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Media Release World Elder Abuse Awareness Day

All of us are shocked and concerned when a person experiences abuse or neglect, and World Elder Abuse Awareness Day is a timely reminder that this can happen to older Australians too.

Where people are receiving care and services from an aged care provider, that provider has clear legal responsibilities to prevent, minimise the risk of, and respond effectively to any incidents of abuse and neglect that may impact those people.

The first priority of all aged care providers must be to protect their consumers and keep them safe and free from harm. This requires them to do everything possible to prevent abuse or neglect of consumers, and to act quickly if there is an incident involving abuse or neglect.

Aged Care Quality and Safety Commissioner, Janet Anderson said, "Any incidence of abuse or neglect in aged care is unacceptable. World Elder Abuse Awareness Day highlights the responsibility of providers to do everything possible to protect those in their care."

"The community expects older Australians to be cared for respectfully, safely and with dignity. It is always concerning to learn of an individual in aged care who has had an experience that negatively impacted their health and wellbeing - whether that impact was mild or more significant," Ms Anderson said.

The Serious Incident Response Scheme (SIRS) was introduced in April 2021 and requires providers to have systems in place to manage and mitigate the risks that come with providing care to older Australians. If an incident occurs, providers are expected to respond as quickly as necessary to minimise harm to the affected person and any others, and to prevent the incident from happening again.

Under SIRS, residential aged care providers are also required to notify the Commission of serious incidents, including alleged and suspected events, as well as witnessed events. The Commission reviews all incident notifications within 24 hours of receipt and takes action where it is determined that there is an ongoing risk of harm to residents and/or the aged care provider has not dealt with the incident appropriately.

Notifying the Commission of serious incidents does not supplant other provider obligations, including the requirement for providers to report to police any incidents that are suspected to be criminal offences.

Since the introduction of SIRS, the Commission has continued to publish resources aimed at boosting providers' understanding of, and capability to meet, their obligations to prevent and respond to serious incidents impacting consumers.

Recently, the Older Persons Advocacy Network (OPAN) launched its 'Ready to Listen' campaign to help build the skills and capacity of residential aged care providers to better respond to and prevent sexual assault of older people living in aged care. The Commission has engaged with OPAN on the development of resources and information to support its initiative.

"The Aged Care Quality and Safety Commission strongly supports OPAN's 'Ready to Listen' initiative as a powerful way of underscoring providers' legal responsibilities to protect those in their care," Ms Anderson said.

"Providers have an obligation to ensure that their staff have the necessary knowledge, skills and expertise to prevent and minimise the risk of sexual abuse of those in their care. Training is also required for staff in how to respond to suspicions, allegations and witnessed accounts of sexual abuse of aged care consumers. Focusing attention on these provider responsibilities will help build the capability of the aged care sector to better understand, prevent and address known or suspected instances of sexual abuse."

Media enquiries: media@agedcarequality.gov.au

About the Serious Incident Response Scheme

Incident management obligations

The SIRS requires every residential aged care service to have in place an effective incident management system – a set of protocols, processes, and standard operating procedures that staff are trained to use.

This means adopting a systematic approach to minimising the risk of, and response to, incidents that occur in a residential care setting.

Reportable incident obligations

There are 8 types of reportable incidents involving aged care consumers that must be reported to the Commission:

- **Unreasonable use of force** – for example, hitting, pushing, shoving, or rough handling a consumer
- **Unlawful sexual contact or inappropriate sexual conduct** – such as sexual threats against a consumer, stalking, or sexual activities without consumer consent
- **Neglect of a consumer** – for example, withholding personal care, untreated wounds, or insufficient assistance during meals
- **Psychological or emotional abuse** – such as yelling, name calling, ignoring a consumer, threatening gestures, or refusing a consumer access to care or services as a means of punishment
- **Unexpected death** – where reasonable steps were not taken by the provider to prevent the death, the death is the result of care or services provided by the provider or a failure by the provider to provide care and services
- **Stealing or financial coercion by a staff member** – for example, if a staff member coerces a consumer to change their will to their advantage, or steals valuables from the consumer
- **Inappropriate use of restrictive practices** – where it is used in relation to a consumer in circumstances such as:
 - where a restrictive practice is used without prior consent or without notifying the consumer’s representative as soon as practicable
 - where a restrictive practice is used in a non-emergency situation, or
 - when a provider issues a drug to a consumer to influence their behaviour as a form of restrictive practice
- **Unexplained absence from care** – where the consumer is absent from the service without explanation and there are reasonable grounds to report the absence to the police.

Any incident that involves an offence or potential offence under any state/territory/Commonwealth criminal statute must be reported to the police by the aged care provider. This legal requirement sits alongside a provider’s obligations under the Serious Incident Response Scheme.

Further information about SIRS can be found on the Commission’s website **here**.

Anyone with a concern about the care and services provided at an aged care service should contact the Commission by telephone on 1800 951 822 or via our website at: www.agedcarequality.gov.au