



# Purple Orange

- research • consultation • training
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## **Submission by Purple Orange**

**Safeguarding Vulnerable Adults in Services Operated or  
Funded by the Department of Families and  
Communities in South Australia**

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ABN: 16 464 890 778

104 Greenhill Road Unley SA 5061

PO Box 701 Unley Business Centre SA 5061

t: (08) 8373 8333 f: (08) 8373 8373

**Shopfront of the Julia Farr Association**

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## **1 PURPOSE**

The purpose of this submission is to provide comment on the draft policy framework Safeguarding Vulnerable Adults in Services Operated or Funded by the Department for Families and Communities in South Australia. This will ensure that understandings gained by Purple Orange from working alongside people living with disability and representative organisations are considered in the development of the policy.

## **2 SUMMARY OF RECOMMENDATIONS**

### Recommendation 1

*Purple Orange recommends that alternatives to the use of the term 'vulnerable adults' be used in the policy framework including 'adults eligible for community care services' 'adults experiencing vulnerability' or 'safeguarding adults'*

### Recommendation 2

*Purple Orange recommends that use of the term 'grossly disturbed' on page 16 be removed from the policy framework so that it reads "Seclusion should only be used when all other strategies to manage challenging or aggressive behaviour has been exhausted". This will ensure that people living with disability are not judged based on the behavioural and/or emotional issues they experience.*

### Recommendation 3

*Purple Orange recommends that the notion and use of the term 'least restrictive' be removed from the policy framework and replaced with the notion of 'safeguarding' to support services to move beyond managing the situation to actively enhancing what is possible in people's lives.*

### Recommendation 4

*Purple Orange recommends that the term "planning and delivery of services to people with disability" on page 35 be replaced with "planning and delivery of services with people living with disability" to emphasise the importance of working with people living with disability to co-design the supports they receive.*

### Recommendation 5

*Purple Orange recommends that reference to the "United Nations Rights for People with Disability" on page 42 be replaced with "United Nations Convention on the Rights of Persons with Disabilities".*

### Recommendation 6

*To highlight that the policy framework specifically relates to people living with disability, Purple Orange recommends that the title of the policy be changed from "Safeguarding*

*Vulnerable Adults Policy” to an alternative such as “Safeguarding people living with disability who are eligible for community support”.*

#### Recommendation 7

*Purple Orange recommends that in the first paragraph of the ‘Introduction’ section on page 7 reference to a person’s rights being ‘promoted’ be included to ensure services actively raise awareness and provide education about the rights of people living with disability.*

#### Recommendation 8

*Purple Orange suggests that a more balanced perspective on the reality of human rights initiatives be included in the ‘Introduction’ section on page 7 by including a statement such as “Although a range of human rights treaties and polices exist people living with disability continue to experience violation of their rights. Therefore, services need to be diligent in ensuring their practices uphold, protect and promote the rights of people living with disability”.*

#### Recommendation 9

*Purple Orange suggests on page 8 the inclusion of the wording “it is not uncommon for people living with disability who receive personal supports because of their circumstances, to be at greater risk of sexual abuse, sexual assault or rape” to avoid association between living with disability and experiencing increased risk of sexual abuse or assault.*

#### Recommendation 10

*Purple Orange recommends the removal of the term ‘where possible’ on page 10 and suggests the wording “The rights of people with disability to actively make informed decisions and choices affecting their lives will be upheld, unless legal reasons or duty of care dictate otherwise”.*

#### Recommendation 11

*Purple Orange suggests that the policy framework emphasises the following point:*

- *“Safeguarding people living with disability through preventative work needs to focus on changing the environment and conditions that surround a person rather than focussing solely on the individual.”*

#### Recommendation 12

*Purple Orange believes the section on ‘Prevention’ be the primary focus of the policy framework as this will encourage services to provide supports that minimise the risk of abuse. We recommend positioning the section on ‘Prevention’ prior to the section on ‘Responding to Allegations of Abuse’.*

### Recommendation 13

*Purple Orange recommends that templates and examples of policies and safeguarding plans be included in the policy framework to support services to establish these important documents.*

### Recommendation 14

*Purple Orange suggest that in order for the policy framework to support people living with disability to live valued and ordinary lives, and thereby reduce the risk of abuse, the policy framework should emphasise the following point underlined (Page 8 under 'Purpose'):*

- *This policy provides guidance and direction to organisation who deliver services to people who experience increased vulnerability on best practice in establishing and maintaining safeguarding systems that:*
  - *are rights based and person centred*
  - *"promote supporting people to live ordinary, valued lives through actively working with people to make decisions and choices about their lives"....*

### Recommendation 15

*Purple Orange suggests that the policy framework highlight that support workers be provided with training on the issues surrounding the disclosure of rape with particular emphasis on looking after the person who has experienced rape.*

### Recommendation 16

*Purple Orange recommends creating two separate documents in place of the current policy framework to reduce the size of the document and make policies and procedure more accessible.*

- *The first document would highlight the policy and procedures that services are required to follow. This document could contain links to the second document.*
- *The second document would include the important supporting information which currently exists in the policy framework.*

### Recommendation 17

*In the final dot point under the 'Neglect (Extreme)' section on page 56 we suggest the following:*

- *“Witnessing a client commit an act of sexual or physical abuse toward another client without intervening and failing to make an immediate report of the abuse to the manager/supervisor”.*

### **3 INTRODUCTION**

Purple Orange – Julia Farr Association makes this submission to the South Australian Government, in particular to the Department of Families in Communities in the context of the consultation process.

Purple Orange and its predecessor organisations have been involved with the disability community for over 130 years. Purple Orange is an independent, non-government entity based in South Australia that fosters innovation, shares useful information, and promotes policy and practice that supports people living with disability to access the good things in life. We are not a conventional service provider – we deliver research, evaluation and information services that are anchored upon the perspectives and experiences of people living with disability, family members and other supporters. As such, we feel we are ideally positioned to offer comment.

In recent times there have been significant initiatives that have created a framework for improving the lives of people living with disability. In 2008 the Australian Government ratified the United Nations Convention on the Rights of Persons with Disabilities, which asserts measures be put in place to ensure that people living with disability can fully participate and be included within society<sup>1</sup>. There is also a strong commitment to address the barriers that are faced by Australians living with disability and to promote social inclusion reflected throughout the National Disability Strategy<sup>2</sup>. In keeping with this rights based framework it is important that the rights of people living with disability are safeguarded in a manner which upholds their freedom, dignity and integrity as accorded to other citizens living in the community.

The present consultation process provides a timely opportunity to share the understanding and wisdom gained by Purple Orange from working alongside people with disability and representative organisations. Much of this work has been centred around safeguarding rights.

### **4 WORKING/LANGUAGE: Does the wording resonate with people? Is the language of a type that people can understand, is it contemporary, does it need any more definitions?**

Purple Orange believes that the use of appropriate language in documents that relate to people living with disability is paramount. The position that we give to this section reflects this priority.

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<sup>1</sup> UN Convention on the rights of Persons with disabilities (2006): <http://www.un.org/disabilities/convention/conventionfull.shtml>

<sup>2</sup> National Disability Strategy (2011), accessed March, 2011: <http://www.fahcsia.gov.au/sa/disability/progserv/govtint/Pages/nds.aspx>

## 4.1 Use of the term ‘vulnerable adults’

Purple Orange believes the term ‘vulnerable adults’ implies that people are fragile and needing to be protected. Purple Orange also believes the term ‘vulnerable adults’ reflects and reinforces existing negative stereotypes about people living with disability.

Evidence suggests that people living with disability have long been considered as objects of pity, solicitude and special care<sup>3</sup>. Dlberson-Fineman (2008) in writing about barriers to the concept of equality, highlights that a focus on marginalised people as vulnerable shifts societal attention away from the societal structures and systems that create disadvantage and instead attributes disadvantage to the inadequacy or failure of the individual<sup>4</sup>. Hollomotz (2007) and Hingsburger (1995) in writing about understanding the risk of sexual abuse, contend that a focus on a person's inherent ‘vulnerability’ is considered to be oppressive to the person living with disability and does not address the real cause of the problem of sexual abuse. It is recognised in UK policy that labelling people as vulnerable may lead to an assumption that the cause of sexual abuse is located within the individual who is experiencing it<sup>5 6</sup>.

### Recommendation 1

Purple Orange recommends that alternatives to the use of the term ‘vulnerable adults’ be used in the policy framework including ‘adults eligible for community care services’ ‘adults experiencing vulnerability’ or ‘safeguarding adults’.

## 4.2 Use of the term ‘grossly disturbed’ in the definition of Seclusion (p. 16)

On page 16 of the draft policy framework it states that “Seclusion should only be used when all other strategies to manage grossly disturbed or aggressive behaviour have been exhausted”. Purple Orange consider the use of the term “grossly disturbed” to be an exclusionary term which is not only judgemental but also diverts energy and attention from more important aspects of supporting people with behavioural and/or emotional issues.

Therefore, we do not support the use of this term in the policy framework. Purple Orange believes that such terms are not helpful to people living with disability who experience behavioural and/or emotional issues.

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<sup>3</sup> Goggin, G.(2009), *Disability, Media, and the Politics of Vulnerability*. Asia-Pacific Media Educator vol 1: (19), pp.1-13 Accessed October /2011: <http://ro.uow.edu.au/apme/vol1/iss19/2>

<sup>4</sup> Albertson-Fineman M.(2008), *The Vulnerable Subject: Anchoring Equality in the Human Condition*. Accessed October 2011: <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/yjfem20&div=4&id=&page=>

<sup>5</sup> Hollomotz A. (2007), *Beyond vulnerability: An ecological model approach to conceptualising risk of sexual violence against people with learning difficulties*. Accessed October 2011:

<http://www.leeds.ac.uk/disabilitystudies/archiveuk/hollomotz/Beyond%20vulnerability%20DisArchiveversion%202.pdf>

<sup>6</sup> Hingsburger, D. (1995) *Just Say Know! – Understanding and Reducing the Risk of Sexual Victimization of People with Developmental Disabilities*, Quebec/ Canada, Diverse City Press.

## Recommendation 2

*Purple Orange recommends that use of the term 'grossly disturbed' on page 16 be removed from the policy framework so that it reads "Seclusion should only be used when all other strategies to manage challenging or aggressive behaviour has been exhausted". This will ensure that people living with disability are not judged based on the behavioural and/or emotional issues they experience.*

### **4.3 Use of the term 'least restrictive' (pages 35-37)**

We acknowledge that the use of the term 'least restrictive' provided in the policy framework does not imply that people living with disability should experience restrictions. However, it does set the context of restriction through unintentionally reducing the horizon of what is possible in people's lives. Purple Orange considers that this wording implicitly suggests that a person's freedom might indeed need to be restricted, thereby giving service agencies the permission (regardless of whether they choose to act on it) to consider applying restrictive practices.

Rather than focusing on the notion of 'restriction' the framework would be improved by prioritising the notion of 'safeguarding'. While restrictive practice is service-focused with an emphasis on managing a 'problem', safeguarding is person-focused and demands careful attention to rights-based lifestyle goals such as choice and citizenship and the support that someone experiencing increased vulnerability might need to succeed in this<sup>7</sup>.

## Recommendation 3

*Purple Orange recommends that the notion and use of the term 'least restrictive' be removed from the policy framework and replaced with the notion of 'safeguarding' to support services to move beyond managing the situation to actively enhancing what is possible in people's lives.*

### **4.4 Use of the term 'services to people with disability' (page 35)**

The final sentence on page 35 ends by stating organisations need to determine "how best to meet the challenges in the planning and delivery of services to people with disability". In a document such as this it is important that services are referred to as being in partnership with people living with disability. It is important that services focus on encouraging involvement of people living with disability through co-design which is based on the principle of 'nothing about us without us'. The term co-design relates to design work where the intended consumers have active participation in the design process. In the area of human services this can

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<sup>7</sup> Williams R. (2011), *Safeguards don't always* (blog extract). Accessed October 2011: E:\SAFEGUARDING\DFC\Safeguarding Vulnerable Adults Policy - DFC\literature\Purple Orange Safeguards don't always.mht

contribute to ensuring that the design outcome is meaningful, responsive and helpful to the users<sup>8</sup>. It can also create a sense of ownership.

#### Recommendation 4

*Purple Orange recommends that the term “planning and delivery of services to people with disability” on page 35 be replaced with “planning and delivery of services with people living with disability” to emphasise the importance of working with people living with disability to co-design the supports they receive.*

#### **4.5 Reference to “United Nations Rights for People with Disability” (page 42)**

The wording of this reference on page 42 is incomplete and should read “United Nations Convention on the Rights of Persons with Disabilities”.

#### Recommendation 5

*Purple Orange recommends that reference to the “United Nations Rights for People with Disability” on page 42 be replaced with “United Nations Convention on the Rights of Persons with Disabilities”.*

#### **4.6 Incomplete Sentence (page 44)**

Second sentence ending in “that may be” does not flow. The sentence appears to be incomplete.

## **5 CONTENT: Do people have any general feedback on the content of the document?**

### **5.1 Title does not reflect what the policy is about**

In line with the above comments regarding the use of the term 'vulnerable adult' Purple Orange suggests that the title 'Safeguarding Vulnerable Adults' does not provide a clear indication of what the policy is about.

Section 1.11.5 on page 19 of the policy describes ‘vulnerable adults’ as “persons who are over the age of 18 years of age, who are receiving disability specialist services directly provided by, or funded by the Department for Families and Communities, and as a result of disability or functional impairment, are at increased risk of abuse, harm and neglect”.

This section highlights that the policy is specifically related to people living with disability who experience increased vulnerability. However, this is not apparent from the title.

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<sup>8</sup> Lenihan, D. & Briggs, L. (2011): Co-Design: toward a new service vision for Australia? Accessed October 2011: <http://www.humanservices.gov.au/spw/corporate/publications-and-resources/resources/co-design-toward-a-new-service-vision-for-australia.pdf>

The new UK adult protection policy Safeguarding Adults (ADSS, 2005) has replaced the term 'vulnerable adult' because it is recognised that the label of 'vulnerability' may lead to the assumption that the cause for violence is located within the individual experiencing it. 'Vulnerable adults' are now termed 'adults who may be eligible for community care'<sup>9</sup>.

### Recommendation 6

*To highlight that the policy framework specifically relates to people living with disability, Purple Orange recommends that the title of the policy be changed from "Safeguarding Vulnerable Adults Policy" to an alternative such as "Safeguarding people living with disability who are eligible for community support".*

## **5.2 Introduction (first paragraph) - Suggest the wording that rights are 'upheld, respected and promoted'**

Purple Orange supports the emphasis on the commitment to ensuring people living with disability are safeguarded on the basis that their rights are respected and upheld. However, Purple Orange suggests that a stronger statement would be enabled by the wording 'upheld, respected and promoted'. This aligns with a focus on systems that actively raise awareness and provide education about the rights of people living with disability.

### Recommendation 7

*Purple Orange recommends that in the first paragraph of the 'Introduction' section on page 7, reference to a person's rights being 'promoted' be included to ensure services actively raise awareness and provide education about the rights of people living with disability.*

## **5.3 Incorporate a more balanced perspective of rights (Page 7)**

Purple Orange believes that the introduction should provide a more balanced perspective to the reality of human rights initiatives in affecting the capacity of people living with disability to experience their rights. While documents such as the South Australian Disability Services Act 1993, the Promoting Independence Strategy, the National Standards for Disability Services, the United Nations Convention on the Rights of Persons with Disabilities and the Health and Community Services Complaints Commission Charter of Rights set out the obligations for service providers to uphold the rights of people living with disability, Purple Orange is aware that there are many examples of this not occurring. While people living with disability are entitled to live as full citizens without fear for their safety, the experience of Purple Orange indicates that people continue to

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<sup>9</sup> Hollomotz A. (2007), Beyond vulnerability: An ecological model approach to conceptualising risk of sexual violence against people with learning difficulties. Accessed October 2011: <http://www.leeds.ac.uk/disability-studies/archiveuk/hollomotz/Beyond%20vulnerability%20DisArchiveversion%202.pdf>

experience situations where their fundamental rights are not upheld, protected or promoted<sup>10</sup>.

Commenting on the ineffectiveness of treaties such as the UN Convention on the Rights of Persons with Disabilities in a submission to the National Human Rights Consultation, People With Disabilities Australia Inc. states that “it is now generally accepted that these treaties have done little in practice to protect, promote and fulfil the rights of persons with disability”<sup>11</sup>.

People With Disabilities Australia Inc. goes on to suggest that in part this is because such treaties “both in their formulation and in their implementation have not penetrated to many of the specific forms of human rights violation that persons with disability experience”<sup>11</sup>.

### Recommendation 8

*Purple Orange suggests that a more balanced perspective on the reality of human rights initiatives be included in the ‘Introduction’ section on page 7 by including a statement such as “Although a range of human rights treaties and polices exist people living with disability continue to experience violation of their rights. Therefore, services need to be diligent in ensuring their practices uphold, protect and promote the rights of people living with disability”.*

## **5.4 Rewording of first paragraph (Page 8)**

Purple Orange acknowledges the intent of the first paragraph on page 8. However, we recommend rewording of the first paragraph to avoid the association between having a disability and increased risk of sexual abuse or assault. This association is extremely oppressive to people living with disability because it locates because of sexual abuse or assault within the individual.

### Recommendation 9

*Purple Orange suggests on page 8 the inclusion of the wording “it is not uncommon for people living with disability who receive personal supports because of their circumstances, to be at greater risk of sexual abuse, sexual assault or rape” to avoid association between living with disability and experiencing increased risk of sexual abuse or assault.*

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<sup>10</sup> Williams R. (2011), *Safeguards don't always*. Accessed October 2011: E:\SAFEGUARDING\DFC\Safeguarding Vulnerable Adults Policy - DFC\literature\Purple Orange Safeguards don't always.mht

<sup>11</sup> People with Disability Australia Incorporated (2009) Submission: National Human Rights Consultation. P.11 accessed October 2011: <http://www.pwd.org.au/systemic/abuse.html>

## 5.5 Final dot point and use of term 'where possible' (Page 10)

The final dot point on page 10 states “the rights of people with disability to make informed decisions and choices where possible will be upheld, unless legal reasons or duty of care dictate otherwise.”

The United Nations Convention on the Rights of Persons with Disabilities stipulates that people have a right to make decisions on an equal basis as others<sup>12</sup>. However, this is not reflected in the current wording of the document under this point. Purple Orange believe the use of the term 'where possible' diminishes this fundamental right in practice. Further, Purple Orange believes that every opportunity should be taken to advance and uphold the rights of people living with disability and this includes their active involvement in decisions and choices affecting their lives regardless of the nature of their disability.

### Recommendation 10

*Purple Orange recommends the removal of the term 'where possible' on page 10 and suggests the wording “The rights of people with disability to actively make informed decisions and choices affecting their lives will be upheld, unless legal reasons or duty of care dictate otherwise”.*

## Part 3 – Prevention

### 5.6 A more positive perspective on prevention

Purple Orange believes that preventative work which focuses on a person's inherent vulnerability is not helpful in providing solutions to the problem. Hollomotz (2007) in providing a critique of the concept of vulnerability in relation to sexual violence experienced by people with learning difficulties, makes the point that if a person is assumed to be at risk because of who they are then nothing can be done to change that<sup>13</sup>.

Purple Orange does not wish to ignore that protection by an outside body is important to all of us at some points in our lives. However, expecting people with disability to rely solely on protection by others is disempowering<sup>14</sup>.

Hollomotz (2007) also emphasises that preventative work must reject a focus on an individual's vulnerability<sup>13</sup>. Purple Orange believes that the challenge to find solutions involves a focus on changing the environment and the conditions that surround a person rather than focussing solely on the individual. In this way the pressure for change is shifted from the individual and re-focused on the

<sup>12</sup> United Nations (n.d.), *Convention on the rights of persons with disabilities and optional protocol*, accessed October 2011: <http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

<sup>13</sup> Hollomotz A. (2007), *Beyond vulnerability: An ecological model approach to conceptualising risk of sexual violence against people with learning difficulties*. Accessed of October 2011: <http://www.leeds.ac.uk/disability-studies/archiveuk/hollomotz/Beyond%20vulnerability%20DisArchiveversion%202.pdf>

<sup>14</sup> Westcott, H., and M. Cross. (1996), *This far and no further: Towards ending the abuse of disabled children*. Birmingham, UK: Venture Press

environment. Williams (2011) highlights that the best tool we have to safeguard a person living with disability is to support them to take up their rightful place at the heart of their community<sup>15</sup>. In doing this we make it more likely that there will be natural safeguards present in that person's life e.g. family, neighbours, acquaintances, friends, co-workers, as there is for other citizens.

### Recommendation 11

*Purple Orange suggests that the policy framework emphasises the following point:*

- *“Safeguarding people living with disability through preventative work needs to focus on changing the environment and conditions that surround a person rather than focussing solely on the individual.”*

## **5.7 Safeguarding through prevention as a primary focus**

Purple Orange believes that a key focus for any service provider should be creating the types of support and lifestyles that ensure the safeguarding of people living with disability. Purple Orange considers that the section on 'Responding to Allegations of Abuse' would be better placed after the section on 'Prevention'. The implication is that as a preventative action safeguarding the lives of people living with disability will in many cases avert the need for responding to allegations of abuse.

The positioning of the section on 'Prevention' before the section on 'Responding to Allegations of Abuse' is likely to encourage service providers to think about how they can support people living with disability in ways which minimises the risk of sexual violence or other harm. This approach is reflected in the statement on page 33 of the policy framework – “Prevention of abuse at an individual level must be embedded in the planning, design, funding, delivery and assessment of services that support people with disability”. We believe that the repositioning of safeguarding as a primary focus of the framework will encourage a proactive approach.

### Recommendation 12

*Purple Orange believes the section on 'Prevention' be the primary focus of the policy framework as this will encourage services to provide supports that minimise the risk of abuse. We recommend positioning the section on 'Prevention' before the section on 'Responding to Allegations of Abuse'.*

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<sup>15</sup> Williams R. (2011), *Safeguards don't always*. Accessed October 2011: E:\SAFEGUARDINGDFC\Safeguarding Vulnerable Adults Policy - DFC\literature\Purple Orange Safeguards don't always.mht

## **6 USEFULNESS OF THE DOCUMENT: Can they think about how it will assist in their service planning and service delivery practices and development of procedures etc to safeguard people with disability?**

### **6.1 Inclusion of templates or examples of policies and safeguarding plans**

The draft policy document highlights that services need to have various policies and procedures in place to respond to allegations of abuse and safeguarding. It would be beneficial to provide examples or templates highlighting how services could go about establishing these important documents.

#### Recommendation 13

*Purple Orange recommends that templates and examples of policies and safeguarding plans be included in the policy framework to support services to establish these important documents.*

## **7 IMPLEMENTATION ISSUES: Thinking about implementation of any requirements of the policy, are there specific issues around implementation that people identify?**

### **7.1 Implementation must reflect ordinary, valued lives**

Purple Orange believes that formal steps should be taken to provide safeguards for people living with increased vulnerability. Formal documents such as the development of this policy framework are critically important. However there is evidence to indicate that such measures are not necessarily successful in protecting people. For example, the recent UK Panorama investigation that revealed abuse and assaults perpetrated by staff on residents living with disability in a state-of-the-art, high-cost 'specialist' service supervised by registered professionals. Perhaps the most disturbing aspect is that this practice took place despite the presence of the Independent Safeguarding Authority. The Independent Safeguarding Authority is a non-departmental public body designed to ensure the safeguarding of individuals who are young and/or vulnerable in the UK. Central to the activity of the authority was a vetting and barring scheme which required all those working with groups who experience increased vulnerabilities to undergo an enhanced vetting procedure prior to commencing relevant duties<sup>16</sup>.

Purple Orange believes that policies are not a substitute for the work we all need to do to support people living with disability into ordinary, valued lives. An ordinary, valued life is not achieved by simply reducing the chances of bad things happening. Rather, the primary tactic must be to increase the chances of good things

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<sup>16</sup> Department for children, schools and families, Home Office and Department of Health (2007) Safeguarding Vulnerable Groups Act 2006 Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 SVG Act 2006: ISA Scheme Consultation Document Accessed October 2011: <http://www.education.gov.uk/consultations/downloadableDocs/SVG%20Act%20ISA%20consultation%20final.pdf>

happening in the person's life. We believe that this approach must be reflected throughout an implementation plan. This will ensure that people living with disability take up their rightful place at the heart of the community where it is more likely that they will have natural safeguards present.

#### Recommendation 14

*Purple Orange suggest that in order for the policy framework to support people living with disability to live valued and ordinary lives, and thereby reduce the risk of abuse, the policy framework should emphasise the following point underlined (Page 8 under 'Purpose'):*

- *This policy provides guidance and direction to organisation who deliver services to people who experience increased vulnerabilities on best practice in establishing and maintaining safeguarding systems that:*
  - *are rights based and person centred*
  - *“promote supporting people to live ordinary, valued lives through actively working with people to make decisions and choices about their lives”....*

## **8 CONTROVERSIES: Is there anything in the document that they find controversial**

### **8.1 Some language in the policy framework is limiting to people living with disability**

Purple Orange considers that particular language in the document to be controversial in the context of reducing the horizon of what is possible in people's lives. For example, use of labels such as 'vulnerable adult', 'grossly disturbed' and terms which imply that restrictions are to be expected in the experience of people living with disability such as 'least restrictive'. Every Australian living with disability who comes into contact with formal services is entering a system that may be entertaining the possibility that a person's freedom might have to be restricted. Purple Orange believes that documents such as this must avoid feeding into such attitudes and practices.

*Recommendations 1, 2 and 3 reinforce the importance of language that does not reduce the horizons of people living with disability.*

## **9 ANY GAPS, ANYTHING MISSING: Does anyone feel that there are important elements missing?**

### **9.1 Greater emphasis on provision of safeguards**

In prioritising safeguards the document needs to go beyond policies and procedures. It is important that safeguarding is conceptualised as occurring in partnership with people living with disability and/or increased vulnerability. Purple Orange believes that services must focus on encouraging the involvement of people through co-design which is based on the principle of ‘nothing about us without us’<sup>17</sup>. This framework provides a critical opportunity to set the scene for this occurring in regard to conceptualising safeguarding at the service level.

*Recommendation 4 reinforces the importance of involving people in the co-design of the supports they receive.*

### **9.2 Staff training**

The draft policy framework provides information to support workers about responding to people who have experienced rape or sexual assault. Responding to a disclosure of rape or sexual abuse carries particular responsibilities to the person in accordance with the guidelines provided by Yarrow place, the rape and sexual assault service for South Australia<sup>18</sup>. Purple Orange recommends that training for workers be provided on the issues surrounding a disclosure of rape with particular emphasis on looking after the person.

#### Recommendation 15

*Purple Orange suggests that the policy framework highlight that support workers be provided with training on the issues surrounding the disclosure of rape with particular emphasis on looking after the person who has experienced rape.*

## **10 LENGTH: Comments on the length of the document please?**

At 58 pages this document is considered to be too long. Purple Orange believes that this will make it less accessible to people requiring the information. A document of approximately four pages is seen as desirable for policy. With this in mind Purple Orange suggests considering the possibility of creating two separate documents in place of this current draft policy document. The information contained in this policy framework is important. However, it could be separated from the

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<sup>17</sup> “Nothing about us without us”. This is the motto of persons with disabilities and their representative organizations which represents that people living with disability should be involved in the development of services that affect their lives. UN Convention on the Rights of Persons with Disabilities. Accessed October 2011: [http://www.ohchr.org/Documents/Publications/Disabilities\\_training\\_17EN.pdf](http://www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf).

<sup>18</sup> SA Health, (2010) Information health/welfare professionals. Yarrow Place rape and sexual assault service accessed October 2011: [http://www.yarrowplace.sa.gov.au/healthprof\\_support.htm](http://www.yarrowplace.sa.gov.au/healthprof_support.htm)

actual policies which could contain a link to this information. This would reduce the size of the document and make the policy and procedures more accessible.

#### Recommendation 16

*Purple Orange recommends creating two separate documents in place of the current policy framework to reduce the size of the document and make policies and procedure more accessible.*

- *The first document would highlight the policy and procedures that services are required to follow. This document could contain links to the second document.*
- *The second document would include the important supporting information which currently exists in the policy framework.*

## **11** OTHER COMMENTS:

### **11.1 Serious Care Concerns - 'Neglect (Extreme)' (Page 56)**

Purple Orange believes the final dot point in the 'Neglect (Extreme)' section on page 56 needs to be strengthened to highlight that people are extremely neglectful if they witness an act of sexual or physical abuse and do not report this immediately. The final dot point in this section does not make reference to this.

#### Recommendation 17

*In the final dot point under the 'Neglect (Extreme)' section on page 56 we suggest the following:*

- *"Witnessing a client commit an act of sexual or physical abuse toward another client without intervening and failing to make an immediate report of the abuse to the manager/supervisor".*

## **12 CONCLUSION**

Purple Orange appreciates the opportunity to inform the development of the Safeguarding Vulnerable Adults policy framework. The development of this document represents an important formal step in progressing the concept of safeguarding for people living with increased vulnerability. As evident in this submission we place emphasis on a notion of safeguarding which does not obstruct the choices and freedoms of people living with disability. We also emphasise an approach which places people living with disability at the heart of their community involving relationship networks and participation. We place particular emphasis on the necessity of carefully considering implementation strategies in the context of ordinary, valued lives.

We value the work of the Department of Families and Communities to date on this framework and we would be very happy to offer further input and assistance if that would be helpful.

For further information about this submission, please contact:

Kerry Telford and Alicia Fidock

Research Officers

Julia Farr Association

Ph: 08 8373 8333

Email: [admin@juliafarr.org.au](mailto:admin@juliafarr.org.au).