

# REPORT

## Vanguard Findings Working Meeting

**Held October 20<sup>th</sup>, 2009**  
**At Simon Fraser University Harbour Centre, Vancouver**  
**and 617 Government Street, Victoria**

### Welcome

David Morhart, Deputy Solicitor General and Public Security Commissioner, spoke by video conference from Victoria to welcome participants to the Working Meeting.

### Introductions

Participants introduced themselves and provided a brief description of barriers and obstacles to working with adults who are abused and neglected and who also are experiencing difficulties understanding information and making decisions.

People taking part in the Working Meeting included representatives from:

- College of Physicians & Surgeons
- UBC Department of Psychiatry
- Vancouver Island Health Authority – Home and Community Care
- Vancouver Coastal Health Authority – Re:Act Adult Abuse & Neglect Response Resource
- Fraser Health Authority – Clinical Specialist, Adult Abuse & Neglect
- Ministry of Health - Mental Health and Addictions
- Ministry of Health Living and Sport – Seniors Healthy Living Secretariat & Women's Healthy Living Secretariat
- Ministry of Attorney General
- Ministry of Public Safety and Solicitor General - Victim Services and Crime Prevention Division
- Public Guardian and Trustee of BC – Services to Adults
- Vancouver Police Department - Elder Abuse Unit
- Burnaby RCMP – Domestic Violence Unit
- BC Law Institute
- Centre for Research on Personhood in Dementia, School of Social Work, University of BC
- Gerontology Research Centre, Simon Fraser University
- Canadian Centre for Elder Law
- The Society of Notaries Public BC
- BC Yukon Society of Transition Houses
- BC Association of Community Response Networks
- BC Adult Abuse/Neglect Prevention Collaborative
- Vancouver and Lower Mainland Multicultural Family Support Services
- Legal Services Society – Community & Publishing
- Retired Employee of a Credit Union
- Seniors Entitlement Services, Victoria
- Graduate Students
- Seniors' Advocates
- Community Representatives

## Report – Vanguard Findings Working Meeting

### Overview of the Vanguard Project

The BC Adult Abuse/Neglect Prevention Collaborative was formed with support of the Public Guardian and Trustee to provide guidance on the development and implementation of Part 3 of the Adult Guardianship Act: *Support and Assistance for Abused and Neglected Adults*. In addition, the Collaborative:

- encourages community practices that, within the spirit and intent of the legislation, respond to, prevent, and reduce abuse, neglect and self-neglect of adults; and
- provides a forum for coordination and collaboration at the provincial level.

The membership of the Collaborative includes: representatives of the designated agencies; Ministries of Public Safety and Solicitor General and Healthy Living and Sport; the Public Guardian and Trustee of BC; provincial non profits working in the abuse response prevention field such as the BC Centre for Elder Advocacy and Support and the BC Association of Community Response Networks; researchers/academics and other concerned community members. It was within this provincial forum that the need for the Vanguard Project was identified.

In British Columbia, capability is one of the most pressing concerns of vulnerable adults and their advocates, and yet this area of law and policy remains a source of ongoing confusion. Few resources exist to clarify responsibilities of the various provincial agencies in protecting the rights of vulnerable adults who may have diminished or diminishing capability. Few tools exist to support cross-disciplinary collaboration and strategy in this area. The purpose of the Collaborative's work is to address this void.

The Vanguard Project was funded by the Law Foundation of BC and managed by BC Centre for Elder Advocacy and Support. The Canadian Centre for Elder Law and BC Law Institute consulted with Collaborative members to develop the Vanguard Materials with contributions from Simon Fraser University Gerontology Research Centre.

The Provincial Strategy Document brings together research on law and policy in relation to adult abuse/neglect prevention and mental capability. These materials clarify key language and summarize relevant laws, canvas internationally existing practice protocols and guidelines, assemble advocacy and protocol development resources, and make recommendations for change in British Columbia. The Provincial Strategy document is intended to create a shared, inter-disciplinary understanding of the meanings and implication of the capability continuum as it applies to the enforcement of different statutes.

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### Small Group Discussion – *How Can We Use the Vanguard Materials in our Work or Organizations?*

The description of small group discussions captured in this report was taken from the facilitators' flipchart notes and is not a verbatim record of the range and substance of the issues discussed.

The following comments are from two small groups working on this topic, one in Vancouver and the other in Victoria. The Victoria site reported back to the Vancouver plenary by video conference.

1. **Community Mapping** - Discussion:
  - gaps, overlaps, opportunity for collaboration
  - broader perspective – micro/macro
  - is it a priority? what might it lead to? would be a response tool
  - needs to be multi layered - internal and external
  - recognize uniqueness of every community; reflect the resources available
  - process to keep community map a living document/tool for service providers and citizens
  - 211 line link
  - What community maps exist currently?
  - identify value(s) of community map in our work
  - reflect holistic approach, map doesn't replace networking
  - CRNs a great resource for community but do they have the capacity?
  - local to regional (and on)
  - identify: key contacts, processes, definitions, templates we could use, who should be involved? what sectors?
  - learning tool as well as a service
  - up to date very important for service providers, for clients
  - where to find dollars
  - provincial community map – all maps need to be alike/compatible
  - Red Book, BC Housing, Community Services – google map links
  - Others; i.e., transportation
  - Community maps must be supported – not time to
  - not a substitute for human contact and support
  - focus – tool for service providers (government, health, education, non profit organizations, police, etc.)
  - outcome – bring people together, protocols needed
  - partners do their own mapping first – i.e., government, then roll it out further i.e. to non profit organizations
  - national/provincial opportunities
  - common template based on Vanguard

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### 2. Criminal Law

#### Current Situation in Criminal Law

- frustration
- disconnected – no “clear” path through justice system
- hugely unreported
- most don’t know about
- law is archaic – needs update – doesn’t reflect measures we need
- applicable sections not all used/useful in each situation
- inaccessible to seniors
- not using “evidence-based” prosecutions
- victim protections in Criminal Code not always used
- tension between court out-come and victim trauma in testifying
- need for translation and culturally informed support
- impact of lack of legal representation in criminal cases
- Crown resource limitations

#### How We Pledge to Embed the Materials

1. Canadian Bar Association - will present the report to provincial and elder law bars
2. As workshop/trainer/presenters we will use and refer to these materials
3. Police – commit to having a conversation with Collaborative members to distribute materials for tool development appropriate to patrol
4. Police Listserv – will commit to a posting of Vanguard
5. Post materials on RCMP website
6. Post on BCLI website
7. Raise the materials with Ontario Clinic CLE – post materials on clinic list servs
8. All will email it to Crown Counsel we know
9. Present to SFU Criminology class and journal
10. Work with staff re: abuse of seniors into the Inter-Ministry Family and Sexual Violence Group
11. Will have copies of the Vanguard materials to hand to judges & lawyers at “Great Debate” event.

### 3. Financial Institutions – Discussion:

- Understanding language is vital
  - for most effective referral
  - for vulnerable adults (plain language)
  - understanding other parties perspective
  - limitations to respond
  - education at top level (e.g. banks)
  - public
- Relationships
- Tools
  - education

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- assessment
- management – least intrusive
- Focus on intent not liability
- Financial Institutions
  - staff – limited knowledge of legal concepts, many are university educated but with little exposure to legal or contractual knowledge
  - little knowledge of legal tools
  - well trained in privacy legislation but can lead to unbalanced emphasis in this area
  - mandatory vs. voluntary reporting
  - concern that liability issues are significant
  - cost of education of banks' workforce will be significant
  - turnover of staff, particularly at front line, is a challenge
  - permission from the top to do this work
- Banks are not public service organizations
  - we need simple education with tools – low cost
  - bank management needs increased awareness of tools and know who to call and when

**Issue:** Banks are federal – headquarters would have to deal with/learn twelve different provincial/territorial legislations. Credit Unions are provincial and each is independent, i.e. ½ dozen chartered Canadian banks and several hundred independent credit unions (try to approach Credit Union Central's)

4. **Cross Disciplinary Understanding of Language** – Discussion:
- HRSDC Proposal currently (common definitions)
  - Take to knowledge community
  - Identifying core cross cutting and unique elements
  - Having materials make sense in different areas
    - simplification of terms/common understandings
    - accent different areas of practice
  - Help confusion with terms like case management, also what terms don't need
  - Education about abuse/neglect; need initial education AGA etc. and, and, and ...(lobby for)
  - Plain language/translation skills.
  - Avoid protocols in own language – think of your own mother as the audience
  - Awareness of rights
  - Concept of capability as continuum – clinical education
  - Disseminate info to profession as Regulator (College of Physicians & Surgeons)
  - Relate to real life cases
  - Link literacy/power and vulnerability

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- Link literacy/capacity
- Oral communication @concepts/assessment
- Avoid “paternalistic” ethics
- Use of developed plain/common language “InterDisc” and with consumer
- Planning “APD” inaccessible to most vulnerable
- Concept of vulnerable across 2/3 disc and as cross cultural entire - IND/community level
- Psychological abuse (and other abuse) “checklists” that clinicians and vulnerable adults can jointly discuss and understand that describes and exposes “gas-lighting” etc. (indicators)
- Transition house tools shared with others
- Various disciplines (e.g., notaries) need to know about the abuse dynamics that can happen
- Check on best practice for lawyers and notaries and other professions about interviewing people alone
- Have various disciplines educate one another
- “Least intrusive” doesn’t (necessarily) mean walking away; it can be about support and information in situations of high vulnerability (with an adult that is capable) – Means multiple disciplines should be monitoring and sharing info.
- Watch the movie called “Gas light”
- Monday Health Clinician (important) who has received orientation & education, has the tools to support and share information with Mary
- Mentors (important) train clinicians – abuse resource clinicians
- Avoid professional “silos” (specialists)
- Share information amongst disciplines to create common language. E.g., (important) bring descriptions of language in Vanguard report to interdisciplinary meetings
- Teams (important) - cross cultural shared language can also mean professional cultures
- One page definition of abuse
- Model across disciplines Q to P (Orientation to Practice)
- Need for common language – confirmed this issue as being important, Examples:
  - research proposal
  - concept of vulnerability useful across 2/3 disciplines – cross cultural entire into individual/community level taking this issue to our knowledge communities and educating colleagues (medicine, notaries) prompts further thinking about links between literacy and capability and vulnerability
- The word “abuse” triggers different reactions in people; e.g. First Nations communities have begun talking more about vulnerability and what that means.
- Exploration of links between literacy and vulnerability and the role education could play to maximize capacity and minimize vulnerability.

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### 5. **Other Small Group Discussion**

Knowledge gained from the Vanguard materials will be used to:

- build awareness, and sensitize and educate stakeholders through the dissemination of information through diverse media
- support seniors' healthy living initiatives through prevention of elder abuse
- better understand the legal environment
- inform the work carried out at the Federal/Provincial/Territorial Table for Ministers Responsible for Seniors
- support intergenerational volunteering to build respect and positive images of aging and to aid in the elimination of discriminatory perceptions and language
- augment training materials for volunteer advocates

### 6. **Comments Received by Email from People Unable to Attend:**

- Use the material, such as the matrix, as topics for discussion at CRN tables, or maybe even as a small workshop; a lot of the ideas and concepts and information are ideal for spurring deep discussion which, in time, will change practice for the better.
- (Service providers/helpers should) think more fully about what vulnerability means to the person they are "helping" and how that vulnerability impacts the person's needs and the response they get
- CRNs are the perfect, innocuous vehicle for presenting the material as an educational opportunity and to then guide people to use it in whatever way works for them
- (Need for) providing more guidance about working with vulnerable (but capable) people – frequently health care workers work with vulnerable people and are in a position to help empower them
- If we only respond to abuse/ neglect of incapable persons, then we are abandoning many others to their vulnerability, which could if left unaddressed ultimately become incapability
- Protocols for financial institutions should be developed by federal government (not financial institutions themselves) to ensure consistency from one institution to the next

### Vanguard Recommendations

This Working Meeting is the first step in mobilizing the information and knowledge in the Vanguard package to develop specific tools. The recommendations contained in the Provincial Strategy Document were developed by consensus at meetings of the BC Adult Abuse/ Neglect Prevention Collaborative

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## Vanguard Findings Working Meeting

Participants of this Working Meeting were assigned to small groups to review four recommendations from the Vanguard project and develop action plans. Those recommendations are:

- 1. Community Mapping** - There is a need for the creation of a thorough cross-disciplinary mapping of agencies involved with dealing with adults who may have been assessed as incapable, or are suspected of diminished capacity when they are thought to be at risk of abuse and neglect.
- 2. Criminal Law Issues** - Criminal justice system workers must develop their own internal procedures for dealing with this community. Police, Crown, court and victim service workers should have internal procedures for dealing with vulnerable adults who may have capability issues. Consistent response throughout the province is desperately needed.
- 3. Financial institutions** should create protocols and policies at both the head office and the branch office regarding persons with capability issues and/or vulnerable persons. Core professional competencies in dealing with documents which refer to vulnerable adults or adults with diminished capability should be established and routinely tested as part of a required professional knowledge base.
- 4. Cross Disciplinary Understanding of Language** - Knowledge communities develop consistent visions and terminologies of key terms, a shared lexicon. A barrier to interdisciplinary collaboration is the varied use and meaning of language including key terms such as “capability”, “vulnerability”, and “abuse” etc.

The Provincial Strategy Document uses some examples to illustrate the need for these recommendations. People were asked to consider “Mary’s Story” when developing action plans and be as concrete and specific as possible:

Mary is 75 years old and lives in a rural community. Mary has multiple sclerosis, but has no cognitive impairments. She has a history of being domestically abused, having been regularly assaulted by her long-time husband. Mary has low-esteem and no friends or close family to support her. When her husband died, Mary’s son moved back in with her. He begins to physically and emotionally abuse her and begins “gas-lighting” her (the purposeful intent to make a person think they are ‘crazy’), causing Mary to believe she is going insane. Mary’s son takes advantage of her mental distress and forces her to sign a power of attorney, giving him control of all her finances. In this instance, although Mary is highly capable, she is nevertheless highly vulnerable due to her circumstances.

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Facilitators were advised to remind people in their small groups, if necessary, that:

- Everyone is vulnerable given the right conditions. Vulnerability is a social condition that may put adults at a greater risk of abuse or neglect
- We work from a presumption of capability and adults must be supported to make decisions. Incapability assessments deal only with an adult's ability to make a specific decision.

### Action Plans

#### **Community Mapping**

Research to fully understand community mapping:

- Start with our own organizations:
  - knowledge of community mapping, models
  - what resources are included? missing?
  - to inform ourselves
- Define a “community”
  - adult centred, immediate response
- Learn more about existing community mapping – who is doing mapping? can we use/build on this work?
- Develop model if we need to or form a partnership?
  - How else could a community map be used beyond our interest?

Summary:

1. Develop an Advisory Committee (facilitated) under auspices of Collaborative – “Champions”, key sectors, (Vision) (CODRD). Who present can commit? – people could share on teleconference any community mapping initiatives
  - a) bring info on community mapping in organizations to next Collaborative meeting
  - b) hire a researcher to move project along
2. Develop a template (working groups) by sectors
3. Build in sustainability of community mapping

#### **Criminal Law**

1. Ensure Vanguard materials include Aboriginal & visible minority input to Collaborative.  
Who? Executive Director of Multi-cultural organization will link Collaborative to community. Ask Public Guardian and Trustee for Aboriginal contacts from Community Response Network.
2. Ask Deputy Solicitor General for advice about involving Crown in the Collaborative.

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3. Research – apply to SFU Public Interest Research Group to look at, for example, credibility and capability overlap.
  - Look at existing research on credibility (empowerment issues for immigrant victims & women)
  - identify issues for further research
  
4. Case review, by region (Health Authority) on regular basis, involving police, victim services, mental health, PGT, probation, community based services including Aboriginal and immigrant serving, to track and identify systemic issues  
Who? Already happening in an informal way in Vancouver  
Other places? Work toward a provincial coordinating and training role for BC CEAS

#### **Financial Institutions**

1. A card/brochure developed to be given to bank staff:
  - simple definitions and indicators
  - what to do/who to call
  - roll it out:
    - simple/often
    - maybe through local CRN

Concern: National/corporate banks may want this approved by headquarters

- try linking in HQ first: CFOs?
- start local/small, then broaden - like VanCity social links – others would follow suit
- ask Public Guardian and Trustee to advocate for this on national financial literacy ...?/ombudsman of banking

What is on the card?

- why victims don't report
- identification of elder abuse
- why financial institutions don't report – deal with this
- who to call/report to (important)

2. Reconnect with Provincial/Federal/Territorial Initiatives on Financial Abuse
  
3. Address or deal with the reasons why financial institution staff don't want to/can't report.
  
4. Research Action:
  - identify barriers/interventions/legislation issues and resolve re: financial institutions staff reluctance to report

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5. “*When I’m 64*” publication of Legal Services – keep adding info about abuse/neglect and self neglect – who to call, especially around financial abuse.

#### **Cross Disciplinary Understanding of Language**

1. Develop working definitions (need for common lexicon) that include examples, stories that our mother would understand. Begin to identify the words that can be expanded and further defined, e.g., (3 areas identified at the outset)
  - abuse (different types)
  - capacity - use Vanguard definitions at the beginning
  - vulnerabilityIdentify what words need to be retained as “expertise” words. Pay more attention to the language we’re using, avoid jargon.
2. Create a “cheat” sheet, handout at interdisciplinary meeting, ongoing process to develop, and conversation – steps to creating a shared language.
3. O – P (orientation to practice) model, dialogue “co-creating” meaning – examine cross framework to see how it would work in this situation. Use this model across disciplines
4. Write so that our own mother would understand.

#### **Other Small Group Action Plans:**

- Foster cross-government policy development and short and long term planning for the prevention of elder abuse
- Promote collaboration between Government and non-profit organizations

#### Closing

Jay Chalke, Public Guardian and Trustee of BC, thanked everyone for coming and reviewed recent and ongoing local, provincial and federal initiatives, including:

- Law reform – power of attorney safeguards
- Federal \$13 Million awareness campaign about elder abuse
- Health authorities are embedding/mainstreaming designated agency role
- Ombudsman for banking services
- New federal task force for financial literacy
- New legal clinic for older adults at BC CEAS
- Financial abuse workshop last year with Judith Wahl and Laura Watts
- CCELS highlighting importance of law reform
- HRSDC research agenda and call for research proposals

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- CRN Association
- Elder abuse specialists in police forces
- Recent moves to amend Privacy Act to enable federal institutions to report elder abuse

Thank You to our Sponsors

- BC Association of Community Response Networks
- Gerontology Research Centre, Simon Fraser University
- Ministry of Public Safety and Solicitor General
- Public Guardian and Trustee of British Columbia