

PROTECTION OF ADULTS IN SITUATIONS OF VULNERABILITY ACT (PASVA)

SCOPE



This law is called Protection of **Adults in Situations of Vulnerability Act (PASVA)**. It helps adults who need support.



It gives help when an adult may be hurt, abused, or ignored.



This help is called **Protection**.



Protection means people help you stay safe from danger, abuse or being ignored.



The person that manages this process is called **Director**. The **Director** can talk to experts for advice.



These experts include:

- The Commissioner for the Rights of Persons with Disability (**CRPD**)
- The Mental Health Commissioner (**MHC**)
- The Commissioner for Older Persons (**COP**)

WHAT DOES THE DIRECTOR DO?



The Director checks how the adult is doing and works to make a good living environment for the adult.



The Director listens to the adult and tries to follow what the adult wants.



The Director must make things easy to understand and not force the adult.



The Director can also give advice to family, friends and Support Persons.



The Director may provide training to adults who need assistance, to their family members, and to people such as doctors who help them.

They may also provide training to those Government offices or organizations that work with these adults.



The Director may also carry out awareness campaigns for these people, these offices, and these organizations.

An awareness campaign is when a series of activities are carried out to provide information to certain people, for example, through advertisements on television.



The Director may also issue guidelines on how a person can be protected from abuse.

Guidelines are a number of points, written in a document, that help a person understand how something should be done.

RULES TO FOLLOW



Every adult can choose how to live.



Every adult can say yes or no to help.



Every adult must get the help that is best for them.



This help should be tailored to a person's particular needs.

For example, the particular needs of an elderly person who is a woman, or of a person with a disability who is gay.



The rights and wishes of every adult must always be respected.



The needs of every adult must be checked often because the situation of the adult can change.

HOW TO REPORT A PROBLEM?



Anyone who sees something wrong can tell the Director, the Police, or the Victim Support Agency.

The Victim Support Agency is a Government office to which a person can speak if they feel they have been a victim of some form of abuse.



People like doctors, teachers or carers must report problems if they see them.



Students working at places like hospitals must tell their teacher or their head.



The person who reports will be kept secret and safe. No one will be angry with them if they tell the truth.



The Director writes down reports in a book that only the Director and a few people can see.

If someone lies, hides important information, or makes a false report on purpose, they can:



- Go to prison for 4 months to 1 year
- Pay a fine of up to €5,000

They can also be given both, meaning a prison sentence of between 4 months and 1 year, and a fine of up to €5,000.

WHAT HAPPENS AFTER A REPORT?



In 5 days, the Director must check the report to see if it makes sense.



If there is an emergency, it must be done faster.



The Director has 30 days to decide what to do. The Director can take 30 more days if needed.

HOW THE DIRECTOR CHECKS THINGS



The Director can check if someone is being hurt, abused or ignored.



To carry out checks, the Director works with a group of experts called the Joint Committee.

This Committee brings together experts from Aġenzija Support, the Department for Active Ageing and Community Care, Mental Health Services, and the Victim Support Agency.



The Joint Committee looks at everything in the adult's life, like health, money and where they live.



The Joint Committee must talk to the adult alone or with others.



The Joint Committee can ask for reports and talk to people who know the adult.



The Joint Committee can ask hospitals, banks and other places for information.



If the Joint Committee asks for information, this must be given.

WHEN IS THE COURT NEEDED?



The Director can ask the Court for help.



The Court can let the Director visit someone's home.



The Court can ask some people to check on how the adult is doing.
The adult can say no.

HOW ARE DECISIONS TAKEN?



The Director decides if the adult should get Protection.



If protection is given, the Director, together with the Joint Committee,
makes a plan to help the adult.



The plan must be created around what the adult wants, and what
they need.

That is why it is called an 'Individualised Support Plan.'
'Individualised' means that something is designed according to the
needs of the individual.

WAYS TO GIVE HELP



Helping the adult make their own choices.



Making things accessible and easy to understand.



Creating a plan that is easy to follow.



Giving therapy, social work, training, or help at home.



Asking for a Support Person to be given to the adult.



Finding a safe place to live or be supported in.



Any other services to keep the person safe and well.

HELPING WITH MONEY



The Director can ask someone to pay for the adult's needs.



The person that helps by paying can later ask other people involved for help with this money.

PROTECTIVE COURT ORDERS (PROTECTIVE INTERVENTION ORDERS)



If needed, the Director can ask a Court to protect the person.



The Court can agree and make an order to help the person.
This order is called a Protective Intervention Order.



The Court will always think about what the person wants and needs.



The Court can tell others how to support the person or keep them safe.



The Court can order someone to stay away from the person or stop bothering the adult.



The Court can also ask someone to give money to the person if it is their responsibility to do so.

ADDITIONAL SUPPORT ACCORDING TO NEED



The Director can ask the Personal Autonomy Safeguards Board to give an order for a short time if the adult is in danger. This is when the adult is in a bad situation and needs quick attention.

The Personal Autonomy Safeguards Board is the Board that helps persons with disability or adults in vulnerable situations to find support so they can make their own decisions.



This order can be for 180 days. This order can be longer than for 180 days if the Director thinks it is better.



This is only used when the person needs help urgently.

BEFORE GOING TO COURT



When the Director asks the court for a Protective Intervention Order they must give notice first. Intervention means when someone steps in to sort things out. For example, a teacher stops a fight between two children.

In this way, the teacher has intervened to stop the fight. This means that the Court steps in to protect a person with a disability when things are going very badly.



A Protective Intervention Order is a special rule made by a court to help keep the adult safe.



If it is not an emergency, the Director must tell the people involved in the case at least 15 days before.



This also includes telling their Support Persons and family.



The adult can be given support in court.



If the adult cannot afford a lawyer, the Director may pay the lawyer for the adult.

WHAT THE COURT CHECKS



The Court will give help only if the person really needs it.



The Court will help as the adult wants.



The Court will not be too strict.

HOW LONG IS A COURT ORDER FOR?



A Court Order lasts for 1 year.



Before the order ends, the Court checks if it should be stopped or continued.

EMERGENCY COURT ORDERS



If a person is in serious danger, the Court can work fast to fix the situation.



The Court can move the person from where they live or move the danger away.

FOR THE ADULT TO BE INFORMED



The Director must keep the person informed in easy language.



The Director must also update the Support Person.



The Director must see the plans again at least every 6 months.

PROTECTING PERSONAL DATA



The Director or the Director's helper is in charge of keeping your information safe.



The Director will collect only the information that is important.



The adult has the right to give or not to give their information.



The adult can ask to correct or to remove their information.

CLEARANCE CERTIFICATES



All those persons who work to support adults in vulnerable situations will be given a Clearance Certificate.

This means that these persons will be accepted by the Director to work with these adults.



This Certificate will be proof that those persons have never broken the law by doing something against these adults.

For example, they have never been found guilty of hurting a person with disability.



The Certificate is sent electronically (using internet), and a person can print a copy of the Certificate if they wish. It has a barcode on it, a set of lines that can be read, for example, using a mobile app.

In this way, a person can see whether a Certificate is still valid (good) or not, and whether it is genuine or fake.



If in the future these persons break the law by doing something against adults in vulnerable situations, their Certificate will be cancelled.

Should this happen, they would no longer be able to continue working with these adults.



Whoever works with adults in vulnerable situations without having this Certificate could be given fines or go to prison.

REGISTER FOR THE PROTECTION OF ADULTS IN SITUATIONS OF VULNERABILITY



The details of all those persons who broke the law by doing something against adults in vulnerable situations will be written into a Register. A Register is a book which contains certain information, such as details about certain people.



Whoever is listed in this Register would never be able to work with adults in vulnerable situations.

Those persons have to be taken off the Register to be able to work with adult in vulnerable situations.

CHANGE IN THE CONVENTION ON THE INTERNATIONAL PROTECTION OF ADULTS (RATIFICATION) ACT



This law also amends the Convention on the International Protection of Adults (Ratification) Act.

This Act is a law through which Malta agreed to a document signed by a number of different countries, called the Convention on the International Protection of Adults.



Through this document, these countries reached an agreement so that if an adult has protection in one country, for example in Malta, and moves to live in another country, for example France, they can have the same protection in France without the need for a lot of extra paperwork.

The changes being made to this Act are to make sure that the protection given in Malta to foreign persons, under the agreement in this document, is provided according to the rules found in the PASVA law.