

The Minister's Disability Advisory Council has provided the Minister for Disability with its report: *'Inclusion & protection – a dynamic safeguarding schema for South Australians with disability who are also vulnerable to neglect and abuse'*

This report reflects the fact that there is a balance to be struck between preventing abuse or harm for people with a disability whilst not being 'protective' in a way that overrides an individual's choice and opportunities.

This report indicates an approach that promotes a person's own resilience, recognises their vulnerabilities and builds in safeguards in relation to these.

The report sets out four general recommendations and eight particular recommendations, including undertaking an immediate audit of the current system of safeguarding in order to identify existing gaps.

This report was presented to Cabinet and was one of the key documents which helped inform the Social Inclusion Board's report "Strong Voices, A Blueprint to Enhance Life and Claim the rights of People with Disability in South Australia (2012-2020)".

The report's four general recommendations:

1. The Minister accepts the premise of this report and commits the State Government to developing and resourcing an integrated, dynamic safeguarding schema that addresses the dynamics of devaluation, depersonalisation and dehumanisation.
2. The Minister ensures that this schema includes a coherent mix of mechanisms ranging from the developmental, to the preventive, to the corrective. All aspects of the schema must be established and empowered to carry out the aspect of the approach that fits their purpose.
3. All safeguarding initiatives are linked to the National Disability Strategy and Activating Citizenship Blueprint due to be presented to government in mid 2011, especially as it seeks inclusion for all citizens with disability and their families and carers. This must include a government supported rights monitoring regime that includes both government and non-government agencies, including independent advocacy groups.
4. Consistent with persistent advice from MDAC, the Minister extends individualised funding across the services sector and develops a plan for phasing out service models that isolate and exclude individuals, particularly in group settings.

The report's further 'particular and immediate' recommendations:

5. The Minister does not support the draft Mandatory Reporting Bill 2010 (SA) before the Legislative Council as in its current form it is not operational and seeks to enshrine a punitive/regulatory approach which is contrary to the best advice of MDAC to entrench an engaged, constructive partnership encapsulating extensive monitoring and review and relying on current enforcement regimes.
6. The Minister monitors the interagency arrangements between SAPOL, DFC and other government agencies to ensure that matters of a serious criminal nature are not overlooked and prosecutions not pursued.
7. Under her responsibility for all-of-government policy in this area, the Minister commissions an immediate detailed audit of the current system of safeguarding in order to identify existing gaps.
8. The current review of the Disability Services Act (SA) 1993 considers safeguarding as a major component of its brief, especially looking at current Victorian legislation.
9. The current work of Home and Community Support SA is supported as an example of emerging good practice in the field and that transparency, consultation and refinement continue. (MDAC is available to give separate advice on this matter as the policy and procedures develop.)
10. The Minister establishes a Serious Case Review Panel (similar to the British model) to openly investigate serious cases of abuse and neglect and to inform future policy development.
11. The Minister works with the Minister for Health and Treasurer to ensure that the Health and Community Services Complaints Commission is adequately funded to guarantee that community based services remain in the purview of the Commission and that it is resourced to carry out this work, especially the outreach component of their planning. (The MDAC predicts an increase in complaints as more people become empowered to report, especially as the government renews its focus on these issues).
12. The Minister supports the development of an independent project similar to or connected to the Better Practice Project in the Aged Care Sector to lead a long term Humanising Practice Project across all levels of the disability services sector.