



The Right to Safety and the SA Protection of Vulnerable Older Adults Project

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Outline

- A Rights Based Model
- Supported Decision Making
- Personhood & People who have dementia
- Policy and Legislative Responses
- A proposed SA Model
- Practice considerations



Strategic Advisory Group

- Office of the Public Advocate
- Aged Rights Advocacy Service
- Legal Services Commission
- South Australian Police
- Public Trustee
- Domiciliary Care SA
- Royal District Nursing Service
- Council of the Ageing



United Nations Principles for Older Persons

- Independence
- Participation
- Care
- Self-fulfilment
- Dignity



Rights of Older People (1)

- To be treated with dignity and humanity
- To exercise personal self-determination
- To freedom of movement, including the right to choose their place of residence
- To freedom from torture or other forms of cruel, inhuman or degrading treatment
- To liberty and security of the person
- To freedom from exploitation and physical, social, psychological and sexual abuse
- To freedom from discrimination of all kinds
- To recognition as a person before the law
- To equality before the law
- To life
- To adequate food, clothing and shelter



Rights of Older People (2)

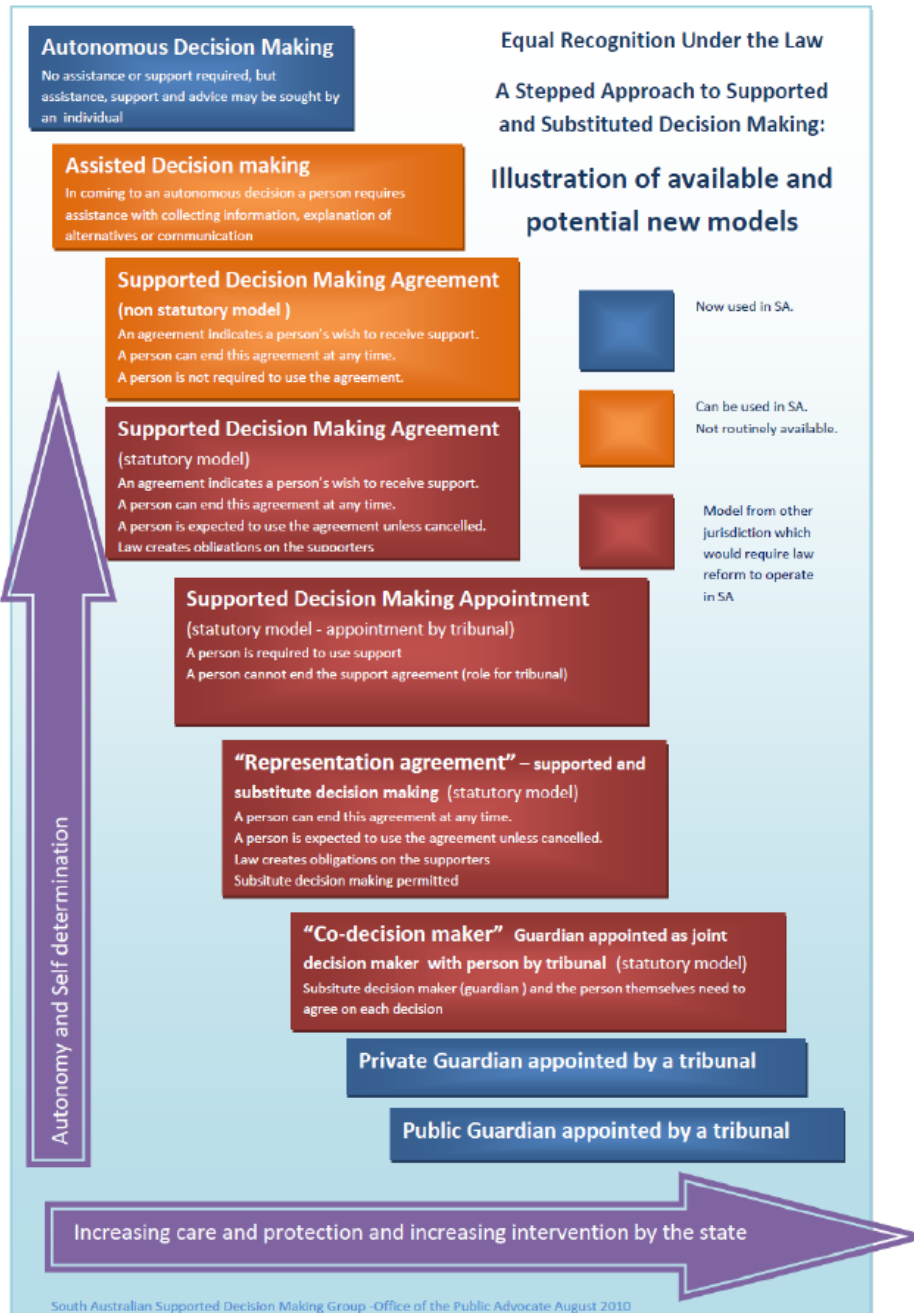
- To enjoy the highest attainable standards of physical and mental health
- To freedom from arbitrary or unlawful interferences with his/her privacy, family, home or correspondence
- To family life and to have their family unit respected by others, including governments
- To freedom of association
- To participate in the social and cultural life of the community
- To freedom of thought, conscience and religion
- To freedom of opinion and expression





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**DIGNITY FOR
THE ELDERLY**





Person Centred Care

- Personhood – persons with dementia do not lose their essential non-cognitive attributes of humanity
- Retains fundamental needs for love, inclusion, attachment, comfort, identity and occupation
- As opposed to being seen as “other” related to as “it” or seen as a demented person in need of micromanagement

(from Dewing, 2008)





Mental incapacity

Inability to look after his or her own health, safety or welfare or to manage his or her own affairs as a result of

- (a) any damage to, illness, disorder, imperfect or delayed development, impairment or deterioration, of brain or mind
- (b) any physical illness or condition resulting in inability to communicate intentions or wishes in any manner whatsoever



Additional principles

- (i) A presumption of capacity*
- (ii) mental capacity is decision specific.*
- (iii) Supported decision making –all practicable steps be offered to help a person make their own decision before making it for them.*



Capacity Assessment and Abuse

- Safety issues
- Disempowerment
- Gender specific factors



Vulnerability

- A person who is or may be in need of community care services by reason of mental or other disability, age or illness and
- Who is or may be unable to take care of him or herself or
- Who is unable to protect him or herself against significant harm or exploitation



Adults at risk

- Are unable to safeguard their own property, rights or other interests;
- Are at risk of harm; and
- Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.



Universal adult protection response

- A code that defines “at risk” people and the obligations of services (general and specialist) to respond.
- Local working agreements similar to “No Secrets”
- An initial response to at risk people based on keeping a person safe not capacity.
- Telephone report, and investigation response



Other themes

- Domestic violence
 - Similarities and differences
- Information sharing
 - Working on an approach similar to child protection
 - May need legislative response
- Mandatory reporting and/or mandatory response



Summary – directions headed

- Clear definition of vulnerable “at risk” and “at risk of harm”
- Systematic adult protection response
- Policies and procedures to assist local groups working together
- Can this be a right to safety?