

An Roinn Sláinte
Department of Health
Secretary General



Mr Ted McEnery
Committee Clerk
Joint Committee on Health
Houses of the Oireachtas

By email: Denis.McKenna@oireachtas.ie

27 November 2020

Re: Adult Safeguarding

Dear Mr McEnery

Thank you for your request for briefing material on the issue of adult safeguarding and the indication that this matter will be examined by the Committee in early 2021.

Adult safeguarding is an important matter for all of society, agencies and Government Departments. The health sector has very specific safeguarding responsibilities for adults at risk within its care. In addition, similar responsibilities also exist within, for example, the equality, justice, law reform, social protection, communications, finance, and community sectors.

A strong focus has been placed on safeguarding within the health sector and this includes the regulatory role of both HIQA and the Mental Health Commission, the establishment of the National Safeguarding Office in the HSE and the publication by HIQA and the Mental Health Commission last year of specific Safeguarding Standards.

In addition, the Department of Health is advancing the development of a policy on adult safeguarding in the health sector including any requirements for additional oversight at national level within the health sector. The Department is committed to the finalisation of this policy in 2021 and the subsequent development of legislation required to underpin it. A cross agency and cross Government Steering Group was established in 2019 and this Group continues to oversee the advancement of relevant research, consultation and policy development.

With regard to the Committee's request regarding concerns raised "*in respect of the inability to investigate instances of abuse in the nursing home and other residential care settings*", it is important to emphasise that where abuse is a potentially criminal matter, it is the full expectation of the Department that any such instances in our health and social care services would be referred appropriately and without delay. The HSE has specific guidance and training in place with regard to the recognition and required responses to abuse allegations. In

addition, HIQA is responsible for monitoring, inspecting and registering nursing homes and disability residential centres in Ireland. Services are only allowed to operate if they are registered with HIQA and they are inspected regularly to ensure that they maintain a high standard of care. HIQA has significant and wide-ranging powers, up to and including, the cancellation of the registration of a nursing home, where it has significant concerns about the quality of governance and oversight in such services.

The protection of adults at risk within its care is paramount for the health and social care sector and therefore, in addition to response to safeguarding concerns, the Department's safeguarding policy will take a strong preventative approach to promote proactive intervention on behalf of an adult at risk before an incident occurs, criminal or otherwise.

Safeguarding adults at risk in the context of their interactions with the health and social care sector is a key objective of the Department of Health, every statutory body under its aegis, and every public, charitable, voluntary or private health and social care service that interacts with such adults.

I attach a briefing note to accompany this letter.

Yours sincerely,



Colm O'Reardon

Acting Secretary General

Department of Health

Briefing Note

Prepared for the Joint Oireachtas Committee on Health

November 2020

1 Background

The safety and protection of adults at risk of abuse or harm is a fundamental concern of the health and social care sector. Safeguarding adults at risk in the context of their interactions with the sector is a key objective of the Department of Health, every statutory body under its aegis, and every health and social care service that interacts with such adults.

1.1 Current health and social care sector adult safeguarding framework

In the health sector, a framework of standards, policies and procedures for the safeguarding of adults who may be at risk of abuse, harm and exploitation within the health sector is in place, and further measures are being developed to strengthen this framework.

The framework currently includes:

- joint **national adult safeguarding standards** developed by HIQA and the Mental Health Commission, approved by the Minister for Health and launched in 2019;
- the significant **inspection and other regulatory powers** of HIQA and the Mental Health Commission in relation to the quality and safety of healthcare and social care provision generally (under the Health Act 2007 and the Mental Health Acts);
- a range of structures and processes established by the HSE to support and further develop its national operational policy Safeguarding Vulnerable People at Risk of Abuse – Policy and Procedures (2014), including:
 - clear guidelines set out in the existing policy for HSE and HSE-funded staff to follow in cases of suspected abuse or neglect of adults at risk;
 - a HSE National Safeguarding Office leading policy development and oversight;
 - specialist Safeguarding and Protection Teams in each of the 9 HSE Community Healthcare Organisation (CHO) areas;
 - a programme of safeguarding policy and procedures training for HSE and HSE-funded staff generally, attended by large numbers of staff;
 - over 1,700 designated safeguarding officers nominated by service providers and provided with additional training; and,
 - a major review by the HSE of its current operational adult safeguarding policy and preparation of a revised policy (final draft published in 2019)..

2 Development of national health sector policy and underpinning legislation

In December 2017, the then-Minister for Health sought and obtained Government approval to develop a national adult safeguarding policy for the health sector, together with such legislation as may be required to underpin it.

This initiative recognised the need for an overarching national policy to address potential policy and legislative gaps and to provide national direction in the area of adult safeguarding in the health sector, as well as addressing relevant cross-sectoral issues such as information sharing and collaboration between the health sector and other sectors. It is expected that this national sectoral policy, when developed and approved, will be the basis for the appropriate underpinning legislation for the health and social care sector.

Significant policy development work, including stakeholder engagement and detailed research, has been undertaken. A high-level inter-sectoral Steering Group was established in February 2019 to assist the Department in its development of the policy and has held 8 meetings to date. Updates and related papers such as discussion papers on the policy content are published regularly on the Department's website¹.

Principles proposed by the Department of Health for its adult safeguarding policy for the health sector

The following principles are set out in the Department of Health's Discussion Paper: Underlying Principles National Policy on Adult Safeguarding for the Health Sector:

Human rights: The national health sector policy and legislation on adult safeguarding should be rights-based, respecting individuals' rights to independence, dignity, equality, privacy and choice.

Person-centredness / empowerment: The national health sector policy and legislation on adult safeguarding should be person-centred, respecting individuals' rights to autonomy (including the right to make "unwise" decisions) and empowering them to understand abuse, minimise risk, make their own decisions and remain in control of their lives.

Advocacy: The national health sector policy and legislation on adult safeguarding should value advocacy as a key support for adults who may be at risk.

Comprehensiveness: The national health sector policy and legislation on adult safeguarding should cover the entire health sector i.e. public, private and voluntary (including social care services for which the health sector has statutory responsibility).

¹ [DoH: Adult Safeguarding](#)

Consistency: The national health sector policy and legislation on adult safeguarding should be consistent with the Assisted Decision Making (Capacity) Act.

Prevention: The national health sector policy and legislation on adult safeguarding should recognise the importance of prevention to reduce the likelihood of opportunities for abuse occurring.

Proportionality / minimal intrusiveness: The national health sector policy and legislation on adult safeguarding should be proportionate, favouring least intrusive responses appropriate to risks, in line with individuals' will and preference and rooted in evidence-based practice and partnership working.

Partnership: The national health sector policy and legislation on adult safeguarding should foster a partnership approach between individuals, professionals and agencies.

Collaboration: The national health sector policy and legislation on adult safeguarding should recognise the need for good collaboration, including appropriate information-sharing, with other sectors and within the health sector and clearly defined referral pathways to other sectors.

Awareness: The national health sector policy and legislation on adult safeguarding should recognise the importance of education, training, awareness and cultural change.

Everybody's business: The national health sector policy and legislation on adult safeguarding should recognise that safeguarding is "everybody's business".

Consultation

The Department commissioned the Institute of Public Health (IPH) to undertake focus groups with cohorts of health and social care service users who may be affected by the national adult safeguarding policy for the health and social care sector, to ensure they are consulted, and their voices heard during policy development. A total of 12 focus groups were held, with 82 participants, between November 2019 and March 2020. Completion of the report is imminent, with publication planned in Q4 2020.

The Department held "town hall" style Stakeholder Workshops in October 2019, to engage with key stakeholders in relation to the development of the national policy. The resulting output pack detailing stakeholders' feedback is posted on the Department's website².

International Evidence Review

An independent research evidence review to inform the policy has been commissioned and conducted, with publication planned in Q4 2020.

²[DoH: Policy on Adult Safeguarding in the Health Sector, Stakeholder Workshop \(23 October 2019\)](#)

Reviews by health statutory bodies

HIQA and MHC undertook and published a detailed and comprehensive systematic review to support the development of joint national standards for adult safeguarding³.

A detailed review of the operation of the HSE's operational safeguarding policy has been completed and related supporting reviews have been published⁴.

Related adult safeguarding policy developments within the health and social care sector include:

- The Minister for Health's approval in September 2019, and subsequent publication, of National Standards for Adult Safeguarding prepared and submitted to the Minister jointly by HIQA and the Mental Health Commission.
- The finalisation of a major review by the Health Service Executive of its national operational HSE adult safeguarding policy and drafting of a final revised policy.

COVID-19 and the Nursing Home Expert Panel Report

COVID-19 has presented unique challenges to the health and social care sector and has raised and amplified safeguarding matters. The COVID-19 Nursing Homes Expert Panel Report (August 2020)⁵ referenced the receipt of submissions from a number of organisations with a particular interest in adult safeguarding, including Sage Advocacy and Safeguarding Ireland. The Expert Panel included the following recommendations relating to adult safeguarding in its report:

"the oversight and governance of safeguarding concerns that occur within private nursing homes needs to be reformed, it is suggested that the HSE Safeguarding Service be extended to cover all nursing homes.

In the interim, where an individual care concern is raised to HIQA, the concern should be reported to the relevant Safeguarding and Protection Team (SPT) for investigation. All providers should engage with, facilitate and support the SPT in its work."

The Minister established an Implementation Framework, including an Implementation Oversight Team and a Reference Group, to ensure a priority focus on key short-term public health and protective measures for nursing home residents over the coming months, with a particular emphasis on winter and ongoing preparedness against COVID-19.

The Department's Safeguarding Steering Group in consideration of a National Safeguarding Policy for the Health Sector will give focused consideration to the recommendations above.

³[HIQA and MHC joint review to support development of safeguarding standards](#)

⁴[HSE: Safeguarding Vulnerable Adults](#)

⁵[COVID-19 Nursing Homes Expert Panel, Examination of Measures to 2021](#)