to attend. However, our pilot evaluation finds that stakeholder engagement around the site and public awareness of the service are key to success. The government could also facilitate referrals through public awareness campaigns and legal pathways, including the administrative tribunal if they were to roll out a supported elder mediation program.

14. What do you see as the key points where older people and their families may benefit most from access to a Supported Elder Mediation service?

- Ideally, families would access a supported elder mediation service to assist them to have difficult conversations before family conflict and crisis was imminent.
- Unfortunately our experience suggests that many families, but not all, fail to seek help until the family is experiencing considerable turmoil, conflict and dysfunction. Despite this, with a carefully considered model staffed by skilled practitioners, improved outcomes can be achieved across the spectrum of people's lifecycle. Therefore, the program should include strategies from early intervention (retirement and end of life planning, communication skills, public awareness campaigns) through to specialist services (violence, neglect, entrenched conflict, guardianship).

15. Which professionals or services may be best placed to make referrals to a service?

- In our experience in supporting families affected by family violence, there are usually people in the formal and informal networks around the 'at risk' person who know, or have suspicions about violence and abuse. For example, in a survey conducted by Relationships Australia in January 2016, almost one-third of respondents indicated that they had concerns relating to the abuse of an elderly relative or neighbour (see www.relationships.org.au).
- The challenge for policy makers is to create an environment to support and encourage people to report to the appropriate service or authority. Our stakeholder conversations have alluded to the potential of the existing health and community service sector in helping to identify elder abuse. We would also support increased education of staff in the banking sector to identify and respond/refer to elder abuse.
- Services that come in contact with older people at risk of abuse provide a large and complex network of potential referrers including age care assessment teams, GPs, Pharmacists, human Services and community support organisations such as mental health, housing and carer services. At present, many service providers show a lack of confidence and skill, and have

insufficient information to assist them in approaching and dealing with issues of elder abuse. This is compounded by a lack of referral pathways, and few primary and tertiary services with specific skills in supporting people affected by elder abuse.

- Family relationship services can also provide a 'safe-space' in which people are comfortable discussing concerns relating to abuse. Where the service identifies safety concerns, existing procedures for families affected by violence would ensure appropriate reports and referrals are made.

16. What would be the best methods for engaging with referrers, older people and their families to maximise their understanding of Elder Mediation?

- It is likely to take a period of time to embed a new service that targets older people across Queensland. Relationships Australia has found one-on-one stakeholder meetings to be effective in building referral pathways to our elder relationship service. However, public awareness campaigns could be similarly effective if adequately resourced and sufficient services existed across the state to cope with the potential demand.

Challenges

17. Do you consider that conflicts and disputes involving older people are sufficiently widespread to justify a Supported Elder Mediation service?

- Demographic ageing of the Australian population and increases in the complexity of family structures have created an environment for a potential rise in ageing-related family relationship issues. These changes are likely to result in increases in the number of inheritance disputes; a greater need for retirement and end-of-life planning assistance; and the need for carers to provide extended care periods for ageing Australians due to their longer, but not necessarily healthier, life expectancies.
- Should there be an increase in ageing-related family relationship issues, there are service gaps in the current suite of counselling and dispute resolution services for affected people and their families.
- Based on existing evidence on the prevalence of family violence, estimates of elder abuse and our experience in delivering family relationship services, we consider there to be a significant number of families that are experiencing conflict and disputes that are unlikely to be resolved without the assistance of a trained practitioner.
- In a number of cases to date, conflict and elder abuse has arisen due to an agreement breaking down or misunderstanding, but often the situation has arisen due to poor communication or that an agreement was never discussed or made at the outset. In a survey conducted by Relationships Australia in May 2016, less than 50 per cent of respondents reported having a will. Of those who had a written will, one quarter had not discussed it with their family (see www.relationships.org.au). This suggests widespread potential demand for this type of service.

18. What barriers may exist to older people, their families or supports, and service providers from accessing such a service?

- We note the cost, time and stress involved in pursuing many of the remedies currently available. We support the increased powers of tribunals and an increased range of alternative dispute

resolution and support services to assist people to resolve disputes, reduce conflict and make lasting agreements.

- We recognise barriers such as cost, location, shame and low levels of knowledge about alternative dispute resolution pathways in the potential client base. However, acknowledgement of these barriers in service design could increase the potential engagement in a supported mediation service.

Naming

20. What should be considered when naming a Supported Elder Mediation service?

- Our experience in delivering mediation services to older Australians suggest that naming is important in encouraging families to engage with the service. Our service name 'elder relationship service' has been incorrectly associated with our couple counselling and/or separation services by prospective clients, and we are likely to consider names that capture the essence of the service in the future. We would also suggest avoiding the term 'mediation' which can be associated with lawyers and legal dispute resolution pathways.

21. What terms for older people have been effective in your experience?

- Recent discussions of our service name have preferred terms such as family meeting, supported family meeting or facilitated family meeting.

Other

22. What other issues do you consider are important for consideration in the development of a Supported Elder Mediation service?

- While cases to date demonstrate how difficult it can be to engage all the parties in multifamily situations, early learning also point to the services ability to empower family members to tackle family conflict where pivotal members of the family refuse to engage with the service.
- The best outcomes for people affected by abuse would be achieved by a single regulatory/investigative body and a nationally consistent policy framework. This framework could be informed by policy work in other related areas, including standards for creating 'elder' safe organisations, quality accreditation standards for children's services, family violence and disability services.
- While we agree that it is possible to have too many safeguards, policy must ensure that the choices exercised by people with such significant consequences are, at the very least, informed choices. We support an approach that firstly supports the voice of older people to express their wishes, and secondly promotes their best interests.

In the early stages of Relationships Australia's elder relationship services trial we have promising results that support an innovative approach that can improve the outcomes of older clients and their families. In contrast to legal process which can circumvent the services ability and the client's willingness to mediate their own solutions, success has been achieved through assisting people to reach agreement, and restorative and therapeutic approaches that preserve and enhance relationships into the future.

Thank you for the opportunity to provide a submission to the Supported Elder Mediation Discussion Paper. Should you require any further clarification of any aspect of this submission or need information about the services Relationships Australia provides, please contact me or Paula Mance, National Policy Manager, Relationships Australia National.

Yours sincerely,

A handwritten signature in black ink that reads "Alison Brook". The signature is written in a cursive, flowing style.

Alison Brook
National Executive Officer

12 December 2016

Case studies

Case study 1 - mediation

A mother lent her son a large portion of her retirement savings for his business venture. There was an understanding by both parties that the money would be paid back. The mother factored in that the son mostly owned his own home and felt confident that the money would be repaid. However, the son had re-mortgaged his home and did not disclose that he was in a precarious financial position.

Ten years have passed and the son has not been in a financial position to repay the mother and the mother has been unable to retire. The son and his wife have both worked hard for several years and they both have jobs but still contend they cannot afford to repay the loan. The son feels that the money, and his obligation to re-pay the loan, should simply be forgotten about. The son has not acknowledged to the mother his gratitude for the loan, nor his remorse at being unable to repay it.

In this situation, the mother has held off on pursuing her legal rights due to her love for her son. The mother is emotionally distressed over what she perceives to be her son's betrayal of her good will. Her legal claim is clear and undeniable; however, her husband (and the son's father), does not wish to pursue the son for the money. The division regarding their son has led to their own relationship and financial problems. They also share a sense of regret that they have been unable to give equally to all of their children and anger they are being taken advantage of.

Outcomes sought at mediation:

1. an acknowledgment/apology from the son that he understands the issues and is grateful and wanting to do his best to rectify the situation; and
2. partial repayment of the loan at a rate that the son and his family can afford.

Case study 2 - counselling

A separated elder couple accessed the elder relationships service. They had separated and there was a high level of animosity and blame and the husband was becoming very abusive towards the wife. One of the adult children was also very abusive towards the mother, blaming her for the separation. After intake, historical family violence was evident but this now included extended to other family member perpetrators.

The husband was unwell, and both elderly and old fashioned in his values, and unaware that his actions were a form of abuse. However, he was open to change, particularly as he was fearful of being on his own for the rest of his life.

The counselling process was effective in allowing them to reconfigure how they related to each other and educate the husband about respectful behaviour.

Case study 3 – mediation

An adult child accessed the service as her sister had moved their father to a nursing home closer to her home; she had not consulted other family members. This move had meant that the father was

no longer able to get outside into the garden (which he loved to do in the previous home). Also, his partner could no longer visit him because he was now too far away and she had no transport. The elder daughter insisted that this new nursing home was best for him as it was “more secure” but the father and other siblings believed it was to meet her needs and not his.

The clients had initially contacted the state administrative appeals tribunal before seeking mediation, but the sister had been difficult to get an appointment with. By the time an intake was done the family had a date with the tribunal. The service offered them the option of a family meeting once they had been to the tribunal but the sister was no longer interested.

Case 4 - mediation

An elderly client was referred to the service by a local community organisation. The client lived with his son who was his main carer. The client had concerns around ‘lending’ his son money, feeling pressured to lend and the timing of repayment of loans. A support worker attended the interview and had genuine concerns about the client being taken advantage of and his ability to recollect when, if and how much the son had ‘borrowed’ from his father and when or if he had made repayments.

There were several attempts to contact the son but he said that there were no problems and the community worker was interfering. The father was contacted and it was explained that his son did not want to participate and he decided not to proceed and further upset his son.

Case study 5 - mediation

An elderly widowed mother came to the service requesting assistance with a family situation. Several families lived on their large rural property, including her two sons and their families who work the family farm.

Things had become increasingly hostile between the mother and one of the daughter in laws. The mother had moved out of the main house and was worried about their ability to live together and run the farm. The sons didn’t want to get involved. A family meeting was held to assist the family members to come to an agreement about management of the farm and their family relationships.

Case 6 - mediation

Three male siblings in their fifties came to mediation to discuss the care of their elderly parents. They had another sibling who was not involved as she lived overseas. One son lived interstate and came back to regularly to see his parents and to try to manage their care. One son had taken the biggest responsibility for managing the care of the parents as he wasn’t working but had reached a point where he was unwilling to continue doing this as it was affecting his mental health. The brothers had joint Power of Attorney over their parent’s affairs.

Their parents still lived independently in their home. Mother had been diagnosed with dementia which was reasonably advanced and father had diagnosed mental health issues where he was prone to very angry outbursts. The sons had tried to buy in care to support them in their home but the parents wouldn’t let strangers into the home and became hostile to most people trying to help such

as carers, cleaners, RDNS etc. They would only really tolerate their children coming to help which had mainly fallen upon the son who wasn't working.

Three siblings believed that mum and dad weren't coping and should be put into residential care against their will. One son was a staunch advocate for maintaining the independence and rights of his parents and would not agree to this as an option and had been resisting it for a considerable period of time (2 years or more) preferring to try different options to bring help into the home. He was often unable to help and went away overseas for extended periods for his work on a regular basis. The other brothers were aware that they could apply to the Guardianship Board but didn't want to cause conflict.

Outcome from the family meeting: The son who had resisted putting his parents into care eventually agreed to look at options for mum but would not agree to consider a placement for dad. He did agree to have a conversation with dad about the possibility of moving into care at some point in the future. Another mediation was scheduled.

Case 7 – mediation and counselling

The service was contacted by an older couple who were unwillingly sharing their house with an adult daughter (aged 50). They had agreed for their daughter to move in for a short time to mind the house when on holidays but she then declined to move and been in the house for the last 6 years. The daughter has mental health issues and although living reasonably separately, was both verbally abusive, mostly to her mother, and stonewalling (refuses to discuss her behavior or moving out), and is making their lives in the house increasing stressful and unpleasant. The mother, in particular is feeling a negative impact on her own mental health and home amenity. There are also issues about the level of the daughter's financial contribution.

The mother is also worried about where else the daughter could live (the daughter is on a disability payment). The parents were thinking of selling their house as a means of resolving the situation although they do not really want to move.

The parents attended for an intake and discussed a length their situation. Their daughter was invited both by letter and by her parents verbally but chose not to participate in a mediation process.

We then referred the parents to Seniors Rights for legal advice and the mother to counselling. The mediator had a number of follow up phone calls with the mother to see how things were progressing. Through legal advice the parents became aware they had legal options to remove their daughter if necessary. Seniors Rights also offered to help them draft warning letters to their daughter of their wish for her to relocate and ability to evict if no other option. Seniors Rights also offered to provide the daughter directly with referrals and resources to find alternative accommodation. Although the matter did not proceed to mediation the parents felt much more informed and empowered and realised they did in fact have options beyond selling the house to separate themselves from their child's abusive behaviour.

Case 8 - mediation

The service was contacted by an adult daughter living in the city whose mother (85 year old with increasing forgetfulness) lives on a property 80 kms out in the country with one of her adult sons. The son lives in a bungalow on the same property. The son keeps an eye out for his mother and helps her out in many ways around the home. This has been the living arrangement for many years now, but the daughter has become increasingly concerned about what she sees as her brother's bullying of their mother. This takes the form of alleged controlling behaviour around their mother's cooking, planned outings/trips, driving and other matters. He has been receiving a disability pension for many years. The daughter acknowledges many good aspects of her brother's care and in fact believes he needs respite, but they can't agree about respite care for their mother (amongst other things).

Intake/assessment sessions were conducted with the daughter and her mother, but attempts to engage the son in mediation have so far been unsuccessful. The mother does acknowledge that a couple of things could certainly be different, but does not seem prepared to take the matter further although she has spoken to her GP about it. The adult daughter is still hopeful that her brother will come to mediation.

Case 9 - mediation

The service was contacted by an older person who was the carer for her physically disabled (wheel chair bound) husband in a home which they share with their daughter and son-in-law and their 3 children. The property was bought in the name of all 4 people some 5 years ago when the parents were moving from interstate. The mother also has some physical health issues of her own. She had been referred by a community service housing social worker who had been investigating some possible alternative accommodation for them, because the son-in-law had been saying that the home would have to be sold by the end of the year.

Individual intake/assessment was conducted with each adult. Both parents said that the mother was the target of verbal and emotional abuse by the son-in-law. Despite the stressful atmosphere in the house, the parents were still keen to discuss continuing to live under the 1 roof "but with respect." Seeing the grandchildren was obviously important to them.

At intake, the daughter and son-in-law seemed frustrated about a situation they say they had tried to improve, but couldn't. They had made many suggestions, including suggestions for respite care for the mother, but nothing was taken up. Communication was clearly a big issue and they were under severe financial stress. They wanted to discuss this in mediation, and also see if something could change in their relationship with the parents.

The parties came together for mediation. Agreements were made about finding a boarder, whose financial contribution could help with the mortgage, which the parents acknowledged was very urgent and important. There was also the opportunity for the mother to talk about how she felt about the verbal abuse. The son-in-law listened and did not react defensively. Discussion also occurred about respite for the mother and the mother in turn talked about how much she loved them and the grand-children.