

**READY
TO LISTEN**

When Sexual Activity is Not Okay – What to Do

Information Booklet for People Living In Residential Aged Care

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2022



When sexual activity is not okay

People in residential aged care have the right to have intimate consensual sexual relationships. But when you have not agreed with a sexual activity, it is sexual assault. A sexual assault can happen with another resident, a staff member, a volunteer or a family member.

What sexual assault is

Sexual assault is:

1. Unwanted touching such as pinching, patting, embracing, rubbing, groping, kissing, fondling, being touched on the breasts or bum
2. Someone showing private parts of the body or flashing genitals
3. Someone taking and sharing intimate images of you
4. Being forced to have vaginal, anal or oral sex
5. Being forced to watch or participate in pornography such as looking at books, pictures, or movies of a sexual nature.

It is also sexual assault if:

1. You are too frightened to say “No”
2. There is confusion about the activity, such as believing it is a medical procedure
3. You are incapable of giving consent for any reason
4. The identity of your sexual partner is not who you expect it to be.

Reporting to the Aged Care Quality and Safety Commission

If you have been sexually assaulted, report it to someone you trust. This could be a staff member, the manager in your aged care home, a relative or a friend.

Staff in residential aged care are required to notify the Aged Care Quality and Safety Commission within 24 hours, using the Serious Incidence Response Scheme (SIRS). Sexual Assault is a Priority 1 Incident. The Commission requires that staff report all sexual assaults to the police – if they are of a criminal nature.

If you wish to report your sexual assault to the Police, staff should call the local Police who deal with sexual assaults. They will come to your aged care home and help to decide what will happen next. This can include:

1. Having a medical examination to collect evidence
2. Making a formal police report
3. Talking to a sexual assault counsellor, either on the telephone or in person.

Health check

After a sexual assault, a health check will be organised to identify the medical attention you need and to gather forensic evidence (if required).

1. If you need urgent medical attention, an ambulance will be called
2. If medical attention is not urgent, a GP will be called
3. If the GP is gathering forensic evidence, check with the police first, you shouldn't have to have two forensic examinations.

Making a police report

If your sexual assault is reported to the police, it is your decision whether to participate in a police interview or medical examination for evidence. Before you make this decision, it may be helpful to talk to your family, a friend or an OPAN advocate first. If you decide to participate in a police interview, you will probably be asked the following questions:

1. What happened?
2. Who was involved?
3. Where there any witnesses?
4. When and where did it happen?

You have the right to say where the interview will take place, e.g. at the police station, or in your aged care home.

You have the right to have a member of family, a friend, or an OPAN advocate with you during the interview.

The police should give you the name of the attending police officer and the police report record number.

Future safety

Your aged care home should have a policy in place for assisting you to feel safe. It is important that you stay in control of what you wish to do. Staff should ask you what you need to feel safe and put in place a plan. The plan could include:

1. Moving you to another room
2. Changing the place where you are living
3. Moving the perpetrator to another place
4. Choosing which staff look after you
5. Asking staff to contact your family or trusted support people
6. Being reassured it will not happen again to you or any other resident
7. Being reassured the perpetrator is being held to account
8. Talking with an advocate from OPAN.

Remember that an advocate from OPAN (Phone: **1800 700 600**) can assist in finding another facility if you decide to move or support you in discussions with your aged care home if you wish to stay there.

Sexual assault counselling

Sexual assault is a traumatic experience, and you may feel ashamed – **it is not your fault**. You may feel sad, angry, depressed, insecure, frightened and have bad dreams.

It is recommended that you speak to someone who is trained to help people who have been sexually assaulted. This may be a sexual assault counsellor, who will:

1. Listen to you and make private notes about the conversation
2. Work out how you feel about the assault
3. Help you understand strategies to cope with your feelings
4. Work out what helps you feel better
5. Support you while you make a police report, if you decide to do this.
6. With your permission - talk to your family on your behalf, so they can support you.

To contact a counsellor, call The National Sexual Assault Service on 1800 737 732 or Full Stop Australia on 1800 385 578 and ask them for the contact details of your local sexual assault service.

If help is not given to you by aged care services

After you have told the staff in your aged care home that you have been sexually assaulted, they must report it to the Aged Care Quality and Safety Commission. If you are not sure that this has been done, you or a family member or friend can phone The Older Persons Advocacy Network (OPAN) on **1800 700 600** and they will appoint an advocate (helper) to:

1. Listen to you
2. Believe in you
3. Support you
4. Make sure you are safe
5. Explain your rights to have an advocate
6. Explain the service provider's responsibilities
7. Support you to report the sexual assault to the manager of your aged care home
8. Support you to make a complaint to the Aged Care Quality and Safety Commission.

The Aged Care Quality and Safety Commission

The Aged Care Quality and Safety Commission assesses the quality of residential aged care and manages the Serious Incident Response Scheme or SIRS. All sexual assault must be reported to SIRS as a Priority 1 incident within 24 hours.

You can phone the Commission to make a complaint about your sexual assault or the way it was managed, on **1800 951 822**.

The #ReadyToListen project

The information booklet was developed for the #ReadyToListen project, which is funded by the Australian Government Department of Health and is led by the Older Persons Advocacy Network.

More free resources on #ReadyToListen website:

<https://opan.org.au/support/support-for-professionals/ready-to-listen/>