



# Review of the *Ageing and Adult Safeguarding Act 1995 (SA)*

## Summary List of Consultation Discussion Questions

### Office for Ageing Well (Fact Sheet 2)

1. Is the language used to describe older people appropriate and suitable?
2. Do the objectives and/or functions of Office for Ageing Well reflect contemporary society and issues? What changes may be appropriate?

### Background to the Act (Fact Sheet 3)

1. Should the provisions of the Act be focused on older people and people with a disability or extend to all adults vulnerable to abuse?
2. Is the safeguarding response provided for in the Act suitable for other 'vulnerable adults'?

### Guiding Principles of the Adult Safeguarding Provisions (Fact Sheet 4)

1. Do the Principles reflect what is meaningful for a broad range of adults who may be vulnerable to abuse?
2. Should the Adult Safeguarding Unit retain the same rights-based approach or be more interventionist?

### Functions of the Adult Safeguarding Unit (Fact Sheet 5)

1. Are the present functions of the ASU suitable and appropriate to achieve its aims? Should they have a more specific focus?
2. Do the functions of the ASU complement or duplicate other services?

### Definition of Vulnerable Adult (Fact Sheet 6)

1. Is the term 'vulnerable' the most suitable term to describe adults more susceptible to abuse or neglect? Would 'at-risk' be more appropriate?
2. What are the factors that make an adult vulnerable to abuse and how could vulnerability be
3. Should the definition of 'vulnerable adult' have a greater focus on the abilities and capabilities of that person, rather than their characteristics?

### Definition of Abuse (Fact Sheet 7)

1. Does the present definition of 'abuse' in the Act accurately reflect the issues that vulnerable adults need safeguarding from?
2. Should there be an additional requirement within the definition of 'abuse' for a relationship of trust or duty of care to exist between the vulnerable adult and the alleged abuser?

### Interaction of Current Law with ASU's Service Model (Fact Sheet 8)

1. Should the legislation set out prescriptive steps about the actions the ASU must take, or should the Act be more flexible for the ASU to use best practice and clinical judgement to take action?
2. Should 'safeguarding' be explicitly included in the Act as an action for the ASU to take in respect of a report of abuse or neglect? How would this be defined?

## Capacity and Consent (Fact Sheet 9)

1. In what circumstances, if any, should the ASU be able to take action without the consent of a vulnerable adult with decision making capacity? How would this look in practice?
2. In what circumstances should consent be obtained before an action is taken? How can this be made more consistent in the Act?
3. What implications does fluctuating capacity have on the ASU's ability to obtain consent?
4. How can the Act best promote and protect the autonomy of adults with impaired decision-making capacity?

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