

**Submission
No 115**

**INQUIRY INTO INQUIRY INTO ELDER ABUSE IN NEW
SOUTH WALES**

Name: Ms Alix Goodwin

Date received: 15/03/2016

Ms Madelaine Foley
Director
General Purpose Standing Committee No 2
Parliament House
SYDNEY NSW 2000

Attention: Ms Merrin Thompson

Dear Ms Foley

Inquiry into elder abuse in NSW

I am writing to provide you with a copy of the report I prepared for The Winston Churchill Memorial Trust on programs that prevent abuse of people with disabilities who use direct payments to purchase services.

In 2014 I successfully applied for a Churchill Fellowship to undertake research in England, Scotland and Sweden on the risk of harm to people with disability using direct payments to purchase support services, whether those who use direct payments are at greater risk of harm than those who use regulated services providers for the provision of their support, and the programs and strategies used by government disability and other bodies to prevent risk of harm to people using direct payments. The report on my study tour was published in early 2015 by The Winston Churchill Memorial Trust on its website.

While I am conscious that the focus of my study tour sits outside the terms of reference for the Legislative Council's inquiry into elder abuse, some of the elements of my report may be of interest to the Inquiry as follows.

- (1) The inclusion of an overview of the legislatively-based adult protection systems in place in England and Scotland. Unlike Australia, protection systems for adults who are vulnerable are in place in these two jurisdictions and apply to older people as well as people with disability. Administration of these systems is the responsibility of local authorities which are also responsible for the provision of adult social support. High level descriptions of the elements of these systems are provided on pp. 56-57 and pp. 61-62 of my report. **(Terms of reference 8)**
- (2) The inclusion of data on safeguarding adult referrals (SARs) made to local authorities in England and the outcomes of these referrals (within the context of the aforementioned adult protection systems). SARs provide a primary source of information on the abuse and exploitation of adults in England and Scotland. The Health and Social Care

Information Centre (HSCIC) is responsible for analysing and publishing reports on SARs in England. The report, *Safeguarding Adult Returns, Annual Report, England 2013/14, Experimental Statistics*, provides data on the overall referral rates relating to the alleged abuse and exploitation of adults. In 2013/14 the majority of referrals (63%) related to people aged 65 years and over. The overall referral rate was 285 per 100,000 population for women and 204 per 100,000 population for men. The referral rate increased with age with people aged 85 years having a referral rate 10 times the overall individual rate. During 2013/14 local authorities concluded their investigations into 122,140 safeguarding referrals. Of these, 30% involved neglect and acts of omission, 27% involved physical abuse, 18% financial and material abuse, 15% psychological abuse and emotional abuse, and 5% sexual abuse. The primary source of risk was someone known to the adult at risk but not in a social care capacity (50%) with social care being the source of risk in 36% of concluded cases. Someone unknown to the person accounted for the remaining 14%.

An overview of the HSCIC findings can be found at pp. 31-33 of my report. The report itself is located at <http://www.hscic.gov.uk/catalogue/PUB15671>. The report for 2014/15 is also available on the HSCIC website at <http://www.hscic.gov.uk/catalogue/PUB18869> (**Terms of reference 1 and 2**)

- (3) In 2014, the HSCIC undertook a project to develop an adult safeguarding user survey that would enable national reporting on a proposed national adult safeguarding outcome measure. More information on this project can be found on p.63 of my report. (**Terms of reference 1 and 2**)
- (4) In a paper published in 2011, the Public Guardian Scotland reflected on an early discussion with Audit Scotland which suggested that,

“...broadly speaking, around 80% of guardians would never contemplate doing anything untoward. If it appeared that matters were amiss it would be an accounting irregularity rather than any loss of actual funds. Around 18% may be tempted to act inappropriately but the risk of ‘being found out’ and the consequences of this would like deter them. The remaining 2% if they wished to commit an offence would do so, would not be deterred by the potential consequences, and may conceal their actions in such a way that detailed forensic audit of the accounts would be required to identify this.” (McDonald, Sandra, *Early Deliberation on Graded Guardianship*, Scotland: Office of the Public Guardian, 2011, p.7)

The Public Guardian also reflected on where the risk of financial abuse by financial guardians was greatest. Based on over ten years of experience in the role, the Public Guardian indicated that the risk of financial abuse appeared to be greatest where an adult was the guardian of their ageing parent and had access to small amounts of liquid assets. Information on my discussions with the Scottish Public Guardian can be found on pp30-31 of my report. (**Terms of reference 1 and 2**)

- (5) In addition to reporting on SARs, the HSCIC also reports on the annual Personal Social Services Adult Social Care Survey conducted in England. A summary of the most recent report published by the HSCIC, *Personal Care Services Adult Social Care Survey, England 2013-14, Final Release* (<http://www.hscic.gov.uk/catalogue/PUB16162>) can be found on p.34 of my report. The survey includes a question on how safe service users feel. "Safety is defined...as 'feeling safe both inside and outside the home. This includes fear of abuse, falling or other physical harm'" (HSCIC, p.70). According to the findings of the 2013/14 survey, the less control a person felt over their daily life the less likely they were to feel safe and vice versa. **(Terms of reference 8)**
- (6) The inclusion of information on skills and qualifications for those working in adult social care. The Department of Health (England) commissioned Skills for Care to develop minimum training standards for adult social care workers. These standards which were published in 2013 can be found at <http://www.skillsforcare.org.uk/document-library/standards/national-minimum-training-standard-and-code/nationalminimumtrainingstandards.pdf>. Skills for Care is an independent organisation which works with adult social care employers to develop the skills, knowledge and values of the adult social care workforce. See p.76 of my report. **(Terms of reference 9)**
- (10) The conclusions and recommendations arising from my study tour can be found on pp.85-89.

For your information, full acknowledgement of the The Winston Churchill Memorial Trust will need to be stated on the Senate Inquiry's website should the Committee decide to publish my Report as the Trust holds copyright.

Yours sincerely

✓ Afix Goodwin (Ms)
2014 Churchill Fellow
15/3/16