



# Mandatory Reporting of Mistreatment of Adults


Effective Panacea or Feel Good Placebo?

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# Impetus

- It is common to hear public support for mandatory (compulsory) reporting especially...especially when people first learn about mistreatment
  - The expressed belief – “We should have mandatory abuse reporting for seniors *like we do for child abuse*”

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- *Sometimes in response to media reported cases.*
  - *Often in response to genuine frustration with the ways that things currently work.*

# Topics today

- A look at the rationales for compulsory reporting (CR)
- BC's approaches
- Available evidence on how well CR works, or doesn't in child protection, adult protection services in Canada and US
- Focus mainly on compulsory reporting in community, not long term care

# Key Features of Compulsory Reporting

## 1. A legal responsibility to report

- *certain types of harms*
- *at certain thresholds,*
- *about persons with certain characteristics (age, disability) or in certain settings*

The responsibility to report will rest on either

- a) all persons, or
- b) some specific groups of professionals

## 2. A place to report to-

- Supervisor, specific social services that can follow up, the police, **or often- a specially established public body**

## 3. Overrides person's (victim's) usual rights to

- choose help,
- privacy or confidentiality,

and overrides the professional obligation to safeguard those rights.

## 4. Penalties for not reporting- jail or fines. Legal protections for reporting.

Compulsory reporting is not the same as compulsory resources, response or compulsory intervention. Can't necessarily make people to accept your help.

# 2 Distinct Types of Compulsory Reporting

- A. Intra- agency:** where staff have a responsibility to report suspected abuse or neglect of clients or other harms etc. to their superiors.
- Part of the policies and procedures. The superiors are expected to follow up.
- B. Inter-agency** (legally based mandatory reporting) – usually to an external agency/ public body which may or may not have specific legal responsibilities to carry out (to do something). Examples - BC designated agency report crimes to police, outside BC-PPCO; APS.



# **CONTEXT AND STARTING POINTS**

# Voluntary and compulsory (mandatory) reporting have several common goals

## Support and protect

Just differ on how to best achieve it



### Better awareness

Recognize

- Improve recognition

- Ensure groups or individuals working with or on behalf of older adults and families are aware of their responsibilities

### Work together better

Collaborative approach to responding, reporting, investigating and helping

# What is the issue?

- The issue in reporting (CR or VR) is not whether or not to intervene or offer help, but
  - (a) the process by which help is offered
    - whether it is an “up front” or a hidden process
    - whether the adult is involved from the beginning and actions occur with his or her consent
    - whether certain people will be compelled to act, and punished for not acting
  - (b) the structures and resources we put in place
  - (c) whether the process helps.

# Underlying Assumptions of CR

1. As a whole... certain groups of individuals because of their age or sex (children, older adults, women) who experiencing harm are unable or incapable of seeking assistance on their own
  - **Involves perceptions about the relative social weakness/ powerlessness of the group, about nature of family violence/conflict, or about capability to seek help on own.**

# Underlying Assumptions of CR

2. Others in contact with that group must intervene in some way (report) in order to help and protect members of this group experiencing mistreatment

- a) Harm reduction
- b) Early intervention

3. Those “others” will not report/ seek help for the person without being compelled to report (in other words, are unlikely to voluntarily report).

Or they do not have the skills to help on their own.

# General Rationales

- Addressing mistreatment is a social responsibility
- Perceived underreporting by others & non disclosure by the adult
  - Case finding
- Perceived potential vulnerability
- Potential deterrence
  - with CR, the potential/ suspected abuser knows that situation will be reported and is less likely to act?

# Professional Rationales

- Professional pragmatics
  - Overcomes any professional, business, workplace reluctance to report (knowledge level, privacy, confidentiality)
- Clarity of responsibility
  - People know what to do- one call
- Outcomes
  - Expect improved response/assistance,
  - Expect harm reduction (early intervention)

# Economic Rationales

- Public awareness
  - Compulsory reporting will bring attention to the issue of mistreatment
- Expectation of better funding
  - Compulsory reporting will bring more money, resources and services to the issue
  - These services will be appropriate to the needs of abused or neglected adults
- Better data
  - Compulsory reporting will give us better data to plan needs and determine better approaches



# The Position Against Compulsory Reporting

*The default position in North America is that we do not require people to report crimes or other malfeasance to authorities.*

*We may encourage it as a social responsibility, but we do not penalize people for not doing so.*

*There has to be a strong, compelling reason to justify compulsory reporting.*

# Types of Arguments

- **Professional and legal**
  - CR as highly paternalistic and ageist, treats adults as children
  - interferes with professional judgment
- **Rights based** – strips older person of rights
- **Victim based** -disempowers the already disempowered adult- takes any control away from the victim
- **Safety**
  - may increase risk to the adult
- **Practice**
  - the automatic label of suspected victim/ abuser (in a database)
- **Ethical considerations**
  - simplifies professional thinking, abdication of responsibility “I’ve done my bit”

Where do things stand



# **IN BC, DO WE HAVE COMPULSORY REPORTING OF MISTREATMENT?**

# Depends on Setting and Population

- Yes, we do for child mistreatment, and we do for LTC \*
- Yes, for people with disabilities receiving or eligible for Community Living Services. \*
- \* Each has developed specialized reporting and response structures
- In the community, generally no. Generally no for domestic violence
- Yes, as a standard of care in assisted living facilities \*\*
- \*\* Multiple reporting avenues (police, local funder, abuse and neglect designated agency)

# The BC Experience- “vulnerable adults”

- Part 3 of the AGA applies to mistreatment or self neglect of those unable to seek support and assistance on own.
- Requires provincial health authorities and designated (health) agencies to follow up and investigate received reports-
  - “Voluntary reporting, but mandatory response”
  - Approx. 70% of reports received and dealt with involve self neglect
- Part 3 only covers a small percentage of mistreatment situations



# **LESSONS LEARNED ABOUT COMPULSORY REPORTING FOR MISTREATMENT**

# Child protection in Canada

- **Uses CR and is a highly criticized system**
  - crisis focussed (not help before a crisis), highly intrusive, leaves most vulnerable at risk, culturally biased
- **Very high volume of reports** – 37,000 reports in BC, with 7,000 children in care
  - most cases are neglect, witnessing family violence
- CP reports have **low substantiation rate** - averages 30-36% across Canada

# Australia's experience

- Compared 2 states, one with compulsory reporting and one with voluntary reporting
- **Much higher rates** of substantiation in the one with voluntary reporting

# Canadian lessons learned from Child Protection

- **Systems** soon became **overwhelmed** by compulsory reports
- Formal **responses** in a child abuse reporting become **constricted**, reducing the amount of “**substantiated**” cases.
- Practice of selective intake
- Abdication of social or public responsibility

# Adult protection - US

- Been around 30-40 years
- Most states have compulsory reporting, variety of reporters
- Chronically underfunded (1/50th of child protection), chronic staffing and training issues-
- Low substantiation rates for reports & highly variable
  - Many states only have 30-40% substantiation rate.
  - in some US jurisdictions up to 95% of reports are deemed not substantiated.

# Adult protection – US (cont'd)

- States with CR do get more reports, but high rates (e.g. 65%) deemed unsubstantiated
- Heavy focus on investigations and criminal response, means less resources for helping
- 40-60% of cases involve self neglect
- Abdication of social responsibility
  - Expected to be the fix all
- Many American APS still cannot provide even basic data on number of reports received

# What causes low rates of substantiation for CR?

- A lack of public/professional awareness of the definition- refer any possibility (or any situation where person seems to need service?) (**Over caution**)
- An internal system process -raising the threshold of cases that are “bad enough” to “warrant” scarce state funds? (**Formal equilibrium**)
- **Other possibilities?**

# A sad commonality

- Public, professionals, and gov't see protective services (receiver of reports) as the sole agent for fixing the problem even though the majority of reported cases involve neglect (children), self neglect (adults).
- Neglect and self neglect are multifactoral, and often involves multiple systems - housing, income, mental health/ substance issues etc. Protective services has no control over access to those.

# Compulsory Reporting Internationally

- A number of countries around the world have legislated compulsory reporting of abuse and neglect of older adults (e.g. Japan, South Korea) in recent years, **but without any structure, training or funds for services**
  - Just following North American example or political window dressing?
  - Some suggestion that response reflects media pressure & response to extreme cases.

# Public perception on CR


## What the research says

Public support for CR involving mistreatment of older adults stronger among young adults, people who do not have much contact with older adults.

- Support for CR of domestic violence by women who have experienced domestic violence - **for others, but not themselves**
- Abused older women show some support for CR when given **hypothetical** neglect cases, but also describe abuse in wider terms than professionals do.
  - Evidence in studies is at best equivocal that that older adults support CR ***for their own situation.***



# **STRIVING TOWARDS A BETTER SYSTEM**

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- It is important to think of reporting (CR or VR) not just as the report made and as an endpoint, but process and approach before and after...
  - **Challenge #1** : Deciding which situations require the formal and often involuntary involvement of government agencies to protect adults.
  - **Challenge #2**: How to bring the broader resources of a community together to effectively protect older adults, strengthen families and communities.

# Conclusions & recommendations

CR in the community is

- resource intense and has low substantiation rates
- has not led to better data in CP or APS to aid policy development
- may cause unintended harms
  - May actually reduce the overall sense of responsibility in the community “I’ve done my job”; or conversely lead to professional civil disobedience –ignoring the law, especially if feel response is ineffective or does more harm than good.
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# Conclusions & recommendations

- Should not focus on a system of compulsory reporting in the community but instead a system of providing services for those at-risk.
- As an alternative to compulsory reporting in community, increase training to health professionals and workers; establish/ strengthen comprehensive and coordinated referral networks.
- More likely to have better deterrence through strong and consistent social/police/justice responses to domestic and family violence incidents



**THANK YOU**

**REFERENCES WILL BE  
AVAILABLE ONLINE**