



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

Fact Sheet 8 – Interaction of Current Law with ASU’s Service Model

The model of the Adult Safeguarding Unit (ASU)

Anyone with a concern about the abuse or neglect of an older person or adult living with a disability can voluntarily contact the ASU and make a report. Once a report is made, the ASU has a legal obligation to assess the report. The assessment process is not detailed in the *Ageing and Adult Safeguarding Act 1995* (“the Act”), so ASU staff are guided by ASU Standard Operating Procedures.

If further information is required after the initial report, the legislation gives the ASU strong information gathering powers (and protections for those sharing information without consent) to obtain information from other organisations and persons.

After assessment, the ASU must take one of three actions prescribed in the legislation:

- undertake an investigation;
- refer the matter to an appropriate State Authority or other person or body; or
- decline to take further action.

The Act does not prescribe actions to be taken following an investigation or provide for safeguarding as an action.

Current Issues

The ASU’s operation is vastly different from the perceived legislative intention. While the ASU’s extensive information gathering powers were intended to make the ASU the central agency coordinating a multi-agency and multi-disciplinary response, the shift from State to Commonwealth controlled services has impacted the ASU’s ability to coordinate a response with other agencies.

Also, despite the strong investigative powers available under the Act, the ASU’s practice is to take a more collaborative approach. The powers of investigation have not been exercised to date.

It has been suggested that while some mandated actions are appropriate, the ASU should have more flexibility to respond to the individual circumstances of each report received. Another concern is that ‘safeguarding’ is neither defined in the Act nor available to the ASU as a possible action to take.

Consultation Questions

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?

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