



FMC
Mediation and
Counselling Victoria



benetas

Seniors Mediation Program

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Introduction

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FMC receives funding from the Federal Government Department of Social Services (DSS) for Family & Community Services

Family & Community Services

FMC Areas of Practice

Financial Wellbeing & Capability

Family Law Services

Family & Relationship Services

Family Mental Health Support Service

Customer Support Service

Services Provided by FMC

Financial Counselling

Family Relationship Centres (2 x FRCs)

Couples Counselling

Mental Health Support for Children, Teens & their Families

Financial Education

Family Dispute Resolution

Relationship Counselling

Community Education

Supporting Children After Separation - Child Counselling

Relationship Education and Groups

Benetas Overview

- Benetas is one of the leading not-for-profit providers of residential care, in-home care, respite care, housing services and retirement living in Victoria.
- Benetas cares for more than 4,000 older people each year through an integrated range of community, home-based aged care services as well as specialist residential care and accommodation across Melbourne.
- The organisation supports translational research and has an active Research and Advocacy team that is actively used to improve aged care service provision and support older people to age well.



The Need for Seniors Mediation?

- Elder Mediation is a developing area in Australia
- In 2008 Elder Mediation International Network (EMIN) was formed in Canada. World frontrunner
- In 2013 Elder Mediation Australasian Network (EMAN) was established. FMC has a number of staff who are members of EMAN
- Seniors Mediation provides support to older people who find themselves vulnerable or in dispute
- Older abuse has become an increasing social issue in Australia. Although this is difficult to determine the rate of occurrence, it may affect more than 5% or higher in older Australians
(Older Abuse Prevention and Response Guidelines for Action 2012-2014, Department of Health Victoria)
- Australians are living longer, relationships are complex
- Increasing costs for services

Development of Seniors Mediation Program

- Partnership with FMC and Benetas established 2014 to undertake and develop a Seniors Mediation Pilot Program
- Applied to and secured Human Research Ethics Committee (HREC) Monash University approval

Objectives of Seniors Mediation Program

- Development of a model for providing FMC's Seniors Mediation Program which is sustainable and provides evidence based outcomes for future service delivery
- Improved wellbeing for older persons
- Older persons will have greater confidence in their decision making skills
- Strengthening family relationships
- Empower and ensure the voice of the older person is protected in decision making for their lifestyle, care and health choices

Elder Mediation: Literature Review

Systematic review of seven electronic databases for literature published between 1970 and 2015 and meeting the following inclusion criteria:

- Related in full/part to older people (65+)
- Employed a structured non-litigation resolution intervention process involving a third-party facilitator and aimed at addressing some form of interpersonal conflict directly involving, or related to, the care and welfare of an older person;
- Recorded some form of case-outcome measure
- Published in English

Elder Mediation: Literature Review

Table 1. Search Terms

Facets	Search terms
Population	65+, Aged, ageing, aging, carer, eld\$, geri\$, old, older adult, old age, older aged, older person, senior
Issue	Conflict, conflict management, disagreement, dispute, family conflict, guardianship, problem solving
Intervention	ADR, alternative dispute resolution, co-mediation, conciliation, conference, conferencing, dispute resolution, mediated, mediation, mediator, negotiation, negotiator, problem solving
Setting	Care home, care facilit\$, community, home, hospital, in-home, nursing facility, nursing home, residential facility, respite, respite care, respite facility

Literature Review – Findings

833 unique studies identified at initial literature search →→ 45 full-text articles assessed for eligibility →→ 10 articles assessed as meeting criteria for inclusion in literature review. Research settings: US (7), UK (2), Canada (1)

- Community based (3), Guardianship (2), Nursing Homes and Long-term Care (2)
- Significant variation in mediator training – peer volunteers, professional mediators, trained lawyers
- Across all studies, mediation was generally reported to be an effective intervention, with agreement rates approx. 81%
- However, far lower than anticipated rates of participation were common, as was pre-mediation resolution

Literature Review – Findings

Key learnings from our literature review:

- Building partnerships with community and institutional stakeholders is key to recruitment success
- Gaining trust of recruitment partners and prospective participants through positive case studies can be a useful means of dispelling fear of criminal justice involvement and/or police interactions
- Elder mediation needs to be flexible and tailored towards the needs of the older person – assistive devices, shorter mediation sessions, shuttle mediation processes common across the more successful programs

Why Seniors Mediation?

How do disputes arise?

Sibling or child/older person disputes over decisions regarding

- Older person's living situation - where the older person lives: residential care, independent living, move into child home
- Older person's financial decisions - sell the house, changes to the will, do they go on an overseas trip
- Older person's lifestyle choices - do they continue to drive, go a holiday
- Older person's health care - do they have dementia, are they physically able to live at home alone?
- Deceased person's Will / Guardianship / Administration decisions
- End of life decision making
- Grandparents accessing grandchildren

FMC Seniors Mediation Model

- Empower and ensure the voice of the older person is protected in decision making for their lifestyle, care and health choices.
- Improved wellbeing for older persons.
- Older persons will have greater confidence in their decision making skills.
- Positive outcomes for families including enhanced quality of life and improved relationships.
- Safety and a reduction in the older persons risk of older abuse.
- An improvement in transition experience.

4. Consumer Outcomes

- Seniors Mediation can address a range of issues including:
- Health and medical care residential care options, community care and in-home care
 - Housing issues and living arrangements
 - End of life decision making, changes in health status to the older person which may be causing family conflict
 - Financial issues, inter-generational relationship issues, safety issues and concerns (i.e driving), carer stress, conflict within the family regarding future decision, conflict with the older person and care providers and/or service providers.

3. Mediation

*Incorporating
the voice of the
Older person in
decision making
for the future*

The intake process happens through three pathways:

- Direct client
 - Family, friends and carers
 - Aged care providers, community and residential.
- An initial needs requirement is determined.

1. Customer Access & Early Intervention

2. Older Person Consultation & Assessment

Assessment of the older person is undertaken by an Older Person Consultant. Assessments are conducted with parties involved in the care of the older person and those involved in the future decisions. The older is made aware that the mediation process has clear objectives. They are informed that they can expect:

- Decision making distress to be reduced
- Satisfaction increase in the quality of decisions made
- To be listened to and that they can ask questions during the process.

Model

- Voluntary and non adversarial approach – mutually beneficial decision making (all parties are heard). Alternative to legal action or guardianship hearings
- Best interests and wishes of the older person are at the centre of decision making
- Assessment with older person key to the Program
- Being able to put the voice of the older person in the room if they are unable to participate
- Requires flexibility in terms of where assessments and mediations will occur

Case Study

- Non English speaking gentleman living in RCF, he was quite isolated due to language barrier and not very happy with his living arrangements
- Had POA appointed in hospital prior to entry in to care
- Insufficient funds in account for his accommodation fee
- Assessment with interpreter, appeared he had good capacity and understanding. Assessment revealed he had family overseas he was in close contact with. Was unaware there was not enough funds to pay for his care.
- Mediation with POA he was an acquaintance with and did not want to continue to role
- Follow up visit with the client 6 months following intervention showed he was a lot more involved in his own care , managing his own financial affairs, had established direct debits to pay his bills. He was also in the process of applying to move overseas with to be with his family.

Challenges and Issues

- The need and nature of the service is not immediately clear to staff and potential client's families
- Encouraging all parties to participate can be difficult
- Lower referral numbers than anticipated
- Appropriate referrals – which conflicts are appropriate?
Some conflicts are not appropriate
- Some feedback that there is a perception that older people do not experience conflict (hence a need for education - what is seniors mediation, greater awareness of options for older people.
- Managing capacity

Future

- Ongoing Research required
- Potential funding
- More Referrals required
- An alternative to VCAT/Guardianship
- New Service Offerings other than mediation i.e counselling. Family meetings