

How does an investigation work?

Introduction



This fact sheet explains:

- difficult words
- why a person needs an investigation
- how an investigation starts
- what an investigator does
- what type of help a person might need
- how an investigation ends
- why it's helpful to talk to an investigator.



It is easy to read and uses pictures.

Difficult words are **bold** and **blue**.

You can ask someone to help you read this fact sheet.

Difficult words

We will talk about the following words which are difficult to understand:



When this fact sheet talks about the **Office**, it means the Office of the Public Advocate (OPA).

The **Public Advocate** works here and makes decisions about investigations.



When this fact sheet talks about an **investigator**, the full name is investigator advocate.

The **Office** has a team of **investigators** who all work for the **Public Advocate**.



When this fact sheet talks about the **Tribunal**, it means the State Administrative Tribunal.

A **tribunal** is not formal like a court. People do not need lawyers at a **tribunal**.

Why does a person need an investigation?



Someone might see that a person they know cannot make decisions for themselves.



This could be for a number of reasons, such as having an intellectual disability, mental illness, dementia or an acquired brain injury.



An **investigation** works out if a person needs help and what type of help they might need.

How does an investigation start?



There are two main ways an investigation starts:



1. The **Tribunal** might ask the **Office** for more information about a person.



2. Someone might contact the **Office** direct, because they are worried about a person.



The **Office** has a team of **investigators** to find out if this person needs help.



The investigation will always look at what is best for the person.



Investigators do not work for the police.



An investigation can take a long or short amount of time.

Sometimes an investigation is urgent, so it can happen very quickly.

What does an investigator do?



Investigators talk to the person to make sure they are safe, to see what they want and work out if they need help.



Investigators also speak to other people in that person's life, like family, friends, doctors and care providers.



These people tell the **investigator** if they think the person is OK and what they think is best for that person.



Once the **investigator** has all the information, they read through everything and write a report.

What type of help does a person need?



Some people need help with things like housing, medicine, health or services.

These are called lifestyle decisions.

A guardian can help with these.



Some people need help with money, selling things or paying bills.

These are called financial decisions.

An administrator can help with these.



Sometimes people need help with everything.

Sometimes people only need help with one or two things.



An **investigation** helps to decide exactly how much, or little help a person needs. And who can provide this.

How does an investigation end?



The **investigator's** report includes information about what is best for the person and how to keep them safe.



It also looks at who can help the person make decisions.



There are two main ways an investigation ends:



1

If the **Tribunal** asked for information about a person, the report is given to them.



The **Tribunal** reads the report and listens to what everyone says.

It then decides if the person can make their own decisions, or if they need help.



2

If someone contacted the **Office** direct, the report is given to the **Public Advocate**.



She decides if they need help or if the person can make their own decisions.



If the person needs help, the **investigator** tells the Tribunal and gives them the report.



The **Tribunal** then has a meeting to decide whether to choose a guardian and/or an administrator for that person.

Why it's helpful to talk to an investigator



The person being investigated might not think there is a problem and feel unhappy about the investigation.



The person being investigated can tell the **investigator** what they want.

They can tell the **investigator** they do not think they need any help.



It is the **investigator's** job to listen to that person and include this information in their report.



The person can also speak at the **Tribunal** hearing and explain what their wishes are.

It is important that everyone has their say.

More information:



The **Office** of the Public Advocate protects the rights of adults with decision-making disabilities and is appointed under the *Guardianship and Administration Act 1990 (WA)*.

You can learn more about what they do by visiting their website:

www.publicadvocate.wa.gov.au.

Postal Address: PO Box 6293, East Perth WA 6892

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Service: 1300 858 455

Email: opa@justice.wa.gov.au

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