



COIMISIÚN UM  
ATHCHÓIRIÚ AN DLÍ  
LAW REFORM  
COMMISSION

EASY-TO-READ REPORT

A REGULATORY  
FRAMEWORK FOR ADULT  
SAFEGUARDING

(LRC ER 128 - 2024)

## Easy-to-Read Report on a regulatory framework for adult safeguarding in Ireland

This report is about improving adult safeguarding in Ireland. (We explain what adult safeguarding is in lots of detail, later on in this report.)

There are two parts in this report:

- In Part 1, you can read a summary of all of the chapters.
- In Part 2, you can read each chapter in more detail.

There are 20 chapters – you can see the list of them starting on page 3.

This report is an Easy-to-Read version of our [full report](#) on a regulatory framework for adult safeguarding.

It is a guide to make our report more accessible. It is not comprehensive.

To see the Commission's definitive recommendations, you should consult the full report.





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## What do we talk about in this report?







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Chapter 20: A regulatory framework for adult safeguarding – implementation and a whole of government approach

**What work does the Law Reform Commission do?**







The Law Reform Commission:

- looks at the current law in Ireland,
- asks people what they think about it, and
- writes reports that suggest changes to the law in Ireland.

We also work to make the law:




- easier to access,
- easier to understand, and
- easier to follow.

## What is this report about?

  	<p>In 2020, we published an Issues Paper asking for your views on adult safeguarding in Ireland.</p> <p>We thought about your views.</p> <p>We also met with people to talk about how the law should be changed.</p> <p>Then we started to write this report.</p>
   <p><b>Rights</b></p>	<p>Adult safeguarding is a system of rules that:</p> <ul style="list-style-type: none"><li>• prevents abuse and neglect of at-risk adults,</li><li>• protects at-risk adults from abuse or neglect that is happening, and</li><li>• promotes the rights of at-risk adults.</li></ul>

	<p>“Adult safeguarding” is another way of saying keeping at-risk adults safe from harm.</p>
	<p>In this report, we recommend new laws for adult safeguarding.</p> <p>We say how we think these laws should be designed, to make sure that the rules are followed.</p>
	<p>By laws, we mean a set of legal rules that are made by the Irish parliament (Oireachtas).</p>

**Why is the Law Reform Commission publishing this report?**

  	<p>We are publishing this report to recommend new laws for adult safeguarding in Ireland.</p> <p>We explain in chapter 1 why we think these new laws are needed.</p>
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## **Part 1: Easy-to-Read summary of our report on a regulatory framework for adult safeguarding**

### **What is our report about?**

In our report, we talk about new laws for adult safeguarding in Ireland.

At the moment, we don't have any adult safeguarding laws in Ireland. A lot of people agree that we need them.

In our report, we focus on the most important things for new adult safeguarding laws to include. We think it is important that adult safeguarding laws:

- are based on peoples' rights,
- stop abuse happening now and in the future, and
- make sure that there are high standards for adult safeguarding in lots of different areas.

Part 1 is a summary of our report. In this summary, you can read what each chapter is about.

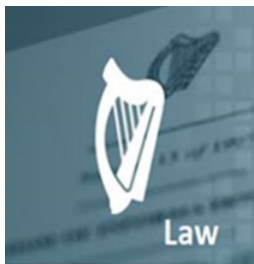
## Chapter 1: The need for a regulatory framework for adult safeguarding

	<p>This chapter is about why we need clear laws, or a “regulatory framework”, to prevent harm to at-risk adults in Ireland.</p>
	<p>Right now, there are some laws and rules about adult safeguarding. But:</p> <ul style="list-style-type: none"><li>• there are gaps in these laws and rules, and</li><li>• they are not enough to prevent harm to at-risk adults.</li></ul> <p>We think this needs to change.</p>
	<p>Lots of other countries have laws about adult safeguarding. These laws are detailed and clear.</p>



We think new laws should be made to safeguard at-risk adults in Ireland.

These laws will help everyone work better together for adult safeguarding.



**NEW!**

In this report, we recommend new adult safeguarding laws and suggest what those laws should say.



**Rights**



New laws will fill in the missing pieces. These laws will make sure that:

- at-risk adults have the power to look after themselves,
- at-risk adults' rights are protected, and
- at-risk adults are protected from harm and abuse.








Making new laws is important. However, we also need to tell people about them and make sure everyone is prepared for the new laws. This will make sure that the new laws work well.



Social care is also relevant to adult safeguarding. So, we recommend that the government should think about making stronger laws for social care in Ireland.

## Chapter 2: Defining key terms for adult safeguarding legislation

	<p>This chapter explains certain key words about adult safeguarding. It is important that everyone knows what these words mean.</p>
	<p>We want all the words to mean the same thing to everyone, so that future laws can be understood by everyone.</p>
	<p>We recommend using the term "adult at risk of harm", and shortening it to "at-risk adult".</p>
	<p>An "at-risk adult" is a person who needs support to protect themselves from harm. This may be because of:</p> <ul style="list-style-type: none"><li>• a physical condition,</li><li>• a mental condition,</li><li>• life circumstances, or</li><li>• personal characteristics like age or disability.</li></ul>




	<p>“Safeguarding” is doing things to look after the health, safety and well-being of at-risk adults. This includes:</p> <ul style="list-style-type: none"> <li>• lowering the risk of harm to at-risk adults, and</li> <li>• helping at-risk adults to protect themselves.</li> </ul>
	<p>A “safeguarding plan” is a document which contains actions to:</p> <ul style="list-style-type: none"> <li>• lower the risk of harm to an at-risk adult,</li> <li>• promote the health, safety and well-being of an at-risk adult, and</li> <li>• help an at-risk adult to protect themselves.</li> </ul>
	<p>“Capacity” means a person’s ability to understand the reason and effect of making a decision at the time they make the decision.</p>

	<p>“Harm” can mean:</p> <ul style="list-style-type: none"> <li>• being physically harmed or not being cared for properly,</li> <li>• being sexually abused, or</li> <li>• having belongings or money taken or damaged.</li> </ul>
	<p>“Reportable harm” is when the harm is so serious that it needs to be reported.</p> <p>(We talk about this in chapter 9.)</p>
	<p>We use a different kind of “harm” when we are talking about criminal law. This is to make sure the rules are clear.</p>
	<p>“Neglect” is when someone doesn't take proper care of someone else.</p>



“Self-neglect” is when someone does not take proper care of themselves.

## Chapter 3: Guiding principles underpinning adult safeguarding legislation

	<p>This chapter is about the guiding principles that new adult safeguarding laws should be based on.</p>
	<p>We recommend that these new laws should be based on important principles like:</p> <ul style="list-style-type: none"> <li>• protecting rights,</li> <li>• focusing on the at-risk adult,</li> <li>• protection,</li> <li>• prevention,</li> <li>• proportionality,</li> <li>• working together, and</li> <li>• taking responsibility.</li> </ul>
	<p>We know that at-risk adults can usually decide things for themselves. This is important to remember for new adult safeguarding laws.</p>



**Rights**



We talk about the rights of at-risk adults in more detail in chapter 4.

We also talk about balancing different rights.

## Chapter 4: A rights-based adult safeguarding framework

 	<p>This chapter is about the rights that new adult safeguarding laws should be based on.</p>
 <p><b>Rights</b></p>	<p>We also talk about making sure that the people who are safeguarding at-risk adults respect the rights of at-risk adults.</p>
   	<p>People need to be careful when they are affecting rights like:</p> <ul style="list-style-type: none"><li>• freedom,</li><li>• privacy,</li><li>• respect, and</li><li>• feeling secure at home.</li></ul>





**Rights**

Sometimes, people need to limit rights to keep at-risk adults safe. However, they should only do this when it is really needed.



We think that new adult safeguarding laws should make sure that people only take actions to keep at-risk adults safe when the actions are really needed. These actions also cannot go too far. This is called "proportionality".



**Rights**





A safeguarding intervention is an order that allows people to take certain actions to keep at-risk adults safe.





We explain these orders in chapters 10, 11, 12 and 13.





We recommend that when a judge makes a safeguarding intervention, they must choose the action that respects the rights of at-risk adults the most.

## Chapter 5: A Safeguarding Body: functions, duties and powers

	<p>This chapter is about why we need a Safeguarding Body, and what powers it should have.</p> <p>The Safeguarding Body would be responsible for adult safeguarding in Ireland.</p>
	<p>The Safeguarding Body's main job would be to promote the health, safety and well-being of at-risk adults in Ireland.</p>
	<p>The Safeguarding Body should deal with reports made by people who know or think that an at-risk adult has been harmed.</p>
	<p>The Safeguarding Body should be able to take action to prevent harm to an at-risk adult. The Safeguarding Body could take action where it believes there is a risk to the health, safety or well-being of the adult.</p>

	<p>The Safeguarding Body should be able to make safeguarding plans.</p>
	<p>The Safeguarding Body could tell the Gardaí or other organisations if they think an at-risk adult is being harmed.</p>
	<p>The Safeguarding Body should work with other organisations and make sure that everyone is working together to prevent harm to at-risk adults.</p>
	<p>The Safeguarding Body should also be able to ask a court if they need to:</p> <ul style="list-style-type: none"> <li>• check on an at-risk adult,</li> <li>• move an at-risk adult to a safe place, or</li> <li>• stop someone from contacting an at-risk adult.</li> </ul>

	<p>The Safeguarding Body should teach people how to prevent harm to at-risk adults.</p>
	<p>The Safeguarding Body should also collect information about harm to at-risk adults.</p> <p>This will help it to learn what it, the government, and other organisations need to do to prevent harm to at-risk adults.</p>

## Chapter 6: Organisational and regulatory structures – A Safeguarding Body and powers of various regulatory bodies

	<p>This chapter is about how to set up the organisations that should be most involved in adult safeguarding in Ireland.</p>
	<p>We also talk about the powers that certain organisations should have. This is to make sure that they are doing their best to prevent harm to at-risk adults.</p>
	<p>We talked in chapter 5 about how the Safeguarding Body that we recommend should:</p> <ul style="list-style-type: none"><li>• promote the health, safety and well-being of at-risk adults, and</li><li>• deal with reports made by people who know or think that an at-risk adult has been harmed.</li></ul>



The Safeguarding Body could be:

- a new organisation set up by law, or
- set up by law inside an organisation that already exists.



We think that it would be best for the government to decide what organisation should be the Safeguarding Body.



If the government cannot decide this straight away, we think that the Safeguarding Body should be set up by law inside the HSE.

This would be done until the government decides what to do in the long term.

We think this should be done because adult safeguarding in Ireland needs to improve straight away.



We think that an independent organisation called a “regulator” should be in charge of making sure that the Safeguarding Body does its work and uses its powers properly to prevent harm to at-risk adults.

We don’t think a new regulator is needed.



We think this could be done by changing the law to:






- give more responsibilities to HIQA, or
- give more responsibilities to a group of regulators.


## Chapter 7: Imposing safeguarding duties on certain service providers

	<p>This chapter is about standards and laws that:</p> <ul style="list-style-type: none"> <li>• apply to service providers, and</li> <li>• are about preventing harm to adults, including at-risk adults.</li> </ul>
	<p>When we say “service providers”, we mean providers of a relevant service.</p>
	<p>A “relevant service” is any work where staff are likely to come into contact with at-risk adults. For example, staff working in residential centres or day services.</p>
	<p>We think that service providers should have safeguarding duties. Some of these duties should be in the new adult safeguarding laws.</p>






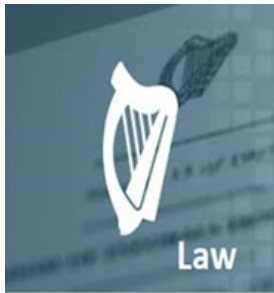
	<p>Service providers should prevent harm to adults using their services, including at-risk adults.</p>
	<p>Service providers must check for any dangers to at-risk adults and write down how they will manage those dangers. This is called a "risk assessment".</p>
	<p>Service providers must tell everyone how they prevent harm to at-risk adults, in a document that everyone can see. This is called an "adult safeguarding statement".</p>
	<p>Service providers should have other duties that are not in adult safeguarding law. These duties can be added to existing laws, standards and policies.</p>

	<p>Where an adult is at risk of harm, service providers should prepare a plan to keep them safe. This is called a “safeguarding plan”.</p>
	<p>Safeguarding plans can be added to any care plans or personal plans that the at-risk adult and the service have already made.</p>
	<p>Service providers also need to train their staff about how to:</p> <ul style="list-style-type: none"> <li>• spot abuse and harm to at-risk adults, and</li> <li>• stop any abuse and harm.</li> </ul>
	<p>We think that regulators should check to see that the service providers are following their safeguarding duties.</p>
	<p>An example of a regulator is HIQA. Regulators set standards for the services they are in charge of, and make sure that these services meet the standards.</p>

	<p>We also recommend that the government should think about services that are “unregulated”. This means they do not have a regulator. The government should think about whether these services should have a regulator.</p>
	<p>Where there is no regulator, standards could be updated to include some of these safeguarding duties.</p>

## Chapter 8: Independent advocacy

	<p>This chapter talks about independent advocates. These are people who help adults who have difficulty explaining their opinions or telling others what they want.</p>
	<p>We recommend that the law should change about independent advocacy for adults, including at-risk adults.</p>
	<p>This includes at-risk adults living in:</p> <ul style="list-style-type: none"><li>• centres for adults with disabilities,</li><li>• centres for older people,</li><li>• centres for adults with mental disorders.</li></ul>



Soon, the government will introduce new laws on home support services. We think these laws should include a right to independent advocacy.



The Safeguarding Body might need to engage with an at-risk adult or an adult it believes is an at-risk adult while doing its job.



We recommend that the Safeguarding Body should make sure, as much as it can, that the adult can access independent advocacy when it engages with them.



Independent advocates should be for:

- adults who find it hard to understand information and express their views, and



- when there is no other suitable person that can help the adult.

## Chapter 9: Reporting models

 	<p>This chapter is about how to report when you know that at-risk adults are being harmed or not taken care of properly.</p>
 	<p>We believe it is important to report these things because it can catch problems quickly and stop more abuse from happening.</p>
 	<p>We think the government should change the laws about reporting, to better prevent harm to at-risk adults.</p>
	<p>We do not think Ireland should have "universal mandatory reporting". This would require everyone to report abuse or neglect.</p>



We also do not think that “permissive reporting” should be included in new laws in Ireland. “Permissive reporting” lets people choose to report if they know about abuse or neglect.



Instead, we recommend that the government should make a law requiring “mandated people” to report harm to at-risk adults.




For example, the Gardaí, medical professionals and social workers would be mandated people.




We recommend that mandated people must report to the Safeguarding Body if they know, believe, or think that an at-risk adult:




- has been harmed,
- is being harmed, or
- is at risk of being harmed in the future.

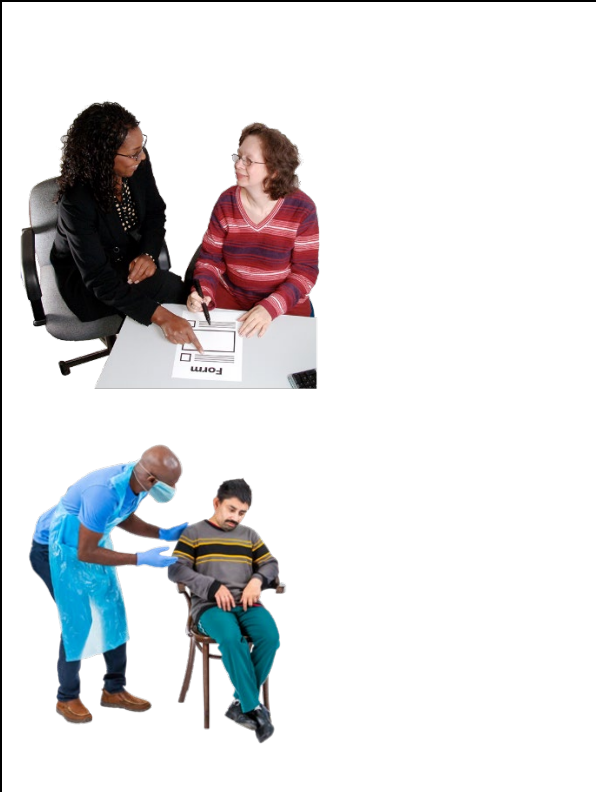


	<p>We recommend that if the at-risk adult (who the mandated person reasonably believes has capacity) does not want harm to be reported, then the mandated person does not have to report it.</p>
	<p>If a mandated person tells the Safeguarding Body, they should be protected for doing this.</p>
	<p>Mandated people should have regular training on:</p> <ul style="list-style-type: none"><li>• how to spot signs of abuse or harm and</li><li>• how to prevent abuse or harm.</li></ul>

## Chapter 10: Powers of entry to and inspection of relevant premises

	<p>This chapter is about new laws that will let staff who work in the Safeguarding Body go into “relevant premises”. We explain what “relevant premises” are below.</p>
	<p>This new law will allow the Safeguarding Body to do this without needing to ask a judge first.</p>
 <p><b>Rights</b></p>	<p>We need to make sure that harm to at-risk adults is prevented, without taking away their rights.</p>
	<p>So, we recommend that certain staff who work in the Safeguarding Body should be able to go into “relevant premises” to check on an at-risk adult’s health, safety and well-being.</p>

	<p>The staff of the Safeguarding Body can be helped by other people. These can be health or social care workers, or anyone else that might be able to help.</p>
	<p>If someone tries to stop the staff of the Safeguarding Body, the staff can ask a judge for an order. This will let them bring the Gardaí with them to go into the relevant premises.</p>
 <p style="text-align: center;"><b>Day Centre</b></p>	<p>Relevant premises are places where adults live and receive services. This includes:</p> <ul style="list-style-type: none"> <li>• hospitals,</li> <li>• residential centres for older people (for example, nursing homes),</li> <li>• residential centres for adults with disabilities,</li> <li>• centres for people with mental disorders, and</li> <li>• day services.</li> </ul>



If the at-risk adult agrees, staff of the Safeguarding Body and health or social care workers can:

- talk privately with the at-risk adult, and
- assess the at-risk adult's health.

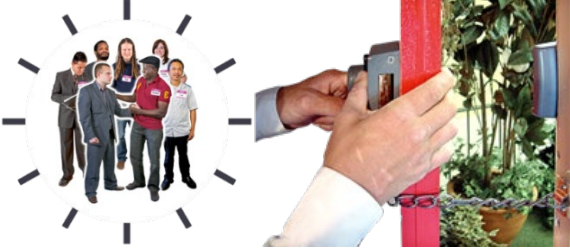





We recommend that it should be a crime for someone who works in the relevant premises to stop the staff of the Safeguarding Body, Gardaí, or people they bring with them, from entering a relevant premises.



It would not be a crime for the at-risk adult or their family or friends to stop the staff of the Safeguarding Body, Gardaí, or people they bring with them, from entering a relevant premises.

## Chapter 11: Powers of access to at-risk adults in places including private homes

	<p>This chapter is about allowing the staff of the Safeguarding Body and the Gardaí to access at-risk adults in places like people's homes.</p>
	<p>We recommend that the staff of the Safeguarding Body or Gardaí will need to ask a court before they do this.</p>
	<p>The law should make sure that the staff of the Safeguarding Body and the Gardaí only do this when it is needed to prevent harm to an at-risk adult. This is because homes are protected by the law.</p>
	<p>The Gardaí or the staff of the Safeguarding Body can be helped by other people when they do this. These can be health or social care workers or anyone else that might be able to help.</p>



If the at-risk adult agrees, certain staff of the Safeguarding Body and health or social care workers can:

- talk privately with the at-risk adult, and
- assess the at-risk adult's health.



We think that in some cases, the Gardaí should be able to enter a place, including a home, without needing to ask the court.



However, this can only happen if the Gardaí believe that there is a risk to the at-risk adult's life.







If the Gardaí use this special power, they must write down their reasons for using it. They must tell the Safeguarding Body about this as soon as possible.

	<p>Under the new law, it will be possible to use a reasonable amount of force to enter a place. This is only if it is not possible to enter any other way.</p>
	<p>It will be a crime for someone to stop the staff of the Safeguarding Body, Gardaí or people they bring with them, from accessing the at-risk adult.</p>
	<p>It would not be a crime for the at-risk adult to stop the staff of the Safeguarding Body, Gardaí or people they bring with them.</p>

## Chapter 12: Powers of removal and transfer

 <p>The image shows the official logo of the Garda Síochána (Irish Police) on the left, which is a gold and blue emblem with a central shield and the words 'GARDA SÍOCHÁNA' and 'BÉIRTEAMH' around it. To the right, a group of five diverse people are standing together, holding a large, gold and black shield that has the words 'Safe Guarding' written on it in black text.</p>	<p>This chapter talks about a new power for the Gardaí and staff of the Safeguarding Body. We think it should be included in new adult safeguarding laws.</p>
 <p>A man in a white dress shirt and dark trousers is walking out of a doorway, carrying a large black suitcase. The doorway is set in a brick wall, and a green door is visible behind him.</p>	<p>This power would let Gardaí remove an at-risk adult from where they are and move them to a safe place, to check on their health, safety and well-being.</p>
 <p>The top image shows a group of four people in a care home setting. A man in a black shirt stands behind a woman in a blue wheelchair. To the left, a man in a white shirt sits in a purple armchair. To the right, an elderly woman in a red top sits in a blue armchair. The background has green and white vertical stripes. The bottom image shows a woman with short white hair and glasses, wearing a black judge's robe with a purple collar and a white cravat. She is holding a wooden gavel over a wooden block.</p>	<p>The at-risk adult could be moved to:</p> <ul style="list-style-type: none"><li>• a place where health or social care services are provided, or</li><li>• another safe place that the court has approved.</li></ul>



 <p><b>Rights</b></p>	<p>This power would affect people's rights – including the at-risk adult's rights.</p>
	<p>We need to make sure that this power is:</p> <ul style="list-style-type: none"> <li>• used properly, and</li> <li>• used only when it is really needed to protect the health, safety and well-being of an at-risk adult.</li> </ul>
	<p>To do this, we recommend that this power can only be used where a judge agrees.</p>
	<p>There should also be clear rules for using the power, written down in new adult safeguarding laws.</p>



The new law should say that the Gardaí and staff of the Safeguarding Body must try to understand what the at-risk adult wants before asking the court for permission to remove them.



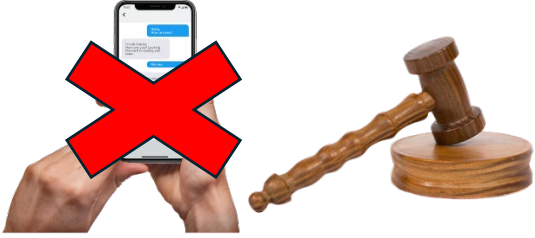

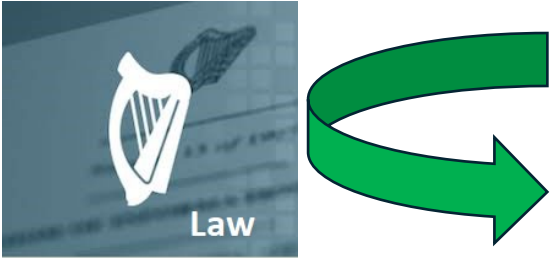

The power should only be used if:

- there is a serious risk to the health, safety or well-being of the at-risk adult,
- action is needed to prevent harm to the at-risk adult, and
- the at-risk adult cannot be assessed in the place they are in now.

	<p>The Gardaí can be helped by health or social care workers or anyone else that is needed to remove and transfer the at-risk adult.</p>
	<p>The Gardaí can use a reasonable amount of force, or any other action needed to remove and transfer the at-risk adult, if they cannot use the powers otherwise.</p>
	<p>The staff of the Safeguarding Body or the Gardaí must explain the removal and transfer powers to the at-risk adult.</p>
	<p>The at-risk adult can leave the place they are brought to whenever they want. They should be helped to do this.</p>

	<p>If the at-risk adult agrees, staff of the Safeguarding Body and health or social care workers can:</p> <ul style="list-style-type: none"> <li>• talk privately with the at-risk adult, and</li> <li>• assess the at-risk adult's health.</li> </ul>
	<p>It will be a crime for someone to stop the staff of the Safeguarding Body, Gardaí or people they bring with them, from using the removal and transfer order.</p>
	<p>It would not be a crime for the at-risk adult to stop the staff of the Safeguarding Body, Gardaí or people they bring with them.</p>

## Chapter 13: No-contact orders

	<p>This chapter is about orders that stop another person from contacting an at-risk adult. These are called no-contact orders.</p>
	<p>At the moment, there are some orders that can stop contact in domestic violence situations. However, there are no orders for adult safeguarding situations.</p>
	<p>We recommend that the law about domestic violence orders should be changed to include more types of relationships with at-risk adults.</p>
	<p>We also recommend that there should be new orders for cases that do not involve domestic violence. These are called adult safeguarding no-contact orders.</p>



These adult safeguarding no-contact orders would stop someone from contacting, following, bothering or coming near an at-risk adult.




The staff of the Safeguarding Body or the at-risk adult themselves can ask a judge for an **adult safeguarding no-contact order**.



If the staff of the Safeguarding Body is asking the judge, they must ask the at-risk adult what they want beforehand.



The judge should only make an adult safeguarding no-contact order when the health, safety or well-being of the at-risk adult requires the order.

	<p>It should be a crime for a person to not obey the no-contact order, for example by contacting the at-risk adult.</p>
	<p>It should not be a crime for the at-risk adult to contact the person the order was made against.</p>
	<p>While the judge is deciding on whether to make a no-contact order, it can make an <b>interim (temporary) no-contact order</b>. This would have the same effect as the normal order, but would only be in place for a very short time.</p>
	<p>We also think there should be an <b>emergency no-contact order</b> available under new adult safeguarding laws.</p>





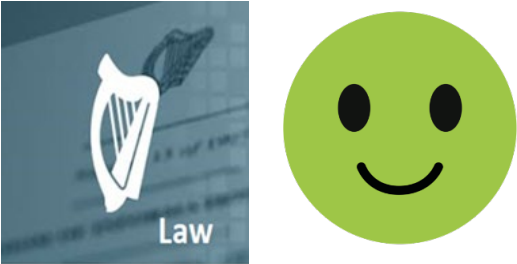

The judge could make an emergency no-contact order if they think it is needed to:

- prevent harm to the at-risk adult, or
- assess the freedom or capacity of the at-risk adult to decide to have contact with the person who is harming them.

This would have the same effect as the normal order, but would only be in place for a very short time.






## Chapter 14: Financial abuse

	<p>In this chapter, we talk about:</p> <ul style="list-style-type: none"><li>• financial abuse of at-risk adults in Ireland, and</li><li>• how the law should change to prevent financial abuse of at-risk adults.</li></ul>
	<p>We recommend that there should be standards and laws that say that banks, credit unions and post offices should try to prevent and deal with financial abuse of at-risk adults.</p>
	<p>These new standards and laws should work well with current standards and laws.</p>
	<p>People who work at banks, credit unions and post offices should be trained to spot and prevent financial abuse of at-risk adults.</p>

	<p>If a bank thinks someone is trying to take advantage of an at-risk adult, they could pause or freeze a payment. This could give them time to check if the at-risk adult is being taken advantage of.</p>
	<p>It should not be a crime for a bank or bank worker to pause or freeze a payment if they do it to try to prevent financial harm.</p>
	<p>The Safeguarding Body should get reports about all abuse of at-risk adults, including financial abuse.</p>
	<p>When at-risk adults get help or services at home, they should know how much it costs and how those costs were added up.</p>

## Chapter 15: Cooperation

	<p>In this chapter, we look at how organisations should work together to prevent harm to at-risk adults.</p>
	<p>We recommend that the Safeguarding Body must be able to work with other people and organisations when it is carrying out its functions (legal jobs).</p>
	<p>We recommend that certain public service bodies and providers of certain services to adults (who could be at-risk adults) should work with the Safeguarding Body to prevent harm to the health, safety or well-being of at-risk adults.</p>




We also recommend that a group of people from different government departments should make sure that the following bodies work together:




- the Safeguarding Body,
- certain public service bodies and
- providers of certain services to adults (who could be at-risk adults).



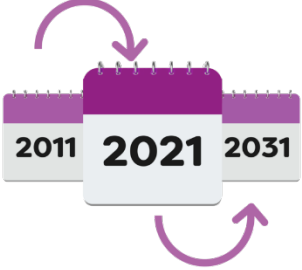
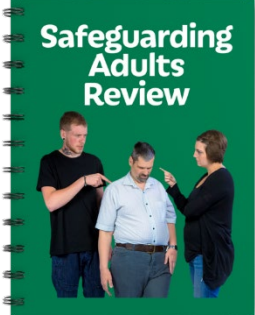

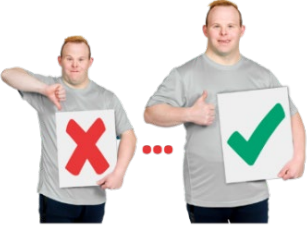
We believe that the government should think about whether new laws are needed for when young people are moving from children's services to adult services.

## Chapter 16: Information sharing

	<p>This chapter is about why we need to share information to prevent harm to at-risk adults.</p>
	<p>This information can be:</p> <ul style="list-style-type: none"><li>• personal data, or</li><li>• special categories of personal data (for example, data about a person's health or religion).</li></ul>
	<p>At the moment, the rules about sharing information are not clear.</p>
<p><b>NEW!</b></p> 	<p>We recommend that there should be new laws that let relevant bodies share information with each other to prevent harm to at-risk adults.</p>

	<p>Before these new laws are made, regulations should allow relevant bodies to share information to prevent harm to at-risk adults.</p>
	<p>This means that when a relevant body is worried about an at-risk adult, they can share information with another relevant body who can help.</p>
	<p>We also think there should be clear guidance and a code of conduct on how to share this information in a legal way.</p>

## Chapter 17: Adult safeguarding reviews

	<p>This chapter is about:</p> <ul style="list-style-type: none"><li>• learning lessons from the past, and</li><li>• preventing harm to at-risk adults in the future.</li></ul>
	<p>Where something very serious happens that involves an at-risk adult, we think there should be a review. This will be called an “adult safeguarding review”.</p>
	<p>Adult safeguarding reviews are for all care settings, where there are at-risk adults.</p>
	<p>These reviews should help us learn from what happened. They are not about blaming people for what happened.</p>

	<p>These reviews should be done the same way every time and include everyone involved in what happened.</p>
	<p>The findings of these reviews should be shared with everyone.</p>
	<p>We think these reviews must take place if the conditions for a review are met. A review will only be required if something very serious happened.</p>
	<p>An adult safeguarding review must be done when:</p> <ul style="list-style-type: none"> <li>• it is believed that an at-risk adult might have died because of abuse or neglect, or</li> <li>• an at-risk adult was or is being seriously abused or neglected.</li> </ul>





An adult safeguarding review must happen when it looks like there have been serious failures in care by people who are (or were) responsible for caring for and protecting at-risk adults.



We have not chosen who should do these reviews, because there are a lot of things to think about. We think the government should make this decision.



The body doing these reviews can stop or pause a review when:

- someone else is reviewing what happened,
- it happened a long time ago,
- the issues have been fixed,
- the issues are being talked about in court, or
- the Gardaí are looking into what happened.





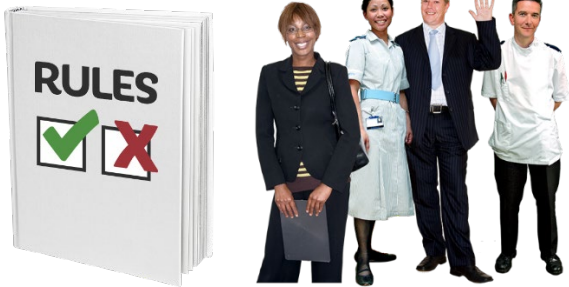


The body doing these reviews should have the power to:




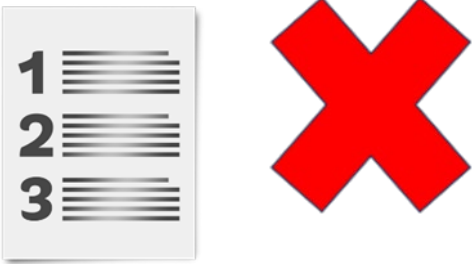
- ask people questions,
- get information, and
- read documents about what happened.



The reviewing body should be able to apply to the court for an order where someone does not help them with their review.

## Chapter 18: Regulation of professionals and occupational groups

	<p>In this chapter, we talk about the rules for people whose job it is to help and care for at-risk adults.</p>
	<p>Some people who look after at-risk adults do not have specific rules they have to follow. For example:</p> <ul style="list-style-type: none"><li>• health care assistants and</li><li>• health care support assistants.</li></ul>
	<p>We recommend that health care assistants and health care support assistants should have to follow certain rules in their jobs. This would mean they would be “regulated”.</p>

	<p>“Vetting” is when we check a person’s background before they get a job or volunteer.</p>
	<p>The government has written a new law for “mandatory re-vetting”. This would mean people have to be checked again even if they do not change jobs, once every 3 years.</p>
	<p>However, this law has not come into force yet. We recommend that it should come into force.</p>
	<p>Some countries use “barred lists” to stop certain people from working with at-risk adults. We do not think these lists should be introduced in Ireland.</p>

	<p>Instead, we recommend that Irish law should introduce “prohibition orders”. These orders stop people from working in certain jobs if they have been found guilty of certain crimes.</p>
	<p>At the moment in Irish law, prohibition orders are only for people who have been found guilty of sexual crimes.</p>
	<p>We think this law should include people who commit a crime where their victim is a “relevant person”. We explain this term in chapter 19.</p>

## Chapter 19: Adult safeguarding and the criminal law

 <p>The image contains two parts: on the left, a white harp icon on a dark background with the word "Law" written below it; on the right, a map of the British Isles with Ireland highlighted in green and a red location pin on it.</p>	<p>This chapter is about how the criminal law in Ireland prevents harm to at-risk adults.</p>
<p><b>NEW!</b></p>  <p>The image shows a person in a yellow high-visibility vest holding a magnifying glass over the hands of another person wearing a green hoodie.</p>	<p>We recommend that there should be new crimes for harming or not caring properly for certain at-risk adults.</p>
 <p>The image shows two people standing side-by-side: a man in a striped polo shirt and a woman in a red jacket and red pants.</p>	<p>We use "relevant person" to talk about specific at-risk adults in criminal law, because people need to know who the crimes apply to.</p>
 <p>The image contains two scenes: on the left, a woman in a black top is stepping on the hand of a person lying on the ground; on the right, a man in a light blue shirt is gesturing with his hand while talking to a woman in a black top.</p>	<p>We recommend that there should be a new crime of abuse, neglect, or ill-treatment against a relevant person, where this was done on purpose or without taking proper care.</p>







We recommend that there should be a new crime of placing a relevant person in danger of serious harm or sexual abuse.







We recommend that there should be new crimes of coercive control and coercive exploitation of a relevant person in our suggested criminal law.

## Chapter 20: A regulatory framework for adult safeguarding – implementation and a whole of government approach

	<p>In this chapter we talk about what jobs different bodies and government departments should have under the new adult safeguarding laws.</p>
	<p>At the moment, different bodies and government departments do different things to prevent harm to at-risk adults. However, we think it is important that everyone works together.</p>
	<p>We recommend that the government should decide which department should be the lead department for adult safeguarding in Ireland.</p>
	<p>We recommend that there should be a group of government departments who work together to bring in the new adult safeguarding laws.</p>



	<p>The government should decide what departments should be members of this group. This would include the lead department.</p>
	<p>The government should decide what departments should make a plan for the work they do, to safeguard at-risk adults.</p>
	<p>There also needs to be guidance for the Safeguarding Body, public bodies, service providers and individuals. This is so that they understand what they must do under the new laws to prevent harm to at-risk adults.</p>
	<p>We also think that the government should think about how our new adult safeguarding laws would work with laws that are already in place in Ireland and with any future laws that are made.</p>

## **Part 2: Easy-to-Read Report on a regulatory framework for adult safeguarding**

Part 2 of this document is our full Easy-to-Read Report. In this part, you can read each chapter in more detail.


It starts with chapter 1, on the next page.

## Chapter 1: The need for a regulatory framework for adult safeguarding

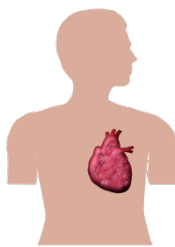
### What is chapter 1 about?


In this chapter, we talk about why there should be new laws (a “regulatory framework”) for adult safeguarding in Ireland.

### What do we mean when we say an at-risk adult?



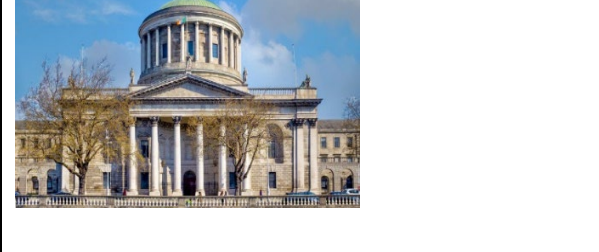
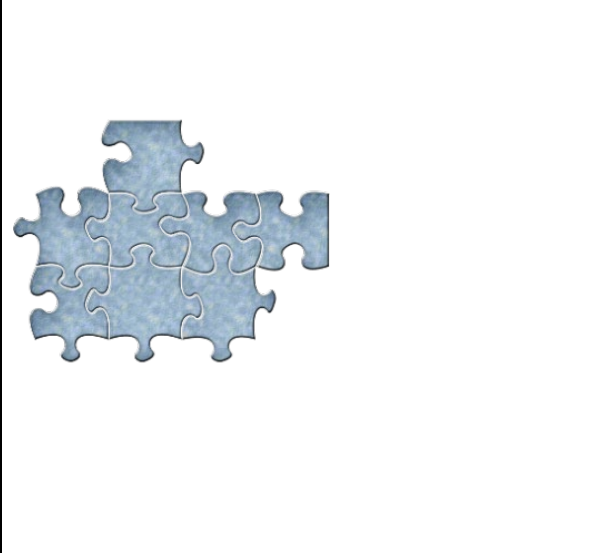
	<p>An “at-risk adult” is someone over 18 who, because of their:</p> <ul style="list-style-type: none"><li>• physical or mental health,</li><li>• personal traits, or</li><li>• life situation,</li></ul> <p>needs help to keep themselves safe from harm at a particular time.</p>
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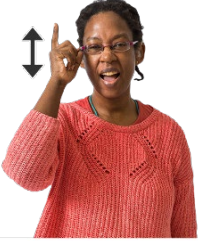
### What is adult safeguarding?

	<p>Adult safeguarding means measures or actions taken to:</p> <ul style="list-style-type: none"><li>• promote the health, safety and well-being of at-risk adults,</li></ul>
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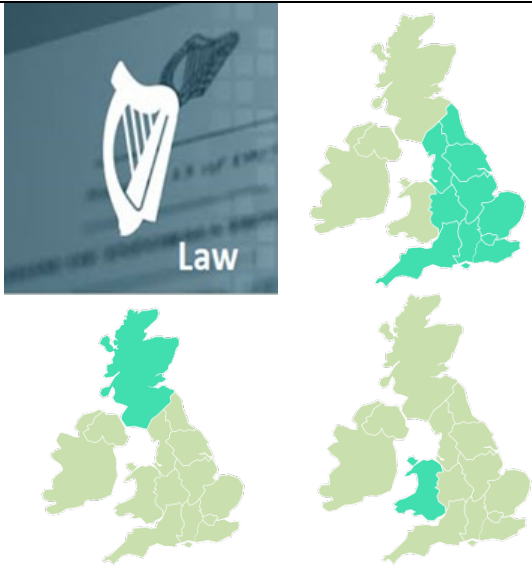

 	<ul style="list-style-type: none"> <li>• lower the risk of harm to at-risk adults; and</li> <li>• help at-risk adults to protect themselves from harm.</li> </ul>
 	<p>Adult safeguarding is about giving at-risk adults the ability to prevent harm being done to them.</p>
	<p>Adult safeguarding is also about professionals stepping in and helping when at-risk adults really need it.</p>

## What laws exist in Ireland for adult safeguarding?

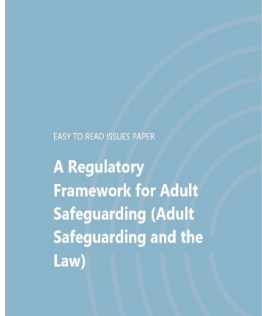




	<p>Currently, there are not a lot of laws in Ireland about adult safeguarding. We think that there are gaps in the current laws.</p>
	<p>Some of these gaps are filled by the HSE, which does some work about adult safeguarding. This work is not done under any laws, so people who work in the HSE have no legal powers for adult safeguarding.</p>
	<p>Sometimes, the High Court uses a special power to fill the gaps in the law.</p>
	<p>We think that using:</p> <ul style="list-style-type: none"><li>• the HSE's non-legal powers, or</li><li>• the special power of the High Court,</li></ul> <p>is not the best way to fill these gaps.</p>

 <p><b>Understand</b></p>	<p>It is clearer if rules are in laws that are written down. Then, everyone knows what they can do, and what they have to do, for adult safeguarding.</p>
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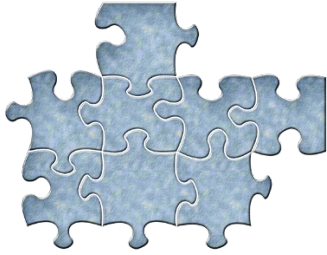
**Do other countries have laws for adult safeguarding?**

	<p>Yes, lots of countries have laws for adult safeguarding. For example:</p> <ul style="list-style-type: none"> <li>• England,</li> <li>• Scotland, and</li> <li>• Wales</li> </ul> <p>have laws about adult safeguarding.</p>
	<p>When we thought about what our recommendations should be, we looked at the laws in these countries.</p>

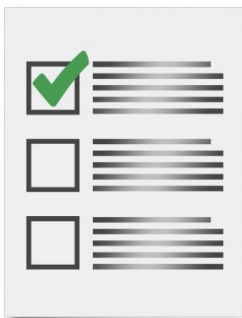
## How did we decide what the new laws for adult safeguarding should say?

 <p>EASY TO READ ISSUES PAPER</p> <p>A Regulatory Framework for Adult Safeguarding (Adult Safeguarding and the Law)</p> 	<p>In 2020, we published an Issues Paper. In the Issues Paper, we asked people questions about:</p> <ul style="list-style-type: none"><li>• how the law works now, and</li><li>• what they thought new adult safeguarding laws should say.</li></ul>
	<p>We also spoke to people and groups, including people and groups who work with at-risk adults. We asked them what they thought new adult safeguarding laws should say.</p>
 	<p>When we made our recommendations, we thought about what people had told us.</p>

## Why do we think there should be new laws for adult safeguarding?



**Rights**



We think that there should be new laws for adult safeguarding in Ireland, because this would:

- fill the gaps in the law,
- protect at-risk adult's rights, and
- make clear what everyone has to do about adult safeguarding in Ireland.







However, new laws will not be enough. To make sure that adult safeguarding works well, there will also need to be:

- an increase in awareness of adult safeguarding,
- an increase in resources for adult safeguarding (such as services and staff), and
- a change in the attitude to adult safeguarding in different settings.



## How is social care relevant to adult safeguarding?

	<p>When we talk about social care, we are talking about things like:</p> <ul style="list-style-type: none"> <li>• “Meals on Wheels”,</li> <li>• home care,</li> <li>• nursing care, and</li> <li>• residential services.</li> </ul>
	<p>Social care is relevant to adult safeguarding because it gives people who might become at-risk adults the ability to support themselves.</p>
	<p>Currently, there are not a lot of laws about social care in Ireland.</p>
	<p>We think that the government should think about making new, stronger laws for social care in Ireland.</p>

## What is in this report?

	<p>In this report, we make recommendations for new adult safeguarding laws in Ireland.</p>
	<p>These new laws will cover lots of different areas. However, they will not cover adult safeguarding for people who are:</p> <ul style="list-style-type: none"><li>• in prison, or</li><li>• in Garda custody (this means being kept somewhere by the Gardaí, for example in a Garda station).</li></ul>
	<p>This is because there are already laws, rules and bodies that are relevant to these areas.</p>

## Recommendations



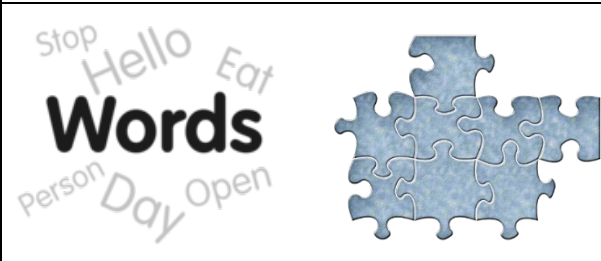
	<p>We recommend that new laws for adult safeguarding should be introduced in Ireland.</p>
	<p>We recommend that the government should think about making new laws for social care in Ireland.</p>

## Chapter 2: Defining key terms for adult safeguarding legislation

### What is chapter 2 about?

This chapter is about the words and their meanings that we think should be in adult safeguarding laws.

### Why are words and their meanings important in adult safeguarding?

	<p>This chapter explains certain words and terms that are used in adult safeguarding. It is important that everyone knows what these words and terms mean.</p>
	<p>Some words and terms in this report are ones that you will know already. But some terms mean something different when we talk about adult safeguarding.</p>
	<p>Many words used in adult safeguarding have different meanings in different places.</p>



Some countries use different words. This is because adult safeguarding has moved forward at different speeds in different places.



For example, in America, they say "elder abuse". In Ireland, we think the words "elder abuse" make older people sound weaker or less capable than younger people.




Even within Ireland, bodies do not agree on the meanings of some words that are used in adult safeguarding laws and policies.





The words in this report need to have the same meaning throughout the report.

		<p>This is because they may become part of future laws about adult safeguarding.</p>
		<p>We want all the words to mean the same thing to everyone, so that the laws we suggest are clear.</p>
		<p>Laws must be certain and easy to understand. The words in adult safeguarding laws must have a clear meaning.</p>
		<p>It is very important to be careful when choosing the words used in adult safeguarding.</p>
		<p>The words must:</p> <ul style="list-style-type: none"> <li>• respect the rights of the people the laws are meant to protect, and</li> </ul>

	<ul style="list-style-type: none"> <li>• be easy for everyone to understand, especially people who work with at-risk adults.</li> </ul>
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## Recommendations

### How should “adult at risk of harm” be defined?

	<p>We recommend that “adult at risk of harm” (“at-risk adult” for short) is the term that should be used in adult safeguarding laws.</p>
	<p>This is how we recommend that “adult at risk of harm” should be defined in adult safeguarding laws:</p>
	<p>An “adult at risk of harm” is a person who needs support to protect themselves from harm. This may be because of:</p> <ul style="list-style-type: none"> <li>• a physical condition</li> <li>• a mental condition</li> <li>• life circumstances</li> </ul>





- personal characteristics like age or disability.


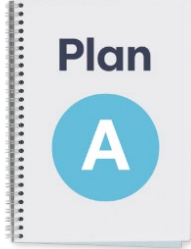



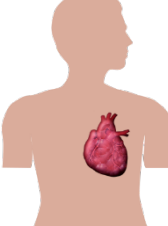
## How should “safeguarding” be defined in adult safeguarding laws?






We recommend that “safeguarding” should mean doing things to look after the health, safety and well-being of at-risk adults. This includes:

- lowering the risk of harm to at-risk adults, and
- helping at-risk adults to protect themselves from harm.

## How should “safeguarding plan” be defined in adult safeguarding laws?

 	<p>A “safeguarding plan” is a plan that says what actions need to be taken to:</p> <ul style="list-style-type: none"> <li>• promote the health, safety and well-being of an at-risk adult,</li> <li>• lower the risk of harm to an at-risk adult, and</li> <li>• help an at-risk adult to protect themselves from harm.</li> </ul>
   	<p>We recommend that it should say in adult safeguarding laws that a “safeguarding plan” is a written record of actions that will:</p> <ul style="list-style-type: none"> <li>• promote the health, safety and well-being of an at-risk adult,</li> <li>• lower the risk of harm to an at-risk adult, and</li> <li>• help an at-risk adult to protect themselves from harm.</li> </ul>

## How should “capacity” be defined?

 <hr/> <p><i>Number 64 of 2015</i></p> <hr/> <p><b>Assisted Decision-Making (Capacity) Act 2015</b></p> <hr/>	<p>We recommend that capacity should be defined the same way in adult safeguarding laws as in the Assisted Decision-Making (Capacity) Act 2015.</p>
 	<p>Capacity in the 2015 law means being able to:</p> <ul style="list-style-type: none"><li>• understand information to make a decision,</li><li>• remember that information to make a choice,</li><li>• think about that information when deciding what to do, and</li><li>• communicate the decision.</li></ul>

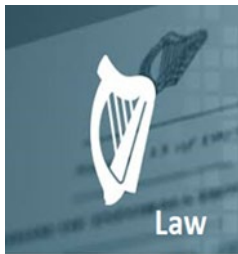
## How should “harm” be defined?

		<p>Some of our suggestions in this report are about civil law. Others are about criminal law.</p>
   	<p>When we talk about civil law, we want to prevent abuse and neglect and step in when we need to stop it. Civil law is used for measures like safeguarding interventions.</p>	
		<p>When we talk about criminal law, we want to stop and punish people or organisations who abuse or neglect at-risk adults.</p>
		<p>Because our focus is different for civil and criminal law, we think the word “harm” should be defined differently in civil law and criminal law.</p>



We recommend that it should say in future adult safeguarding civil laws that "harm" means:



- assault, poor treatment or neglect that affects health, safety or well-being,
- sexual abuse, or
- damaging or taking belongings through fraud, stealing or manipulating.






We recommend that it should say in future adult safeguarding criminal laws that "harm" means:





- harm to a person's body or mind, including pain or unconsciousness,
- any injury to a person's physical, mental, intellectual, emotional health or well-being, or
- any loss of a person's money or belongings.

## How should “reportable harm” be defined?

	<p>“Reportable harm” means harm that the authorities must be told about because it is very serious. (We talk about this in chapter 9.)</p>
	<p>We recommend that it should say in new adult safeguarding laws that “reportable harm” means:</p> <ul style="list-style-type: none"><li>• assault, neglect or poor treatment in a way that seriously affects an at-risk adult’s health, safety or well-being,</li><li>• sexual abuse of an at-risk adult, or</li><li>• loss or serious damage of something belonging to an at-risk adult.</li></ul>

## How should “neglect” and “self-neglect” be defined?

	<p>“Neglect” is abuse that happens when someone’s needs are not looked after.</p>
	<p>There are different kinds of neglect, including:</p> <ul style="list-style-type: none"> <li>• self-neglect: if you do not look after your own needs.</li> <li>• physical neglect: if your body is not cared for.</li> <li>• medical neglect: if doctors do not treat your health problem.</li> </ul>
	<p>We recommend that “neglect” in new adult safeguarding laws should mean:</p> <ul style="list-style-type: none"> <li>• not doing enough to protect an adult from harm that could have been prevented,</li> <li>• not giving an adult enough food, clothes, heat or medical help, or</li> </ul>

	<ul style="list-style-type: none"> <li>• not trying to get help from health, social welfare or housing services if you cannot help the adult yourself.</li> </ul>
	<p>We recommend that “self-neglect” should be defined in adult safeguarding laws.</p>
	<p>We recommend that “self-neglect” should mean not being able or not being willing to look after your own physical, mental or social needs, when this affects your well-being.</p>
	<p>We recommend that there should be guidance in the law about:</p> <ul style="list-style-type: none"> <li>• safeguarding at-risk adults who are not looking after themselves, and</li> <li>• how to support and offer care to adults who are not looking after themselves.</li> </ul>






## Chapter 3: Guiding principles underpinning adult safeguarding legislation

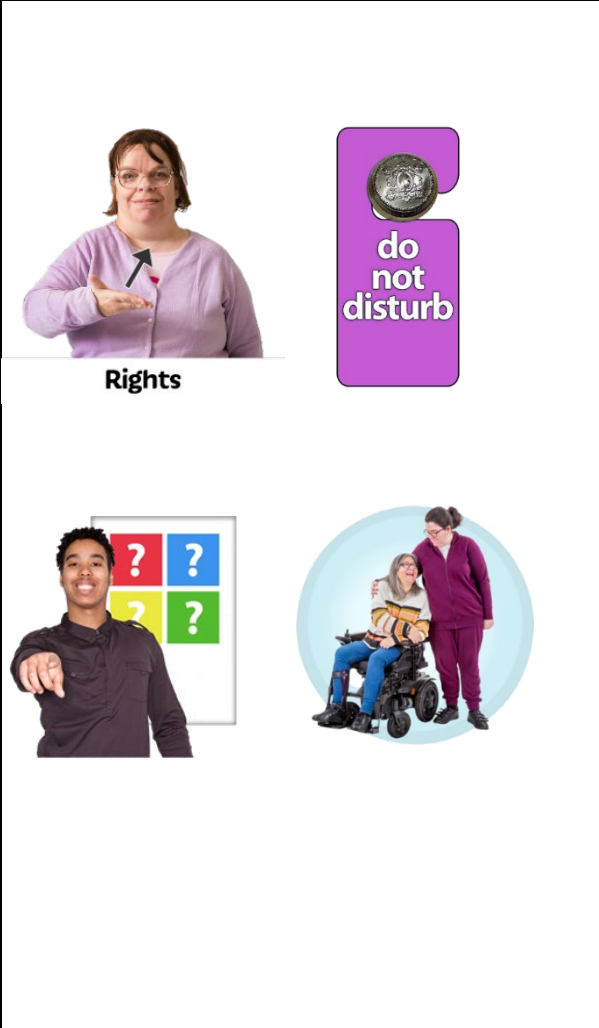
### What is chapter 3 about?

This chapter is about the general principles that adult safeguarding laws should be based on. The Safeguarding Body and its staff should base their actions and behaviour on these general principles.


### Recommendations

 <p><b>Rights</b></p>  	<p>We recommend that new adult safeguarding laws in Ireland should be based on the following general principles:</p> <ul style="list-style-type: none"><li>• protecting rights,</li><li>• focusing on the at-risk adult,</li><li>• protection,</li><li>• prevention,</li><li>• proportionality,</li><li>• working together, and</li><li>• taking responsibility.</li></ul>
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## What rights should be protected by adult safeguarding laws?

 <p><b>Rights</b></p>	<p>Everyone's rights should be protected, including:</p> <ul style="list-style-type: none"><li>• the right to make decisions for yourself,</li><li>• the right to decide what happens to your body,</li><li>• the right to be treated with respect,</li><li>• the right to dignity,</li><li>• the right to make decisions about money and things you own, and</li><li>• the right to be treated fairly.</li></ul>
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## Why should adult safeguarding laws focus on the person?

	<p>Adult safeguarding laws should focus on the person involved. This is because people should be at the centre of all actions.</p>
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This means that everyone can make decisions for themselves. It also means supporting someone when making a decision.



At-risk adults should be told about all the available options for services and care. This way, they can choose what they think is the best option for them. This is called informed consent.



At-risk adults should be able to take part in decisions that affect them. They should play as active a role in society as possible.



Focussing on the person also means making sure that at-risk adults have independent advocates.  
  
(We explain this more in chapter 8.)



Independent advocates say what views the at-risk adult has on things that affect them.



The will and preferences of at-risk adults should always be taken into account.




At-risk adults' rights and options should be explained in clear language.




At-risk adults should be consulted at every step of an adult safeguarding process.



## What does protection have to do with adult safeguarding?


	<p>Protection means trying to protect at-risk adults from harm.</p>
	<p>At-risk adults can be protected from harm by people who are in contact with them. For example, this could be a social worker.</p>
	<p>Measures to protect at-risk adults include:</p> <ol style="list-style-type: none"><li>1. taking action if harm has happened,</li><li>2. supporting at-risk adults and their well-being,</li><li>3. training staff so they know what to do to prevent harm, and</li><li>4. training staff so they know what to do if an at-risk adult has been harmed.</li></ol>

## What is prevention?


	<p>This means taking actions to:</p> <ul style="list-style-type: none"><li>• make sure that safeguarding measures are in place, and</li><li>• prevent abuse or neglect from happening in the first place.</li></ul>
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## What does proportionality have to do with adult safeguarding?

	<p>Proportionality means that actions taken to protect at-risk adults from harm must interfere with their rights as little as possible. It is important to balance these two things.</p>
	<p>This means that actions must:</p> <ul style="list-style-type: none"><li>• be needed,</li><li>• affect at-risk adults' freedom as little as possible,</li></ul>

	<ul style="list-style-type: none"> <li>• be appropriate when balanced with the level of risk,</li> <li>• be limited to the amount of time needed to protect them from harm,</li> <li>• be trauma-informed (this means understanding how past events can affect someone and supporting them), and</li> <li>• be reviewed and checked on often.</li> </ul>
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### What is working together?

	<p>This means different people and bodies working together to ensure that at-risk adults are properly safeguarded.</p>
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## What is taking responsibility?

	<p>Taking responsibility is important. It means that bodies and people that protect at-risk adults from harm should:</p> <ol style="list-style-type: none"><li>1. make reports about their work, and</li><li>2. be held responsible if they do not protect at-risk adults from harm in their work.</li></ol>
	<p>Taking responsibility is also about transparency. Transparency means making sure that people can easily see how things work in adult safeguarding. Everyone should know:</p> <ul style="list-style-type: none"><li>• who is supposed to do what, and</li><li>• why they are supposed to do this.</li></ul>




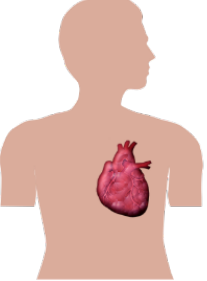


## Chapter 4: A rights-based adult safeguarding framework


### What is chapter 4 about?

This chapter is about:

- the rights that at-risk adults and other people have, and
- how we think new adult safeguarding laws should protect rights.

### How are rights relevant to adult safeguarding?

 	<p>Adult safeguarding means measures or actions taken to promote the health, safety and well-being of at-risk adults. This includes:</p> <ul style="list-style-type: none"><li>• lowering the risk of harm to at-risk adults, and</li><li>• helping at-risk adults to protect themselves from harm.</li></ul>
 	<p>This report is about what new adult safeguarding laws should say.</p>

 <p>Law</p>	 <p>Rights</p>	<p>When making new adult safeguarding laws, we must think carefully about the rights that at-risk adults and other people have.</p>
 <p>Rights</p>		<p>Thinking about rights is also very important when we are deciding what adult safeguarding interventions should be in the new laws.</p>
 	 	<p>Adult safeguarding interventions are serious actions that may be taken by:</p> <ul style="list-style-type: none"> <li>• the Safeguarding Body, and</li> <li>• in some cases, the Gardaí,</li> </ul> <p>to improve a situation and protect an at-risk adult's rights.</p>
		<p>These interventions include:</p> <ul style="list-style-type: none"> <li>• a power to enter and inspect certain places called "relevant premises",</li> </ul>



- a power to access at-risk adults in places like private homes,
- a power to remove an at-risk adult from where they are, and transfer them to a place where health or social care services are provided, or another place that a court has approved, and
- no-contact orders.



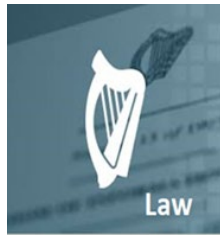
**Rights**

These interventions are designed to protect the rights of at-risk adults. However, they could also interfere with the rights of at-risk adults, and the rights of other people. Interfering with a right means stopping someone from being fully able to use their right.



Rights








For example, going into an at-risk adult's home without being invited interferes with the at-risk adult's right to privacy.



Rights

This report is about what we think new adult safeguarding laws should say. We want to make sure that there is a balance between preventing harm to at-risk adults and respecting everyone's rights.

## What rights do at-risk adults and other people have under the Constitution?

 <p>Law</p>	 <p>Rights</p>	<p>The Constitution is the main way that rights are protected in Ireland.</p>
 <p>Rights</p>		<p>The Constitution says that:</p> <ul style="list-style-type: none"> <li>• the government must protect people's rights, and</li> <li>• the government should not interfere with people's rights any more than needed.</li> </ul>
 <p>Rights</p>		<p>The Constitution protects lots of the rights that at-risk adults and other people have. Here are some examples:</p>
 <p>The right to life</p>		<p>The right to life.</p>



The right to freedom. This means that a person's freedom can't be taken away unless:

- a law says so, and
- there is a good reason for taking away the person's freedom.



The right to privacy. This means that everyone has the right to be left alone and have their own personal space.



The right to bodily integrity. This means that everyone has control over their own body and can decide what happens to it.



The right to make your own decisions.

	<p>The right to dignity. This means that everyone must be treated with respect.</p>
	<p>The right to be protected as a person. This means protecting a person's physical, mental, and emotional well-being.</p>
	<p>The right to security of the home. This means that a person's home is their safe space, whether they own the home themselves or not.</p>
	<p>The right to be treated equally by the law. This does not mean that everyone must be treated exactly the same. The government can treat people differently if there is a good reason to do so.</p>



The rights of the family. This means that, in general, the government cannot interfere with the family or their private decisions.

### Is it acceptable to interfere with rights under the Constitution?



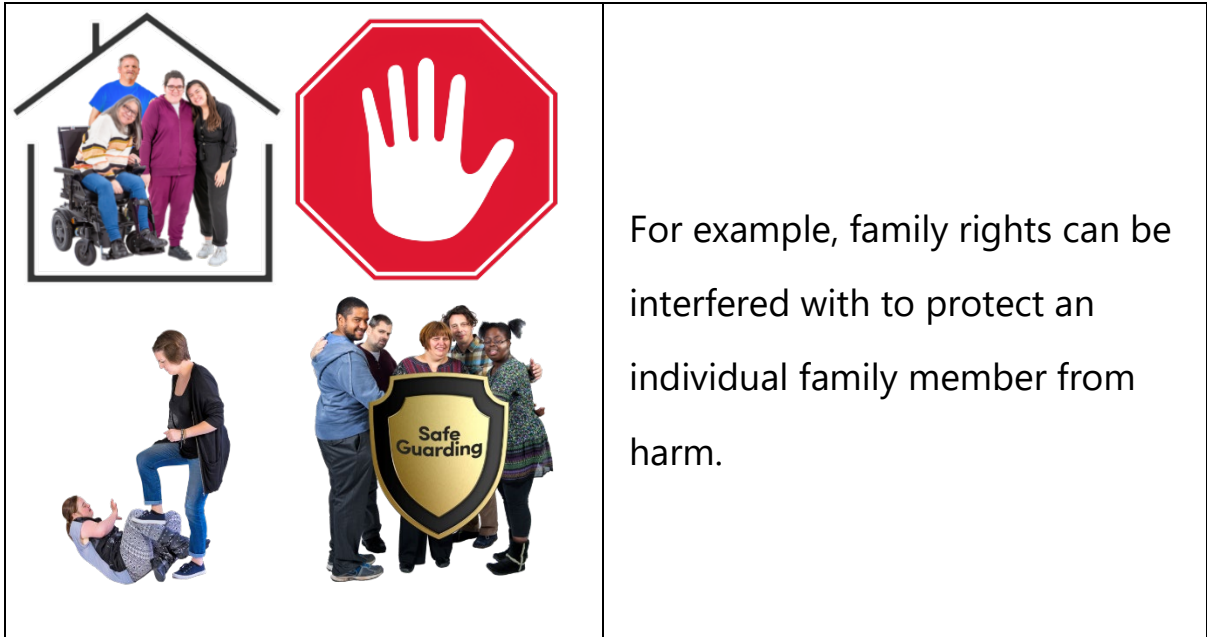
The Constitution protects lots of rights, including all of the rights we have explained above.

However, these rights:

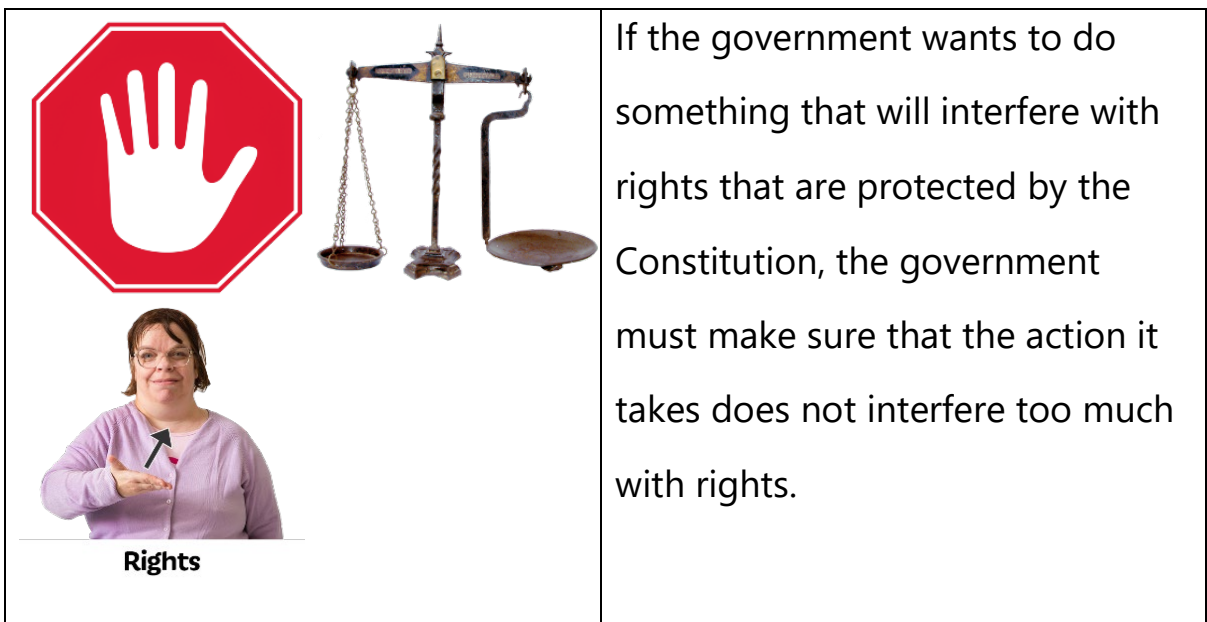
- have limits, and
- can be interfered with if there is a good enough reason.

It says this in the Constitution.





**How do we know if interfering with rights under the Constitution is acceptable?**





The courts use different tests to check if the government's interference with rights is acceptable.



**Rights**



The most common test that courts use to do this is the **proportionality test**. This test is made up of three questions:

1. Is there a good reason to interfere with someone's rights?
2. Is the government's interference related to the good reason?
3. Is there a way to get the same result without interfering with rights, or by interfering less with rights?





The courts use this test to check if the government's interference is proportionate (fair and needed). If an interference is proportionate, it is acceptable.


	<p>We used the proportionality test to check if the adult safeguarding interventions contained in this report are acceptable.</p>
	<p>We think the adult safeguarding interventions are proportionate. They are needed to prevent harm to at-risk adults and protect their rights. We made sure that the interventions:</p> <ul style="list-style-type: none"> <li>• interfere with rights as little as possible, and</li> <li>• can only be used when they are really needed.</li> </ul>

**What other rights do people have?**

 <p><b>Rights</b></p>	<p>Lots of the rights that are protected by the Constitution are also protected by the European Convention on Human Rights. We thought about these rights when we were thinking about what adult safeguarding laws should say.</p>
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 <p><b>Rights</b></p>	<p>The United Nations Convention on the Rights of Persons with Disabilities protects the rights of people with disabilities. These rights are also important for adult safeguarding, even though not all at-risk adults have disabilities.</p>
 <p><b>Rights</b></p>	<p>Ireland has agreed to follow the United Nations Convention on the Rights of Persons with Disabilities. We thought about these rights when we were thinking about what new adult safeguarding laws should say.</p>

**How are all of these rights relevant to new adult safeguarding laws?**

	<p>In this report, we make recommendations about what we think new adult safeguarding laws should say.</p>
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We based all of our recommendations on the rights that we talked about in this chapter.

## Recommendations



We recommend that when a court is deciding whether to allow the Safeguarding Body or the Gardaí to use a safeguarding intervention, the court must make sure that it interferes with people's rights as little as possible.



## Chapter 5: A Safeguarding Body: functions, duties and powers

### What is chapter 5 about?

This chapter is about why we need a Safeguarding Body, and what powers it should have. The Safeguarding Body would be responsible for adult safeguarding in Ireland.



### Why are we talking about this?

 <p>The image shows the Gardaí logo (a gold shield with a blue center and the text 'GARDÁ SIOCHÁNA' and 'RÉ NA FÉ DÉIKENN') and the HSE logo (the letters 'HSE' in a green, stylized font). Below these is a photograph of a man and a woman standing next to a whiteboard. The whiteboard has a list with '1.' and '2.' and a red arrow pointing to '1.'. A large red 'X' is superimposed over the whiteboard and the people, indicating that the current arrangement is not the proposed solution.</p>	<p>In Ireland, lots of organisations like the HSE and the Gardaí have a responsibility to prevent harm to at-risk adults.</p> <p>However, there is no one specific organisation that has a responsibility to prevent harm to at-risk adults.</p>
 <p>The image shows a group of six diverse people (three men and three women) standing in a circle. They are dressed in professional or semi-professional attire. The group is set against a white background with a circular pattern of black lines radiating from the center, suggesting a unified or central body.</p>	<p>We think there should be one organisation responsible for adult safeguarding in Ireland. We call this the Safeguarding Body.</p>

## What would the Safeguarding Body do?

	<p>The Safeguarding Body's main job would be to promote the health, safety and well-being of at-risk adults in Ireland.</p>
	<p>It would work to prevent harm to at-risk adults.</p>
	<p>It would investigate reports made by people who know or think that an at-risk adult has been harmed.</p>
	<p>It would investigate reports of harm to at-risk adults when there is no crime involved.</p>

## How would the Safeguarding Body do its job?

	<p>The Safeguarding Body would be able to ask a court if they need to:</p> <ul style="list-style-type: none"><li>• check on an at-risk adult,</li><li>• move an at-risk adult to a safe place, or</li><li>• stop someone from contacting an at-risk adult.</li></ul> <p>(We talk about this in other chapters of our report.)</p>
	<p>The Safeguarding Body could report staff to a professional regulatory body. A professional regulatory body makes sure that certain professionals like doctors, nurses or social workers are following rules and laws. Example of a professional regulatory body are CORU and the Medical Council.</p>





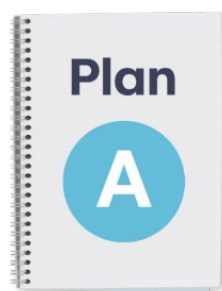
The Safeguarding Body would give training about adult safeguarding to staff who are working with at-risk adults.



They would:




- collect information about reports of harm to at-risk adults, and
- do research.

This research would let the Safeguarding Body know what kind of problems there are, and help to prevent harm in the future.



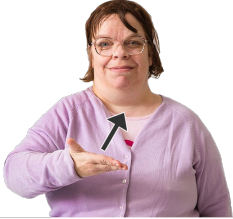




They should also be able to make a safeguarding plan for an at-risk adult.




## What is a safeguarding plan?

	<p>A safeguarding plan would be made if the Safeguarding Body had concerns about an at-risk adult.</p>
	<p>The safeguarding plan would say how harm to the at-risk adult can be prevented. It would also say what can be done if an at-risk adult is harmed.</p>
	<p>The Safeguarding Body can make the safeguarding plan along with other services that an at-risk adult attends.</p>

## How will the safeguarding plan be put into action?

	<p>There are lots of things the new Safeguarding Body could do to make sure that a safeguarding plan is followed.</p>
	<p>They could help the at-risk adult get in touch with an independent advocate.</p>
 <p><b>Rights</b></p>	<p>An independent advocate is someone who will help an at-risk adult exercise their rights.</p>
	<p>The Safeguarding Body could pass some cases onto other services that could better support the at-risk adult.</p>
	<p>The Safeguarding Body should be able to make applications to the court. They could also help the at-risk adult to make an application to court themselves.</p>

## Recommendations

	<p>We recommend the new adult safeguarding laws should create a Safeguarding Body.</p>
	<p>We recommend that the Safeguarding Body's main job would be to promote the health, safety and well-being of at-risk adults in Ireland.</p>
	<p>We recommend that the Safeguarding Body should look into reports made by people who know or think that an at-risk adult has been harmed.</p> <p>The Safeguarding Body should:</p> <ul style="list-style-type: none"><li>• find out whether an at-risk adult has been harmed, or is at risk of being harmed, and</li><li>• decide what needs to be done to keep them safe.</li></ul>

	<p>We recommend that the new adult safeguarding laws should give the Safeguarding Body the powers it needs to do its jobs properly.</p>
	<p>This might mean taking the at-risk adult away from a dangerous situation or making an application to a court.</p>
	<p>We recommend that the Safeguarding Body should be able to make a safeguarding plan if necessary.</p>
	<p>We recommend that the Safeguarding Body should train certain professionals and staff of certain organisations about keeping at-risk adults safe from harm.</p>



We recommend that the Safeguarding Body should do research about keeping at-risk adults safe from harm.



We also recommend that the Safeguarding Body should collect information about harm to at-risk adults.

This will help the Safeguarding Body to learn what

- it,
- the government, and
- other organisations

need to do to prevent harm to at-risk adults.

## Chapter 6: Organisational and regulatory structures – A Safeguarding Body and powers of various regulatory bodies

### What is chapter 6 about?

This chapter is about who should be the new Safeguarding Body.

We also talk about whether a new regulator is needed for adult safeguarding.

### Why is this important?

	<p>Currently in Ireland, there is no organisation under the law that is responsible for:</p> <ul style="list-style-type: none"><li>• receiving reports about abuse or neglect of individual at-risk adults, and</li><li>• taking steps to prevent harm to at-risk adults, even where there may not have been a crime.</li></ul>
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We think that reports of abuse of at-risk adults might come up in three main situations.





These three situations are:


- health and social care settings,
- residential accommodation including refuges and different types of accommodation centres, and
- in private homes, sports or community groups (including charities) and where people are dealing with financial services such as banks, post offices and credit unions.






	<p>We think that it would be best for the Safeguarding Body to have responsibility for keeping at-risk adults safe in all of these settings.</p> <p>This would be better than it only being responsible for health and social care, for example.</p>
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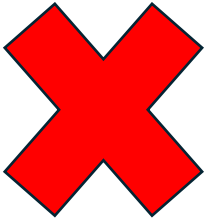
### Who should the Safeguarding Body be?

	<p>In chapter 5, we talk about the responsibilities, duties and powers that we think the Safeguarding Body should have.</p>
	<p>For example, we recommend that the Safeguarding Body should:</p> <ul style="list-style-type: none"> <li>• promote the health, safety and well-being of at-risk adults, and</li> <li>• deal with reports made by people who know or think that an at-risk adult has been harmed.</li> </ul>

	<p>The Safeguarding Body could be:</p> <ul style="list-style-type: none"> <li>• a new organisation set up by law, or</li> <li>• set up by law inside an organisation that already exists.</li> </ul>
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### What is a “regulator”?

	<p>Regulators set standards for the services they are in charge of, and make sure that these services meet the standards to do their jobs well.</p>
 	<p>Here are some examples:</p> <ul style="list-style-type: none"> <li>• HIQA is in charge of residential centres for older people (like nursing homes) and residential centres for adults with disabilities.</li> <li>• The Mental Health Commission is in charge of centres for people with mental health disorders.</li> </ul>



We do not think that we need a special regulator to be in charge of adult safeguarding.

We think that extra responsibilities can be given to regulators that already exist instead.



We do **not** think the Safeguarding Body should have regulatory responsibilities.

## Recommendations



We recommend that there should be a social work-led Safeguarding Body.



The Safeguarding Body should be responsible for dealing with reports made by people who know or think that an at-risk adult has been harmed.

	<p>We think that it would be best for the government to decide who the Safeguarding Body is. This is because there are lots of different things to think about.</p>
	<p>If the government cannot decide this straight away, we think that the Safeguarding Body should be set up by law inside the HSE – until the government decides.</p>
	<p>Our recommendations in this report should apply no matter who the Safeguarding Body is.</p>
	<p>We recommend that the regulators that exist already should be in charge of making sure that social work-led adult safeguarding services do their jobs well.</p>



We think that this could be done by changing the law to:

- give more responsibilities to HIQA, or
- give more responsibilities to a group of regulators.


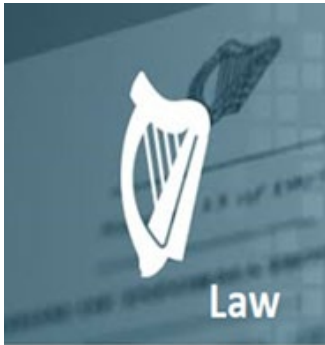
## Chapter 7: Imposing safeguarding duties on certain service providers

### What is chapter 7 about?

This chapter is about the new rules that are needed to make sure that relevant services are doing their job to safeguard at-risk adults. We talk about:

- service providers (a “service provider” is a provider of a relevant service), and
- relevant services (a “relevant service” is any work where staff are likely to come into contact with at-risk adults. For example, staff working in residential centres or day services for adults).





### Why are we talking about this?

 <p>Day Centre</p>	<p>At-risk adults use lots of different services.</p>
 <p>Law</p>	<p>There are different laws depending on which service you are looking at. Some services are not covered by any laws. We think the same laws should apply to all relevant services.</p>


## What are some examples of relevant services?

 <p>Day Centre</p>	<p>Day services.</p>
	<p>Nursing homes.</p>
	<p>Residential centres for people with disabilities.</p>
	<p>Someone who drives an at-risk adult to a service.</p>




## How can we prevent harm to at-risk adults?

 A magnifying glass icon on the left and a shield icon on the right. The shield is gold with a black border and contains the text "Safe Guarding ALERT!" in black and red.	<p>We think that all service providers should have to check for any dangers to at-risk adults and write down how they will manage those dangers. This is called a "risk assessment".</p>
 An illustration of two men, one in a blue shirt and one in a dark jacket, looking at a document. To the right is a checklist icon with three items, the first of which has a green checkmark.	<p>We think that all relevant services should tell everyone how they prevent harm to at-risk adults with a document that everyone can see. This is called an "adult safeguarding statement".</p>
 A group of five diverse people (three men and two women) standing together and holding a large gold shield with "Safe Guarding" written on it. To the right is a spiral notebook with "Plan A" written on the cover.	<p>Where an adult is at risk of harm, we think that service providers should prepare a plan to keep them safe. This is called a "safeguarding plan".</p>
 An illustration of four professionals (two women and two men) in business attire. To the right is a magnifying glass icon.	<p>We think that relevant services should learn how to spot danger or harm to at-risk adults, and how to stop it.</p>


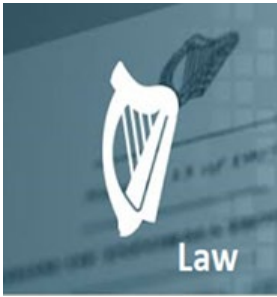




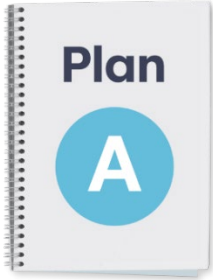




	<p>Service providers should train their staff about how to spot danger and harm to at-risk adults, and how to stop it.</p>
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**Who should check that the new laws are being followed?**

	<p>We think regulators should check to see that the safeguarding duties in standards and laws are being followed.</p>
	<p>Regulators set standards for the services they are in charge of, and make sure that these services meet the standards. An example of a regulator is HIQA.</p>
	<p>If the rules are not being followed, the regulatory body should be able to get a court order to make the service provider follow the rules properly.</p>

## Recommendations

 <p>Day Centre</p>  <p>Law</p>	<p>We recommend that new laws should include a list of relevant services. The government should be able to add to this list in the future. This makes sure that all types of services are covered by the new laws.</p>
 <p>Law</p>	<p>We recommend that service providers should have safeguarding duties. Some of these duties should be in the new adult safeguarding laws.</p>
 	<p>We recommend that relevant services must carry out a risk assessment. Everyone should be able to see this document.</p>
 	<p>We recommend that all relevant services should have a safeguarding plan. Everyone should be able to see this plan.</p>

	<p>We recommend that relevant services should train their staff about how to spot danger and harm to at-risk adults, and how to stop it.</p>
	<p>We recommend that the law should say that taxi drivers should be trained about how to spot danger and harm to at-risk adults, and how to stop it.</p>

## Chapter 8: Independent advocacy

### What is chapter 8 about?



This chapter is about independent advocacy.

An independent advocate is someone who will help adults, including at-risk adults, to:

- exercise their rights,
- express their own opinions, and
- make their own decisions about what they need.

They are independent because they are not a member of the adult's family and they do not provide care to the adult.

### Why are we talking about this?

	<p>Sometimes adults, including at-risk adults, might have difficulties explaining their opinions or telling others what they want.</p>
	<p>An adult might not have a family member to help them express what they need to other people, for example, doctors or social workers.</p>

	<p>Family members might be biased and might tell others what they think, instead of what the adult thinks.</p>
	<p>In Ireland, only certain people have a legal right to an independent advocate.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>• older adults,</li> <li>• adults with disabilities, and</li> <li>• adults with mental disorders who live in residential centres.</li> </ul>
	<p>An independent advocate can help an at-risk adult to make their own decisions by:</p> <ul style="list-style-type: none"> <li>• telling them about their rights,</li> <li>• supporting them to express their own opinion, and</li> <li>• helping them to engage with the Safeguarding Body and other professionals, for</li> </ul>

	<p>example, doctors or social workers.</p>
--	--

### What laws do we have in Ireland about independent advocacy?

	<p>There are some laws about independent advocacy already in Ireland. But they do not apply to all at-risk adults.</p>
---	--

### How could independent advocacy be better in Ireland?

	<p>Currently, the laws on having an independent advocate in Ireland only apply to:</p> <ul style="list-style-type: none"> <li>• older people who live in residential centres,</li> <li>• people with disabilities who live in residential centres, and</li> <li>• adults with mental disorders who live in residential centres.</li> </ul>
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**Rights**

These laws are all different.

Older adults in residential centres have stronger rights to access independent advocacy than:

- adults with disabilities who live in residential centres, and
- adults with mental disorders who live in residential centres.



Not every adult who may be an at-risk adult has a legal right to access to an independent advocate. For example, adults who attend day services do not have a legal right to access independent advocates.

## What advocacy services does Ireland have right now?



There are some independent advocacy services in Ireland right now. These groups work with different groups of people depending on their needs. Some examples are:

- **National Advocacy Service for People with Disabilities (NAS)** advocate for people who have a disability.
- **Patient Advocacy Service** help people make a complaint about a hospital or nursing home.
- **Sage Advocacy** advocate for older people and other at-risk adults and healthcare patients if there is nowhere else for them to go.
- **Inclusion Ireland** advocate for people with an intellectual disability.





There are also other organisations that can provide independent advocacy.

## Recommendations



We recommend that the government should think about having the same law about independent advocacy in all care settings.



We recommend that the law for residential centres for adults with disabilities and adults with mental disorders should be changed. This would make sure that:

- adults using these services have access to independent advocacy, and
- if an adult wants to complain, the service provider needs to work with an independent advocate.



The Safeguarding Body might need to engage with an adult who is, or is believed to be, an at-risk adult while doing its job.

We recommend that the Safeguarding Body should make sure, as much as it can, that the adult has access to independent advocacy services where it engages with them.



We recommend that the Safeguarding Body should facilitate access to independent advocacy services where the:

- adult would find it hard to understand information and express their views, and
- when there is no other suitable person that can help the adult.



If the government brings in new laws for social care, we recommend that they should think about requiring the HSE to make sure that there is access to independent advocacy for social care services.



We recommend that the government should think about whether independent advocates or independent advocacy services should be regulated.



We recommend that the Safeguarding Body should publish a code of practice with rules that independent advocates should follow when they are supporting adults who are, or are believed to be, at-risk adults.


## Chapter 9: Reporting models

### What is chapter 9 about?

In this chapter, we look at and explain:



- how people report abuse;
- how the law can protect people who report abuse.

### Why are we talking about this?

	<p>If an at-risk adult is being abused, someone can report this abuse to the Gardaí or a social worker.</p> <p>The authorities (professionals) can then decide if safeguarding interventions are needed.</p>
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	<p>It is important to report abuse as:</p> <ul style="list-style-type: none"> <li>• it can stop the abuse happening again,</li> <li>• it can help other at-risk adults who are also being abused, and</li> <li>• it can help the authorities find out where lots of abuse may be happening in one place, such as a nursing home.</li> </ul>
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### Where can abuse happen?

	<p>Abuse can happen in many different places. For example, it can happen:</p>
	<p>Where a person lives.</p>



In day care settings.

(This is a place where someone might go to do activities during the day.)



In healthcare settings, such as a hospital.






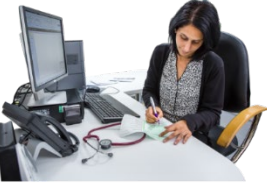

Where someone is using financial services, such as a bank or a post office.

(Financial abuse might happen here. We explain this in chapter 14.)



In the community, such as at a church or a club.


## Who can report abuse?

 	<p>Everyone can report abuse. If an at-risk adult is being abused, the at-risk adult might decide to report it themselves.</p>
   	<p>Some examples of people who may report abuse are:</p> <ul style="list-style-type: none"><li>• social workers,</li><li>• healthcare workers, and</li><li>• friends and family of an at-risk adult.</li></ul>



## Why is it important to have clear reporting procedures?


	<p>It is important that:</p> <ul style="list-style-type: none"><li>• everyone knows how to report abuse, and</li><li>• there are clear rules in place for everyone to follow when they report abuse.</li></ul> <p>There are many reasons for this.</p>
	<p>If everyone follows the same rules for reporting abuse, it makes reporting quicker and easier for everyone.</p>
	<p>People are more likely to notice signs of abuse.</p>
	<p>It will make it easier for the government to gather information about how many at-risk adults are being abused.</p>



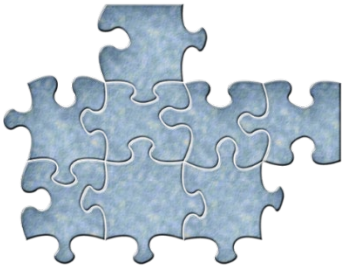


	<p>Professionals can go to training about these things, so everyone knows the right way to report abuse of at-risk adults.</p>
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### How does reporting work in Ireland?

	<p>Most of the time in Ireland, someone has the choice to:</p> <ul style="list-style-type: none"> <li>• report, or</li> <li>• not report,</li> </ul> <p>abuse of an at-risk adult.</p>
	<p>If someone works for the HSE and knows or thinks that an at-risk adult is being abused, they must report this abuse. HSE Staff must report this to the <b>HSE Safeguarding and Protection Team.</b></p> <p>Other organisations, such as the Gardaí, can also report to the HSE Safeguarding and Protection Team.</p>

	<p>It is against the law to not report certain crimes that are committed against at-risk adults. These are serious crimes, for example, rape.</p>
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**What are the problems with the way reporting works in Ireland?**

	<p>There are gaps in the law when it comes to reporting abuse of at-risk adults in Ireland.</p> <p>These gaps mean that some abuse is not reported.</p>
	<p>Some abuse that happens in the community, for example neglect or emotional abuse, does not need to be reported under the law.</p>
	<p>Private providers of care do not need to report abuse unless it is very serious. An example of a private provider would be private home care services.</p>



The Health, Information and Quality Authority is called HIQA for short. It is their job to make sure that care services run safely and properly. However, HIQA cannot investigate individual complaints or reports.

### Should we have mandatory reporting in Ireland?



There are times when someone must report abuse. We call this 'mandatory reporting'.





There are pros and cons to mandatory reporting.



This means that there are positive things about it and negative things about it.

## What are the pros of mandatory reporting?


	<p>More people will report abuse because they must do it.</p>
	<p>Abusers will be put off because they are more likely to be reported and get caught.</p>
	<p>People will be better at noticing signs of abuse because they will be trained to spot it. This will also help stop abuse early.</p>

## What are the cons of mandatory reporting?






	<p>It may affect the at-risk adult's privacy and their personal choice to report abuse or not.</p>
	<p>At-risk adults might trust healthcare workers less.</p> <p>They might not ask for help because they might be afraid their situation will be reported.</p>
	<p>More at-risk adults might be moved to residential centres.</p> <p>At-risk adults who self-neglect may be moved to a residential centre against their wishes.</p>
	<p>Self-neglect means not being able or not being willing to look after your own physical, mental or social needs, to the point where it affects your well-being.</p>




	<p>It can be expensive to run mandatory reporting.</p>
	<p>Reports might have to be made to many different organisations.</p>

### How can the law protect people who report abuse?

	<p>If a mandated person tells the Safeguarding Body about the abuse or harm, the law could protect the mandated person. For example, the law could say that the mandated person should not be sued for doing this.</p>
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## Recommendations

	<p>We recommend that more things should be added to the existing laws about reporting, such as:</p> <ul style="list-style-type: none"><li>• financial abuse,</li><li>• neglect, and</li><li>• emotional abuse.</li></ul>
  	<p>We recommend that certain people should have to report abuse of at-risk adults. We call these people “mandated persons”.</p> <p>For example, doctors, nurses, and social workers should be mandated persons.</p> <p>We recommend that all people working with at-risk adults should be mandated persons.</p>
	<p>We recommend that it should not be a crime if a mandated person does not report abuse of an at-risk adult.</p>

	<p>We recommend that mandated persons do not need to report adults who self-neglect.</p> <p>However, we recommend that mandated persons should report self-neglect when the at-risk adult cannot make their own decisions.</p>
	<p>We recommend that if an at-risk adult does not want a mandated person to report abuse, then the abuse should not be reported.</p> <p>This is only if the mandated person reasonably believes that the at-risk adult has the ability to make their own decisions.</p>
	<p>We recommend that mandated persons should get regular training so that they are able to spot signs of abuse.</p>





We recommend that the Safeguarding Body should:

- receive the reports of abuse of at-risk adults, and
- assess them.

This would be good because organisations such as HIQA cannot always investigate abuse.



We recommend that the new laws should protect anyone who reports and has:


- reasons, and
- good intentions.


## Chapter 10: Powers of entry to and inspection of relevant premises

### What is chapter 10 about?

This chapter is about giving the staff of the new Safeguarding Body a power to enter and inspect “relevant premises”. We explain what relevant premises are below.





### What is a power to enter and inspect relevant premises?

  <p>Day Centre</p>	<p>Relevant premises are places where at-risk adults live and get care and support.</p> <p>These places include:</p> <ul style="list-style-type: none"><li>• hospitals,</li><li>• residential centres for older people (for example, nursing homes),</li><li>• residential centres for adults with disabilities,</li><li>• residential centres for people with mental disorders, and</li><li>• day services.</li></ul>
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	<p>A power to enter and inspect relevant premises would let staff of Safeguarding Body go into a relevant premises to check:</p> <ul style="list-style-type: none"> <li>• the health, safety and well-being of at-risk adults, and</li> <li>• whether there is any abuse or neglect of at-risk adults.</li> </ul>
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**What powers do professionals already have in Ireland to enter relevant premises?**



	<p>There are laws that allow:</p> <ul style="list-style-type: none"> <li>• HIQA and</li> <li>• the Mental Health Commission</li> </ul> <p>to go into certain places that provide care or services to adults.</p> <p>These laws allow HIQA and the Mental Health Commission to inspect the place overall, but do not allow them to investigate individual reports about people.</p>
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	<p>The HSE Safeguarding and Protection Teams can enter certain places that are run or funded by the HSE.</p>
	<p>The HSE Safeguarding and Protection Teams do this to investigate reports that at-risk adults are being abused.</p>
	<p>However, there are no laws that allow the HSE Safeguarding and Protection Teams to do this. They rely on the place letting them in.</p>
	<p>There is a gap in the law because there is no legal power for professionals to enter places to check on individual at-risk adults.</p>


### What do other countries do?




	<p>In other countries like <b>Scotland</b>, there are laws that let social workers and other people enter places to safeguard at-risk adults.</p>
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## Why do we need a power to enter and inspect relevant premises in Ireland?





	<p>If we had laws for professionals to enter and inspect relevant premises, it would allow the professionals to check:</p> <ul style="list-style-type: none"><li>• the health, safety and well-being of at-risk adults, and</li><li>• whether there is any abuse or neglect of at-risk adults.</li></ul>
	<p>We think that this power is needed to fill the gap in the law.</p> <p>Other people agreed with us that this power is needed.</p>




## What rights are affected by a power to enter and inspect relevant premises?

	<p>We think that a power to enter and inspect relevant premises is needed to protect at-risk adults' rights under the Constitution.</p>
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	<p>For example, this power could let professionals:</p> <ul style="list-style-type: none"> <li>• find out about harm or abuse of at-risk adults, and</li> <li>• protect the at-risk adult's right to life.</li> </ul>
	<p>However, this power could also interfere with rights under the Constitution.</p> <p>We have made sure that the new power passes the proportionality test. (We explain this in chapter 4.)</p>
 <p><b>Rights</b></p>	<p>We also think that a power to enter and inspect relevant premises is needed to protect at-risk adults' rights under the European Convention on Human Rights.</p> <p>We have made sure that the new power does not interfere too much with rights under the European Convention on Human Rights.</p>

## Recommendations

	<p>We recommend that the staff of the Safeguarding Body should have a power to enter and inspect relevant premises.</p>
	<p>We recommend that the staff of the Safeguarding Body can be helped by other people when they do this. These can be health or social care workers or anyone else that might be able to help.</p>
	<p>We recommend that the staff of the Safeguarding Body should not need a warrant from a judge to enter and inspect a relevant premises.</p>
	<p>We recommend that they should be able to enter if they think that:</p> <ul style="list-style-type: none"> <li>• there is a risk to the health, safety or well-being of an at-risk adult,</li> </ul>

	<ul style="list-style-type: none"> <li>• this risk is because of abuse or neglect, and</li> <li>• they need to enter to check on the at-risk adult.</li> </ul>
	<p>We recommend that the staff of the Safeguarding Body should be able to enter any part of the relevant premises.</p> <p>However, they should not be able to enter any separate home of the staff who work at the relevant premises.</p>
	<p>We recommend that if someone tries to stop the staff of the Safeguarding Body from going into the relevant premises, the staff should be able to ask a judge for a warrant.</p>









We recommend that a judge in the District Court should decide to give a warrant or not.



We recommend that the staff of the Safeguarding Body should be able to get a warrant if there are reasons to think that:

- there is a risk to the health, safety or well-being of an at-risk adult,
- this risk is because of abuse or neglect,
- the staff need to enter to check on the at-risk adult, and
- somebody has stopped, or will stop, the staff from entering the relevant premises.



	<p>We recommend that a warrant to let staff of the Safeguarding Body enter and inspect a relevant premises should last for one month.</p>
	<p>We recommend that the warrant should let the staff of the Safeguarding Body bring the Gardaí with them to go into the relevant premises.</p>
	<p>We recommend that the Gardaí should be able to help get access to the relevant premises using force. However, they can only use force which is needed.</p>
	<p>We recommend that when staff of the Safeguarding Body enter the relevant premises, they should be able to look at any documents there, and ask people questions.</p>

	<p>We recommend that the staff of the Safeguarding Body should:</p> <ul style="list-style-type: none"> <li>• explain the power to the at-risk adult, and</li> <li>• tell the at-risk adult why they are using the power.</li> </ul>
	<p>We recommend that, if the at-risk adult agrees, the staff of the Safeguarding Body and health or social care workers can:</p> <ul style="list-style-type: none"> <li>• talk privately with the at-risk adult, and</li> <li>• assess the at-risk adult's health.</li> </ul>
	<p>We recommend that it should be a crime for someone who works in the relevant premises to stop:</p> <ul style="list-style-type: none"> <li>• the staff of the Safeguarding Body,</li> <li>• Gardaí, or</li> <li>• people they bring with them,</li> </ul> <p>from entering a relevant premises.</p>



We recommend that it should be a crime for someone who works in the relevant premises to give:

- the staff of the Safeguarding Body,
- Gardaí, or
- people they bring them, false information on purpose.



We recommend that it should not be a crime for the at-risk adult (or their family or friends) to do any of these things.



We recommend that, when there is an application to court for a warrant, it should be a crime for someone to publish information that identifies the at-risk adult.



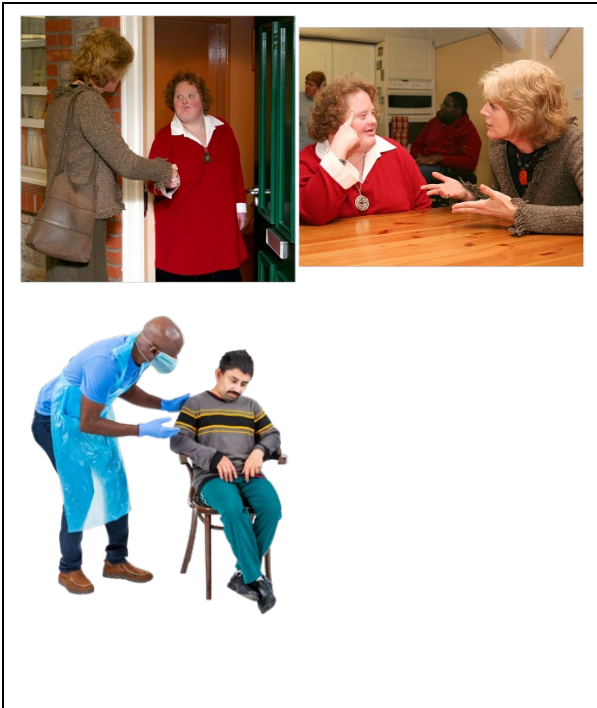
However, it should not be a crime for the at-risk adult to do this about themselves.

## Chapter 11: Powers of access to at-risk adults in places including private homes

### What is chapter 11 about?

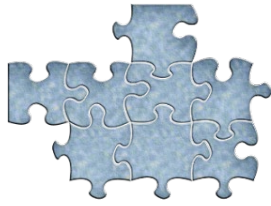
This chapter is about giving the staff of the Safeguarding Body and the Gardaí a power to access at-risk adults in places like people's homes.

### What is a power to access at-risk adults in places like people's homes?

	<p>This power of access would let staff of the Safeguarding Body and Gardaí go into a place like a private home to:</p> <ul style="list-style-type: none"><li>• talk to an at-risk adult, and</li><li>• check on the at-risk adult's health, safety and well-being.</li></ul>
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## What powers do professionals already have in Ireland to enter people's homes?

 	<p>There are laws that allow the Gardaí to enter people's homes if:</p> <ul style="list-style-type: none"> <li>• they think there is a risk to someone's life inside,</li> <li>• they are investigating certain crimes, or</li> <li>• they think there is a serious risk to a child's health or well-being.</li> </ul>
	<p>There are also powers to access adults in their homes using:</p> <ul style="list-style-type: none"> <li>• mental health law, or</li> <li>• a special power of the High Court.</li> </ul>
	<p>These powers and laws are useful, but they do not cover all of the situations that might happen involving at-risk adults.</p>



There is a gap in the law because there is no power for professionals to enter places like private homes to check on the health, safety and well-being of an at-risk adult.

### What do other countries do?



In other countries like **Scotland**, there are laws that let police, social workers and other people enter people's homes to access at-risk adults.



These laws let professionals

- talk to and
- check on

the at-risk adult who they are worried about.

**What rights are affected by a power to access at-risk adults in places like people’s homes?**

 <p><b>Rights</b></p>	<p>We think that a power to access at-risk adults in places like people’s homes is needed to protect at-risk adults’ rights under the Constitution.</p>
 <p><b>The right to life</b></p>	<p>For example, this power could let professionals:</p> <ul style="list-style-type: none"> <li>• find out about harm or abuse of at-risk adults, and</li> <li>• protect the at-risk adult’s right to life.</li> </ul>
 <p><b>Rights</b></p> <p><b>My House</b></p>	<p>However, this power could also interfere with rights under the Constitution.</p> <p>In particular, it could interfere with people’s right to security of their home.</p>





This right means that usually the Gardaí and other people cannot enter a person's home unless they have:

- the person's permission, or
- a power to enter under a law.

An example of a power is a warrant that is given by a court.



We think that a warrant should generally be needed to access at-risk adults in people's homes. This will protect rights.



We have made sure that the new power passes the proportionality test. (We explain the proportionality test in chapter 4.)



**Rights**



We also think that a power to access at-risk adults in places like people's homes is needed to protect at-risk adults' rights under the European Convention on Human Rights.

We have made sure that the new power does not interfere too much with rights under the European Convention on Human Rights.

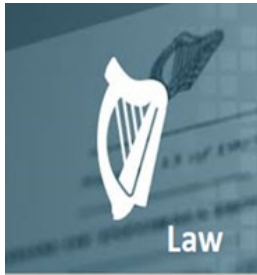
### **Why do we need a power to access at-risk adults in places like people's homes?**



Right now in Ireland, there is a worry that at-risk adults may be suffering from abuse or neglect, but that the Gardaí and social workers cannot get access to them.



For example, this might be because someone is blocking the Gardaí and social workers from coming into the home.




If we had laws with a power to access at-risk adults in places like people's homes, it would allow professionals to check:


- the health, safety and well-being of at-risk adults, and
- whether there is any abuse or neglect of at-risk adults.






We think that this power is needed to fill the gap in the law. Other people agreed with us that this power is needed.




## Recommendations

  	<p>We recommend that adult safeguarding laws should include a new power for:</p> <ul style="list-style-type: none"> <li>• the staff of the Safeguarding Body, and</li> <li>• Gardaí</li> </ul> <p>to access at-risk adults in places including people’s homes.</p>
 	<p>We recommend that staff of the Safeguarding Body and Gardaí should need a warrant from a judge to access an at-risk adult in a place like a person’s home.</p>
  	<p>So, we recommend that staff of the Safeguarding Body and Gardaí should be able to apply for a warrant from a judge to access an at-risk adult.</p>





 	<p>We recommend that they can only apply if they think that:</p> <ul style="list-style-type: none"> <li>• there is a risk to the health, safety or well-being of an at-risk adult,</li> <li>• a warrant for access is needed to check on the at-risk adult, and</li> <li>• they cannot access the at-risk adult any other way.</li> </ul> <p>They must give evidence about these things.</p>
	<p>We recommend that, when there is an application to court for a warrant, it should be a crime for someone to publish information that identifies the at-risk adult.</p>
	<p>However, it should not be a crime for the at-risk adult to do this about themselves.</p>

	<p>We recommend that a judge in the District Court should decide whether to give a warrant or not.</p>
	<p>We recommend that the staff of the Safeguarding Body or Gardaí should be able to get a warrant if there are reasons to think that:</p> <ul style="list-style-type: none"> <li>• there is a risk to the health, safety or well-being of an at-risk adult,</li> <li>• a warrant for access is needed to check on the at-risk adult, and</li> <li>• they cannot access the at-risk adult any other way.</li> </ul>
	<p>We recommend that the warrant should only last for 3 days.</p> <p>This makes sure that it does not interfere with people's rights too much.</p>

	<p>We recommend that the Gardaí and the staff of the Safeguarding Body should both be there when they use the power to access the at-risk adult.</p> <p>This will let both professionals use their skills, and help to make sure the power is not used incorrectly.</p>
	<p>We recommend that the staff of the Safeguarding Body and Gardaí can be helped by other people when they do this. These can be health or social care workers or anyone else that might be able to help.</p>
	<p>We recommend that the staff of the Safeguarding Body and Gardaí should be able to access the place using force. However, they can only use force which is needed.</p>

	<p>We recommend that the staff of the Safeguarding Body and Gardaí should:</p> <ul style="list-style-type: none"> <li>• explain the power to the at-risk adult, and</li> <li>• tell the at-risk adult why they are using the power.</li> </ul>
	<p>We recommend that, if the at-risk adult agrees, staff of the Safeguarding Body and health or social care workers can:</p> <ul style="list-style-type: none"> <li>• talk privately with the at-risk adult, and</li> <li>• assess the at-risk adult's health.</li> </ul>
	<p>We recommend that the Gardaí can ask people questions when they are using the power.</p>



	<p>We recommend that it should be a crime for someone to stop staff of the Safeguarding Body, Gardaí or people they bring with them, from accessing the at-risk adult.</p>
	<p>It would not be a crime for the at-risk adult to stop the staff of the Safeguarding Body, Gardaí or people they bring with them.</p>
	<p>We think that in most cases, this is how the power to access at-risk adults should work.</p> <p>But, we think in really serious and urgent cases, the Gardaí should be able to access at-risk adults straight away.</p>
	<p>So, we recommend that adult safeguarding laws should include a new power for Gardaí to access at-risk adults in people's homes, <b>without</b> a warrant.</p>

	<p>This power could only be used in certain situations.</p>
	<p>We recommend that the Gardaí should only be able to use this power if they think that:</p> <ul style="list-style-type: none"> <li>• there is an urgent risk to the at-risk adult's life, and</li> <li>• there is no time to wait for a court to give a warrant.</li> </ul>
	<p>We recommend that the Gardaí can bring other people with them when they use this power. These can be staff of the Safeguarding Body, health or social care workers or anyone else that might be able to help.</p>



We recommend that if the Gardaí use this power, they must write down their reasons for using it, and tell the Safeguarding Body about this as soon as possible.



This power will work in the same way as the power using a warrant that we just explained.

So, we recommend that if the Gardaí use this power, they:

- can use force to access the place if it is needed,
- should explain the power to the at-risk adult, and
- can ask people who are in the place questions.



Any staff of the Safeguarding Body or health or social care workers who are with the Gardaí when they use their power can:

- talk privately with the at-risk adult, and
- assess the at-risk adult's health.

They can only do this if the at-risk adult agrees.








We recommend that the same crimes as above should apply to this special power of access that can be used by the Gardaí.


## Chapter 12: Powers of removal and transfer

### What is chapter 12 about?


This chapter is about giving the Gardaí a power to remove an at-risk adult from where they are and move them to a different place. This would be done to assess the at-risk adult's health, safety and well-being.

### What is a power of removal and transfer?

  	<p>A power of removal and transfer would let the Gardaí:</p> <ul style="list-style-type: none"><li>• remove an at-risk adult from where they are, and</li><li>• move them to a different place.</li></ul>
 	<p>The at-risk adult could be moved to:</p> <ul style="list-style-type: none"><li>• a place where health or social care services are provided, or</li><li>• another safe place that the court has approved.</li></ul>

	<p>This power would be used so that professionals could:</p> <ul style="list-style-type: none"> <li>• check on the at-risk adult’s health, safety and well-being, and</li> <li>• decide whether any actions are needed to safeguard the at-risk adult.</li> </ul> <p>It would be used where professionals cannot do these things in the place where the at-risk adult currently is.</p>
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**What powers do professionals already have in Ireland to remove adults from places?**

	<p>In Ireland, there are some laws that let professionals remove adults from places, like their homes.</p> <p>For example, the Gardaí can arrest people for some crimes, and take them to a Garda station.</p>
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There are also powers to remove adults from their homes using:

- mental health law, or
- a special power of the High Court.



These powers and laws are useful, but they do not cover all of the situations that might happen involving at-risk adults.







There is a gap in the law because there is no power for professionals to bring at-risk adults to places to:

- check on the at-risk adult's health, safety and well-being, and
- decide whether any actions are needed to safeguard the at-risk adult.














## What do other countries do?

 A map of the United Kingdom with Scotland highlighted in green and labeled. To the right, a social worker in a dark suit sits at a desk with a laptop, talking to a woman in a wheelchair who is wearing a yellow patterned dress.	<p>In other countries like <b>Scotland</b>, there are laws that let social workers remove an at-risk adult from their house for a short time for safeguarding reasons.</p>
 A woman judge with short grey hair and glasses, wearing a black and purple judicial robe, holding a wooden gavel in a courtroom setting.	<p>The social worker must get an order from the court to do this. The social worker must prove that:</p> <ul style="list-style-type: none"><li>• the order is really needed, and</li><li>• the situation meets the special test that is written down in the law.</li></ul>
 A social worker in a dark jacket is talking to a person in a red jacket who has their hand to their face, appearing distressed, at a desk with papers.	<p>For example, they can only get the order if it is not possible to talk to the at-risk adult, or check on their health, in their home.</p>
 A group of people (a man, a woman in a wheelchair, and an older woman) sitting in a room with green and white striped walls, framed like a house. To the right, a man in a red shirt and blue jeans stands with his hand raised.	<p>The social worker will take the at-risk adult to a safe place. After this, the at-risk adult can decide to leave whenever they want.</p>





## What rights are affected by a power of removal and transfer?

  <p style="text-align: center;"><b>Rights</b></p>	<p>We think that a power of removal and transfer is needed to protect at-risk adults' rights under the Constitution.</p>
  <p style="text-align: center;"><b>The right to life</b></p>	<p>For example, this power could let professionals:</p> <ul style="list-style-type: none"> <li>• find out about harm or abuse of at-risk adults, and</li> <li>• protect the at-risk adult's right to life.</li> </ul>
 <p style="text-align: center;"><b>The right to liberty</b></p>	<p>However, this power could also interfere with rights under the Constitution.</p> <p>For example, it could interfere with the at-risk adult's right to freedom.</p>
  <p style="text-align: center;"><b>The right to liberty</b></p> <p style="text-align: center;"><b>Law</b></p>	<p>This right means that someone cannot usually be detained unless:</p> <ul style="list-style-type: none"> <li>• a law says so, and</li> <li>• the law has good reasons for detaining the person.</li> </ul>

	<p>("Detaining" is keeping someone in a place without their consent.)</p>
	<p>Although rights are very important, they can be interfered with for important reasons. The reason for a power of removal and transfer is to safeguard at-risk adults in very serious cases.</p>
	<p>We have made sure that the new power passes the proportionality test. (We explain the proportionality test in chapter 4.)</p>
	<p>For example, we think that there should also be clear rules for using the power, written down in new adult safeguarding laws.</p>
	<p>We also think that a power of removal and transfer is needed to protect at-risk adults' rights under the European Convention on Human Rights.</p> <p>We have made sure that the new power does not interfere too</p>

	<p>much with rights under the European Convention on Human Rights.</p>
--	--

**Why do we need a power of removal and transfer?**

	<p>Right now in Ireland, it may be clear that there is a serious and urgent risk to an at-risk adult, but it is not possible to check on the at-risk adult unless they are removed.</p>
	<p>For example:</p> <ul style="list-style-type: none"> <li>• it might be too unsafe or dirty to check on the at-risk adult in the place where they are, or</li> <li>• someone might be blocking the Gardaí and social workers from talking to the at-risk adult.</li> </ul>



Decision



The at-risk adult themselves might be blocking the professionals, but the professionals think that:

- someone else is telling the at-risk adult what to do, or
- the at-risk adult may not have capacity to decide to talk to professionals.

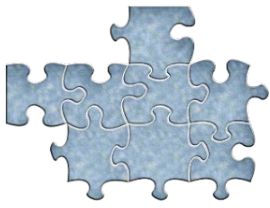


If we had laws with a power of removal and transfer, it would allow the professionals to:

- check on the at-risk adult's health, safety and well-being, and
- decide whether any actions are needed to safeguard the at-risk adult.



It would also give the at-risk adult some "breathing space" and time away from someone who might be pressurising them or harming them. This will let the at-risk adult decide what they want to do.



We think that this power is needed to fill the gap in the law.

Other people agreed with us that this power is needed.

## Recommendations



We recommend that adult safeguarding laws should include a new power of removal and transfer. This will let the Gardaí:





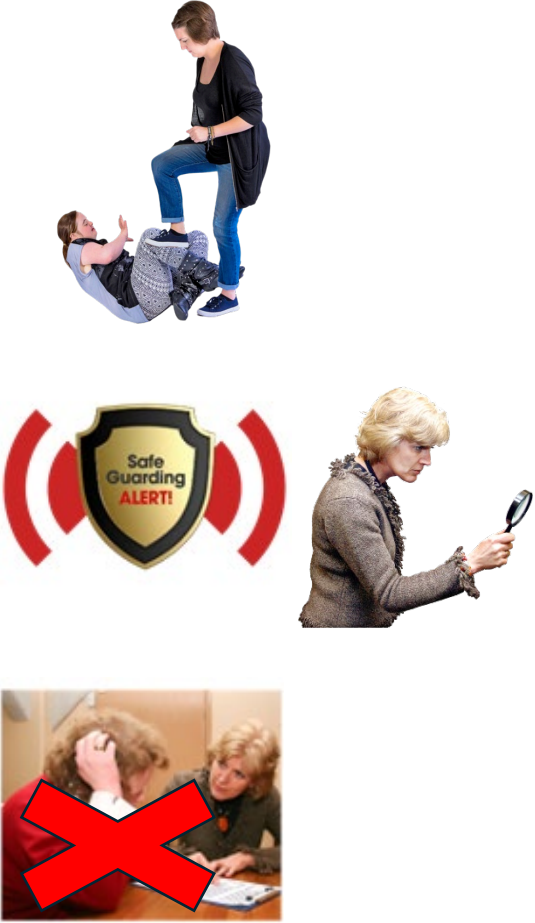
- enter the place where the at-risk adult is,
- take the at-risk adult away, and






- move the at-risk adult to a place where health or social care services are provided, or another safe place that the court has approved.



We recommend that the Gardaí should need a "removal and transfer order" from a court to do all of these things.

	<p>We recommend that the Gardaí and the staff of the Safeguarding Body should be able to apply for a removal and transfer order.</p>
	<p>If the Gardaí are applying for the order, we recommend that they must tell the Safeguarding Body about this as soon as possible.</p>
	<p>We recommend that the Gardaí and staff of the Safeguarding Body can only apply for an order if they think that:</p> <ul style="list-style-type: none"> <li>• there is a serious and urgent risk to an at-risk adult's health, safety or well-being,</li> <li>• actions may be needed to safeguard the at-risk adult,</li> <li>• they need to take the at-risk adult to a safe place to check these things, <b>and</b></li> <li>• it is not possible to check these things any other way.</li> </ul>

	<p>There must be evidence about these things from a health or social care professional.</p>
	<p>We recommend that before the Gardaí or staff of the Safeguarding Body apply for a removal and transfer order, they must try to see if the at-risk adult agrees.</p>
	<p>If the at-risk adult does not agree to the removal and transfer order, the Gardaí or staff of the Safeguarding Body can only apply for it if they think the at-risk adult:</p> <ul style="list-style-type: none"> <li>• is being pressurised by someone, or</li> <li>• may not have capacity to decide whether to stay where they are.</li> </ul> <p>“Pressurised” means someone is telling the at-risk adult what to do.</p>

	<p>We recommend that, when there is an application to court for an order, it should be a crime for someone to publish information that identifies the at-risk adult.</p>
	<p>However, it should not be a crime for the at-risk adult to do this about themselves.</p>
	<p>We recommend that a judge in the District Court should decide whether to give a removal and transfer order.</p>
	<p>We recommend that the judge can only give a removal and transfer order if they think there are reasons to think that:</p> <ul style="list-style-type: none"> <li>• there is a serious and urgent risk to an at-risk adult's health, safety or well-being,</li> <li>• actions may be needed to safeguard the at-risk adult,</li> </ul>





- the professionals need to take the at-risk adult to a safe place to check these things, and
- it is not possible to check these things any other way.



**Decision**



If the at-risk adult does not agree to the removal and transfer order, the judge can only give a removal and transfer order if they think that the at-risk adult:

- is being pressurised by someone, or
- may not have capacity to decide whether to stay where they are.



We recommend that the warrant should only last for 3 days. This makes sure that it does not interfere with people's rights too much.










We recommend that a Garda should use the removal and transfer order. They have experience using orders like this, for example under mental health law.

Staff of the Safeguarding Body should also be there, if possible.



We recommend that the Gardaí can be helped by other people when they do this. These can be health or social care workers or anyone else that might be able to help.

	<p>We recommend that the Gardaí should be able to access the place using force. However, they can only use force which is needed.</p>
	<p>We recommend that the Gardaí should:</p> <ul style="list-style-type: none"> <li>• explain the power to the at-risk adult, and</li> <li>• tell the at-risk adult why they are using the power.</li> </ul>
	<p>We recommend that the Gardaí can use any reasonable actions to remove and transfer the at-risk adult.</p> <p>However, this should only be done if there is no other way to carry out the order.</p>
	<p>We recommend that it should be a crime for someone to stop the Gardaí, staff of the Safeguarding Body, or people they bring with them, from using the order.</p>

	<p>It would not be a crime for the at-risk adult to stop the Gardaí, staff of the Safeguarding Body, or people they bring with them.</p>
	<p>The at-risk adult could be moved to:</p> <ul style="list-style-type: none"> <li>• a place where health or social care services are provided, or</li> <li>• another safe place that the court has approved.</li> </ul>
	<p>We recommend that the at-risk adult should be able to leave the place whenever they want.</p> <p>The staff of the Safeguarding Body, Gardaí or health or social care professionals should help them to do this.</p>



If the at-risk adult decides to stay in the place, they can access help and healthcare there.

If the at-risk adult agrees, staff of the Safeguarding Body and health or social care workers can:



- talk privately with the at-risk adult, and
- assess the at-risk adult's health.

## Chapter 13: No-contact orders

### What is chapter 13 about?

This chapter is about orders that stop another person from contacting an at-risk adult.

### What kind of orders are we talking about in this chapter?


	<p>We are talking about orders that are given by a judge, and tell someone to stop contacting or being near to another person.</p>
	<p>We talk about two different types of orders in this chapter:</p> <ul style="list-style-type: none"><li>• Orders that already exist in domestic violence law.</li><li>• New adult safeguarding no-contact orders, that we think should be introduced in Ireland.</li></ul>

## What laws are there already about these orders?

	<p>Right now in Ireland, there are laws about orders that stop a person from contacting another person.</p>
	<p>For example, these orders are available in domestic violence law. We call these "domestic violence orders".</p>
	<p>Judges can only give domestic violence orders if the people have a specific type of relationship with each other.</p> <p>These types of relationships are:</p> <ul style="list-style-type: none"> <li>• married people,</li> <li>• civil partners,</li> <li>• parents and adult children,</li> <li>• romantic partners who live together, and</li> <li>• people who live together not as part of a contract.</li> </ul>

	<p>There are also orders that stop a person from contacting another person in laws about stalking and violence. However, these laws are about crimes, so they do not cover less serious behaviour.</p>
	<p>We think there are gaps in the law, because:</p> <ul style="list-style-type: none"> <li>• Domestic violence law does not apply to lots of people, for example: live-in carers, neighbours, and lots of family members if they do not live with the at-risk adult.</li> <li>• Not all harm or abuse of at-risk adults is a crime like stalking.</li> </ul>

**What do other countries do?**

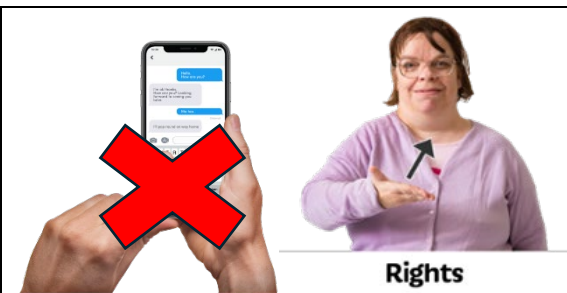
	<p>In other countries like <b>Scotland</b>, there are laws about orders like these, that are specifically for at-risk adults.</p>
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These orders protect at-risk adults from people who are harming them. There is no need for a special relationship between the at-risk adult and the other person.

### What rights are affected by these orders?



We think that these orders are needed to protect at-risk adults' rights under the Constitution.



For example, these orders would stop someone from harming the at-risk adult, and so protect the at-risk adult's right to life.



However, these orders could also interfere with rights under the Constitution.

For example, if there is an order against the at-risk adult's family member, it could interfere with the family's rights.



Although rights are very important, they can be interfered with for important reasons. The reason for these orders is to protect at-risk adults from people who are harming them.



We have made sure that the new power passes the proportionality test. (We explain the proportionality test in chapter 4.)



We also think that these orders are needed to protect at-risk adults' rights under the European Convention on Human Rights.

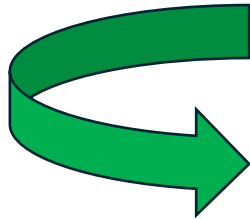
We have made sure that the new orders do not interfere too much with rights under the European Convention on Human Rights.

## Why do we need to change the law about these orders?

	<p>Right now in Ireland, there is a worry that there are not enough legal powers to stop people from harming at-risk adults.</p>
	<p>For example, the orders in the domestic violence law can only be used for certain people. This law does not protect at-risk adults from harm caused by:</p> <ul style="list-style-type: none"> <li>• people who do not live with them, and</li> <li>• people who are not in a romantic relationship with them.</li> </ul>
	<p>There is also no law that can protect at-risk adults from people who are harming them, but are not committing:</p> <ul style="list-style-type: none"> <li>• a crime, or</li> <li>• domestic violence.</li> </ul>



Abuse can happen in lots of relationships. It is important to protect at-risk adults from harm, no matter what relationship they have with the person who is abusing them.





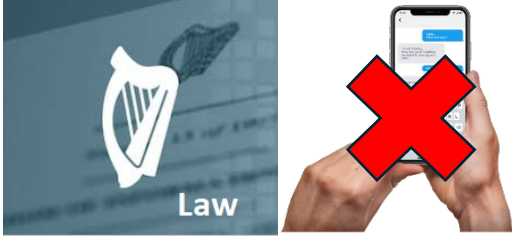
We think that there should be two big changes to the law:

- the domestic violence law should be changed so it applies to more relationships involving at-risk adults, and
- there should be new adult safeguarding no-contact orders.








We think that these changes are needed to fill the gaps in the law. Other people agreed with us that these changes are needed.

## Recommendations





	<p>We recommend that domestic violence law should be changed so that the orders can apply to:</p> <ul style="list-style-type: none"><li>• people who live with an at-risk adult not as part of a contract, and</li><li>• people who live with an at-risk adult as part of a contract to provide care for the at-risk adult.</li></ul>
	<p>We recommend that Tusla and the Safeguarding Body should be able to apply for an order under the domestic violence law when it is for an at-risk adult.</p>
	<p>We also recommend that adult safeguarding laws should include new adult safeguarding no-contact orders.</p>




  	<p>These orders would stop a person who is not in a relationship with the at-risk adult, or living with the at-risk adult, from:</p> <ul style="list-style-type: none"> <li>• following the at-risk adult;</li> <li>• watching the at-risk adult;</li> <li>• annoying or talking to or about the at-risk adult; or</li> <li>• coming near the at-risk adult or the place where the at-risk adult lives.</li> </ul>
 	<p>We recommend that there should be three types of these orders:</p> <ul style="list-style-type: none"> <li>• full no-contact orders,</li> <li>• interim no-contact orders,</li> <li>• emergency no-contact orders.</li> </ul>
	<p>We recommend that the staff of the Safeguarding Body and at-risk adults should be able to apply for all three types of no-contact orders.</p>

	<p>We recommend that at-risk adults should be able to get free legal aid when they are applying for any no-contact order. This means they will not have to pay for a lawyer.</p>
	<p>We recommend that before the staff of the Safeguarding Body apply for a no-contact order, they must:</p> <ul style="list-style-type: none"> <li>• think that the order is needed to protect the at-risk adult's health, safety or well-being, and</li> <li>• try to see if the at-risk adult agrees with the order.</li> </ul>
	<p>We recommend that, when there is an application to court for a no-contact order, it should be a crime for someone to publish information that identifies the at-risk adult.</p>

	<p>However, it should not be a crime for the at-risk adult to do this about themselves.</p>
	<p>We recommend that a judge in the District Court should decide whether to give any no-contact order or not.</p>
	<p>We recommend that the judge can only give a full no-contact order if they believe that the order is needed to protect the at-risk adult's health, safety or well-being.</p>
	<p>We recommend that a judge <b>cannot</b> give a full no-contact order if the at-risk adult does not want it.</p>
	<p>We recommend that a full no-contact order can last for up to two years.</p> <p>The at-risk adult, and the other person, can apply to end it before this time.</p>



	<p>It will take some time for a judge to decide whether to make a full no-contact order. During this time, the at-risk adult could be harmed.</p>
	<p>So, we recommend that adult safeguarding laws should include new interim (temporary) adult safeguarding no-contact orders.</p>
	<p>We recommend that interim adult safeguarding no-contact orders should be available when the at-risk adult or the staff of the Safeguarding Body has already applied for a full adult safeguarding no-contact order.</p>
	<p>An interim no-contact order would stop someone who is harming an at-risk adult from contacting or being near the at-risk adult, while everyone waits for the judge to decide about making a full no-contact order.</p>

	<p>We recommend that an interim no-contact order can be made “ex parte”. This means that the person that the order is about doesn’t know about the application. They will only find out if the court gives the order.</p> <p>This is a quicker way of going to court.</p>
	<p>We recommend that the judge can only give an interim no-contact order if they believe there are reasons to think that:</p> <ul style="list-style-type: none"> <li>• there is an urgent risk to an at-risk adult’s health, safety or well-being, and</li> <li>• an interim no-contact order is needed to reduce this risk.</li> </ul>
	<p>We recommend that a judge <b>cannot</b> give an interim no-contact order if the at-risk adult does not want it.</p>



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We recommend that an interim no-contact order should last for a short time. The maximum amount of time should be until the judge decides about making a full no-contact order.

However, if the order was made "ex parte", it should only last for a maximum of 8 working days.

The at-risk adult, and the other person, can apply to end it before this time.



There may be cases where there is a very urgent risk to an at-risk adult, and there is not enough time to apply for a full adult safeguarding no-contact order.



So, we recommend that adult safeguarding laws should include new emergency adult safeguarding no-contact orders.



We think that an emergency no-contact order would be needed:

1. Where there is no time to apply for a full no-contact order, or
2. Where the at-risk adult does not agree to a no-contact order.



In the first situation, an emergency no-contact order would protect the at-risk adult from immediate harm.



The order would be available even where no one has had time to apply for a full no-contact order.



In the second situation, an emergency no-contact order would let staff of the Safeguarding Body decide if the at-risk adult:



- is being pressurised by someone, and
- has capacity to decide whether to have contact with the person harming them.



We recommend that an emergency no-contact order can be made “ex parte”. This means that the person that the order is about doesn’t know about the application. They will only find out if the court gives the order.

This is a quicker way of going to court.



We recommend that the judge can only give an emergency no-contact order if they believe that:

- there is an urgent risk to an at-risk adult’s health, safety or well-being, and
- an emergency no-contact order is needed to:



1. reduce this risk, **or**
2. check if the at-risk adult is being pressurised, and has capacity to decide about contact with the person.



**What do you think?**  
Do you think the idea is a good one?

Yes  Not sure  No

We recommend that a judge **can** give an emergency no-contact order even if the at-risk adult does not want it.



Decision

If the at-risk adult does not agree to a no-contact order, the judge can only give the emergency no-contact order if they think the at-risk adult:

- is being pressurised by someone to not agree, or
- may not have capacity to decide whether to have contact with the person who is harming them.



We recommend that an emergency no-contact order should last for a short time. The maximum amount of time should be 8 working days.

The at-risk adult, and the other person, can apply to end it before this time.



If, before the 8 days is over, the Safeguarding Body finds out that the at-risk adult:

- does not agree to the emergency no-contact order,
- is not being pressurised by anyone to not agree, and
- has capacity to decide about the no-contact order,

then the emergency no-contact order should be cancelled.



We recommend that if the staff of the Safeguarding Body are worried about the at-risk adult's capacity, they should:

- help the at-risk adult to make a decision, and
- think about supports in capacity law, and telling the Decision Support Service.



**Rights**

We recommend that before giving any no-contact order, the judge should think about the at-risk adult's rights, and the other person's rights, in the property where the at-risk adult lives.

We recommend that no-contact orders would not affect anyone's property rights.



We recommend that it should be a crime to not obey (follow) any no-contact order.



It would not be a crime if the at-risk adult does not obey a no-contact order.



## Chapter 14: Financial abuse

### What is chapter 14 about?

This chapter looks at financial abuse of at-risk adults in Ireland.

It talks about ways to deal with financial abuse and how the law should change to stop financial abuse.

### What is financial abuse?

	<p>Examples of financial abuse are:</p> <ul style="list-style-type: none"><li>• stealing,</li><li>• lying to someone to get something, or</li><li>• treating someone unfairly to get something.</li></ul>
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Financial abuse is a common type of abuse reported by at-risk adults.



More examples of financial abuse are:

- stealing a person's social welfare payment;
- giving someone wrong information or tricking them to give their money away;





- internet scams, telephone scams or text message scams;
- selling financial products that do not suit a customer. For example, investments or mortgages;
- taking over joint bank accounts. For example, an adult child might convince their parent to add their name to the parent's bank account.

## What protections are there to stop financial abuse of at-risk adults?

	<p>There are some protections in the law to stop financial abuse.</p>
	<p>Stealing things and lying to get something are crimes in Ireland.</p>
	<p>The criminal law already protects everyone from these crimes.</p>
	<p>But there are gaps in the law.</p>
	<p>Here are some examples of these gaps:</p> <ul style="list-style-type: none"><li>• if the abuse happened online, there is a problem because different countries</li></ul>



have different laws about dealing with financial abuse;

- at-risk adults might not want to report the financial abuse because the abuser might be a carer, friend or family member;
- giving evidence in court can be hard because at-risk adults might find it hard to remember what happened.



The Central Bank has a code of practice, called the Consumer Protection Code.

This has rules that financial service providers must follow.



A **financial service provider** can be:

- a bank,
- a credit union, or
- a post office.









The law says that if you need help making financial decisions, you can choose to have someone to help you.



This person must make a report if they think you are being financially abused.

## Recommendations

 	<p>We recommend that financial service providers should take steps to stop financial abuse of at-risk customers.</p>
<p><b>NEW!</b></p>    <p>Number 64 of 2015</p> <p>Assisted Decision-Making (Capacity) Act 2015</p>	<p>The Central Bank is currently updating the consumer protection code.</p> <p>We recommend that the updated consumer protection code should:</p> <ul style="list-style-type: none"> <li>• make things clearer, and</li> <li>• work well with laws that already exist. For example, the Assisted Decision-Making (Capacity) Act 2015.</li> </ul>

	<p>We recommend that financial service providers should be allowed to delay payments when they think there might be financial abuse.</p> <p>This will help to protect at-risk customers.</p>
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	<p>We recommend that the law should protect employees from being taken to court if they try to stop financial abuse.</p>
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We recommend that the Safeguarding Body should have powers to get reports and investigate financial abuse.



We recommend that all contracts for home support should explain how much home care services cost.



We recommend that there should be a standard about how financial service providers can stop financial abuse.

 	<p>We recommend that people who work in banks, credit unions and post offices should be trained regularly on:</p> <ul style="list-style-type: none"><li>• how to spot financial abuse, and</li><li>• how to stop it.</li></ul>
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## Chapter 15: Cooperation

### What is chapter 15 about?

This Chapter is about bodies working together to protect, support and safeguard at-risk adults.

### Why are we talking about this?

	<p>It is important that bodies work together to provide the best safeguarding services for at-risk adults.</p>
	<p>In Ireland, it can be difficult to protect, support and safeguard at-risk adults because the law does not make bodies work together.</p>
 	<p>Some other countries have laws about bodies working together.</p>

## Recommendations

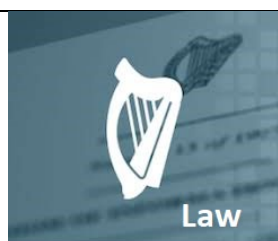
	<p>We recommend that bodies should work together to:</p> <ul style="list-style-type: none"> <li>• protect,</li> <li>• support and</li> <li>• safeguard</li> </ul> <p>at-risk adults in Ireland.</p>
 	<p>We recommend that adult safeguarding laws should say that the Safeguarding Body is responsible for working together with any person or body that it needs to, to do its job and safeguard at-risk adults.</p>
	<p>We recommend that adult safeguarding laws should say that certain public bodies must work together to protect, support and safeguard at-risk adults.</p>



We recommend that adult safeguarding laws should say that certain public bodies must work together with certain providers of services to at-risk adults, to protect, support and safeguard at-risk adults.



We recommend that adult safeguarding laws should say that providers of certain services to at-risk adults must work together to protect, support and safeguard at-risk adults.



We recommend that the government should create a group to make sure that the Safeguarding Body, certain public bodies, and providers of certain services to at-risk adults work together well to protect, support and safeguard at-risk adults.



We think that the members of the group should come from different government departments.



We recommend that, if the government makes social care laws in the future, the government should include new laws to make sure that agencies work together when young people are moving from children's services to adult services.




## Chapter 16: Information sharing


### What is chapter 16 about?

This chapter is about sharing information to safeguard at-risk adults and protect them from harm. It explains the problems with the law and how we think it should change.

### What do we mean when we say sharing information?

 A blue circular icon with a white lowercase 'i' inside. To its right, two men are standing and looking at a document together. One man is holding the document and pointing to it, while the other is looking at it.	<p>Sharing information means giving details about at-risk adults to people who work with at-risk adults, and can help to protect them from harm.</p>
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### What does sharing information have to do with adult safeguarding?

 A shield-shaped logo with a gold border and a black background. Inside the shield, the words 'Safe Guarding' are written in white, and 'ALERT!' is written in red below it. To the right of the shield, a woman in a black dress is standing, surrounded by several circular icons connected by lines, representing a network of people and services.	<p>Sharing information helps to protect at-risk adults from harm by making sure that the people they work with can:</p> <ul style="list-style-type: none"><li>• understand what is going on, and</li><li>• take action if needed.</li></ul>
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Accessing data means getting information about at-risk adults, like their medical history or address.



Accessing data can prevent harm to at-risk adults because it helps the people they work with across different organisations to understand their needs and risks clearly.









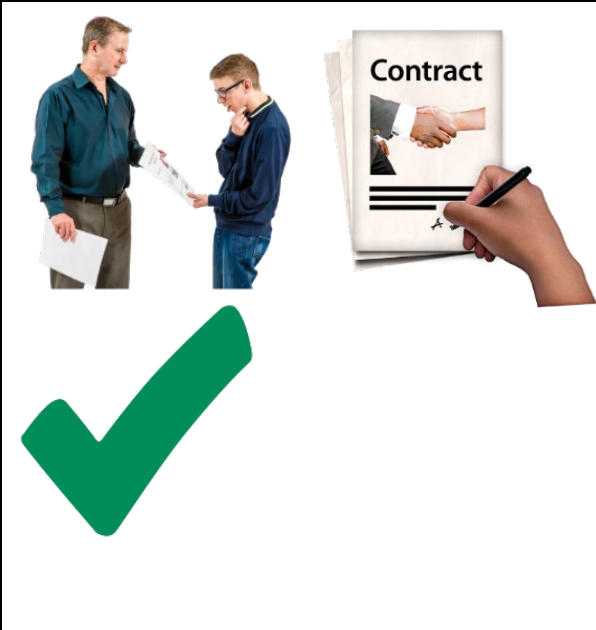
Sharing information and accessing data helps people and adult safeguarding organisations to protect at-risk adults from harm.





## What are the laws about information sharing in Ireland?

		<p>The General Data Protection Regulation (<b>GDPR</b>) is one of the main laws about information sharing in Ireland. This law says that everyone has a right to have their data protected.</p>
		<p>To protect this right, the GDPR says that personal data cannot be shared. However, there are some exceptions to this rule.</p>
		<p>For example, your data can be shared if you allow it to be shared. This causes problems for at-risk adults who have disabilities that make it difficult for them to give consent.</p>









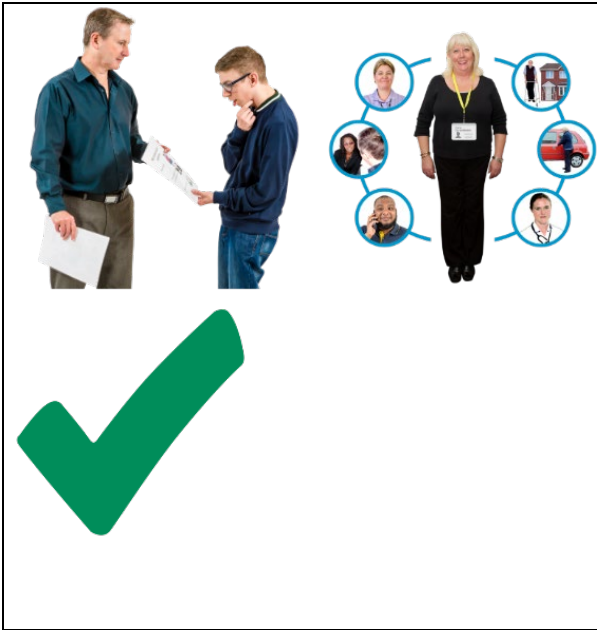
Your data can be shared if it is needed as part of a contract.



Your data can be shared if another law says it can be shared.

Many people do not know about the other laws, so they do not know that data can be shared using this exception.

  	<p>Your data can be shared if sharing it is needed to protect your life or someone else's life.</p>
  	<p>Your data can be shared if it is in the public interest. It is not clear if safeguarding specific at-risk adults, and protecting them from harm, would count as the "public interest" here.</p>




Your data can be shared if there is a valid reason, and the body that wants the information is somehow connected with the body that has the information.












For example, a bank could share an at-risk adult's financial information with a body that is protecting the at-risk adult from financial abuse.






The GDPR says that information about someone's health or religious beliefs is specially protected. It can only be shared if:









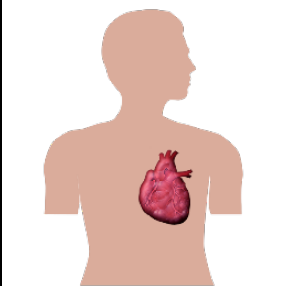

	<ul style="list-style-type: none"> <li>• The person gives permission for their information to be shared;</li> <li>• The information needs to be shared to protect someone;</li> <li>• The information needs to be shared in the public interest.</li> </ul>
	<p>It is not clear how these exceptions work in practice for at-risk adults and the people who need to share their information.</p>
	<p>This means that it is difficult to know how and when information about at-risk adults' health or religion can be used to safeguard at-risk adults.</p>

  	<p>Information about a person's criminal convictions can be shared to protect an at-risk adult from harm.</p> <p>("Criminal convictions" means whether the person has ever committed a crime.)</p>
 	<p>Information can be shared if an organisation that deals with crime needs the information.</p> <p>This is usually the Gardaí.</p>
   	<p>There is no law that says:</p> <ul style="list-style-type: none"> <li>• What information can be shared to safeguard at-risk adults.</li> <li>• How information can be shared to safeguard at-risk adults.</li> </ul>

## What problems are there with accessing data and sharing information in Ireland?

	<p>It is difficult to know when sharing information breaks the GDPR law.</p>
	<p>People and bodies do not know:</p> <ul style="list-style-type: none"> <li>• When it is okay to share information to safeguard at-risk adults.</li> <li>• What information they can share for this reason.</li> <li>• How to share the information.</li> </ul>
	<p>Because people do not know these things, different bodies that work with at-risk adults share information in different ways.</p>

## Recommendations

		<p>We recommend that Irish law should say something about information sharing between adult safeguarding bodies.</p>
		<p>We recommend that there should be a new law that says that some bodies are allowed to share information with other bodies to safeguard at-risk adults.</p>
		<p>Because it will take a while for a new law to be made, we recommend that some bodies should be able to share information about at-risk adults' health and religion with other bodies in the meantime.</p>
		<p>Because it will take a while for a new law to be made, we recommend that some bodies should be able to share information about at-risk adults' health and religion with other bodies in the meantime.</p>
		<p>Because it will take a while for a new law to be made, we recommend that some bodies should be able to share information about at-risk adults' health and religion with other bodies in the meantime.</p>





We recommend that guidance explaining the law should be published and given to bodies that work with at-risk adults.



We recommend that codes of conduct should be published so bodies can understand when and how to share information about an at-risk adult's health and religion.


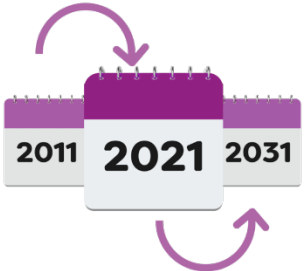
A code of conduct is a list of rules to follow.

## Chapter 17: Adult safeguarding reviews



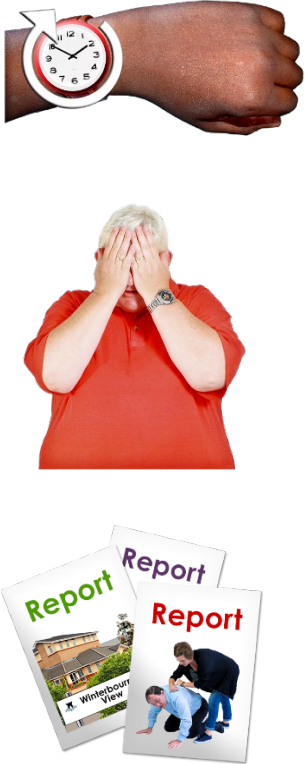
### What is chapter 17 about?

This chapter is about reviews of bad events that happen to at-risk adults. We call these reviews “adult safeguarding reviews”.

### Why are we talking about this?

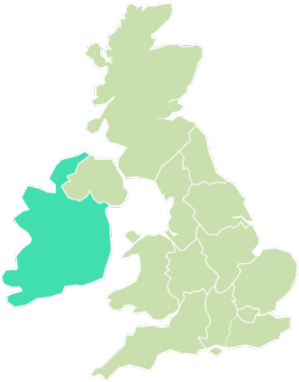
	<p>It is important to find out what happened when:</p> <ul style="list-style-type: none"><li>• something bad happened, and</li><li>• an at-risk adult was harmed.</li></ul>
	<p>This aim of reviewing a bad event like this is to:</p> <ul style="list-style-type: none"><li>• learn lessons from the past, and</li><li>• prevent harm to at-risk adults in the future.</li></ul>

## How do reviews work in Ireland?



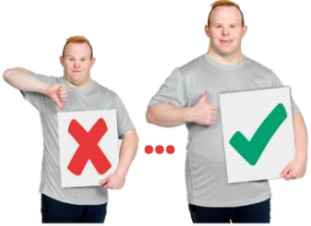
	<p>At the moment, we have “serious incident reviews” in Ireland. These reviews are not just for at-risk adults, and they are not just focused on learning.</p>
	<p>There are lots of different types of reviews in Ireland, and they work in different ways.</p>
	<p>Because of this:</p> <ul style="list-style-type: none"><li>• it might take a long time to share the lessons learned,</li><li>• the review could be stressful for the at-risk adult and their family,</li><li>• there could be more than one review of the same bad event, and</li></ul>

	<ul style="list-style-type: none"> <li>• the review could take a long time and never be finished.</li> </ul>
  	<p>Different organisations and different people can do these reviews in Ireland. For example:</p> <ul style="list-style-type: none"> <li>• HIQA,</li> <li>• the HSE, or</li> <li>• an independent doctor.</li> </ul> <p>These are just a few examples.</p>
	<p>This can be confusing for people because different people and organisations might use different rules and ask different questions.</p>

## Do other countries have adult safeguarding reviews?

	<p>Yes. In other countries like:</p> <ul style="list-style-type: none"><li>• England,</li><li>• Scotland and</li><li>• Wales,</li></ul> <p>there are reviews that are specific to adult safeguarding.</p>
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## Recommendations

	<p>We recommend that where something very serious happens with an at-risk adult, there should be a review. This will be called an "adult safeguarding review".</p>
	<p>Adult safeguarding reviews are for all care settings where there are at-risk adults.</p>
	<p>We recommend that adult safeguarding reviews should focus on learning. They are not about blaming people for what happened.</p>



We recommend that these reviews should:

- be done the same way every time, and
- include everyone involved in what happened.



We recommend that the findings of these reviews should be shared with everyone.

This will help everyone to learn the lessons.



We recommend that these reviews **must** take place if the conditions for a review are met.

A review will only be required if something very serious happened.



We recommend that an adult safeguarding review must be done when it looks like there have been serious failures in care by people who are responsible for protecting and caring for at-risk adults, **and**:



- it is believed that an at-risk adult might have died because of abuse or neglect,

**or**



- an at-risk adult was or is being seriously abused or neglected.



We are not recommending who should do these reviews, because there are a lot of things to think about. We think the government should make this decision.



We recommend that the body doing these reviews can stop or pause a review when:

- someone else is reviewing what happened,
- it happened a long time ago,
- the issues have been fixed,
- the issues are being talked about in court, or
- the Gardaí are looking into what happened.





We recommend that the body doing these reviews should have the power to:

- ask people questions,
- get information, and
- read documents about what happened.



We recommend that the reviewing body should be able to apply to the court for an order where someone does not help them with their review.



## Chapter 18: Regulation of professionals and occupational groups

### What is chapter 18 about?

In this chapter, we talk about:

- the people who work with and look after at-risk adults; and
- how the law controls who can do these jobs.


### What is the difference between regulated and unregulated jobs?

	<p>For some jobs, you need to have specific qualifications or training to be allowed to do them. There is a list of the people who are allowed to do the job.</p> <p>These are called regulated jobs.</p>
	<p>For other jobs, you do not need any specific qualifications or training. These are called unregulated jobs.</p>



## What jobs are regulated in Ireland?

   	<p>Some jobs for people who work with, or look after, at-risk adults are regulated. For example:</p> <ul style="list-style-type: none"><li>• doctors,</li><li>• nurses and</li><li>• social workers.</li></ul>
  	<p>Regulated jobs have:</p> <ul style="list-style-type: none"><li>• a register of all the members who can do the job,</li><li>• education and training requirements, and</li><li>• ways to deal with complaints about members.</li></ul>



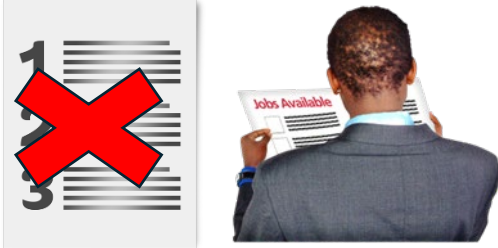
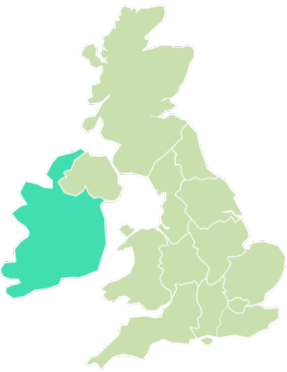
## What jobs are not regulated in Ireland?

	<p>Some jobs for people who work with, or look after, at-risk adults are <b>not</b> regulated. For example:</p> <ul style="list-style-type: none"><li>• health care assistants, and</li><li>• health care support assistants.</li></ul>
	<p>Unregulated jobs do not have:</p> <ul style="list-style-type: none"><li>• a register of all the members who can do the job,</li><li>• education and training requirements, and</li><li>• ways to deal with complaints about members.</li></ul>

## What do health care assistants and health care support assistants do?

	<p>Health care assistants help nurses and midwives to provide care. They work in hospitals and other centres that provide care.</p>
	<p>Health care support assistants are also called “home help” or “homecare assistants”.</p> <p>They are different to health care assistants because they work in the person’s home, not in a hospital or centre that provides care.</p> <p>Health care support assistants care for people in their homes by helping them with things like:</p> <ul style="list-style-type: none"><li>• bathing,</li><li>• dressing,</li><li>• making food, and</li><li>• cleaning.</li></ul>

## What are vetting and barring?

	<p>Vetting and barring are things that are used to help to make sure that only safe and responsible people work with at-risk adults.</p>
	<p>“Vetting” is a way of checking out a person who wants to work with at-risk adults.</p> <p>Vetting is where an employer, or a special vetting body, do a check on people to make sure they are safe to work with at-risk adults.</p>
 	<p>“Barring” means stopping a person from working in the same type of job again because of something they did in the past.</p> <p>A “barred list” is a list of people who are not allowed to work in jobs related to children or at-risk adults.</p> <p>They use these in the UK, but we do not use barred lists in Ireland.</p>





## How does the law in Ireland control who can look after at-risk adults?

	<p>In Ireland, we use vetting.</p> <p>Vetting in Ireland is run by the Gardaí. They have a list of organisations that they do vetting for.</p> <p>You might have heard of this being called "Garda vetting".</p>
 	<p>We also have "post-conviction prohibition orders". These orders stop people from working in certain jobs if they have been found guilty of certain crimes.</p> <p>Prohibition orders last for a set period of time, not forever.</p>
	<p>At the moment in Irish law, prohibition orders can only be given to people who have been found guilty of sexual crimes.</p>

## Recommendations

 	<p>We recommend that health care assistants and health care support assistants should be regulated in Ireland under the law.</p>
   	<p>This would make sure that:</p> <ul style="list-style-type: none"><li>• the public are protected,</li><li>• there are standards for education and training before a person can do these jobs,</li><li>• everyone knows exactly what type of work health care assistants and health care support assistants do,</li></ul> <p>and</p>



	<ul style="list-style-type: none"> <li>• there is a more controlled process for deciding who can become a health care assistant or health care support assistant.</li> </ul>
	<p>We recommend that a system of mandatory re-vetting should be introduced.</p> <p>This would mean that people who must be Garda vetted for work will have to be vetted again every few years, even if they do not change jobs.</p>
	<p>We do not recommend that barring lists should be introduced in Ireland.</p>
	<p>We recommend that the government should introduce post-conviction prohibition orders for more crimes.</p>



This would stop criminals from doing work or activities in the future that are related to the crime they committed.



We think it should be possible to give these orders to people who commit a crime where their victim is a "relevant person". We explain this term in chapter 19.

## Chapter 19: Adult safeguarding and the criminal law




### What is chapter 19 about?



This chapter is about how the criminal law in Ireland prevents harm to at-risk adults. We talk about why we think the criminal law needs to change.

### How does the criminal law in Ireland prevent harm to at-risk adults?

	<p>There are not many laws in Ireland that prevent harm to at-risk adults.</p> <p>However, the general criminal law applies when someone harms an at-risk adult.</p>
	<p>It can be hard to prove these crimes when an at-risk adult cannot be interviewed or give evidence in court about what happened to them.</p>
	<p>There are gaps in the law to safeguard at-risk adults who rely on other people for care and support.</p>



## What crimes do we think are needed to prevent harm to at-risk adults?

  	<p>"Abuse" means actions that harm other people. Examples of abuse are:</p> <ul style="list-style-type: none"><li>• physical and sexual violence,</li><li>• lying to get money or property or to cause a loss of money or property, or</li><li>• psychological violence.</li></ul>
	<p>These actions are already crimes. But we think the law does not go far enough.</p>

 	<p>For example, neglect can happen.</p> <p>Neglect can be:</p> <ul style="list-style-type: none"> <li>• ignoring medical or physical care needs,</li> <li>• not providing suitable health, social care or educational services, or</li> <li>• refusing to provide basic needs, like food.</li> </ul>
	<p>At the moment, if the person does not die from this neglect, then it is usually not a crime.</p>
	<p>At the moment, there is only one crime in Irish law for not caring for an at-risk adult properly. This law only applies to decision-making helpers for at-risk adults.</p>

	<p>"Ill-treatment" means bullying or making threats towards someone.</p>
	<p>Ill-treatment of at-risk adults is not a special crime in Ireland at the moment.</p>

### Introduction to our new crimes




	<p>Even though we use "at-risk adult" in our report and civil bill, we think the criminal law needs to be more specific.</p>
	<p>We think that the term "relevant person" should be used in the new criminal laws, instead of "at-risk adult". Relevant person is a definition that includes a specific list of at-risk adults.</p>

	<p>We use the terms “at-risk adult” and “relevant person” here to explain our recommendations.</p>
	<p>We think that the new crimes can be committed by people, companies and organisations. For example, they can be committed by nursing homes.</p>
	<p>Starting on the next page, we explain the new crimes that we think should be included in adult safeguarding laws.</p>

## A new crime of abuse, neglect, or ill-treatment




	<p>At-risk adults who are abused, neglected or ill-treated might not be able to talk about, remember, or understand what happened to them.</p>
	<p>This is because at-risk adults might have problems with their memory, or have trouble communicating with others.</p>
	<p>In Irish law, the crime of "cruelty" applies to different types of abuse of children. This crime is a good guide for what new crime is needed for at-risk adults.</p>
	<p>Because at-risk adults can be dependent on people caring for them, like children are, we think it is important that the law also tries to prevent harm to at-risk adults.</p>






	<p>This new crime can be committed by:</p> <ul style="list-style-type: none"> <li>• an adult that cares for a relevant person, and</li> <li>• an adult that lives in the same house as a relevant person.</li> </ul>
	<p>We believe that the person that committed the crime needs to act:</p> <ul style="list-style-type: none"> <li>• on purpose, or</li> <li>• without taking proper care</li> </ul> <p>for their actions to be a crime.</p>
	<p>This will make sure that accidents and mistakes made by:</p> <ul style="list-style-type: none"> <li>• someone caring for a relevant person, or</li> <li>• a person living in the same house as a relevant person</li> </ul> <p>are not made a crime.</p>

## A new crime of danger of serious harm or sexual abuse





	<p>The law in Ireland makes it a crime to place children in danger of serious harm or sexual abuse. There is no crime like this for at-risk adults.</p>
	<p>The law about children makes it a crime for:</p> <ul style="list-style-type: none"><li>• a person to leave a child in a situation that puts them at risk of being a victim of serious harm or sexual abuse, and</li><li>• a person not to take steps to prevent harm to a child.</li></ul>
	<p>For this crime, proof of harm is not needed. Instead, a crime is committed if it was done in a way that was <b>likely</b> to cause harm to the health or well-being of the child.</p>

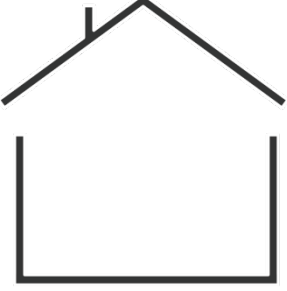



	<p>We recommend that there should be a crime like this one for placing relevant people in danger of serious harm or sexual abuse.</p>
	<p>At the moment, the criminal law in Ireland says that "serious harm" means injury that causes a risk of death or permanent injury.</p>
	<p>We recommend that psychological harm should also be included in the definition of serious harm.</p> <p>This is because we think psychological harm can be very harmful to people.</p>





## A new crime of coercive control

	<p>In Ireland, domestic violence law contains a crime of “coercive control”.</p> <p>This makes psychological abuse a crime when it happens because of long-term controlling behaviour.</p>
	<p>Domestic violence law can only be used to prevent harm to adults in certain relationships.</p> <p>(We explained this in chapter 13.)</p> <p>However, coercive control can happen in other close relationships like families, or where someone is caring for another person.</p>
	<p>We think there should be a new crime of coercive control that applies to more relationships involving a relevant person.</p>





## A new crime of coercive exploitation

<p><b>NEW!</b></p> 	<p>We thought about whether we need a special crime for taking advantage of a relevant person. This would be called the crime of coercive exploitation.</p>
 	<p>For example, coercive exploitation could be:</p> <ul style="list-style-type: none"><li>• “mate crimes”,</li></ul> <p>or</p> <ul style="list-style-type: none"><li>• “cuckooing”.</li></ul> <p>We explain what these are below.</p>
	<p>A mate crime is when a person becomes friends with an at-risk adult and gains their trust, in order to take advantage of them. The person might borrow money from the at-risk adult and never give it back.</p>

	<p>Cuckooing is when a person takes advantage of an at-risk adult, usually by taking control of their home.</p>
	<p>Even though this kind of behaviour is not violent, it can still be seen as taking advantage of an at-risk adult.</p>
	<p>An at-risk adult might not be able to understand that this is happening.</p> <p>They may think that the person harming them is their friend.</p>
	<p>The crimes that are already in Irish law (like theft) do not cover this behaviour.</p>



	<p>The new crime of coercive control that we suggest above also would not cover every case of coercive exploitation of at-risk adults.</p>
	<p>There have been many newspaper articles that show that this kind of behaviour is a problem in Ireland.</p>
	<p>We think that this new crime is needed to prevent harm to relevant persons.</p>
	<p>Examples of evidence for the crime of coercive exploitation could be:</p> <ul style="list-style-type: none"> <li>• evidence of repeated actions by the person taking advantage of the same at-risk adult, or</li> <li>• evidence that the person took advantage of many different at-risk adults.</li> </ul>


## Regulatory crimes

	<p>The crimes that we suggest above will also apply to organisations.</p> <p>For example, a nursing home could place a relevant person in danger of serious harm or sexual abuse.</p>
	<p>It is important to remember that there are also regulatory crimes in Ireland.</p>
 	<p>Regulatory crimes are for failures in care by regulated care providers.</p> <p>HIQA and the Mental Health Commission can bring prosecutions if regulated care providers do not follow their duties.</p> <p>We do not think that any new regulatory crimes are needed.</p>



## Recommendations

	<p>We recommend that the new crimes in our criminal law should apply if a person commits a crime against a relevant person.</p>
  	<p>A relevant person is an adult whose ability to prevent harm to themselves is affected. This ability may be affected because of:</p> <ul style="list-style-type: none"><li>• a physical disability,</li><li>• a mental disorder,</li><li>• an intellectual disability, or</li><li>• autism spectrum disorder.</li></ul>

	<p>We recommend that there should be a new crime of abuse, neglect or ill-treatment against a relevant person, where this was done on purpose or without taking proper care.</p>
	<p>This law should be based on the crime against child cruelty.</p>
	<p>We recommend that there should be a new crime of placing a relevant person in danger of serious harm or sexual abuse.</p>
	<p>This law should be based on the same crime against children.</p>
	<p>The meaning of "serious harm" for this crime should include psychological harm.</p>

**NEW!**



We recommend that there should be a new crime of coercive control of a relevant person.









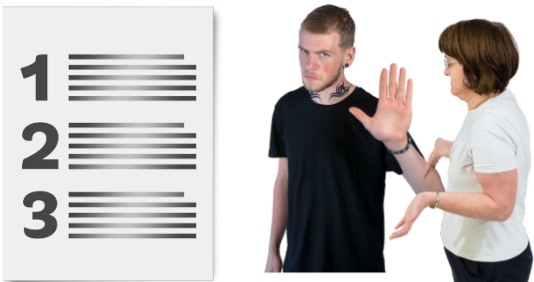
This crime should be based on the crime of coercive control in domestic violence law.



This crime should apply to:

- family relationships,
- caring relationships, and
- people living together.

	<p>We recommend that there should be a new crime of coercive exploitation of a relevant person.</p>
  	<p>This would make it a crime for a person to:</p> <ul style="list-style-type: none"> <li>• behave in a controlling or coercive way (without a good reason),</li> <li>• with the purpose of controlling the property or finances of the relevant person, and</li> <li>• to make a gain for themselves or another person.</li> </ul>

	<p>We recommend that a person will be guilty of this crime even if the gain did not actually happen.</p>
	<p>It will <b>not</b> be a defence if the relevant person agreed. The person will still be guilty of the crime.</p>
	<p>We recommend that the law should have a list of behaviours that could be seen as controlling or coercive behaviour. More actions can be added to this list.</p>

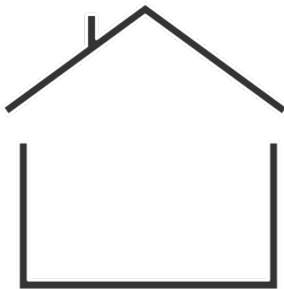


This list should include:

- controlling the relevant person's needs like medication or sleep,
- using violence, intimidation or making threats against a relevant person or a family member of a relevant person,
- using undue influence over a relevant person, or
- changing or threatening to change the personal or property rights of a relevant person.



Undue influence is when a person uses power to make a relevant person act in a way that is not in their best interests or makes a gain for another person.





A gain is any type of financial benefit.

This can be:

1. taking or using money or anything else owned by a relevant person,
2. taking or using property that a relevant person owns or lives in, or stopping a relevant person using this property, or
3. taking or using benefits the relevant person gets.

	<p>We recommend that Irish courts can make a publicity order. This means the guilty person must make information about the crime public.</p>
	<p>This information must include at least one of these things:</p> <ul style="list-style-type: none"> <li>• the fact they have been found guilty of a crime,</li> <li>• the facts of the crime, or</li> <li>• the fine or time in prison ordered by the court.</li> </ul>
	<p>We recommend that, when there is a court case about one of our suggested new crimes, it should be a crime for someone to publish any information that might identify the relevant person.</p>



	<p>However, it should not be a crime for the relevant person to do this about themselves.</p>
	<p>It also should not be a crime if the court says that the information should be published.</p>

## Chapter 20: A regulatory framework for adult safeguarding – implementation and a whole of government approach

### What is chapter 20 about?

This chapter is about how the government should bring in new adult safeguarding laws in Ireland.

### What is needed to improve adult safeguarding in Ireland?

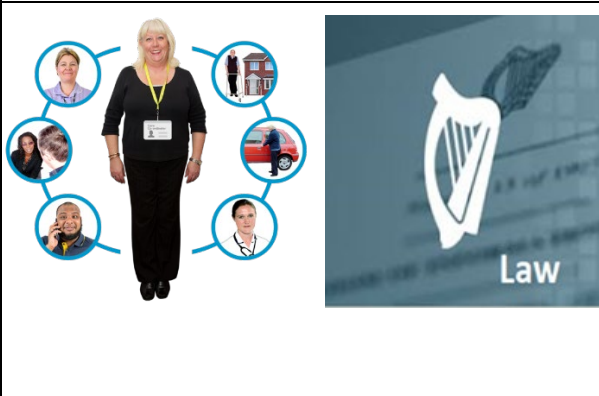
		<p>We have explained in this report that there is no adult safeguarding framework in Ireland.</p> <p>(A framework is a set of laws about something.)</p>
		<p>In this report, we recommend new adult safeguarding laws. These laws will help at-risk adults to protect themselves from harm.</p>
		<p>The recommendations we make in this report apply to multiple sectors. They do not just apply to the health and social care sector.</p>



Most at-risk adults use health and social care services. Some at-risk adults use services in other sectors. Some do not use any services at all.



**All** at-risk adults should be supported and safeguarded. Any changes that come from this report should prevent harm and abuse of all at-risk adults.



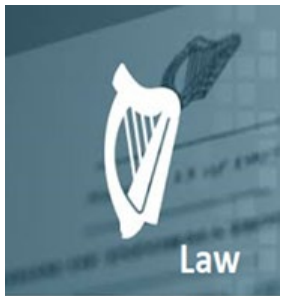
To make sure of this, every sector and department must work together. They all must do what the new adult safeguarding laws tell them to do.



There will have to be one main government department that brings in new adult safeguarding laws. It will be difficult to pick one. This is because lots of departments do work to support and safeguard at-risk adults.



There should also be one main minister in charge of new adult safeguarding laws.



The new adult safeguarding framework is big.  
There has never been a framework before.



Having guidelines and codes of practice will help everyone to do what the new laws say.  
Guidelines and codes of practice will also help people understand and apply the new laws.

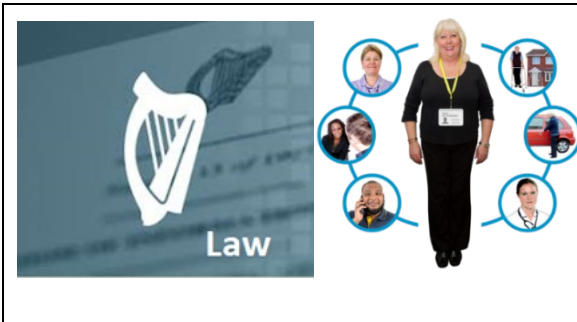


The government should also think about how our new adult safeguarding laws will work with laws that are already in place in Ireland, and any future laws that are made.



The recommendations that we make in this chapter are about what the government can do to make it easier to bring in new adult safeguarding laws.

## Recommendations



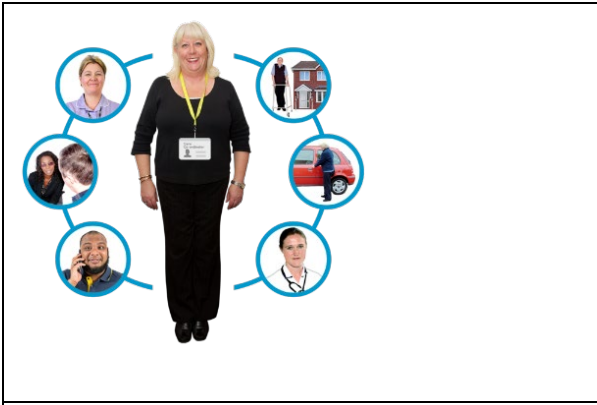
We recommend that adult safeguarding laws should apply to all sectors that work with adults who are or might be at-risk adults.



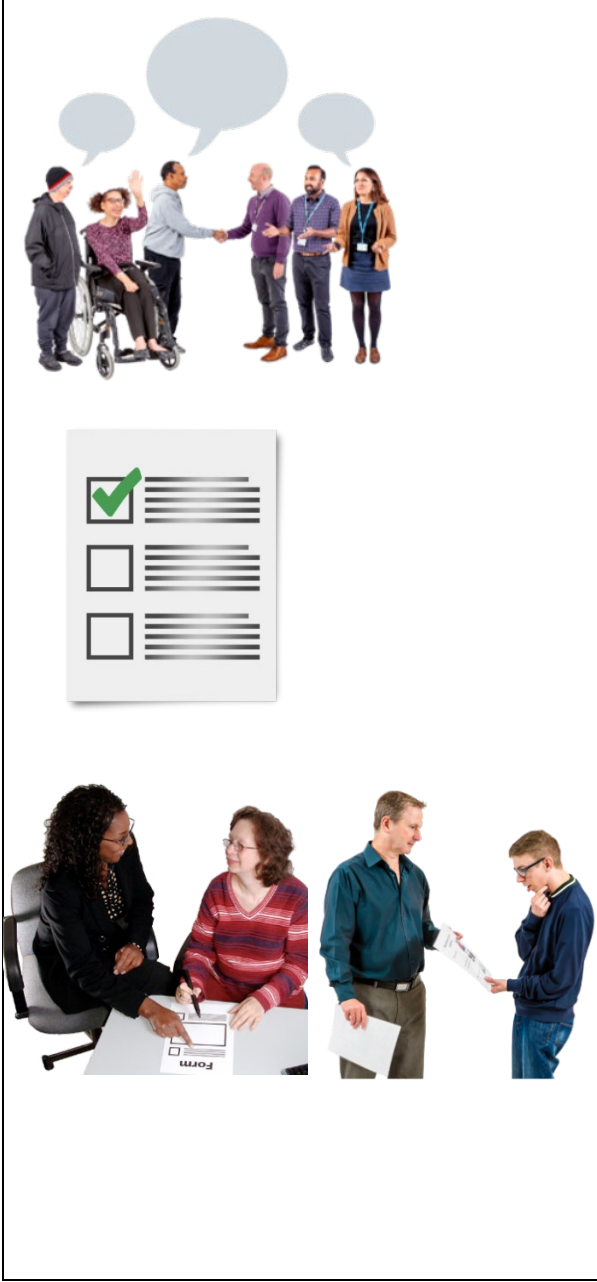
We recommend that the government should choose which main department should be in charge of the new adult safeguarding laws.



We recommend that there should also be a group of government departments who work together to bring in the new adult safeguarding laws.  
  
This is called an interdepartmental implementation group.









The government should decide what departments should be members of this group. This would include the main department.



We recommend that the interdepartmental implementation group should:

- make sure departments do what they need to under the new laws,
- make sure departments follow guidelines from the main minister,
- help the departments make plans to bring in the laws,
- report progress to the main minister, and
- give the main minister information and advice.

	<p>The government should decide what departments should make a plan for the work they will do to bring in the new laws.</p>
 	<p>We recommend that the minister of these departments should make a plan for how to bring in the new laws. These plans are called sectoral plans.</p>
 	<p>The plans should say what actions each minister will take. The plans should make sure that every department does what the new laws say.</p>
	<p>We recommend that ministers should make guidelines and codes of practice. These should be for the Safeguarding Body, public organisations and service providers. This will help them to understand and follow the new laws.</p>