



Eliminating Abuse

Presentation to ADP-SA
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Outline

- Understanding the problem
- The Right to Safety
- Some key measures
- Policy and Legislative Responses
- Supported Decision Making
- Restrictive Practices



Understanding the problem

- Inquiries into the abuse and neglect of vulnerable adults
- Learning from system failures
- Collection and publication of data collected by disability services, police, courts, law enforcement



Article 16 Freedom from exploitation, violence and abuse

1. States Parties shall take **all appropriate legislative, administrative, social, educational and other measures** to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of **information and education on how to avoid, recognize and report instances of exploitation, violence and abuse.** States Parties shall ensure that protection services are age-, gender- and disability-sensitive.



Article 16 continued

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all **facilities and programmes** designed to serve persons with disabilities are **effectively monitored by independent authorities**.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such **recovery and reintegration** shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities **are identified, investigated and, where appropriate, prosecuted**.



Some key measures (1)

- Sector reform
 - increased control and decision making by persons with disabilities and their families
- Specialist Disability Services
 - Training and reimbursement
 - Regulation
 - Community Visitors
 - Restrictive Practice Protection
 - Employee registration



Some key measures (2)

- Community
 - Inclusion – isolation places people at risk
 - Local & coordinated adult protection responses: social work, health, police. Justice, local councils
 - Common system for adults of all ages to avoid duplication
 - Focus legal intervention on perpetrators not victims. Specialist investigation and prosecution



Local, Practical, Coordinated

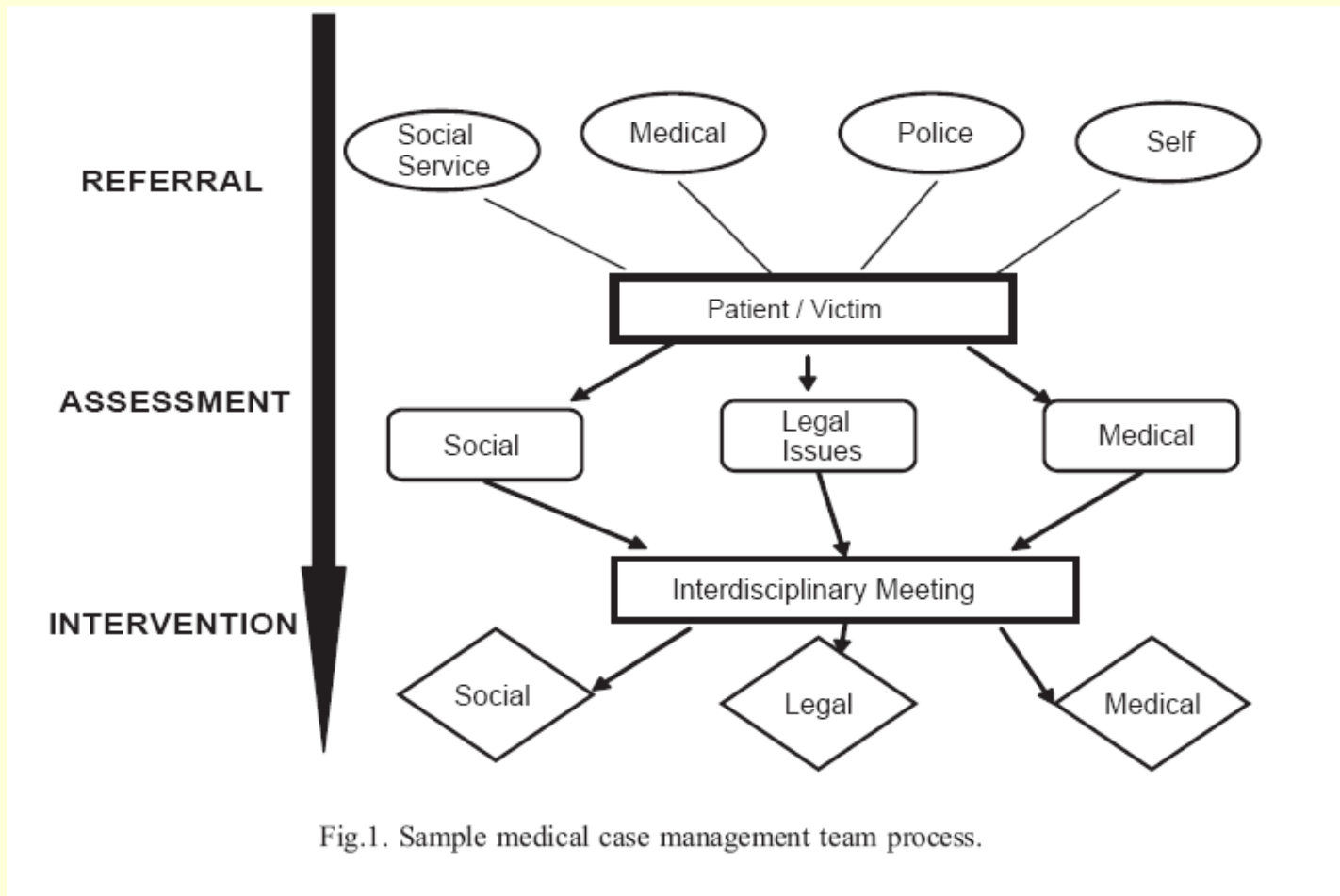


Fig.1. Sample medical case management team process.



Adult Protection Response

- Awareness and reporting
- Initial response focuses on keeping a person safe rather than taking away victim rights
- Local responsibility, and coordination
- Reporting line
- Legislated response
- Specialist police investigation
- Vigorous prosecution



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.



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



Restrictive Practices

- In SA a hidden problem a lack of rigorous checking and accountability measures.
- Do not have checks and balances as in other states.
- High likelihood that people with disability and their service providers are unnecessarily traumatised by the use of these practices.



New OPA Policy May 2011

- Assessment
- Behaviour Support Plan
- Evidence of prescription and approval
- Required prior to consent



Summary

- A right to safety
- Reform of the disability sector
- Safeguards in the specialist disability sector
- Safeguards in the community
- Systematic adult protection response
- Meet the needs of “at risk” people