

Consultation Response submitted by
Association for Real Change, Northern Ireland (ARC NI)

MARCH 2021

LEGISLATIVE OPTIONS TO INFORM THE DEVELOPMENT OF AN ADULT PROTECTION BILL FOR NORTHERN IRELAND

ARC NI supports 45 cross-sector learning disability providers across Northern Ireland who lend support to people with a learning disability in all aspects of their lives. ARC's vision is to achieve real change that puts people with a learning disability at the centre of decision-making, and in the heart of their communities.

The ARC NI Director was an active member of the Northern Ireland Adult Safeguarding Partnership since 2014 until it was stood down in July 2020.

ARC NI has actively supported the learning disability sector to:

- Engage in understanding and contributing to the implementation of the NI Safeguarding policy & operational procedure
- Develop the confidence of Adult Safeguarding Champions and their practice through bespoke training and their engagement in a Peer Support Network since 2016
- Contribute constructive challenge within a strategic context through NI ASP to improve collaboration in keeping adults safe.

Representatives from CPEA who were commissioned by the Department of Health to undertake a whole systems review¹, requested to meet with the ARC NI Director and subsequently our ASC Peer Network. They commended the work undertaken by ARC NI in supporting providers in their reflective sharing of practice.

ARC NI is heavily committed to ensuring that people with a learning disability are considered first and foremost a person, with the same needs, hopes and wishes as the rest of the population. Furthermore, the rights of people with a learning disability in our view, should be upheld and their choices should be at the forefront of all support provided.

In our reflections below, is the recognition that there has been a lot of positive progress over the past 5 years in safeguarding culture and practice, which in our view must not be lost. This includes a person-centred focus in responding to need at both an early stage and at a crisis point; and continuing to value collaboration and partnership working with a shared goal – in keeping people safe.

That said there have been two recent high profile cases, involving our older population and people with a learning disability which have highlighted the urgent need for changes. These changes include bringing clarity in roles and responsibilities of those involved in safeguarding and in turn creating greater accountability.

This response was developed in partnership with, and on the behalf of, the membership.

¹ <https://www.health-ni.gov.uk/news/minister-announces-plans-adult-safeguarding-bill-northern-ireland>

Do you agree with the title ‘Adult Protection Bill’?

ARC NI understands there are situations and circumstances that may result in any adult at any given time in their life, requiring support to ensure their safety and well-being.

The learning disability sector is well versed and experienced in supporting safeguarding and we have seen the benefit of *preventative interventions*, including the positive effect this can have on an individual’s life which on many occasions, has negated protective measures of support being required.

However, we also recognise there are unfortunately occasions where adults require *protective interventions*.

ARC NI and its members understand that when discussing the safeguarding of adults, this broad continuum of preventative and protection interventions is required as set out within the regional Adult Safeguarding Prevention and Protection in Partnership Policy, published in 2015.

Since then, Northern Ireland engaged in a journey of significant cultural change with prevention recognising:

- the expertise in community & voluntary organisations and the importance of their services and intervention when an adult may be at risk,
- the need to reduce social isolation to prevent further risks
- the importance of peer support and education
- the importance and value of early intervention

There was also a significant cultural shift in protection, recognising

- Any support and response should be victim focused
- The importance of diverse support, including alternative interventions
- The need for flexible and individually tailored approaches - Personalisation
- The importance of the least restrictive options having greatest benefit for the victim

We are however concerned that the current consultation fails to fully address and outline the continuum of prevention and protection collectively. The consultation states “The regional policy will, for the moment, continue to provide the broader framework for adult safeguarding activity.” This statement is vague and threatens the cultural shift that we have achieved collectively since 2015, in recognising the equal importance of prevention. This has presented a real challenge in responding throughout this consultation and conflicts at various points, for example the principle of partnership seems to only be included for the purpose of accountability (see more detail below).

ARC NI recognises and welcomes the prioritisation to legislate for the protection of adults in Northern Ireland. As non-statutory providers we wish to continue to play our part, upholding our responsibilities and lending our support in keeping people safe.

ARC NI would advocate that in the absence of understanding the detail behind Northern Irelands’ full safeguarding framework, the title ‘Adult Protection Bill’ may revert lay members understanding of safeguarding as a need to protect only.

A shared understanding of language is very important and the reporting of safeguarding concerns is promoted publicly as everyone's responsibility. However, we recognise that the term safeguarding is less understood by individuals who do not work in services and that it has caused confusion and anxiety for some families in Northern Ireland². For adults with a learning disability, there is a 'Keeping You Safe' programme, developed by the Belfast Health & Social Care Trust that aims to increase understanding of adult abuse³. We therefore accept that a simple title for the proposed legislation would be beneficial to ensure it is accessible to and understood by all.

ARC NI would encourage a simple title for the legislation such as 'Keeping Adults Safe Bill'.

What are your views on a definition of 'adult at risk and in need of protection'?

The Adult Safeguarding Prevention and Protection in Partnership Policy provided two clear and distinct definitions of firstly, an adult at risk of harm, and secondly an adult in need of protection⁴. This consultation in our view, is at risk of misleading the reader, as it talks about a current position in Northern Ireland where we define an 'adult at risk and in need of protection'⁵.

ARC NI would argue that to include adults at risk, within a protection response, demeans the role of prevention and in turn partnership, regresses towards a culture of treating vulnerability, and contradicts the point emphasised within the CPEA report which highlights the 'risk adverse' practice of reporting everything⁶.

This is emphasised in paragraph 2.16 which refers to skilled assessment undertaken by HSC professionals in determining whether a preventative or protective response is required. Currently, this skilled assessment can also be undertaken by an Adult Safeguarding Champion.

Instead, **ARC NI would strongly advocate the need to retain two definitions, to differentiate between an adult at risk and those that need protection.**

The real challenge over the past 5 years in practice, as experienced by ARC NI and its members, has been the inconsistent application by Trust colleagues of thresholds and a lack of shared understanding of what constitutes serious harm. It is this, in our view that requires further work and clarity.

For example, the current policy does not include self-harm or self-neglect within the definition of an 'adult in need of protection'. Instead, each individual set of circumstances requires a professional HSC assessment to determine the appropriate response and consider if any underlying factors require a protection response. For example, self-harm may

² EVIDENCE PAPER: 1 Adult Safeguarding within a Human Rights Based Framework in Northern Ireland, September 2020; Page 12

³ <https://www.rqia.org.uk/RQIA/files/b9/b9663fec-8680-471f-a504-a1e3f49a987c.pdf> Page 6

⁴ <https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/adult-safeguarding-policy.pdf>; Page 10

⁵ Legislative options to inform the development of an Adult Protection Bill for Northern Ireland Consultation document, December 2020; Page 11

⁶ EVIDENCE PAPER: 1 Adult Safeguarding within a Human Rights Based Framework in Northern Ireland, September 2020; Page 13

be the manifestation of harm which has been perpetrated by a third party and which the adult feels unable to disclose.

If a shared understanding of thresholds is successfully achieved, we believe this will continue to offer the transient support to an individual of both preventative and protective responses if and when required.

ARC NI would advocate the definition of an adult in need of protection should have a focus on serious harm arising from abuse neglect or exploitation.

Do you agree with the list of principles proposed? If no, what would you suggest as an alternative approach?

What are your views on principles being set out on the face of legislation or in Statutory Guidance?

ARC NI agrees with the six principles as detailed in the consultation document, however would challenge descriptions of two, namely empowerment and partnership.

Within the description of empowerment, we welcome the recognition of the need for informed choice. Many providers within learning disability work hard to build the capacity of the people they support, to have a better understanding of situations and empower them to make informed choices. That said, there is a failing within the description to recognise that an adult with capacity has the right to make a bad choice. This emphasises the need for a shared understanding of thresholds balanced against human rights to ensure that if undesirable outcomes occur, we can differentiate between an adult at risk, and that of one in need of protection.

The learning disability sector has worked hard to collaborate in partnership to safeguard adults with a learning disability, both in terms of prevention work and in terms of supporting protective responses where appropriate. They have well established relationships with both Gateway teams and Designated Adult Protection Officers and engage in conversations to refer clear cut protection cases, update on preventative actions taken for any identified adults at risk that can be supported without statutory intervention and consult on cases where there is a lack of clarity. Many organisations are also represented on their Local Area Safeguarding Partnerships (LASPs).

ARC NI feels the description for partnership documented within this consultation document, significantly dilutes the role that the non-statutory services have played. Whilst this may be understandable when considering statue and protection, it is interesting that the description is therefore listed in terms of the role of prevention. This is an inconsistency within said consultation which requires clarity as the suspicion is that the small reference to non-statutory providers is purely to do with compliance. Thus, the definition of partnership within this consultation screams against the true value base required for meaningful collaboration.

Finally, we feel the principles are more important than just guiding operational implementation and should be enshrined within the legislation.

ARC NI strongly advocates the need for clarification as to whether these principles will also be consistently applied throughout the safeguarding framework. We also would agree that the principles be included within the legislation.

Do you agree with mandatory reporting? Should there be a new duty to report to the HSC Trust where there is a reasonable cause to suspect that an 'adult is at risk and in need of protection'?

Should a new duty be placed on HSC Trusts to make follow up enquiries?

Formally created by the Regional Policy, the role of the Adult Safeguarding Champion role was to:

- Provide strategic and operational leadership within the organisation for safeguarding adults from or at risk of harm.
- Provide oversight for the organisation or group on all aspects of safeguarding matters.
- Be the main point of contact with HSC Trusts, PSNI and other relevant agencies i.e. RQIA for all safeguarding matters.

ARC NI members allocated this new role to a senior person in the organisation who was assessed as having the skills, knowledge and experience required to act.

Paragraph 2.35 notes that a recent audit undertaken by the Department of Health identified an over-reporting culture of adults at risk. It notes that "... referred to adult protection rather than the referrer exercising professional judgement to determine the appropriate response." ARC NI members would suggest that this is more likely to be the result of the lack of respect and trust our statutory colleagues have of the non-statutory sector's expertise. In our experience, inconsistent approaches and decision-making, in line with the regional policy and procedure by Trusts proved confusing and if challenged, quite threatening. As a result of this, some providers who are experts in their own right, have concluded the risk of reprimand or worse, blame, is too high to not report everything. This in our view is more likely wrong and is more likely to risk, individuals in need of protection, falling through the net.

These Champions, and others with delegated responsibility, in the learning disability sector are fully aware of their duty to report an adult in need of protection and have been doing so.

ARC NI agrees with the mandatory reporting of an adult in need of protection- but not the inclusion of a mandatory duty to report an adult at risk.

ARC NI understands if this approach to mandatory reporting is applied to adults in need of protection, there is a level of trust placed on non-statutory providers in liaising with Trust colleagues to keep them informed of any prevention work. In turn, ARC NI members accept the consideration of a duty placed on Trusts to make follow up enquiries where questions have been raised regarding an adult case which they support.

ARC NI agrees with the introduction of a new duty to make enquiry for any adult that is considered by anyone as at risk.

What are your views on a new power of entry to allow a HSC professional access to interview an adult in private? Do you think any additional powers should be available on entry?

How many times in the last 12 months, have you been aware of a situation where, had a power of entry existed, it would have been appropriate to use it? What were the circumstances?

ARC NI and its members have considered the existing powers as outlined within the consultation document, alongside the NI Assembly's recent agreement on 31st March 2020, that coercive control⁷ will become an offence through the Domestic Abuse and Family Proceedings Bill 2020. From our experience we are unsure if this new power of entry is

⁷ <https://www.bbc.co.uk/news/uk-northern-ireland-49000816>

required and furthermore, have no examples over the last 12 months of when this would have been required.

The case study presented within the consultation document confirms the adult in question had capacity. The adult engaged in marriage to another resident in a care home which the family held concerns over but the case study lacks detail regarding these concerns – were they linked to protection matters, or a personal disagreement of the marriage from relatives. The individual would have had a Social Worker but it is unclear if access by the provider organisation was denied. However, what is described is an adult in need of protection whilst living in a domestic household. The case study is again unclear if they were coercively controlled by another household member.

ARC NI would propose the need to consider whether this additional power of entry is required once the confirmed detail of the Domestic Abuse and Family Proceedings Bill 2020 the Domestic Abuse and Family Proceedings Bill 2020 is known.

What are your views on statutory provision for independent advocacy in the context of adult protection?

ARC NI and its members strongly value the reference to independent advocacy and the benefit it brings to increasing the voice of the individual, and ensuring it remains central to all conversations and influences plans of action.

ARC NI also notes that different forms of advocacy are more appropriate depending on the type of intervention required. Yet we are all too experienced in the misunderstanding of it by our statutory colleagues and more so the significant under-resourcing of this type of support for people who require it.

In 2016, RQIA undertook a review of advocacy of children and adult services. A total of 8 recommendations were presented, prioritised with timeframes set to address of no longer than 18 months⁸. Yet in 2021, none have been completed.

Northern Ireland has made a commitment to introduce a Mental Capacity Advocate role, which we welcome for those individuals who lack capacity. Individuals who have capacity may also require support to ensure their voice is heard, for example when an individual is experiencing coercive control. ARC NI would urge caution at merging all advocacy into one role and believes we would benefit more if an advocacy model for Northern Ireland was developed. This would articulate the various types of advocacy, and the pathways for ensuring equitable access. This would also need to ensure all reasonable adjustments are in place for those that require it.

ARC NI would strongly urge the recommendations within the RQIA review be reconsidered, updated where required, and implemented – with adequate resource to ensure a regional advocacy model which is fit for purpose and sustainable.

Do you agree that an Independent Adult Protection Board should be established and placed on a statutory footing?

Do you agree with the introduction of Serious Case Reviews?

As stated in the introduction ARC NI was a member of the Northern Ireland Adult Safeguarding Partnership, chaired by the Health & Social Care Board before it was stood down. Many of the concerns outlined within the CPEA report, ARC NI agreed with and in

⁸ <https://rqia.org.uk/RQIA/files/d7/d79ff542-b906-4118-b56d-ac405f10d9f2.pdf>

fact challenged on many occasions. This included an inability to monitor data to identify trends due to the Trust systems being incompatible. ARC NI also challenged NIASP, as to why they had no role in the review of serious cases in adult safeguarding.

ARC NI and its members welcome the opportunity this bill may offer of placing any new governance structure on a statutory footing. We are very disappointed that NIASP has been stood down, and moreover immediately replaced by an interim structure with the same chair (the Health & Social Care Board), excluding all non-statutory partners. This shows no effort in creating an arms-length 'independence' and in effect, raises questions of how our statutory colleagues can hold themselves to account. This hypocrisy has caused damage to relationships with non-statutory partners, something that NIASP had worked hard to achieve. Furthermore, the local structure, Local Area Safeguarding Partnerships (LASPs), that linked to the regional NIASP, are expected to continue.

ARC NI strongly challenges the lack of inclusion of non-statutory representatives within any established (Interim or New) Independent Board.

The consultation document outlines models in other jurisdictions of the UK, which begins to touch on 'regional' and 'local' structures. We feel strongly that creating duplicity of groups, without clear remit, risks diluting the impact, effectiveness and accountability of all partners involved in safeguarding adults. There is reference made to sub-groups but it is unclear from the document whether this includes LASPs moving forward, or if there will be thematic sub-groups whose remit is topic focused, for example a Prevention sub-group.

ARC NI would advocate that moving forward, the need for a simple structure recognising the size of Northern Ireland is required and hence a regional Independent Board. We also advocate that any such sub structures are clear on their operational remit, and held accountable by the Board.

ARC NI and its members consider Serious Case Reviews as an opportunity to reflect on and apply lessons learnt, as a result of cases, which can be disseminated wisely.

ARC NI strongly welcomes the introduction of Serious Case Reviews in adult services but would advocate the appropriate resourcing of such a duty, within any budget attached to the Independent Board.

Do you agree with the proposal to introduce a duty to cooperate? Are there any aspects of the duty that you would change?

Do you think there should be a new power to access an adult's financial records as part of an adult protection enquiry? If yes, which organisation(s) should be given this power?

Paragraph 2.73 within the consultation document refers to the CPEA review highlighting "the need for improved information communication across the system", recognising adult protection is not the responsibility of one organisation. In ARC NI, we would go further and reiterate the theme that is highlighted throughout this response, of the need for meaningful collaboration and partnership.

With that in mind, ARC NI and its members have played their part in sharing information with statutory colleagues and willingly would continue, regardless of statute.

In response to the proposal of introducing new powers to access financial records, ARC NI and its members would query why the issue of access to records, only relates to finances, as there are many occasions where a range of personal records need to be accessed, all of which must also meet GDPR regulations.

However, ARC NI agrees that this requires careful consideration due to the sensitivities of a individual's right to privacy. Many people with a learning disability who lack financial capacity have Appointees, who manage their funds. Unfortunately, this role can be hard to recruit to.

The Office of Care and Protection (OCP) will lend support if the monetary value was significant and involved ownership of property or trust funds. The Health & Social Care Trusts are increasingly reluctant to undertake this role due to limited capacity to enable elements of this role, for example the timely release of funds ensuring an adult can access their money to implement their choices accordingly. Where a provider organisation supports an adult to live in the community, some have become the Appointees. They are subject to financial audits by both Trusts and on occasion RQIA.

The options above tend to only be considered where a family member does not take on this role.

However there are many known cases where an adult has been subjected to financial abuse and ARC NI welcomes any measure which seeks to stop this from occurring.

ARC NI would recommend further engagement between the DoH, the Office of Care and Protection and the Health and Social Care Trusts regarding the complexities of Appointeeship.

Do you agree that new offences of ill treatment and wilful neglect should be introduced?

ARC NI and its members believe that any person and organisation, regardless of who they are, and their relationship to the person concerned, should be held to account for any ill treatment or wilful neglect of a human being, regardless of capacity.

ARC NI recognises that the recent two high profile cases of adult abuse in Northern Ireland shone a light on the importance of strengthening in statute these offences, for both individuals and organisations. These cases emphasised the absence of accountability, even with whistleblowing policies, Codes of Practice for regulated workforce and the recently introduced 'Duty of Candour' in place.

ARC NI therefore welcomes the proposal to introduce the new offences of ill treatment and wilful neglect.

The views of people with a learning disability

ARC NI and its members have supported people with a learning disability to read through the consultation. Below are the views of people with a learning disability.



Telling It Like It Is (supported by ARC NI)

Our Telling It Like It Is project is a group of adults with a learning disability who are keen to have their voice heard. Originating out of the resettlement agenda and part funded by Belfast; South-Eastern and the Western Health & Social Care Trust, groups operate within local communities and hospital settings.

TILII are highly experienced in delivering training, undertaking research, contributing to public consultation processes and delivering workshops and presentations at events. TILII recently facilitated a review of day services across their peer group who receive support from the Belfast Trust. TILII members also deliver a professional and efficient Easy Read service (TILII Translates) to all sectors, as part of our commitment towards improving access to information for all.

This response was developed and collated using the views of 50 TILII members.

Do you agree with the title ‘Adult Protection Bill’?

TILII members were less concerned with the name of the bill but more concerned with the changes in the law the bill would bring. They would like to know that the bill will serve to protect them by preventing them to come to any harm by ensuring everyone gets the individual support they need to live their life to the full.

TILII feel it is important they can make their own decisions and take control of their own lives. TILII feel this is their right and these rights are already established in law, namely in the Human Rights Act and Mental Capacity Act. TILII members understand that they may, at certain time in their lives, be in need of protection but they are often at risk. Being at risk does not mean they will necessarily be in danger, and as a result, be in need of protection.

One TILII member said “We all make mistakes in our life but that should not mean that we lose control of our choices and decisions. It is my life and I should be allowed to live it my own way”.

TILII feel the current ‘Adult Safeguarding Prevention and Protection in Partnership Policy’ allows for them to have some control over their lives and are hoping this new Bill will not take their rights away. TILII suggest that the policy is used alongside the Bill.

What are your views on a definition of ‘adult at risk and in need of protection’?

TILII are happy with the definition of ‘Adults at Risk’ and think this shows that it could happen to any adult at some time in their life as a result of them becoming unwell or having an accident that changes their life.

Some TILII members were happy with the proposed change to define an adult at risk and in need of protection, however some members were afraid that again it was taking away their rights to live their life the way they want to.

The reason for this was because they feel like you are saying an adult at risk is automatically in need of protection and they argued that this is not true. Just because they are at risk, it does not follow that they will at some point definitely become in need of protection. It is about accepting that some people at risk may at some point need protection and others never will.

TILII decided we need to recognise both sides and don’t take rights away. TILII stated you mention autonomy in the principles and need to make sure this is not just said to sound good but that it is actually true where people are respected and given control of their lives.

What are your views on principles being set out on the face of legislation or in Statutory Guidance?

All TILII members agreed with the principles and that they should be put in the law but some TILII members want to check that you are standing by the principles.

‘Autonomy’ says we have choices, and we agree we do need to have informed choices and the people who support us, should make sure we have all the information we need to make these choices. However, if you are saying we are at risk and always in need of protection are you taking our rights away by suggesting we are not able to make choices.

‘Empowerment’ again is really important to TILII and they thought the Bill should say everyone who is at risk should have safeguarding training so they are empowered to know abuse is wrong and that it should never be accepted. All TILII members are taught ‘Keeping Yourself Safe’ Training and feel this is important.

TILII accept not all of our peers will have capacity to understand safeguarding but everyone should, where possible, be supported to recognise abuse and know that it is not acceptable. They should be empowered to speak out about it, with no fear of any repercussions.

‘Reasonable and fair’ took a little while for us to get our head around but most of us now understand this relates to the right level of intervention, being used at the right time. We think it is important that an intervention is fair that and that it considers the whole situation, including the adult’s feelings and choices.

Partnership working is important to share knowledge and expertise, including our own as we are experts by experience. Sharing information is also very important so long as it is following the GDPR rules as these came into place to make sure any information was kept and shared for the right reasons and following the right procedures.

Do you agree with mandatory reporting? Should there be a new duty to report to the HSC Trust where there is a reasonable cause to suspect that an ‘adult is at risk and in need of protection’?

Should a new duty be placed on HSC Trusts to make follow up enquiries?

TILII members now understand mandatory reporting means having to report and they agree with this if someone is in danger and in need of protection. TILII accept this should be reported to the Health and Social Care Trusts to ensure that everything is done to help and protect that person.

TILII feel the new duty to report where there is a reasonable cause to suspect that an adult is at risk depends what they are at risk of. The adult may be supported and educated to take away that risk. For example, if someone is not using the internet safely and is at risk of giving out personal information out to strangers could be educated to use the internet safely. If this is the case, there is no need to report as this situation can be monitored by staff that support the adult. If the adult is being monitored and reverts back to not using the internet safely then the monitoring report will show that and a different level of support would be needed.

TILII members were happy for the Trusts to have a duty placed on them to follow up enquires along with the police, and other bodies like the RQIA who also have a duty to help an adult in need of protection and stop harm.

What are your views on a new power of entry to allow a HSC professional access to interview an adult in private? Do you think any additional powers should be available on entry?

How many times in the last 12 months, have you been aware of a situation where, had a power of entry existed, it would have been appropriate to use it?

What were the circumstances?

TILII were struggling a little with this suggestion, as the power of entry made them feel like criminals, having their rights taken away if their house can be entered without their consent. TILII understood there could be a case where an adult is suspected of being harmed and feels unable to speak out, if the perpetrator is still supporting them. If this is the case, then some TILII members suggested that consent be sought first from the person who is suspected of being at risk, rather than a power of entry.

TILII also felt providing an advocate could possibly improve communication even more and give the adult another person they can identify with and speak to, if abuse of some form is happening to them.

TILII also suggested providing a 24-hour abuse help line like Childline but for adults. They felt this would offer the adult another way to get help, without losing their rights of who can enter their home.

TILII members could not think of any time in the last 12 months that a power of entry was needed.

What are your views on statutory provision for independent advocacy in the context of adult protection?

All TILII members thought this was a good idea that any adult could access an Advocate as and when they needed it.

Some TILII members felt they personally did not need an Advocate as they felt confident to speak out and get the right help for themselves, but did confirm that if something unexpected happened, or their circumstances changed, they could access an Advocate easily.

Other TILII Members felt having an Advocate was a great idea but depending on what they needed the Advocate for, might make a difference in the type of advocacy support. Examples given were if they needed a Crisis Advocate this person would need to be an expert in that particular advocacy support.

TILII also wanted to make sure that the understanding of Independent Advocacy means the Advocate is there to give a voice for the adult, and not for any other service or organisation the Advocate works for, or is part of. TILII felt Advocates need to be trained and know they are there to help the adult to make sure their voices and ideas are heard.

Do you agree that an Independent Adult Protection Board should be established and placed on a statutory footing?

Do you agree with the introduction of Serious Case Reviews? 7

All TILII members agreed that the setting up of an Independent Adult Protection Board should be established to include representatives from all of the sector. They felt the Board should make sure all experts are included for example Trusts, RQIA, Police, supported living, residential homes, hospitals and parent/carer.

Most importantly, TILII felt the Board should also include an adult or adults with lived experience. TILII accept this needs to be someone who has the capacity to undertake this position and should not be a token representative. The adult representative needs to be able to contribute at a reasonable level to make sure the voices of adults at risk are being heard and are considered.

All TILII members think that a serious case review is important if it can help everyone to look at what happened, why it happened and how it could be stopped from happening again. TILII agree this is a really positive way to move forward.

Do you agree with the proposal to introduce a duty to cooperate? Are there any aspects of the duty that you would change?

Do you think there should be a new power to access an adult's financial records as part of an adult protection enquiry? If yes, which organisation(s) should be given this power?

All TILII members thought a duty to cooperate was important and went side by side with working in partnership. Everyone should be working in partnership and cooperating to make sure that all the right processes are in place, to help find and stop all forms of abuse happening, with early help and all appropriate safeguards in place.

Having an adult's financial records looked into, caused a real upset amongst TILII members. Only one of 50 members consulted agreed to this being a part of the law.

Six said their bank accounts could be looked into with their consent, and the rest were totally against it, stating it was their money and no one else except the person(s) supporting them with their money, had a right to look into their finances. It did not matter if a TILII member looked after their own money, which only two did, or if the Trust or family are responsible for their money. TILII felt it was against their human rights and **do not want it in law.**

ARC NI informed them that this was only to be done if it was suspected that someone was taking their money, but this made no difference. They said it was their money and gave some alternative suggestions. One alternative was informing them that there was a suspicion that someone was taking their money and they themselves could be asked to check their own accounts. Some TILII members accepted they could not do this so suggested they get the support of their family or Appointees.

TILII suggested that if a person was suspected of financially abusing another adult, their financial accounts should be looked into as they are the suspected abuser/criminal not us. However, TILII also recognised if the suspicion was wrong then looking into the alleged abuser's finances could cause problems as they have human rights too. TILII recognise this is difficult but all feel strongly about their own money and privacy.

Do you agree that new offences of ill treatment and wilful neglect should be introduced?

This received a blanket yes from all TILII members that anyone who committed these offences should be held up for this and if proved guilty sent to prison.



Service users (supported by CAN)

Question 1

Calling it protection bill is wrong because it makes you think just about protection. People won't know that it includes prevention and support in keeping safe. Prevention is actually more important and is better as it stops the bad things and harm from happening in the first place. Safeguarding bill would be a better word and we prefer and understand the word safeguarding.

Question 2

It's very confusing. Think we definitely need more information to explain 'at risk' and in need of protection and tell us the difference between the two clearly and in a way that we understand. What are adults at risk?

We are vulnerable, have health issues and a learning disability so are we adults at risk?

Linda explained that everyone can be an adult at risk at various times in their lives and we understood this concept and like that we are like everyone else.

Question 3

In general we like the rules but we don't like the words used.

We do not like the words:

Autonomy – this is hard to understand. The idea is good but we think the word needs hanged to something like decision making.

Empowerment - this is hard to understand. Support would be a better word.

Dignity – change to respect

Proportionality – nobody with learning disabilities would understand this. Replace with the word fair.

Partnership – this word is ok and we understand it

Accountability – too hard a word to understand and definitely needs changed.

Question 4

Good to make it law and staff would have to stick to it. It will give people choice to live the lives that they want to live without being restricted.

It will help groups deal with bad staff.

Question 5

Yes that would be a good system because it gives protection to everyone and we would feel safer knowing that organisations tell the trust.

Some of us don't have a voice, are nonverbal and its very important to safeguard them.

Question 6

Definitely look into every case to investigate and assess the risk to the individual person.

This will hopefully mean that everything is covered and no concerns are missed or overlooked.

Question 7

We have privacy concerns with this one. Everyone has a right to [privacy].

We think it's right that they talk to people in private but don't think they should be allowed to burst into people's homes.

If organisations report the concerns- can the organisational not help the person talk to the trust in private there?

We are concerned about who will be called health and social care staff?

Question 8

No

Question 9

Depending on capabilities. They might not need one. Think it should say – can access an independent advocate if they want it or need it rather than say they must have it. We think it is a good idea for those that want it.

Question 10

Yes definitely should be part of the law.

Question 11

Definitely needs looked at. No doubt about it. Places need to be closed down because of abuse and this would help.

Question 12

Of course. Information needs shared to protect people. Yes definitely especially about money.

Question 13

Depends on capacity – some people don't have the capacity to protect themselves or their own money. Financial abuse is happening and this would help stop it.

Question 14

Yes that would be brilliant and we are pleased it is being looked at

Question 15

Committing safeguarding concerns with people online, cyber bullying, revenge porn etc



Residents (supported by Camphill Community, Mourne Grange)

The easy read consultation document was shared with all of our 11 houses and it was discussed with 54 service users at the house meetings. This feedback was then collated and shared by our Voices group at a zoom meeting with the Department of Health.

1. Overall there was agreement with this but it has to cover all types of situations
2. The explanation of adults at risk made sense to the group and agreed it was OK
3. They agreed with the list and wanted to add Empowerment
4. Agreed that it should be the law as it meant that made it more serious and important
5. Agreed that information should be shared but wanted to make sure that they were still involved in the decision to do this
6. Again agreed with this but that the consent part and involvement should be considered at every stage not just the beginning as they may change their mind and views about the issue.
7. In agreement with this but still important to be able to consent to this happening.
8. No one was able to think of an example, this was based on their frame of reference and experience in Mourne Grange. Our ethos, approach and having a meaningful life often means that issues are resolved before they reach the stages of safeguarding and protection.
9. Everyone agreed to this and some were able to talk about examples of having an advocate but there was also a feeling that a number of people in Mourne Grange already advocate for them. If there are going to be advocates for this process there should be enough of them and they should be able to have time to get to know them
10. Agreed with this but there should be a way of people with learning disabilities being regularly involved in this. It was agreed that these types of meetings can be difficult for service users to really get involved but they thought that maybe there could be a service user Board that runs in parallel with the other Board and then it can be set up and supported in a way that works for them and they can link in with the other board with feedback or add items to the agenda as well

11. All agreed to this, lots of reflection on what serious meant. They feel that anything that happens is serious but they understand that it might be more to do with cases that involve the police.
12. Everyone agreed with this as they are used to information being shared about them but again this should be explained and agreed with them if possible.
13. Agreed with this after some conversation to explain that this refers to people in lots of different situations who might not have anyone to look after their money.
14. Everyone agreed that it was important that it was a law.
15. No major additional comments other than to say thank you for being involved and that this issue was being taken seriously.