

STRONG SUPPORT FOR NEW VULNERABLE ADULTS BILL IN COMPLEMENTING ROLE OF FAMILY AND COMMUNITY

The Ministry of Social and Family Development (MSF) received 43 responses during the public consultation on the proposed new Vulnerable Adults Bill held from 27 July to 23 August 2016. The four-week public consultation saw feedback from the Family Service Centres, Law Society of Singapore, Singapore Medical Council, Families for Life Council and AWARE.

2 Feedback contributors were strongly supportive of the Bill. They acknowledged the Bill's importance in preparing for the country's ageing population, as well as the longer lifespans of persons with disabilities. Many contributors felt that the Bill complemented the roles played by the family and community in looking after its vulnerable members. Several contributors also mentioned that the State should not take over the role of the family in caring for vulnerable members.

3 Most contributors also expressed support for the State to intervene in high-risk cases where vulnerable adults need to be protected from abuse, neglect and self-neglect. While some commented that the State should be involved in a wider range of cases, others cautioned that State powers should not be left unchecked. MSF agrees that these are valid concerns, hence checks and balances have been put in place. For instance, vulnerable adults who have mental capacity must give their consent to State interventions involving removal and out-of-home placements. They may also decide not to receive help. At the same time, the draft Bill allows for the State to enter and assess the vulnerable adult to offer timely and effective protection.

4 Many contributors also supported MSF's proposal to enhance penalties for offences committed against vulnerable adults under the Penal Code and the Protection from Harassment Act. This is reflective of our society's strong disapproval of such behaviours.

5 MSF would like to thank our stakeholders and members of the public who provided feedback on the draft Vulnerable Adults Bill. MSF will consider all feedback received in our review of the proposed Bill. The summary of responses is detailed in **Annex A**, and can be found on the REACH website (<http://www.reach.gov.sg/VAA2016>).

MINISTRY OF SOCIAL AND FAMILY DEVELOPMENT
9 September 2016

**PUBLIC CONSULTATION ON
DRAFT VULNERABLE ADULTS BILL 2016
27 JULY TO 23 AUGUST 2016**

SUMMARY OF FEEDBACK

Introduction

1 The proposed Vulnerable Adults Bill was posted on the REACH website for 4 weeks from 27 July to 23 August 2016 to seek feedback from the public. We received a total of 43 responses from various individuals and groups, including Family Service Centres, the Law Society of Singapore, Singapore Medical Council, Families for Life Council and AWARE. The Ministry of Social and Family Development (MSF) would like to thank all individuals and organisations who had taken the time to pen their comments.

2 There was strong support for the Bill with most contributors acknowledging its necessity in preparing for the country's ageing population and the longer lifespans of persons with disabilities. Many agreed that the Bill would complement the role of the family and community in looking after its vulnerable members, and noted the importance of upstream intervention in the form of caregiver support and social engagement. Our responses to the main issues raised in the consultation are detailed below.

General Feedback

3 Most contributors were supportive of the powers of the State to intervene and protect vulnerable adults in high-risk cases of abuse, neglect and self-neglect. Some contributors with experience handling such cases suggested that the State could have broader powers to intervene in a wider range of cases, while a few commented that State powers and interventions should not be left unchecked. In developing the

Vulnerable Adults Bill, MSF identified and sought a balanced middle-ground. The threshold has thus been set to allow for timely intervention where there is reason to believe that a vulnerable adult has suffered, is suffering or is at risk of abuse, neglect or self-neglect. Powers to obtain information, enter, assess and temporarily remove a vulnerable adult to a safe place may however only be exercised by the Director of Social Welfare (under MSF) and “Protectors”, who are senior officers from MSF’s Adult Protective Service. Interventions involving removal and out-of-home placements will further require the vulnerable adult’s consent. Should the vulnerable adult have mental capacity and prefer not to receive help, MSF will respect his decision.

4 Several contributors also mentioned that the State should not take over the role of the family, and suggested that family members could be involved in the process. Encouraging strong familial support will indeed be part of the overall approach adopted in protecting vulnerable adults, and MSF will involve family members where it is appropriate. In practice, statutory powers will only be exercised when attempts to engage the vulnerable adult and/or his family members have failed, leading to deep and urgent concern for his safety.

Key Definitions and Guiding Principles

5 Contributors generally agreed with the key definitions and guiding principles outlined in the Vulnerable Adults Bill. Some clarifications were however sought regarding the coverage for individuals between the ages of 16 and 17 years, and whether individuals with mental capacity would be included. A vulnerable adult is defined in the Bill as an individual aged 18 years and above who, by reason of physical or mental infirmity, disability or incapacity, is incapable of protecting himself from abuse, neglect or self-neglect. Although individuals below the age of 18 years will not be treated as a vulnerable adult, the Women’s Charter provides protection for victims of family violence of all ages. In practice, there is also a wide range of MSF and community-based services and programmes which extend to older youth, including those aged between 16 and 18. The definition of a vulnerable adult does however extend to individuals who are not mentally incapacitated. For example, an individual

with mental capacity but who is bed-ridden and unable to protect himself against abuse or neglect may also be regarded as a vulnerable adult.

6 A few contributors suggested expanding the definition of abuse to include financial exploitation, so as to allow the State to intervene to safeguard the vulnerable adult's finances and prevent further abuse. Currently, the Police can already investigate financial offences that are under the Penal Code. Where an alleged financial abuser is a vulnerable adult's donee or deputy, and the vulnerable adult lacks mental capacity, the Office of the Public Guardian can also intervene by applying to Court to suspend or revoke his powers to prevent further abuse from occurring. Nevertheless, we recognise that socially isolated elderly are particularly vulnerable to financial abuse, and will continue to examine how we can better address these concerns both on the ground and in future legislative reviews.

Statutory and Court-ordered Interventions

7 Contributors generally agreed that, to avoid misuse, only MSF officers should be allowed to apply for the full range of Court Orders provided in the Vulnerable Adults Bill. A number of contributors nevertheless welcomed the fact that the vulnerable adult's family members may apply for core protection orders (e.g. Personal Protection Orders). This is particularly useful for vulnerable adults as they are unlikely to personally apply for such protection orders. To address a query regarding changes in circumstances, where an order is no longer relevant or necessary to protect the vulnerable adult, the Vulnerable Adults Bill has a provision to allow MSF and other relevant persons to apply to vary, suspend or revoke the Order.

Offences and Enhanced Penalties

8 Some contributors suggested that the Vulnerable Adults Bill expressly create a criminal offence for the abuse or neglect of a vulnerable adult. Others were concerned that doing so would deter vulnerable adults from seeking help for fear of implicating their family members. As the Act is intended to enable timely intervention, it will not

include new criminal offences. Instead, MSF will look into enhancing the penalties for relevant offences under the Penal Code and Protection from Harassment Act committed against vulnerable adults.