



An Roinn Sláinte
Department of Health

Background and History Note for Steering Group Members

National Policy on Adult
Safeguarding for the Health
Sector

This document aims to provide a brief background and timeline of events leading to the development of this policy, as well as indicative milestones and useful definitions

Government Decision on developing an adult safeguarding policy for the health sector and project milestones

In December 2017 the Government approved the development of a national adult safeguarding policy for the health sector. This will be the first safeguarding policy that will apply across the wide spectrum of the health sector, i.e. in the public, private and voluntary sectors, and it will be supported by any necessary legislation.

The Department's project plan includes the following major milestones:

- Stakeholder consultation – *ongoing since December 2017.*
- Submission to Law Reform Commission – *February 2018.*
- Project plan approved by Department of Health Management Board – *May 2018.*
- Establishment of Steering Group. *December 2018 (1st meeting 13 February 2019).*
- Development of policy and legislative options including analysis of resource implications. *Throughout 2019.*
- Submission of Memorandum for Information of Government including interim progress report and outline of emerging proposals (to date). *Approx. Q3 2019.*
- Public consultation on draft policy paper. *December 2019.*
- Submission of costed policy and legislative proposals to Government. *Early 2020.*
- Commencement of drafting of health sector legislation as approved. *Q2 2020.*
- Preparation of non-statutory policy instruments as approved e.g. guidance documents, codes of practice, inter-sectoral agreements. *Q2 2020.*

Current Measures

A number of important steps have been taken in recent years to strengthen the protection of people using health services including adults at risk of abuse. The HSE published its national (operational) safeguarding policy and procedures in 2014. Since then, the HSE has established a number of supporting structures, including:

- *The **National Safeguarding Office**, which provides leadership, oversight and co-ordination for all aspects of the policy and practice in safeguarding vulnerable adults.*
- *Nine specialist **Safeguarding and Protection Teams** (one in each community health organisation) to co-ordinate consistent responses to concerns of abuse and neglect (over 70 staff members are involved in these specialised safeguarding teams throughout the country) and over 1,500 **designated officers** nominated by relevant service providers (disability and older people's services) to receive concerns or referrals of abuse, carry out preliminary screenings and develop safeguarding plans where appropriate. Approx. 42,500 staff have received training.*

A **revised HSE operational safeguarding policy** is at an advanced stage and will be of particular value in informing the Department of Health's development of appropriate policy approaches for the wider health sector on foot of the Government Decision of December 2017.

In addition, the **Health Information and Quality Authority (HIQA) and the Mental Health Commission have developed joint national adult safeguarding standards** for services under the remit of both bodies. The standards were recently submitted for consideration by the Minister for Health.

Current limitations and need for a national health sector policy

Limits to HSE operational policy, which necessitate the need for a national policy, include legal gaps in relation to safeguarding coverage for those in non-HSE health and social services, including no statutory right of entry to facilities or access to service users and their records for HSE's Safeguarding and Protection teams in non-HSE services. Another perceived gap is a lack of legal or policy basis for collaboration, cooperation, referral and information sharing protocols between the HSE and other key agencies (e.g., An Garda Síochana). A national policy should aim to address these gaps, providing a level of safeguarding for those in all public and non-public health facilities, as well as statutory provisions, powers and functions, for example, for investigation and access. The new policy will also need to designate appropriate agencies responsible for oversight, investigation and intervention in relation to adult safeguarding issues public, private and voluntary health settings.

Adult safeguarding in the health sector 2012 - 2016 timeline

May 2012: The HSE introduces its Elder Abuse Policy.

December 2014: The HSE's Elder Abuse Policy is superseded by HSE's "Safeguarding Vulnerable Persons at Risk of Abuse" National Policy (following on from the failings brought to light by the Grace and Áras Attracta cases).

February 2016: Programme for Partnership Government commitment is made to "review legislation relating to elder abuse". As there is no dedicated elder abuse legislation, this commitment will be met, insofar as it relates to the health sector, in the context of wider safeguarding legislation covering the interactions of adults at risk, e.g. adults with intellectual disabilities, older people etc., with the health sector.

July 2016: The McCoy report on Áras Attracta (service for adults with intellectual disabilities) included recommendations to:

- place the HSE's safeguarding procedures on a statutory basis in order for them to have 'teeth', and
- review National Vetting Bureau legislation, particularly with regard to determining whether a review process for individuals is required and workable (for example, vetting reviews every three years) and to the use of so-called 'soft' information.

Useful Definitions

Adult safeguarding: from HSE draft revised policy

"Putting measures in place to promote people's rights and their health and wellbeing, and empowering people to protect themselves."

Definition of "Adult at risk": from HSE draft revised policy

"... the definition of "adult at risk of abuse" is an adult aged 18 years or over, who is:

- At risk of experiencing abuse, neglect, or exploitation by a third party and
- lacks mental or physical capacity to protect themselves from harm at this time in their lives"