


# Real Life Research in Partnership

A close-up photograph of an elderly person's eye, showing detailed skin texture and a yellowish-green iris. A large yellow diagonal overlay covers the bottom half of the image, containing the title and summary report information.

## **Understanding Civil Law Needs of Older People and Building Research Capacity in Community Legal Centres**

### **SUMMARY REPORT**

March 2022

## **PROJECT OVERVIEW**

Barwon Community Legal Service (BCLS) received funding from the Victoria Law Foundation (VLF) as part of its Knowledge Grant funding stream.

The purpose of the Knowledge Grants is to support community legal organisations to better understand their data and use it to respond to community need.

Our project partnered with Deakin University to better understand the civil law needs of older people in the Barwon region.

The project model established a partnership with Deakin's Work Integrated Learning (WIL) Program to embed virtual student research interns within BCLS to assist with the collection and interpretation of data.

The project also built an evidence-based framework for the collection, interpretation and application of available data, which we hope will result in an ongoing collaboration with Deakin to build BCLS' research and data capacity across other areas of legal practice.

## BUILDING RESEARCH CAPACITY IN COMMUNITY LEGAL CENTRES

Our project provided the following learnings for CLCs and other community organisations looking to build their research skills and capacity:

- Ethics processes take time to navigate – If you are partnering with a university think about ethics approval early so you can incorporate lived experience into your research.
- Partnership key to success – Partnering with a university can significantly increase the research capacity of a CLC.
- Virtual internships allowed for greater participation – CLCs are able to access interns from across Victoria, regardless of location.

- Value in providing students with real-life research experience – This partnership model provides a unique learning opportunity for university students in variety of fields.

*“This was not an easy internship. The work was complex and time-consuming. It was also deeply rewarding, and brought joy to my Covid-controlled world. I loved my team work, the supervision and the way Barwon involved us as peers. It was the best part of my degree.”*

– Knowledge Grant student research intern

## WHAT DOES OUR RESEARCH TELL US ABOUT HOW BCLS IS MEETING THE CIVIL LAW NEEDS OF OLDER PEOPLE IN THE BARWON REGION?

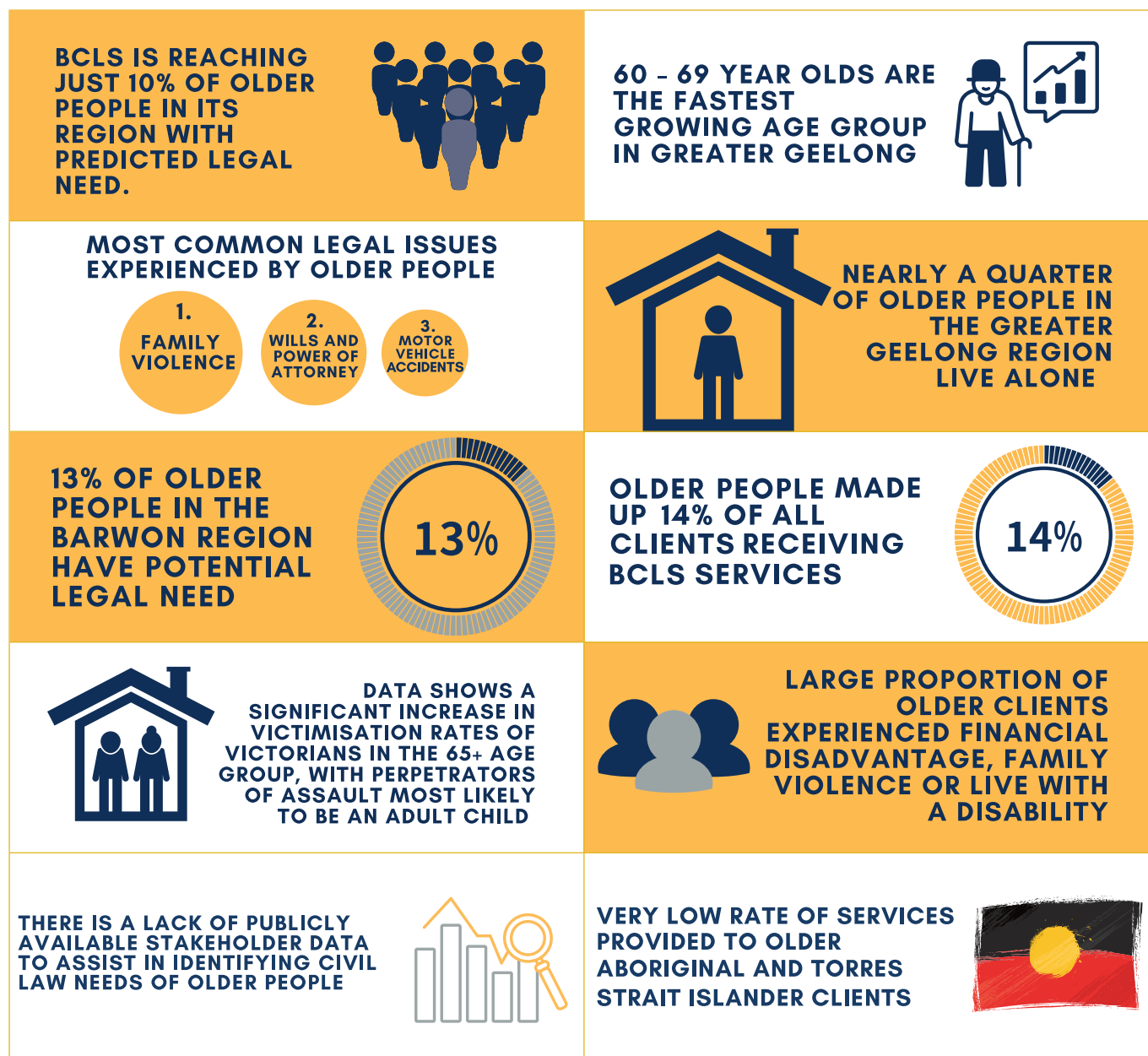
- **There is no agreed definition of older person** – There is also no data entry point in the BCLS data recording system for identifying elder abuse files.
- **Range of common civil law issues experienced by older people** – These included family violence, legal issues relating to decision making such as guardianship, powers of attorney, medical treatment and wills, along with legal issues relating to financial problems such as credit, debt and scams.
- **All cases relating to elder abuse involved financial matters** – This included loaning money without knowledge of being the guarantor or knowing that they would have to pay funds, or paying fines incurred by younger children.
- **Digital literacy and access was a particular barrier for a number of clients** – This included not having a computer, email address or mobile phone.
- **Most cases involved a family member** – either as a perpetrator of elder abuse or as a concerned family member acting on behalf of the older person who was potentially experiencing abuse.

*There is a perception that elder abuse is more common than is usually realised, and many older people “... can experience elder abuse from any type of caring relationship” (Stakeholder Interview 5)*

- **There were examples of family members trying to protect the older person from financial abuse** – But by restricting the older person’s autonomy were at risk of committing abuse themselves.
- **Barriers to accessing legal services within aged care settings** – One case highlighted the impacts of services classifying clients as not having mental capacity.
- **Elder abuse should not be defined specifically but seen on a spectrum** – Elder abuse often included family violence, but there were elements that made elder abuse cases unique.
- **It is important to take a holistic and rights-based approach to the civil law needs of older people.**

## UNDERSTANDING CIVIL LAW NEEDS OF OLDER PEOPLE IN OUR REGION

Data collected showed that over a three-year period between July 2017 and June 2020:



*Many older people often do not know where to begin accessing legal services, “and even if they do identify specific legal issues where they need to go to a lawyer or they need to go to Centrelink or they need to go to a tenancy tribunal ... [the] pathway is so difficult to identify” (Stakeholder Interview 3)*

*Older women often find it difficult to obtain government funding assistance if there are records of family assets and “there’s a very limited supply of properties ... for older women” (Stakeholder Interview 3)*

## HOW LOCAL AGENCIES UNDERSTAND THE CIVIL LAW NEEDS OF OLDER PEOPLE

### Emerging themes from focus groups and stakeholder interviews

- An increase in elder abuse since the pandemic.
- The need for flexibility in defining 'older person'.
- A clear range of common civil law issues facing older people – These included: abusive relationships; financial abuse; informal family agreements; housing problems; scams; and a general lack of support leading to abuse.
- Discrimination, lack of autonomy and family violence make older people more vulnerable to civil law issues.
- Older people are connected with legal and other community services through police, welfare workers or other aged care staff.
- Most respondents viewed the main civil law problems affecting older people as being financial issues, inability to access services, elder abuse or family issues.
- Most feel confident in knowing the right service to contact if they deal with an older person facing a legal problem, however simplified information about available services is recommended.
- Most viewed the lack of targeted services, particularly for older people from Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse (CALD) communities, to be key barriers to seeking help.
- Information sessions to assist older people, rather than improving online services, were seen as important developments.

## IDENTIFIED BARRIERS TO OBTAINING LEGAL ASSISTANCE FOR OLDER PEOPLE IN THE BARWON REGION

### Emerging themes from stakeholder and BCLS staff interviews

- **Older people experience multiple barriers when accessing legal assistance** – These may include lack of knowledge of services, lack of digital literacy, isolation, lack of mobility, being unable to access legal services safely, and concern about damaging family relationships.
- **CALD communities face particular barriers** – These may include language and cultural barriers, and potential community backlash if an older person sought assistance from a legal service or sought a family violence intervention order.
- **Aboriginal and Torres Strait Islander older people face particular barriers** – These may include not feeling culturally safe to disclose they are Indigenous when accessing BCLS services, or a preference for accessing Aboriginal and Torres Strait Islander-specific legal services.
- **Help seeking is generally considered reactive rather than proactive.**
- **The impact of COVID and the move to phone based legal assistance being provided by BCLS negatively affected access for some vulnerable older people, particularly those in the Colac Otway region** – However, other older people experiencing mobility and transport issues are likely to have benefited from the remote delivery of services.
- **Lack of funding or continuity of funding for legal services.**
- **Difficulties in determining older person's decision-making capacity could act as a barrier.**

*"... during COVID it's been much harder for the people that are suffering from the abuse to do something about it, but also much harder for the workers, legal and medical, and all those people, to pick up that something's going on whereas they may have picked up something if they were in person."  
(BCLS Interview)*



*Some of the problems with COVID magnified the need for older people to seek help or gain independence. For example, “a number of women ... have left very long-term relationships because they don’t like the way they are treated and that escalated through the COVID lockdown” (Stakeholder Interview 2)*

### Stakeholder suggestions to improve access to legal assistance for older people

- Holistic service responses to challenge ageism.
- Simplified service systems and more access to free legal assistance.
- Older people need to be included within solutions.
- Clear and plain English resources aimed at specifically older people.
- The funding of early intervention and prevention initiatives.
- Service mapping and strengthening relationships between legal and other community services.
- Place-based services and a co-care models to reach vulnerable older people.
- Legal health checks for older people.

*Older people often do not understand how to use services that require engaging with technology or are reliant “on the people abusing them to set up or navigate the technology” for them. (Stakeholder Interview 7).*

*Older people are unlikely to take formal action against an abusive adult child “... because it would get their child in trouble ... and not wanting to go through those processes and then also trying to maintain a relationship with that child”. (Stakeholder Interview 5)*

## KEY RECOMMENDATIONS

### Recommendations to improve BCLS legal assistance for older people

- Changes needed to better capture data about older people accessing BCLS services.
- Engagement with local Aboriginal and Torres Strait Islander organisations to improve access to civil law assistance for older Aboriginal and Torres Strait Islander people.
- Co-location of BCLS services within organisations supporting older people to extend the reach of family violence legal assistance services for the Colac and Geelong regions.
- Ensuring outreach or co-located services target people experiencing financial disadvantage, CALD communities, and people living with disabilities.
- Develop a legal health check tailored to the civil law issues experienced by older people.
- Provide legal assistance centred on the rights, autonomy and independence of older people.
- Community legal education is needed for older people and the services that support them.
- Continue to build the relationship with Work Integrated Learning Program and Deakin University for future research initiatives.

### Systemic issues

- Challenge ageism and promote the autonomy of older people.
- Increase digital literacy and adapt services to ensure their accessibility.
- Increased state and federal funding for community legal centres to integrate and target their services.
- More proactive inter-agency education initiatives to prevent civil law issues.



The office of Barwon Community Legal Service is on the traditional lands of the Wadawurrung people of the Kulin Nation. We acknowledge their history, elders and deep and ongoing connection and stewardship of Country.