

SOUTH AUSTRALIAN ADULT SAFEGUARDING UNIT

CODE OF PRACTICE

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BACKGROUND

The abuse of adults who are vulnerable is unacceptable and can never be justified. New laws, informed by recent state and national inquiries¹, were passed in November 2018, which make important changes to the *Office for the Ageing Act 1995* (now the *Ageing and Adult Safeguarding Act 1995*) to safeguard the rights of vulnerable adults.

The *Ageing and Adult Safeguarding Act 1995* (the Act) establishes an Adult Safeguarding Unit (ASU) with a focus on preventing and responding to abuse of vulnerable adults in South Australia. The Unit, located in the Office for Ageing Well, complements the role of other government bodies such as the South Australian Police by providing the South Australian community with an approachable, empowered body with statutory responsibility and accountability for receiving and responding to reports of actual or suspected abuse of vulnerable adults at risk of harm.

In supporting adults who are at risk of or are being abused, the ASU will:

- promote and assist in the development of coordinated strategies for prevention and early intervention of abuse of vulnerable adults
- receive enquiries and reports relating to the actual or suspected abuse of adults who are vulnerable
- assess reports relating to the actual or suspected abuse of adults who are vulnerable
- investigate reports relating to the actual or suspected abuse of the person
- refer to appropriate persons and organisations
- coordinate responses to reports relating to the actual or suspected abuse

In line with the Act, up until October 2022 the ASU will only respond to reports of actual or suspected abuse of vulnerable adults at risk of harm aged 65 years or older, or 50 years or older for people who identify as Aboriginal or Torres Strait Islander. After this time the service will become available to all vulnerable adults at risk of abuse, regardless of their age.

Purpose of the Code of Practice

This *Code of Practice* (CoP) sets out how the ASU will fulfil its functions in accordance with the Act and Regulations and guides in a practical way how the ASU operates.

This includes the actions ASU staff may take to respond to reports of suspected or actual abuse, how they will work with adults to ensure their rights are respected, and how the ASU will work with other organisations.

Scope

This CoP applies to staff within the Office for Ageing Well involved in the administration, operation or enforcement of the Act.

Other organisations may also be guided by the CoP.

What is abuse?

Abuse is any deliberate or unintentional action, or lack of action, carried out by a person often in a trusted relationship, which causes distress, and/or harm to a vulnerable person, or loss or damage to property or assets.

A vulnerable adult is defined as an adult who, by reason of age, ill health, disability, social isolation, dependence on others or other disadvantage, is vulnerable to abuse

Abuse is more likely to be carried out by someone known to the vulnerable adult, such as a son or daughter, spouse or domestic partner, grandchild, friend, neighbour, or paid or unpaid carer.

It is common for abuse to be experienced at home, in places visited regularly, or where services or care are accessed. However, it is not uncommon for abuse to remain hidden and continue unsuspected.

Types of Abuse

Abuse can be

- physical,
- sexual
- emotional or psychological
- financial abuse or exploitation
- neglect (this does not include self-neglect)

Abuse may also include

- abuse, exploitation or neglect consisting of a person's omission to act in circumstances where the person owes a duty of care to the vulnerable adult
- the abuse or exploitation of a position of trust or authority existing between the vulnerable adult and another person
- a denial, without reasonable excuse, of the basic rights of the vulnerable adult

Behaviours and signs of abuse

The behaviours and signs of abuse can include, but are not limited to:-

Physical	• Hitting, slapping, burning, pushing, punching, pinching, biting, twisting, cutting, hair pulling • Unlawful physical force • Coercion, bullying • Unlawful physical restraint, locking in a room, confining to a chair • Inappropriate use of medication, including chemical restraint, failure to provide the medication or over/under medication • Taking prescriptions for addiction or financial gain
Sexual	• Rape, sexual assault, indecent assault, sexual harassment • Non-consensual sexual contact, language or exploitative behaviour • Grooming for sexual activity • Cleaning or treating the person's genital area roughly or inappropriately • Unwanted exposure to pornography • Enforced nudity • Obscene language or viewing obscene material or making obscene phone calls in the presence of the older person without their consent
Emotional / Psychological	• Persistent name-calling, degrading or humiliating • Pressuring, intimidating or bullying • Threatening to harm the person, other people or pets • Verbal insults or harsh commands • Silencing and emotional blackmail • Repeatedly telling a person they are a burden or unwanted • Treating the person like a child (overbearing, look down on, talk down to) • Numerous, unwanted phone calls or messages • Sending menacing images • Inappropriate use of technology to track location • Restricting, stopping or discouraging activities or social contact with others • Withholding mail • Prohibiting, preventing access or not disclosing phone calls or messages • Listening in to calls • Restricting participation in religious or cultural practices
Financial / Exploitation	• Stealing • Forgery • Forced changes to a will or (enduring) powers of attorney • Taking control of finances against their wishes • Additions of a signature on a bank account • Unusual transfers of money or property • Withholding funds • Incurring debts for which the person is responsible • Failure of others to repay monies loaned • Lack of financial information provided to the person by their

	Power of Attorney • Coercion or misleading behaviour to obtain money or property
Neglect	• Lack of social, cultural, intellectual or physical stimulation • Lack of nutrition, accommodation, clothing, medical or dental care • Lack of safety precautions or supervision • Injuries that have not been cared for • Repeated justifications or excuses for older person's absence or not returning messages • Refusal to permit others to provide appropriate care • Denial of appropriate health care

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MAKING A REPORT TO THE ADULT SAFEGUARDING UNIT

Why make a report?

A report can be made to the ASU where a person is concerned about their own situation, or when they have seen or heard something that raises concern that a vulnerable adult is at risk of or is being abused.

There is no mandatory legal requirement for a person to report their concerns to the ASU. Where a person believes that the vulnerable adult is already being appropriately supported through existing interventions and services, a report does not need to be made to the ASU.

When a report is made it may enable the ASU to work alongside the vulnerable adult, with their consent (unless an exception to consent applies), to find out more about the situation and develop a plan for how to reduce or stop the abuse, and prevent the likelihood of future abuse.

Who may make a report?

Any person who suspects that a vulnerable adult is at risk of abuse may report their suspicion to the ASU. Where another person is making a report they do not require the consent of the vulnerable adult, however, in making a report, the wishes of the vulnerable adult may be considered.

Reports can be made anonymously, however, the ASU may ask for the caller's details to enable future contact should further information be required. Personal information will be kept confidential and not released without consent, unless authorised or required by law.

How to make a report

A person can report a suspicion that a vulnerable adult is at risk of abuse by:

- Making a telephone call to the **Elder Abuse Prevention Phone Line on 1300 372 310;**
- or by reporting electronically to the Adult Safeguarding Unit via the website stopelderabuse@sa.gov.au.)

The hours of operation for the ASU are Monday to Friday between 9.00AM to 5.00PM, except Public Holidays. Callers may leave a message on voicemail outside of these hours but they will only be responded to within the business hours. The phone line does not provide a crisis response and callers will be directed to call emergency services on Triple Zero if they are in an emergency situation.

What to report

In making a report the following information about the person who is at risk of abuse is required:

- name
- date of birth (or approximate age)
- how the person can be contacted (address and/or telephone number), and any considerations for communication or contacting them (i.e – language and safety considerations)?
- why the person affected is considered vulnerable (i.e. risk factors of age, health, disability, isolation, dependency and disadvantage or a combination of these)
- the reason for the callers suspicion that the person is at risk of abuse
- any other information that the caller believes would assist the ASU in relation to their suspicion

Other information that will be asked may include:

- is the affected person aware of the report?
- is the suspected abuse escalating?
- is there an immediate, imminent or serious risk?
- frequency and duration of the suspected abuse?
- identity of the alleged abuser/s
- what protections are in place already?
- what organisations are involved?
- any potential risks (for the person or staff) in contacting the vulnerable adult?

Key points

How do I make a report?

Call the Elder Abuse Prevention phone line on 1800 372 310

Is it mandatory for me to report to the phone line?

No, there is no mandatory requirement for anyone to report to the phone line, however if you have concerns it may be helpful to report those concerns to enable support for the vulnerable adult. If you are unsure you may make an enquiry to seek advice on a situation.

Can I remain anonymous if I make a report?

The ASU may ask for you for your details to enable future contact should further information be required. Personal information will be kept confidential and not released without consent, unless authorised or required by law.

ASSESSMENT OF A REPORT

What is an assessment of a report?

The ASU will consider the report to decide whether the matter meets the requirements to take further action. This includes whether the information provided meets the definition of abuse, whether there is a risk of the abuse happening again, the person suspected to be at risk is vulnerable, and is aged 65 years or over, and 50 years or over for people who identify as Aboriginal or Torres Strait Islander, in the period until October 2022 .

What information is required?

In most cases, the assessment of the report will rely on the information provided by the caller.

In some situations, the ASU may require other organisations or people who are involved in the vulnerable adult's life and care to provide information to assist with the assessment. For example, this may include seeking information about whether or not there is a Guardianship or Administration Order in place. Where additional information is required, the Director, Office for Ageing Well will make a request in writing. On receiving this request, the organisation or person will be required to provide a written statement detailing the information that has been requested by the Director. The timeframe will be provided in the request or negotiated by the parties.

What happens after the report has been assessed

Once a report has been assessed and it falls within the ASU's obligations to act, a number of actions can be taken. These are:

1. an investigation may be conducted – (see *Investigations* section)
2. the matter (or part of) may be referred to an appropriate State Authority or other person or body – (see *referral* section)
3. no further action – (see *no further action* section)

The ASU will determine the appropriate action and priority. The assessment will consider the severity of risk, the consequences if no action is taken, how likely the abuse is to occur/reoccur, and the safeguards already in place.

While the ASU is not a crisis response service, the ASU will consider the appropriate immediate measures to be undertaken when there is suspicion of:

- serious and imminent criminal activity or
- imminent risk to a person's health, safety or welfare

This will usually include contact with SA Police or SA Ambulance Service.

Higher priority may also be given where:

- a person is primarily reliant on another person for their basic day to day activities and there are concerns about the care they are receiving or;
- there is a suspicion of imminent risk of financial abuse or exploitation involving significant assets or;
- there is a current or imminent change in circumstance that place a person at greater risk.

Feedback

Where practicable and appropriate, the ASU may inform the caller about the outcome of the report. Feedback about the outcome of a report can help in guiding intervention and/or supporting the reporter's ongoing contact with the vulnerable adult. Information will generally be shared with the vulnerable adults' consent.

Feedback may include:

- outcome of the assessment of the report
- any actions that the ASU is taking that may be useful to the reporter's ongoing contact with the vulnerable adult.

Key points

If I make a report, will the ASU investigate?

The report will be assessed as to whether or not it falls within the ASU's obligations to act, and a number of actions can be taken.

If I report, will I be provided with feedback regarding actions taken?

The ASU may inform you about the outcome of the report; however information will generally be shared with the vulnerable adults' consent.

CONSENT

The ASU will ask for the consent of the person who is reported to be experiencing the abuse before taking any safeguarding actions, unless an exception to consent applies. The ASU may seek a person's consent either in writing or verbally – how this occurs will depend on the person's needs and circumstances.

When ASU seek consent

The ASU will seek the consent of the person who is reported to be experiencing the abuse at all the major milestones, for example when the ASU seek to take action or refer the person to another organisation. When seeking consent, the ASU will provide the person with information regarding the decision to be made and the likely consequences of that decision. The first time consent will be sought is to undertake an investigation or referral. This will usually take place at a face to face meeting.

Consent may also be obtained before contacting others, including family members, relevant individuals, the alleged abuser or organisations, to either assist with information gathering or as part of a safeguarding plan.

How ASU seek consent

The ASU will seek the person's written or verbal consent, with written consent preferred where possible. Where a person requires assistance, for example using an interpreter, this will be made available. Where it is not safe or practicable to seek written consent, the ASU will ensure verbal consent is sought and documented.

Supported decision making

Some adults at risk of abuse may require support in order to make decisions about their own lives. Adults should be allowed to make their own decisions about their own affairs, to the extent that they are able, and be supported to make such decisions for as long as they can.

The person will be supported to make their own safeguarding decisions by:

- using the most appropriate method of communication for the person, such as non-verbal communication, visual aids, communication aids
- providing information in an accessible way, such as offering an interpreter
- finding a particular location or better time of day
- giving appropriate time to consider a decision
- suggesting or assisting the person to get treatment for a medical condition that may affect their capacity
- supporting the person to resolve, or to get help in resolving, underlying personal or social issues that are causing them stress, which may affect their decision making

- helping the person find someone to support them to make choices or express their view, which could include a family member, friend or independent advocate
- helping the person access a program to improve their capacity to make particular decisions
- giving the person relevant information about the decision and its consequences

Where the person does not consent to take further action

The ASU values and is guided by principles of self-determination, respect for dignity and autonomy. Where a person has decision making capacity with respect to a particular decision, a person generally has the right to decline support, assistance or other measures designed to safeguard them. The ASU will ensure that the vulnerable person is provided with sufficient information, time and support to make informed decisions regarding any measures designed to safeguard them.

A person may initially consent to an action and then change their mind. The ASU will support the person with their decision, unless an exception to consent applies. Where this occurs the ASU may provide relevant information and advice should they wish to follow up later for themselves.

Acting without consent

There are some circumstances in which the ASU may take action without first obtaining the consent of the person who is reported to be experiencing the abuse. These circumstances are:

- the person's life or physical safety is at immediate risk
- a serious criminal offence has been, or is likely to be, committed against the person
- the person has impaired decision making capacity in relation to a specific decision and is therefore unable to provide consent
- the ASU has not, after reasonable inquiries, been able to contact the person
- circumstances in which it is, in the opinion of the ASU, necessary or appropriate that relevant action be taken

The ASU must be satisfied that taking action without consent is necessary or appropriate in the circumstances. The ASU will not act without consent to override consent simply because the decision may be regarded as reckless, wrong or inappropriate. The ASU will seek approval from the Director, Office for Ageing Well, to take action without consent.

Impaired decision making

The ASU assumes that a person has decision-making capacity in respect to any proposed safeguarding actions, unless there is evidence otherwise. This evidence may include where mental incapacity has been clinically determined or where a Guardianship or Administration Order has been made.

When working with the person who is reported to be experiencing abuse, the ASU will consider whether they can:

- Understand information relevant to the decision and the choices that exist
- Retain the information long enough to make a decision
- Weigh up the consequences of the decision and understand how this affects them
- Communicate their decision

In considering the above, the ASU will also take into account:

- The person's actions are not guided by delusion or false belief
- Their level of suggestibility

Where the ASU believe there are concerns in regards to a person's capacity to make decisions, the ASU will consider the most appropriate way to safeguard the person. This may include

- Assisting with an appropriate assessment of their capacity
- Undertake some safeguarding actions without their consent

Decisions regarding a person's capacity will be made with regard to the principles that mental incapacity is decision specific and that the ability to make a decision can fluctuate, depending on the complexity of the decision and the point in time when the decision is made. Where the person has been assessed as unable to make a certain decision, the ASU will attempt to gather information about their wishes through an Advanced Care Directive (if one exists), or with family or significant others if appropriate.

Key Points

What if a person is unable to give consent?

The ASU will support the person with any decisions including giving consent. There may be times that the ASU will work with someone without gaining consent if it is deemed that person cannot give their consent.

INVESTIGATIONS

Once a report has been received and assessed, the ASU may determine that further information is needed to better understand the situation. The ASU refers to this process as an investigation.

In many instances, the issues and concerns explored through an investigation may be addressed quickly and safely through safeguard planning or service provision.

Guiding principles in conducting an investigation

The ASU will consider the safety of the person who is reported to be experiencing the abuse when contacting them and others during an investigation, and will work with them to minimise any further harm or future risk.

Investigations will be conducted as efficiently and effectively as possible and care will be taken to make sure an investigation is conducted in a way that is fair to all concerned. The following principles apply:

- the health, safety and wellbeing of the person is the focus of the investigation
- an investigation will be carried out impartially, fairly and with sensitivity;
- priority will be given to upholding the person's right to self-determination and preserving their significant personal relationships;
- when appropriate, consent of the person will be sought at all stages within an investigation;
- an investigation will base its findings on the established facts;
- the person will have an opportunity to discuss the findings of the investigation.

Purpose of an investigation

The purpose of an investigation is to:

- gather further information to establish the facts about an incident or allegation;
- better understand the person's current or future safety and wellbeing;
- better understand the perspective and preference of the person who is reported to be experiencing the abuse;
- better understand if the person has been harmed or is likely to be harmed in the future;
- consider any safeguarding actions that may assist the person and support their needs. This may include referring the person to an appropriate agency, or meeting with the person and their family to provide education and information.

When an investigation will be undertaken?

An investigation may be undertaken following the assessment of a report made to the ASU. An investigation may also be undertaken in any other circumstances that the Director of the Office for Ageing Well thinks appropriate.

All investigations will be conducted in accordance with ASU procedures. This includes seeking the consent of the person prior to commencing an investigation unless an exception to consent applies. A person's consent may be sought several times throughout an investigation depending on what information is required. This ensures they are kept up to date and understand what the ASU is doing and why.

Where the person does not agree to an investigation the ASU will

- Offer to provide information
- Offer contact within six weeks
- Provide details about the ASU should they wish to contact them in the future.

If the ASU is conducting an investigation and an exception to consent applies relevant persons will (where appropriate and/or safe to do so) be given notice of the decision to act without consent and informed of the progression of the investigation as well as any actions or decisions that occur (refer to *consent* section).

Who will undertake an investigation?

Investigations will be undertaken by authorised officers of the ASU. They are staff who have skills in investigations and are authorised by the Director to exercise powers under the Act. Authorised officers carry identification or other evidence of their authority which will be presented on request.

Powers of an authorised officer

Authorised officers have a number of powers to enable them to gather information and take appropriate action to ensure the safety and wellbeing of the person who is reported to be experiencing the abuse. Where there is suspicion of serious abuse, some of the activities an authorised officer may undertake include, but are not limited to are:

- entering and inspecting premises, places and vehicles;
- requesting documents, records or books of accounts for inspection and/or removal in order to make copies;
- taking photographs, films, audio, video or other recordings (e.g. interviews);
- requiring any person who is in a position to provide information relating to a vulnerable adult to answer any questions;
- requiring any such person to state their full name, address and date of birth.

There are penalties that apply if a person, without reasonable excuse, refuses or fails to comply with an authorised officer undertaking the above activities.

Additionally, authorised officers are empowered to request information and documents from any relevant person or organisation in connection with the investigation. Requests for information and documents will be made in writing and will specify what information is required and by what date. The timeframes that are applied to the requested information are likely to be associated with the level of urgency or risk.

During an investigation, it may be necessary for an authorised officer to remove books of accounts or records for a period of time to enable copying. A receipt will be provided for any items removed. Items will only be retained by the ASU for as long as is reasonably necessary for the purpose of making a copy and will be returned as soon as practicable.

In instances where a person who is reported to be experiencing the abuse is suspected of being at risk of serious or imminent harm, authorised officers are empowered to use reasonable force to enter, break into or open any part of, or anything in or on, any premises, place, vehicle or vessel. This will only be carried out in an emergency, or other extreme circumstances, where the authorised officer believes on reasonable grounds that to delay entry would significantly increase the risk of harm. In these circumstances, the Authorised Officer must first obtain the consent of the Director of the Office for Ageing Well or a warrant issued by the Magistrate's Court.

Who is involved in the investigation process?

Throughout an investigation it is likely that authorised officers may be required to collaborate with other organisations and supports in relation to information gathering, and safeguarding support responses.

During the course of an investigation, an authorised officer may wish to speak with people who may have information relevant to the vulnerable adult's circumstances. This may include, for example, family members, service providers and organisations and/or the reporter. Authorised officers will ensure each party's rights to access of information and rights to participate in the investigation.

The process of an investigation

Every investigation is different and the steps taken for each investigation will also differ, however the same investigative principles will apply.

Where it is appropriate to do so, the ASU may provide relevant persons updates on the progress of an investigation. This will generally occur with the consent of the person who is reported to be experiencing the abuse and in compliance with privacy principles and legislation.

Interviews as part of an investigation

Authorised officers are responsible for accurately recording the details of any conversation (interview). This can be undertaken in several ways such as taking comprehensive notes, a formal statement or digitally recording a conversation.

Consideration will be given to the situation and the circumstances at the time. In some circumstances it may be more appropriate to digitally record the conversation. This will enable:

- the recording of an accurate and full account of the interviewees information;
- that information is gathered and recorded in an efficient and timely manner.

Interviews will generally be conducted at a time and place agreed to by the authorised officer and the interviewee, either at the ASU office itself, in the person's home or another location as agreed. Interviews will be conducted within the business hours of the unit, being Monday – Friday 9am – 5pm and excluding public holidays.

The ASU will endeavour to assign just one or two points of contact throughout an investigation who will maintain regular contact. The ASU will make every effort to make the process as efficient and effective as possible

The rights of the parties involved in an interview

Interviewees can be accompanied by an appropriate support person, if they wish. Where the person being interviewed requires an interpreter or other support to participate, this support can be provided.

Anyone who has their conversation audio recorded is entitled to a copy of the recorded conversation and a copy will be provided on request.

The powers of an investigator in an interview

Authorised officers can:

- require any person who is in a position to provide information relating to a vulnerable adult to answer any question put by the authorised officer on that subject;
- require any such person to state their full name, address and date of birth.

Can the information disclosed in an interview be disclosed to third parties and/or be used as evidence in later legal proceedings?

Personal information obtained in the course of administering the Act must be kept confidential and can only be disclosed in specific circumstances. These include

- as required or authorised by or under any Act or law; or
- with the consent of the person to whom the information relates; or
- for the purposes of referring the matter to a law enforcement agency; or
- to an agency for the purposes of the proper performance of its functions; or
- if the disclosure is reasonably necessary for the protection of the lawful interests of that person.

Responses to an investigation process

Should a person who is reported to be experiencing the abuse or anyone else disclose information alleging a criminal offence at any time during an investigation, the ASU may refer the matter to South Australia Police (SAPOL). In most cases, the referral will be made with the consent of the person. Where an allegation is made that a serious criminal offence has been or is likely to be committed against a person who is reported to be experiencing the abuse, the ASU may refer the allegation to SAPOL without their consent. A serious criminal offence may include, but is not limited to, physical harm, sexual offences, and fraud or significant financial abuse.

Where an allegation is made that indicates professional misconduct, the ASU may report and/or make a complaint concerning the matter to a relevant regulatory or professional body. This may include the Aged Care Quality and Safety Commission, Health and Community Services Complaints Commissioner, Ombudsman, or the Australian Health Practitioner Regulation Agency (AHPRA).

Timeframes for responses

The circumstances and requirements of each investigation will be different. There is no set time frame for how long it will take to complete an investigation.

Key Points

Why is an investigation undertaken?

To understand the circumstances and the situation that has been reported to the ASU by exploring issues and concerns.

Who will be responsible for undertaking and investigation?

An investigation will be undertaken by authorised officers of the ASU.

SAFEGUARDING PLAN DEVELOPMENT AND IMPLEMENTATION

The Safeguarding Plan

A safeguarding plan is something developed with the person who is reported to be experiencing the abuse, to map out actions to assist in safeguarding their rights and to reduce the risk of future abuse. These actions should be in line with principles of adult safeguarding, being the least interventionist and the least intrusive to the person. Care will be taken to ensure the actions are in accordance with the persons' wishes as well as being considerate of the associated risks.

The safeguarding plan may include:

- goals or outcomes sought by the vulnerable adult;
- addressing any immediate risks, and any further risks that emerge as the investigation progresses;
- actions for the ASU;
- actions for other organisations or individuals;
- identifying and promoting how the person can protect themselves now and in the future;
- any contingency plans;
- other relevant contacts or information, including emergency numbers;
- review timeframes for the actions outlined in the safeguarding plan;
- details of who will receive a copy of the plan and how communication will occur.

The safeguarding plan will be provided to the person and they will be asked to sign or verbally agree to the plan to indicate their agreement. The safeguarding plan can be varied, with the consent of the person, should arrangements or circumstances change. The ASU will monitor the safeguarding plan while a case is active.

Multi-agency approach to adult safeguarding

In many instances a safeguarding plan will require the involvement of a number of different parties and/or organisations.

When working with other organisations on a safeguarding plan, the ASU will be guided by:

- Collaboration should be for the benefit of the person who is reported to be experiencing the abuse;
- Where risk of harm can be more efficiently and effectively managed through interagency coordination, this should be undertaken;
- Responses should be proportionate, outcome focused and relevant to the risk being managed;

- Interagency collaboration should be tailored to and focus on the wishes of the person who is reported to be experiencing the abuse

Where another organisation is working with a person who is reported to be experiencing the abuse, and can appropriately support them, or respond to the factors placing them at risk of abuse, they should continue to do so.

Inter-agency adult safeguarding meetings

To assist the development and coordination of a safeguarding plan that includes a number of organisations, an inter-agency adult safeguarding meeting may be convened. An inter-agency adult safeguarding meeting aims to:

- better understand what is already in place to support the person;
- assist the person who is reported to be experiencing the abuse in understanding the options that could be included in their safeguarding plan;
- coordinate the services / responses where a number of organisations are involved in a safeguarding plan;
- monitor the progress of, or address changes in the safeguarding plan.

The ASU will work with the person who is reported to be experiencing the abuse to determine the appropriate participants to attend an inter-agency adult safeguarding meeting. The ASU will convene the meeting, at a time and location most suitable for the vulnerable adult, with consideration of other participants' availability.

The inter-agency adult safeguarding meeting will include the person who is reported to be experiencing the abuse and support will be provided to enable them to participate. They may also invite a support person to attend, if they wish. Where the person is unable to or does not wish to attend the meeting, their views will be sought prior to the meeting by the ASU and the outcomes and actions of the meeting will be provided to them afterwards.

The ASU will keep records of the decisions and actions of inter-agency adult safeguarding meetings and will provide a copy to attendees.

Coordination role of the ASU

Once a safeguarding plan has been developed the ASU will continue working with the person to:

- ensure that the vulnerable adult has had contact from the services they have been referred to in accordance with their safeguarding plan;
- monitoring that the safeguarding plan is meeting their needs; and
- determining if any new issues have emerged and the safeguarding plan needs updating to reflect this

Case Review

The ASU will routinely review each case at least once every three months to determine if the safeguarding plan is meeting the needs of the person. This review will include making contact with the person and any other relevant parties involved in the plan.

Where the ASU is coordinating a case, the case will be closed once a regular review indicates that the safeguarding plan is meeting the needs of the person who is reported to be experiencing the abuse. They will be informed of the intent to close their case and invited to make contact with the ASU in the future if they require any further assistance.

Working with family and significant others

The ASU may work with family or others nominated by the person who is reported to be experiencing the abuse to support them, to contribute to support the safeguarding plan. This may include their involvement with the inter-agency adult safeguarding meeting. There may also be times that a separate meeting is held with family and significant others to understand the opportunities to support the safeguarding plan and to provide further information.

Key Points

What is the purpose of a Safeguarding Plan?

A safeguarding plan will provide information to the vulnerable adult and others who are involved about what the key issues are, what the outcomes are, and what actions will be undertaken. It will also include useful information and phone numbers.

REFERRALS

While the ASU may provide a caller who is making an enquiry with information about relevant services, this section outlines how referrals to other services are undertaken once a report has been made.

Once it has been assessed that a report is within the remit of the ASU, the ASU may determine that one or more other organisations may be more appropriate to deal with the matter or have a role to play in the development and/or implementation of a safeguarding plan. The ASU's role is to complement rather than duplicate existing services, so where a more appropriate service exists that is able to respond to a matter, the ASU will refer the matter to that service for a response.

Where the ASU makes a referral to an organisation, that organisation must deal with the referred matter within a reasonable timeframe. In most cases the ASU will require a report back from the organisation outlining whether they have been able to support the person and that the matter referred is being managed.

How a referral will be made?

The ASU will send referrals to other organisations in writing (this includes email).

The referral will include:

- the person's name, date of birth, contact details,
- contact details for the responsible officer at ASU,
- reason for referral,
- information relevant to the referral
- whether the person who is reported to be experiencing the abuse has consented to the referral and if not why
- whether an interpreter or other communication assistance is required
- whether there are any concerns relating to the person's capacity
- whether any other agencies are supporting the person
- any safety consideration for the person who is reported to be experiencing the abuse or staff of the organisation
- whether a report is required in relation to the referral
- any other relevant information.

For urgent referrals, the ASU will also contact the organisation by phone to alert them to the urgent nature of the referral.

Can an organisation refuse a referral?

An organisation may refuse a referral due to:

- Lack of resources or capacity to accept the referral at the time
- The referral is inappropriate to the services provided by the organisation
- The ASU agrees to the refusal.

Where the organisation refuses a referral, the ASU will consider whether the matter can be referred to another suitable service for a response or whether an escalation of the matter is required.

Responsibilities of an organisation to who a matter is referred

On receiving a referral from the ASU, an organisation is requested to confirm their acceptance of the referral within a timeframe specified by the ASU. This will generally be within five business days.

If the referral is not accepted, the organisation will need to provide the reason why the referral will not be accepted. This response is required within five business days.

Where the referral is accepted, the organisation must endeavour to deal with the matter within a reasonable timeframe. It is requested that referral organisations commence the response to the referred matter within ten working days of referral acceptance unless otherwise agreed.

In most cases an organisation will be required to provide a report back to the ASU as soon as practical after dealing with the matter, or within the timeframe as specified by the ASU. The report should include:

- The type of service and support provided or offered to the person who is reported to be experiencing the abuse
- Timeframes in which services were provided or offered
- Referrals / information provided (if applicable)
- Outcomes
- Details of any ongoing involvement
- Are there any issues which have prevented the services/support from being provided/offered?

The ASU may request an update from the organisation that accepted the referred regarding the status of the referred matter to assist with monitoring the matter. The organisation is permitted to share information with the ASU in these circumstances.

Key points

What happens if an agency is unable to accept a referral?

The ASU will consider other relevant referrals that can be undertaken to support the vulnerable adult.

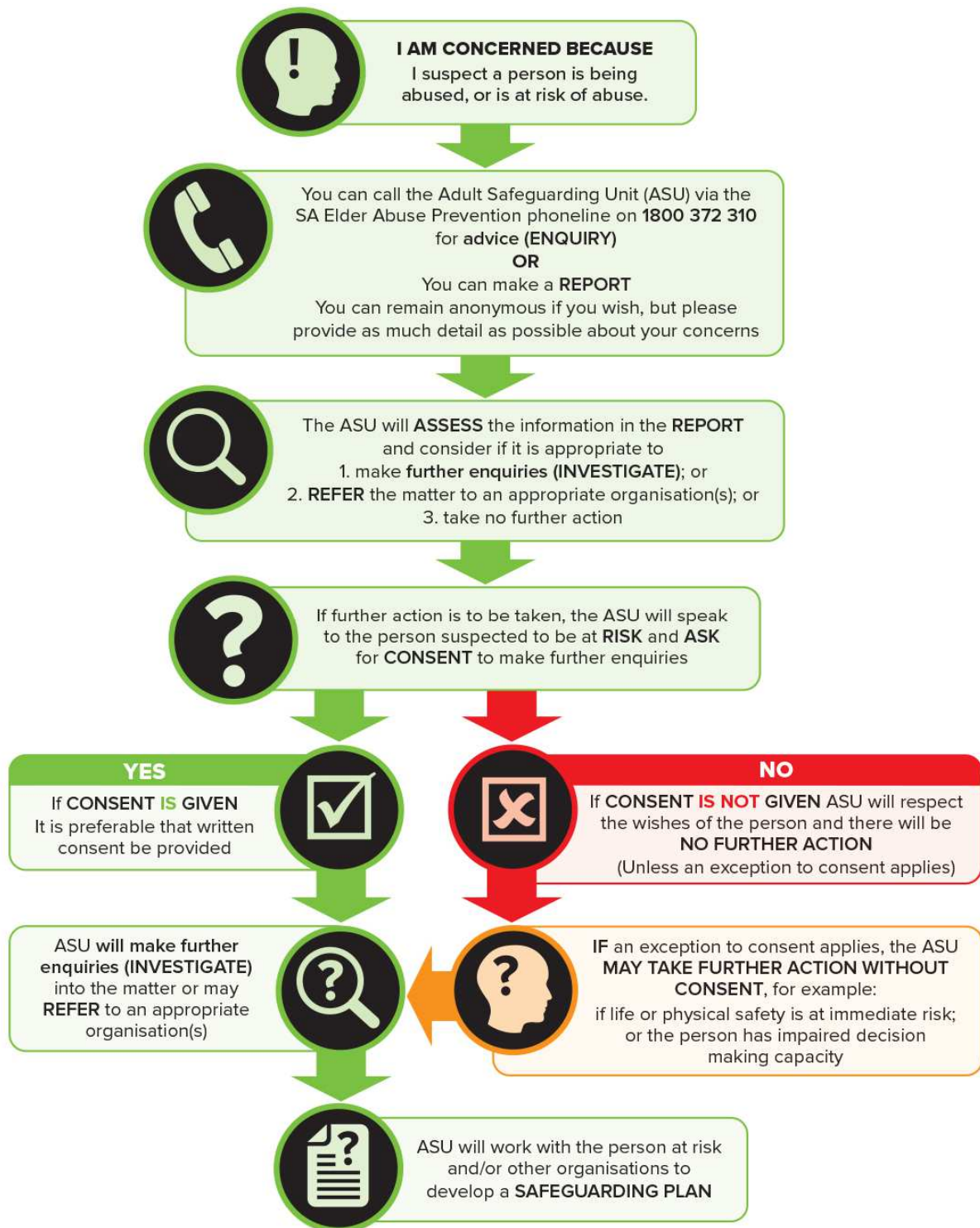
TAKING NO FURTHER ACTION

The outcome of an assessment of a report may be a decision that no further action is required. The reasons for this decision may include:

- The report has been previously dealt with and there is no reason to re-examine – this may occur where there is a new report but there has been no new information provided;
- The report is considered trivial, vexatious or frivolous;
- There is good reason why no action should be taken
 - o as it does not meet the statutory threshold – for example there is not enough information regarding that the person is vulnerable or the concerns constitute abuse or risk of abuse
 - o the circumstances of the report are being appropriately managed by another organisation
 - o or there is a more appropriate statutory or regulatory response

Where no further action is to be taken, this information may be provided to the caller, particularly at the time of the call.

If a person is aggrieved by a decision made by the Adult Safeguarding Unit or the Director, they may be entitled to seek an internal review of that decision. This includes a decision regarding the action/s to be taken following the assessment of a report. For further information see section on Internal Reviews.



INFORMATION SHARING

Adult Safeguarding Unit

Any personal information gathered in the course of the administration and operation of the Act must be kept confidential and may only be disclosed in certain circumstances.

Personal information will generally be shared with the consent of the person to whom the information relates. Where personal information is disclosed without the person's consent, the disclosure will be made in accordance with the Act, regulations and ASU processes.

State Authorities, organisations actioning an ASU referral and SACAT

Sharing information supports service providers to provide a collaborative, multi-disciplinary response for vulnerable adults who are at risk of abuse.

State authorities, SACAT and persons and bodies actioning a matter referred by the ASU are able to share certain information and documents among themselves where the information will assist them to:

- perform official duties relating to the health, safety, welfare or wellbeing of a vulnerable adult or class of vulnerable adults; or
- to manage any risk to a vulnerable adult or class of vulnerable adults that might arise in the recipient's capacity as an employer or provider of services.

The types of information and documents that can be shared are those that:

- relate to the health, safety, welfare or wellbeing of a person who is reported to be experiencing the abuse
- relate to the financial affairs of the person who is reported to be experiencing the abuse
- are made by the South Australian Civil and Administrative Tribunal in respect of a person who is reported to be experiencing the abuse
- may reduce a risk to the health or safety of a person or body performing official functions in relation to a vulnerable adult or class of vulnerable adults.

A person or organisation sharing the information in these circumstances must confirm the identity of the recipient and be satisfied that the recipient is a person or organisation who can receive the information. They must also take reasonable steps to ensure that the information is not provided to any other person or organisation who should not receive the information.

Reporting to other organisations

The ASU is not a regulatory body. Investigations undertaken by the ASU will relate to matters where there is reasonable grounds to suspect that the vulnerable adult is at risk of abuse. This includes information gathering to form a view about what support the person at risk needs and wants, to stay safe from abuse.

Part of the role of the ASU is to ensure the concern placing a vulnerable adult at risk reaches the agency or agencies best able to assist them. The ASU is not intended to duplicate the functions of other agencies. Investigations conducted by the ASU are not designed to identify or punish alleged abusers; however, the ASU may refer matters to SAPOL or other agencies with a remit to administer sanctions or to investigate criminal matters.

The Unit has the power to refer or report matters to other organisations or bodies on a case by case basis, including to the Office for Public Advocate, the Health and Community Services Complaints Commissioner and the Ombudsman, where the organisation or body is more appropriate to deal with the matter.

Memoranda of Administrative Agreement (MOAA) have been developed with key partner organisations to describe the way the ASU and each agency will work together to support the administration of the Act.

WORKING WITH DIVERSE COMMUNITIES

The ASU acknowledges that working with a person who is reported to be experiencing the abuse who are at risk of, or are being abused requires a considered approach which will vary according to the wishes and needs of each individual, and that a person can become vulnerable to abuse because of ill health, disability, isolation and / or dependence on others.

The ASU recognises that initial and ongoing contact with a person who is reported to be experiencing the abuse will need to be tailored to meet the needs of the person and will require flexibility and responsiveness. Services will be provided in a manner that maximises accessibility and enhances opportunities to participate, tailored to each person's communication, cultural background, language, identity, spirituality, traditions and beliefs.

Where required the ASU will use interpreter services or hearing assistance and other communication aids or technology. The Unit will also develop relationships with relevant organisations to support ASU staff to work in a culturally appropriate and sensitive manner.

FEEDBACK, COMPLAINTS AND INTERNAL REVIEWS

Feedback and complaints

If a person wishes to provide feedback or make a complaint relating to a decision or action of the Adult Safeguarding Unit, the initial step should be to explore whether the matter can be resolved directly with the Adult Safeguarding Unit.

If the person feels that their feedback or concern has not been resolved through this approach, they may make a complaint by writing to the Director of the Office for Ageing Well and the matter will be dealt with in accordance with the SA Health Consumer feedback and complaints management policy directive.

Internal reviews

If a person is aggrieved by a decision made by the Adult Safeguarding Unit or the Director they may be entitled to seek an internal review of that decision.

This relates to the following decisions:

- A decision regarding the action/s to be taken following the assessment of a report
- A decision to take action without first obtaining the consent of the vulnerable adult
- A decision to refer a matter (or part of the matter) to another state authority, person or body
- A decision to cause an investigation into the circumstances of the vulnerable adult to be carried out.

A person may apply for an internal review of a reviewable decision by:

- using the application for internal review form available from www.sahealth.sa.gov.au/stopelderabuse; and
- applying within 30 days of receiving notice of the decision (or such longer time as the Chief Executive may allow).

The internal review will be conducted by a person who was not involved in the decision being reviewed. The person conducting the review may wish to speak with the applicant directly as part of this process or ask the applicant for more information.

Once a review is completed, the reviewer may confirm, vary or set aside the decision. This outcome will be communicated to the applicant as soon as practicable.

APPENDIX

Legislation

The relevant legislation is:

- *Ageing and Adult Safeguarding Act 1995*
- *Ageing and Adult Safeguarding Regulations 2019*

Charter of rights

The *Charter of the Rights and Freedoms of Vulnerable Adults* (Charter) clearly states the rights and freedoms of all vulnerable adults in South Australia. It sets out a human rights-based approach to guide the actions of the ASU and other organisations supporting adults at risk of abuse.

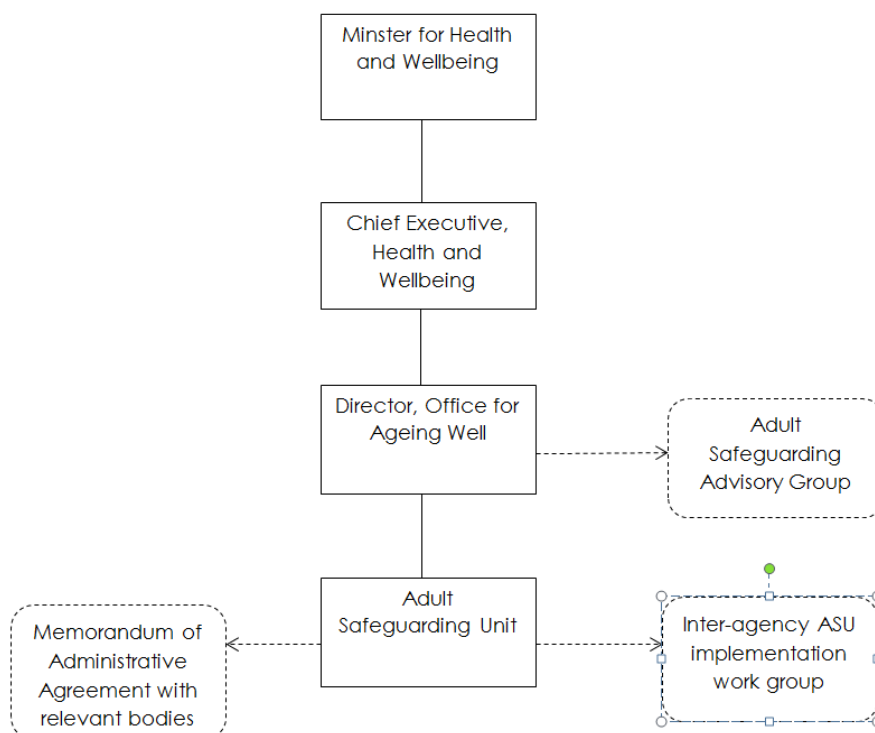
Under the Act, all staff of the Office for Ageing Well, and in particular the ASU, must have regard to, and seek to give effect to, the Charter.²

The Charter does not create new 'rights' that are enforceable in the courts.

For a copy of the Charter of the Rights and Freedoms of Vulnerable Adults please see Appendix _ or the website _

² Section 20(6), Ageing and Adult Safeguarding Act 1995 and Regulation 6, Ageing and Adult Safeguarding Regulations 2019

Governance of the ASU



The ASU is within the Office for Ageing Well as part of the South Australian Department for Health and Wellbeing.

The Office for Ageing Well works in partnership with other organisations and the broader community to raise awareness and understanding of the role and functions of the ASU.

The ASU has entered in to a number of Memoranda of Administrative Agreements which describe agreed working practices between the ASU and key agencies. The agreements include referral procedures, information sharing, and ongoing review. Where no memorandum exists the ASU will work flexibly and in partnership, with relevant organisations.

An Adult Safeguarding Advisory Group has been established with a number of partner organisations and people to provide advice to the Office for Ageing Well on establishing and the operation of the Adult Safeguarding Unit.

An Interagency adult safeguarding unit implementation work group has also been developed to support the development and maintenance of effective referral pathways and multi-agency approaches to adult safeguarding.

Functions of the Unit

The functions of the ASU are set out in section 15 of the Act. These functions are:

- promoting and advocating for the rights and interests of vulnerable adults in South Australia
- promoting participation by vulnerable adults in making decisions that affect their lives
- promoting and assisting in the development of coordinated strategies for prevention and early intervention of abuse of vulnerable adults
- receiving enquiries and reports relating to the suspected abuse of vulnerable adults
- assessing reports relating to the suspected abuse of vulnerable adults
- investigating reports relating to the suspected abuse of vulnerable adults
- coordinating responses to reports relating to the suspected abuse of vulnerable adults with State authorities and other persons and bodies
- referring reports relating to the suspected abuse of a vulnerable adult to appropriate persons and bodies
- following up on reports that have been assessed or investigated, where it is appropriate to do so
- collating data on matters relating to the abuse of vulnerable adults
- providing advice to Ministers, State authorities and other bodies (including non-Government bodies) on matters relating to the abuse of vulnerable adults at a systemic level
- preparing and publishing reports on matters relating to the abuse of vulnerable adults at a systemic level
- preparing and publishing reports on issues relating to vulnerable adults that are of public importance
- performing other functions assigned by the Minister under the *Ageing and Adult Safeguarding Act 1995* or any other Act.

Glossary

Abuse: There are different types or forms of abuse, and sometimes more than one type can occur together. Abuse is often committed by a person known and trusted by the person such as a family member, carer, and friend or service provider. It is most likely to occur in the community.

Under the legislation abuse of a vulnerable adult is defined to include:

- Physical, sexual, emotional or psychological abuse of the vulnerable adult
- financial abuse or exploitation of the vulnerable adult, including unlawful physical or chemical restraint and over-medication or under-medication
- neglect of the vulnerable adult
- abuse, exploitation or neglect consisting of a person's omission to act in circumstances where the person owes a duty of care to the vulnerable adult
- the abuse or exploitation of a position of trust or authority existing between the vulnerable adult and another person
- a denial, without reasonable excuse, of the basic rights of the vulnerable adult³
- any other act or omission of a kind declared by the regulations to be included in the ambit of this section within the Act but not an act or omission of a kind declared by the regulations to be excluded.

Adult safeguarding: means protecting a person's right to live in safety, free from abuse.

Adult Safeguarding Investigation: an inquiry into the circumstances of a vulnerable adult where there is reasonable grounds to suspect that the adult is at risk of abuse

Serious criminal offence: What constitutes a serious criminal offence is not defined in the *Ageing and Adult Safeguarding Act 1995* and must be considered on a case by case basis. Examples of matters that may be considered a serious criminal offence include: where the suspected criminal activity relates to a risk of physical harm, a sexual offence, fraud or financial abuse.

Assessment of a report: an assessment conducted by the ASU to determine what action is required to respond to a report

Authorised Officer: A person appointed or engaged by the ASU and authorised by the Director to exercise powers and functions for the purpose of the Act.

Confidentiality: Section 49 of the *Ageing and Adult Safeguarding Act 1995* provides that personal information obtained in the administration of the Act must not be disclosed unless an exception applies. (see also *information sharing*)

³ The basic rights are set out in the Charter of Rights and Freedoms of Vulnerable Adults

Director: The person for the time being appointed by the Minister and holding or acting in the office of Director of the Office for Ageing Well.

Enquiry: Where a person who contacts the ASU requests general information only or does not provide sufficient information to raise a report (e.g. provides no identifying details for the vulnerable adult).

Record: means—

- (a) written, graphic or pictorial matter; or
- (b) a disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device);

Report: A notification made to the ASU of suspected or actual abuse of a named adult who is vulnerable

Serious abuse: The term serious abuse is not defined in the *Ageing and Adult Safeguarding Act 1995* and should be given its ordinary, everyday meaning. Whether the abuse a vulnerable adult is experiencing, or is suspected to be experiencing, is 'serious' is a question of fact, and must be assessed on case by case basis with regard given to the facts and circumstances of the case.

Serious and imminent harm: The decision of whether a case involves serious and imminent harm (or suspected serious and imminent harm) is a question of fact and is determined at a point in time. A case will involve 'imminent' harm if the harm is about to occur or, if without quick action, the risk of harm may escalate. The seriousness of the harm must be assessed on a case by case basis with regard given to the facts and circumstances of the case and the potential severity and consequences of the harm to the vulnerable adult if it were to occur. There must be a clear link between any proposed action to be taken by the Unit and the prevention or lessening of the serious and imminent harm to the vulnerable adult.

State Authority: A department, organisation, local council, person or body defined in section 2 of the *Ageing and Adult Safeguarding Act 1995*.

Vulnerable adult: A vulnerable adult⁴ is defined in the legislation as an adult who, by reason of age, ill health, disability, social isolation, dependence on others or other disadvantage, is vulnerable to abuse.

⁴ Under a transitional provision within the legislation, for the first three years, the Unit will respond to reports of actual or suspected abuse or neglect of adults at risk of harm aged 65 years or older (50 years Aboriginal or Torres Strait Islander people)