

Understanding factors affecting accessibility of elder-mediation services among diverse older adult communities across New South Wales – Project Findings Summary

1. Background

In elder-mediation, or older-person-centred mediation, an impartial mediator works with an older person and others to resolve disputes (either together or separately). This is a form of alternative dispute resolution, in that it typically avoids formalised processes in Courts or other arbitrary bodies. The elder-mediator is trained in the mediation process, and familiar with a range of issues specific to older people. They help the people involved in the mediation to communicate respectfully, listen to others, share concerns, clarify issues, create options, consider consequences and plan for the future. The elder mediation process is voluntary, collaborative, confidential and informal, and focuses on upholding the rights of the older person.

When older people experience mistreatment or are involved in a dispute, they will often avoid reporting the matter to police or pursuing litigation. Elder-mediation has been identified as a way of dealing with disputes, which avoids an adversarial approach. This can assist in protecting valued relationships and avoiding the escalation of conflict. However, while elder-mediation may be a valuable service, it is not widely used or known about.

In this study, researchers from the UNSW Ageing Futures Institute investigated the accessibility of elder-mediation services across New South Wales. The researchers interviewed and surveyed practitioners involved in providing elder-mediation services, as well as a range of practitioners who work with older people (e.g. health professionals, lawyers, social workers) and would be in a position to provide referrals. The researchers made particular efforts to recruit participants who could provide information on factors relevant for diverse older adult communities, including:

- Culturally and linguistic diverse communities;
- Aboriginal and Torres Strait Islander communities;
- Lesbian, Gay, Bisexual, Trans, Intersex and Queer (LGBTIQ+) communities;
- People living in regional, rural or remote areas;
- People living with cognitive, sensory or physical impairments.

This research helps us to understand how elder-mediation services might be made more accessible for diverse communities of older people experiencing disputes.

2. Key Findings

The key factors impacting on the accessibility of elder-mediation services, along with suggested strategies for addressing these, are listed below:

A lack of understanding about elder-mediation in the broader community

Problem: The emerging practice of elder-mediation is not well known or understood as an option among older people in the community.

Strategy: *Ongoing community education to raise awareness about elder mistreatment and abuse, and the range of options available for seeking help, including forms of alternative dispute resolution.*

A lack of willingness by older people to disclose problems or mistreatment

Problem: Older people were reported to experience discomfort in disclosing disputes or mistreatment to others. This can be associated with shame, or a belief in certain communities that mistreatment by a family member is a result of poor parenting.

Strategy: Service providers can raise awareness with their older clients about elder-mediation options and use their existing relationships with older people who are involved in disputes or experiencing mistreatment. Community services with existing relationships with specific communities (e.g. culturally and linguistically diverse, LGBTIQ+ communities) can play a key role in raising awareness.

Challenges navigating complex service systems for older people

Problem: Older people were often dealing with multiple complex services, making it difficult to identify the appropriate service or person to assist in dispute resolution.

Strategy: Familiarity among referring practitioners and elder-mediation service providers with systems like My Aged Care and Centrelink may assist in identifying the nature of the dispute and may prompt solutions.

A lack of awareness of elder-mediation services among referring practitioners

Problem: Many practitioners who could potentially refer clients are not aware of the elder-mediation service process or lack contact points and referral pathways.

Strategy: As the primary existing source of awareness of elder-mediation services is through word of mouth and professional colleagues, workshops and networking initiatives in combination with service directories and online resources may be effective.

Geographic barriers

Problem: There is less availability of elder-mediation service providers in rural and remote settings, and accessing dispute resolution services in small communities can be complicated by difficulties in maintaining privacy and anonymity.

Strategy: Funded outreach services can address gaps in elder-mediation service provision, however these services need sufficient time and resources to build relationships and referral pathways. In some situations telephone or video-conference mediation is available.

Financial costs

Problem: Financial cost of private elder-mediation service providers can be prohibitive for older adults who are experiencing financial hardship.

Strategy: Some organisations provide subsidised or free elder-mediation services. Awareness of local options among referring practitioners will enable these services to be promoted to those experiencing financial hardship.

Accommodating cognitive, sensory and/or physical impairments

Problem: The elder-mediation process requires that participants can engage in two-way communication and be able to listen to different points of view. Cognitive, sensory and/or physical impairments can constitute a barrier to the mediation process. These need to be managed to ensure that the mediation process is robust and the rights of the older person are upheld.

Strategy: Effective relationships and communication between referring practitioners and elder-mediation service providers can enable accommodation of a person's impairments. Accessible meeting spaces, multiple shorter sessions, communication aids and memory prompts can assist. Where cognitive impairment is significant, professional assessment of capacity may provide further

guidance. The older adult may benefit from having a support person with them, or as a last resort, an authorised representative may participate on their behalf.

Identifying and responding to power imbalances

Problem: Dependent relationships with other parties in the mediation (e.g. family members), who the older person may rely on for care, accommodation or financial assistance, can lead to a power imbalance in the mediation process.

Strategy: *Elder-mediation service providers are mostly trained in the management of power imbalances. Referring practitioners may be aware of potential issues, and (with permission from the older person) can share information with the elder-mediator to assist the mediation process. Significant power imbalances may make a mediation process unworkable, and require a different pathway (e.g. Court or Tribunal process).*

3. Implications and Recommendations

The current scoping study was undertaken with referring practitioners and elder-mediation service providers, to better understand the factors influencing accessibility of elder-mediation services among diverse older adult communities. While further research is required to understand this issue from other perspectives (e.g. older adults) the authors arrived at the following recommendations:

- There is a need to raise awareness about elder mistreatment and abuse in the broader community, along with the range of alternative dispute resolution processes, including elder-mediation services.
- Practitioners who work regularly with older people across the healthcare, aged care, social services and justice sectors need greater awareness of elder-mediation service options, relevant contact points and guidance on how to suggest a referral. Existing professional networks are a prominent means by which information about elder-mediation services is currently being communicated.
- Organisations with existing relationships with older people from diverse communities (e.g. Aboriginal and Torres Strait Islander, CaLD, LGBTIQ+) can assist in raising awareness about elder-mediation within their client community, and identifying trusted elder-mediation service providers who are aware of the specific needs of older people in their client community.
- Ongoing government funding to enable low- or no-cost elder-mediation services will make these services more accessible to older adults experiencing financial hardship.

Based on these project findings, the authors have prepared a [RESOURCE](#) to assist practitioners in making referrals to elder-mediation services.

*The authors note that this project was conducted prior to the advent of restrictions relating to COVID-19. Some of the recommendations and service accessibility factors may be subject to additional constraints associated with COVID-19 restrictions.

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