



LawAccess NSW



Access to Justice

Communication Strategy – Older Persons

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1. Introduction

1.1 Background

The LawAccess NSW Communications Strategy 2007 – 2009 identified the need to develop a communications strategy focusing on older persons.

Older persons are recognised as a group who are socially and economically disadvantaged. The findings of the Law and Justice Foundation of NSW¹ identified barriers for older people accessing legal information and legal services. Some of these barriers included technological barriers, lack of awareness of where to obtain legal information and assistance and lack of appropriately communicated legal information.

The aim of the Communications Strategy – Older Persons is to address some of these barriers. The Strategy will target particularly disadvantaged older people including older people in regional, rural and remote areas; Aboriginal older persons; older people from a culturally and linguistically diverse background; and older people with a disability.

1.2 Definitions

For the purpose of the Communications Strategy – Older Persons, older persons are defined as persons who are older than 65 years of age or, in the case of Aboriginal persons, who are older than 45 years of age.

1.3 Objectives

The overarching objective of this strategy is to ensure that older persons in the community have access to services that address their legal needs.

The objectives of the communications strategy are to:

- increase the awareness and expertise of Law Access NSW customer service officers and legal officers in the law relating to older people (elder law)
- enhance appropriate service delivery to older persons by LawAccess NSW
- increase awareness of the services provided by LawAccess NSW and the availability of other free legal assistance services for older persons
- develop partnerships to increase the awareness and expertise of the LawAccess NSW customer service officers and legal officers
- develop partnerships to increase the awareness amongst older persons of the availability free legal assistance services

The communications strategy will be evaluated by measuring increases in the number of older persons contacting LawAccess NSW over the next eighteen months and by measuring satisfaction of customers who are older persons from the annual Customer Satisfaction Survey.

1.4 Community consultation

The following people were consulted in the development of the Communications Strategy – Older Persons:

- Office of Ageing, Department of Ageing, Disability and Home Care (DADHC)
- Sue Field, Public Trustee NSW Fellow in Elder Law, University of Western Sydney
- Stephen Newell, Principal Solicitor, The Aged-care Rights Service (TARS)
- Christine Regan, Senior Policy Officer, NCOSS

¹ Ellison, S, Schetzer, L, Mullins, J, Perry, J & Wong, K, The legal needs of older people in NSW, Law and Justice Foundation of NSW, Sydney, 2004

- Robin Turnham, Senior Disability Advisor, Office of the Protective Commissioner
- Julia Haraksin, Manager, Diversity Services Unit, Attorney General's Department of NSW

2. Elder law

2.1 Legal issues facing older persons

An older person in the community faces everyday legal issues that affect all members of the community. Older persons also face specific legal issues that are more prevalent in their age group,² for example, substitute decision-making, estate and financial planning, accommodation, family law, wills, age discrimination and elder abuse.³

These legal issues can also affect the older person's family, carers, or persons in the community who have a genuine concern for the welfare of the older person.

2.2 Increasing awareness and expertise in elder law issues

The House of Representatives' Standing Committee on Legal and Constitution Affairs expressed concern that 'insufficient expertise in the issues affecting older people is a significant impediment to their access to appropriate legal services'.⁴

There is a need to increase the level of awareness of and expertise in elder law issues amongst the LawAccess NSW' customer services officers and legal officers, and awareness of the legal services that specialise in elder law.

One of the challenges facing LawAccess NSW is the limited number of assistance services or professional education programs specialising in or addressing elder law issues. However two initiatives commencing in 2008 will assist LawAccess NSW to meet this challenge.

These initiatives are:

- establishment of an Older Persons Legal and Education Program by Legal Aid NSW
- establishment of the Older Persons Legal Service by The Aged-care Rights Service.

Both these services will be providing legal assistance to older persons and community professional education on legal issues affecting older persons.

With the assistance of these services, LawAccess NSW will identify the training needs of legal officers and customer service officers in elder law issues and develop a training program around those needs.

3. Service delivery

A report to the Minister for Ageing⁵ outlined the concerns of some older persons when dealing with government services.

² Ellison, S, Schetzer, L, Mullins, J, Perry, J & Wong, K, The legal needs of older people in NSW, Law and Justice Foundation of NSW, Sydney, 2004

³ Sue Field, Fellow in Elder Law at University of Western Sydney

⁴ Older people and the law. The Parliament of the Commonwealth of Australia. House of Representatives Standing Committee on Legal and Constitutional Affairs. September 2007 Canberra. Page 160

⁵ Older People and Government Services, NSW Ministerial Advisory Committee on Ageing. February 2006. The report noted criticisms of automated menu based systems and by contrast reported that services 'where one could speak to a 'real person' were appreciated'. There was also criticism of over-reliance on websites and on written information. Page 5

The report recommends that a balance be struck between not treating all older persons as if they were frail or less capable, but at the same time being responsive to the needs of those older persons who do have physical or communication difficulties.⁶

LawAccess NSW provides a free service that provides legal information, advice and referrals over the telephone. In some cases written material or referral to an Internet site may follow that assistance. LawAccess NSW does not provide face-to-face assistance to customers.

LawAccess NSW endeavours to provide a high level of customer service and its service standards already address many of the concerns of older persons.⁷

To ensure that LawAccess NSW delivers an appropriate service to older persons, customer service officers and legal officers will receive training in communication and effective service delivery to older persons. The training will include

- awareness of ageism in language and communication styles
- identifying behaviours associated with age-related cognitive disorders and developing skills to manage this
- meeting members of the older community⁸

4. Awareness of free legal assistance

There is a lack of knowledge among older persons about the services that may be able to help them. Recommended strategies⁹ to raise awareness include:

- promotion through older people's information channels (eg Age Pension News, local radio)
- provision of information at key times or points when people are most likely to need it (GP surgeries and hospital emergency departments)

LawAccess NSW is increasing the awareness of the availability of free legal assistance services by¹⁰:

- outreaches in regional, rural and remote areas of New South Wales
- training in regional Centrelink offices
- promotion of LawAccess NSW and the availability of free legal assistance services to General Practitioners

To achieve the objectives of the Communications Strategy – Older Persons, LawAccess NSW will:

- increase the awareness of LawAccess NSW and the availability of free legal assistance services through newspapers published by older persons' organisations or whose target audience is older persons
- identify non-legal assistance services that assist older persons, such as pharmacies, and promote LawAccess NSW to those services

⁶ Older People and Government Services, NSW Ministerial Advisory Committee on Ageing. February 2006 Page 16

⁷ LawAccess NSW Policy, Procedure and Services Standards Manual June 2007. These standards provide for example for a Customer Service Officer to greet customers in a friendly and responsive manner and to provide the customer with their first name. The Customer Service Officers are also to treat the customer with courtesy, patience and respect, use plain language, match the style and pace of customers and check, through questioning, that customers understand this information.

⁸ Older persons are stereotyped as sick and frail. Entitled to Respect: A discussion paper on community attitudes to older people. NSW Ministerial Advisory Committee on Ageing. April 2007. Page 11. This training aims to break down those stereotypes

⁹ Older People and Government Services, NSW Ministerial Advisory Committee on Ageing. February 2006

¹⁰ LawAccess NSW Communications Strategy 2007-2009

- conduct training sessions for government non-legal assistance services for older persons, such as Commonwealth Carelink
- conduct presentations at older persons meetings and forums, such as the Aboriginal Care Gathering Committee forum

5. Partnerships

To achieve the objectives of the Communications Strategy – Older Persons, LawAccess NSW will:

- develop key partnerships with legal assistance services specialising in elder law (for example, the Older Persons Legal and Education Program, Legal Aid NSW and the Older Persons Legal Service) and institutions specialising in elder law issues (for example, the Centre for Elder Law, University of Western Sydney) to increase the awareness of and expertise in elder law within LawAccess NSW
- work with the NSW Aged Care Alliance and the Aboriginal Community Care Gathering Committee to enhance appropriate service delivery to older persons
- work with non-legal assistance services, such as NCOSS, to raise the awareness of the availability of free legal assistance services
- develop reciprocal referral arrangements ¹¹ with non-legal assistance services, for example, Commonwealth Carelink

6. Communication program

| Objective | Activities | Timeframe |
|---|--|----------------|
| Increased awareness and expertise in elder law | Identify training needs of legal officers and customer service officers in elder law issues | March 2008 |
| | Develop training program in elder law issues | May 2008 |
| | Implement training program in elder law issues | December 2008 |
| Delivery of appropriate services | Co-ordinate training by Alzheimer's Australia NSW in effective communication with older persons | February 2008 |
| | Co-ordinate meetings between Customer Service Officers and members of the NSW Aged Care Alliance and Aboriginal Community Care Gathering Committee | September 2008 |
| Increased awareness of the availability of free legal assistance services | Promote availability of free legal assistance services through newspapers and newsletters published by older persons' organisations | September 2008 |
| | Identify non-legal assistance services and promote availability of free legal assistance services | December 2008 |
| | Conduct training sessions for government non-legal assistance services including Commonwealth Carelink Centres | December 2008 |
| | Conduct presentations at older persons' meetings and forums | December 2008 |

¹¹ Older People and Government Services, NSW Ministerial Advisory Committee on Ageing. February 2006 reported that people were appreciative when services gave information about other service they had not known existed. Christine Regan, Senior Policy Advisor, NCOSS, was of the view that it would be helpful for reciprocal referral arrangements to be in place with non-legal assistance services

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|------------------------|---|----------|
| Effective partnerships | Develop partnership with Older Persons Legal and Education Program, Legal Aid NSW and the Older Persons Legal Service, to increase awareness of and expertise in elder law and to promote the availability of free legal assistance services | May 2008 |
| | Identify and develop referral arrangements with: <ul style="list-style-type: none"> ■ legal services specialising in elder law such as the Older Persons Legal and Education Program, Legal Aid NSW and the Older Persons Legal Service ■ other Community Legal Centres practising in elder law ■ non-legal assistance services providing services for older persons | May 2008 |

7. Document information

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| Business Centre: | LawAccess NSW |
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8. Document history

| Version | Date | Reason for Amendment |
|---------|------------------|--|
| 2 | 29 February 2008 | To incorporate feedback from Office of Ageing, DADHC |
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