Opening Statement, Safeguarding Ireland
Joint Committee on Health
9th July 2025

Safeguarding Ireland welcomes the opportunity to appear before the Health Committee. I am Patricia Rickard-Clarke, Chair of Safeguarding Ireland, and I am joined today by Annmarie O'Connor, Programme Manager, of Safeguarding Ireland, and Mervyn Taylor, who is a Board member of Safeguarding Ireland and was formerly CEO of Sage Advocacy.

We appear today in the aftershock of the RTE Investigates Documentary *'Inside Ireland's Nursing Homes'*[1], which follows the publication of the report of the Farrelly Commission about 'Grace'[2], which follows the 'Emily'[3] and 'Brandon'[4] cases, as well as the many risks that were manifest to nursing home residents during the COVID-19 pandemic.[5] Safeguarding Ireland itself has its origins in the aftermath of the investigation into the adult abuse issues within the Áras Attracta facility[6] and was designed to bring together the views and perspectives of a multi-sectoral group on how the issue of adult safeguarding could be addressed in health and social care services in Ireland under an independent Chairperson. Almost from the start, stakeholders recognised that adult abuse was occurring beyond health and social care and more broadly across all sectors of Irish society.[7]

While the current focus is welcomed, it should not require an exposé to generate political and public engagement on the exploitation of adults in Ireland.

Gaps in policy and legislation

Moreover, these very harrowing cases, which identify the risks and harms to which the most vulnerable members of society are routinely exposed, give only a partial insight into the extent of

[1] https://www.rte.ie/video/id/25687/
[2] https://www.gov.ie/en/department-of-children-disability-and-equality/publications/farrelly-commission-final-reports/
[3] https://www.hse.ie/eng/services/publications/independent-review-of-the-governance-arrangements-in-a-hse-nursing-home.pdf
[4] https://www.hse.ie/eng/services/publications/the-national-independent-review-panel-brandon-report-for-publication.pdf
[5] https://www.hiqa.ie/sites/default/files/2020-07/The-impact-of-COVID-19-on-nursing-homes-in-Ireland_0.pdf
[6] https://www.hse.ie/eng/services/publications/disability/aasrgwhatmattersmost.pdf
[7] The National Safeguarding Committee was established by the HSE in December 2015 in the aftermath of the investigation of the adult abuse issues within the Áras Attracta facility, to bring together the views and perspectives of a multi-sectoral group on how the issue of adult safeguarding could be addressed in health and social care services in Ireland under an independent Chairperson. In 2017, the National Safeguarding Committee evolved into an independent entity, National Safeguarding Ireland clg., and is also a registered charity, trading as Safeguarding Ireland.

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CRO #612163. RCN #20204851. Contact: annmarie@safeguardingireland.org
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adult abuse, which is endemic across all sectors in Irish society.[8] We recognise that the Committee's focus is on gaps in policy and legislation, and there are many, but I want to first underline the urgent requirement to move beyond analysis, to implementing a comprehensive response to adult abuse across all sectors of Irish society.

- In 2017, there was an Adult Safeguarding Bill[9] which could have addressed many of the issues that remain of urgent concern today.
- In 2022, Safeguarding Ireland published a comprehensive discussion document *'Identifying Risks - Sharing Responsibilities'*,[10] identifying the many legislative and policy gaps and proposing an overarching response in the form of Adult Safeguarding legislation and the establishment of an Independent Adult Safeguarding Authority.
- In April 2024, the Law Reform Commission published its comprehensive analysis of the gaps in policy and legislation and also proposed a range of measures including draft Adult Safeguarding legislation[11] and pointed to the need for an Adult Safeguarding Authority.[12]
- In May 2024, the Joint Committee on Disability Matters published its report *Ensuring rights based adult safeguarding in Ireland*. [13] It recommended (*inter alia)* the establishment of a National Safeguarding Authority.

The Health Committee's focus today is the legal and policy gaps in adult safeguarding, however it is evident from Safeguarding Ireland's engagement with the public and our National Safeguarding Advisory Committee which is a cross sectoral group of almost 40 national organisations, including government Departments and Agencies, regulators, service provides, charities and civil society organisations and banks and financial institutions that there are very extensive legal and policy gaps in adult safeguarding which extend far beyond health and social care.

[8] https://safeguardingireland.org/wp-content/uploads/2022/11/617622-Safeguarding-Ireland-Oct-22-FINAL.pdf
[9] https://www.oireachtas.ie/en/bills/bill/2017/44/
[10] https://safeguardingireland.org/wp-content/uploads/2022/05/6439-Safeguarding-Risks-Resp-Report-FA4_lowres.pdf
[11] https://www.lawreform.ie/_fileupload/Reports/as/lrc-128-vol-4-160424-final.pdf **Appendix C**: Adult Safeguarding Bill 2024, **Appendix D**: Criminal Law (Adult Safeguarding) Bill 2024
[12] https://www.lawreform.ie/news/the-law-reform-commission-publishes-report-on-a-regulatory-framework-for-adult-safeguarding.1141.html
[13] https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_disability_matters/reports/2024/2024-05-07_ensuring-rights-based-adult-safeguarding-in-ireland_en.pdf

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Practical Experience

Safeguarding Ireland provides no service to the public[14] yet almost every day, receives concerns from professionals, organisations, family members, and other members of the community concerned for the safety of adults at risk. These concerns cover a very broad range of abuse types, including financial abuse, coercive control, self-neglect, and a wide array of practices, suggestive of sometimes very serious violations of human rights. The alleged harms occur, in the main, in the community, with a significant component also relating to people in residential care. The alleged perpetrators are very often close family members or trusted others. Often two abuse types occur together (e.g., deprivation of liberty linked to financial abuse, coercive control linked to financial abuse). Concerns also relate to the provision of services to adults at risk by charities or other private or Government bodies not funded by the HSE or covered by the ambit of HSE or health policy.

While Safeguarding Ireland sometimes refers cases of high risk or urgency to An Garda Síochána in line with relevant legislation, more often it signposts to a diverse array of organisations that may have some partial support to offer. In most cases, the signposting will be to multiple organisations, including Sage Advocacy, the National Advocacy Service for People with Disabilities, the HSE's Adult Safeguarding Teams, HIQA, the Charities Regulator and, in the cases of financial abuse, to the relevant bank or financial institution, the Department of Social Protection's Adult Safeguarding Unit and more recently to the FSPO.[15]

In many cases, the concern is sent to Safeguarding Ireland ***after*** other avenues have already been investigated.

In responding to concerns, Safeguarding Ireland often refers to relevant legislation or policy, including, in particular, the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and Section 19 of the Criminal Justice Act 2011, the GDPR and the Assisted Decision-Making Capacity Acts (ADMCA). As relevant, Safeguarding Ireland also refers to the HSE's *Safeguarding Vulnerable Persons at Risk of Abuse National Policy and Procedures*.[16]

[14] https://safeguardingireland.org/reporting/

[15] In March 2025 the Central Bank of Ireland published regulations under the Central Bank Reform Act 2010, which define and address financial abuse. https://www.centralbank.ie/docs/default-source/regulation/consumer-protection/other-codes-of-conduct/consumer-protection-code-review/draft-central-bank-reform-act-2010-section-17a-regulations.pdf?sfvrsn=dc5f631a_3

[16] https://www2.healthservice.hse.ie/organisation/national-pppgs/safeguarding-vulnerable-persons-at-risk-of-abuse-2014-national-policy-procedures/

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This convoluted sign-posting regime shows the primary gap. Unlike other jurisdictions, there is **no** single authority on Adult Safeguarding in Ireland. Getting support or resolution with a concern about the abuse of a vulnerable person requires navigating a Byzantine system, where **no** single body is responsible and **no** single body has the authority, expertise or resources to resolve the issues.

In terms of the ongoing alleged abuse of adults at risk, there is **no** relevant legislation. All that exists is the HSE's 2014 policy, which is acknowledged by all as being outdated, too limited in scope and too narrow in its application and indeed its interpretation.

Increasingly, in the context of the often very serious nature of the concerns that present to us, in the absence of any other body with the capacity and authority to safeguard the vulnerable person, we advise people who contact us about an ongoing risk of harm to an adult who cannot protect themselves to contact An Garda Síochána.

In addition to these concerns, Safeguarding Ireland receives ongoing queries, mainly related to governance, compliance, organisational policy, legislation and training. Organisations and professionals across ***all*** sectors and disciplines are encountering adult abuse. They want to respond, to improve their governance, develop robust organisational policies and train staff. Increasingly, organisations across many sectors want to empower and protect their service users/customers. They want to know who to refer to, and they want assurance that the referral will be acted on.

Again, there is **no** single authority in this regard. **No** central source of expertise and guidance.

Identifying Risks- Sharing Responsibilities

In addition to this direct experience, as I mentioned, Safeguarding Ireland published a comprehensive discussion document on the gaps that exist in Adult Safeguarding in 2022. (*Identifying Risks: Sharing Responsibilities)*. It evidenced a ***'legislative void'*** in terms of authority to act effectively in safeguarding situations. It showed that safeguarding provision is heavily dependent on regulations and standards for health and social care services. Existing regulations fall short in respect of the settings to which they apply, the types of abuse that they can deal with and their legislative basis. Even where organisations have some relevant powers to act, there is an apparent lack of proactivity. There are major gaps relating to co-ordination and co-operation across Government Departments and agencies, between regulators and across sectors. There are serious

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gaps in terms of both corporate and individual accountability[17], self-neglect, coercive control, financial abuse, data sharing, and recognition of independent advocacy. There are deficits in the implementation of the ADMCA.

Again, the main gaps are the absence of legislation and an Independent Adult Safeguarding Authority.

What needs to happen now?

1) Establish a National Adult Safeguarding Authority

We are agreed, not just in Safeguarding Ireland, but across the range of groups that we work with, that the current safeguarding policy being developed by the Department of Health – while welcome – is **not** the level of response required to address the ongoing shortcomings in adult safeguarding. This is because this policy is too narrowly focused on just health (while Adult Safeguarding is relevant across justice, finance and social protection, within the private sector and across civil society) and the policy has no legislative powers of enforcement or conviction.

The appropriate **overarching response that needs to be taken is the establishment of a National Safeguarding Authority** which must be an **independent** statutory agency with functions and powers in relation to adult safeguarding – to protect from harm, abuse and exploitation.

Its main functions must be to:

- Receive reports of actual or suspected abuse/harm occurring in any sector
- Respond to reports and ensure that action is taken.
- It will have the power to direct HSE and other statutory or non-statutory bodies to take actions to safeguard at risk adults.
- It will have a Co-ordinating Role – requiring key stakeholders to work together

[17] There needs to be accountability for reckless, intentional or systems or corporate harms. We also need a regime of individual accountability where the Directors of organisations that permit and perpetuate abuse of adults can be held accountable for the harms they cause. See for example The Individual Accountability Framework (IAF) this is a regulatory initiative by the Central Bank of Ireland aimed at enhancing individual accountability within regulated financial service providers. https://www.centralbank.ie/regulation/how-we-regulate/individual-accountability-framework

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- Importantly, it will conduct Serious Incident Reviews and will set out the steps and mechanism to be followed when incidents occur. This is vital in terms of transparency, accountability and improvement.[18]
- It will set standards and monitor compliance.
- Assist with developing Safeguarding Plans
- Putting in place preventative measures
- Oversight of robust data collection
- Research
- Training and Education and Awareness.

2) Implement the Framework on Adult Safeguarding

The second overarching development that needs to occur is to **progress implementation of the Law Reform Commission Report on a Regulatory Framework for Adult Safeguarding** (published April 2024), which includes draft adult safeguarding legislation.

How to make these responses happen?

To progress these structures, a vehicle/structure is needed. Safeguarding Ireland again asks Government[19], as a matter of urgency, to use the mechanism of the cross-departmental Cabinet Committee on Health[20] to establish an Inter-Departmental Working Group on Adult Safeguarding led by the Department of Health and working closely with the Department of Justice as well as the Department of Social Protection and the Department of Children, Disability and Equality and in close consultation with Safeguarding Ireland. The twin objectives are:

(a) to progress Adult Safeguarding legislation which covers ALL Government Departments and Agencies of the State based on the draft legislation developed by the Law Reform Commission; and

(b) plan the establishment of an Independent Adult Safeguarding Authority, provided for in the legislation.

[18] This would also avoid the need for costly and prolonged Commission/Public Inquiry. Other jurisdictions have Adult Safeguarding Boards who carry out investigations when serious incident occurs. See *Findings and Improvement Priorities from the Second National (England) Analysis of Safeguarding Adult Reviews* https://safeguardingireland.org/wp-content/uploads/2024/05/Five-nations-10th-May-2024.pdf

[19] https://safeguardingireland.org/safeguarding-ireland-calls-for-implementation-of-law-reform-commission-framework-for-adult-safeguarding/

[20] https://www.gov.ie/en/department-of-the-taoiseach/organisation-information/cabinet-committees-of-the-34th-government/#cabinet-committee-on-health

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Other State bodies with significant roles in the overall Adult Safeguarding architecture that need to be centrally involved in Inter Agency Working Group(s) include:

- The Data Protection Commission
- HIQA
- The HSE (National Safeguarding Office / NIRP)
- The Policing & Community Safety Authority
- An Garda Siochána
- The Decision Support Service
- The Central Bank of Ireland
- The FSPO

The Working Group should progress:

1. Establishment of an independent Adult Safeguarding Authority
2. Completion and enactment of Adult Safeguarding Legislation (already substantially drafted in the LRC Report)
3. Completion and application of a statutory framework for Adult Safeguarding which includes new offences:
    - An offence of neglect, ill-treatment, intentional abuse, reckless endangerment, withholding of care and/or the necessities of care or practices or systems which create the conditions in which such offences become normalised
    - An offence of exposure to risk of serious harm or sexual abuse
    - An offence of coercive control that extends to a broader range of relationships beyond the Domestic Violence Act
    - An offence of coercive exploitation (to include financial exploitation).

We must give adult abuse the same legislative and policy priority accorded to domestic abuse and the development of CUAN, the Domestic, Sexual and Gender-Based Violence Agency[21] provides a useful roadmap for the establishment of the Independent Adult Safeguarding Authority.

[21] https://www.irishstatutebook.ie/eli/2023/act/31/enacted/en/html

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We have appended more information on detailed next steps[22] that need to be taken with urgency to provide the comprehensive response to the legislative and policy deficits and failings that are already well known.

Conclusion

In conclusion – Safeguarding Ireland is asking the Health Committee to apply its resources and authority to relevant political and civil servant decision-makers to progress, with urgency, the establishment of the above Working Group – and for it to commence its work this Autumn.

[22] 'Roadmap to an Overarching Independent Adult Safeguarding Authority' (Appendix 1)

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Appendix 1: Road Map

Development of an Independent Adult Safeguarding Authority

WHAT NEEDS TO BE DONE TO ACHIEVE TARGET START DATE OF 2nd JANUARY 2028

LEGISLATION	INTEGRATION	OPERATION
Law Reform Commission legislation drafted Schedule of changes to existing legislation that could be quickly implemented e.g. • Coercive Control • Etc • etc Related legislation: Assisted Decision Making (Capacity) Acts Protection (Deprivation) of Liberty in Places of Care Related Issues? National Protective Mechanism	**Cabinet Committee on Health** to Prioritise **Inter Departmental Working Group** (Justice / Health / Social Protection / Children Disability & Equality) prepare memo for government **Inter-Agency Working Group(s)** • Data Protection Commission • HIQA • HSE (National Safeguarding Office / NIRP) • Policing & Community Safety Authority • An Garda Siochána • Central Bank • FSPO Decision Support Service **Oireachtas Committee** to review draft legislation Oireachtas – Safeguarding Ireland Liaison structure of party reps	Roles for Chair, Board & Executive Indicative skills & experience reflecting role of agency and specific areas to be overseen: CEO to be open appointment. **Skills & disciplines required:** • Investigative Operations • Legal • Social Work • Policing • Finance • Nursing • Data / Information Systems • Research & Communications

Key Points

- Draft legislation has already been developed by the Law Reform Commission and the Cabinet Committee on Health needs to ensure that it is progressed as a matter of URGENCY.
- Following from this an Inter-Departmental Working Group needs to review the DRAFT legislation prepared by the LRC and progress to a memo to Government which is clearly focused on the establishment of an Independent Adult Safeguarding Authority rather than an arm of the HSE or HIQA.
- The public service reform aspect of these developments needs to be stressed in the context of the experience of the 'Grace' case, 'Emily; case, Aras Attracta, 'Brandon' and Orpea / Emeis issues.

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Appendix 2: About Safeguarding Ireland

Safeguarding Ireland is a very small organisation which has no employees. Rather, it relies on the initiative and voluntarism of its Board, which brings together individuals with extensive experience and expertise in legislation, regulation, policy and practice in the areas of health, social care and finance. Recognising that adult safeguarding is a whole-of-society issue, Safeguarding Ireland is focused on 3 main objectives[23].

1. The promotion and pursuit of the introduction and enactment of Adult Safeguarding Legislation.

2. The establishment of an independent over-arching National Adult Safeguarding Authority.

3. Raising public and organisational awareness of issues of abuse, neglect and exploitation and of the need for a rights-informed approach to adult safeguarding issues.

Its work is informed by, and delivered in collaboration with, a National Safeguarding Advisory Committee[24]. This is a very significant grouping comprising almost 40 bodies from across a very wide range of sectors and organisations, including, the HSE's National Safeguarding Committee, HIQA, the Department of Social Protection, An Garda Síochána, banks and financial institutions, major service providers such as FedVol, charities and organisations working with and representing the interests of adults who may be at risk of harm or abuse, including Inclusion Ireland, Age Action, the Alzheimer's Society of Ireland, the Society of Saint Vincent de Paul, MABS, Age Action, Age Friendly Ireland, the Disability Federation of Ireland, Active Retirement Ireland, Irish Rural Link, the IFA, Sage Advocacy, Scouting Ireland and many others.

It also has a State Payments which collectively identifies the safeguarding issues, particularly in relation to financial abuse, that arise in the current arrangements for payments to clients from state agencies, (e.g. Department of Social Protection, National Shared Services Office), to include arrangements of financial institutions in dealing with and dispensing said payments (statutory, administrative or informal arrangements) in order to identify and address, in so far as possible, any opportunities of financial abuse. Make recommendations to prevent abuse with regard to the payment arrangements.

[23] https://safeguardingireland.org/wp-content/uploads/2022/04/6419-SI-Strategy-Report-web.pdf
[24] https://safeguardingireland.org/about/

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It supports cross-jurisdictional professional development on adult safeguarding via its 'Five Nations' Adult Safeguarding Seminars.[25]

Safeguarding Ireland also carries out research to inform its activities and its public awareness campaigns[26] and regularly makes submissions on all aspects of government policy to ensure that adult safeguarding is to the fore of relevant developments, in legislation, policy and regulation[27].

[25] https://safeguardingireland.org/5nations/#:~:text=by%20Safeguarding%20Ireland-,Adult%20Support%20Protection%20and%20Safeguarding%20Seminar%20Series%202025%20&%202024,and%20Programme%20Manager%20Safeguarding%20Ireland.

[26] https://safeguardingireland.org/public-awareness/

[27] https://safeguardingireland.org/resources/

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Appendix 3: Summary of Findings: *'Identifying Risks-Sharing Responsibilities, The Case for a Comprehensive Approach to Safeguarding Vulnerable Adults'*[28]

Data

It is clear that, in many instances, abuse is multi-faceted and that there is considerable under-reporting. Many forms of abuse are considered 'trivial', acceptable and somehow normal. These include instances of petty theft, exploitation of property and assets and actions based on false assumptions regarding the role and rights of 'next-of-kin'. The very low number of concerns reported to the National Safeguarding Office and the Adult Safeguarding Teams, each year[29] signify a low level of understanding of adult abuse, a lack of visibility of reporting channels and other known barriers to reporting[30]. Specific forms of adult abuse, such as financial abuse and coercive control, have become normalised and tacitly accepted by society. There is a dearth of data (aggregated and disaggregated) in Ireland on the nature and extent of adult abuses; the data that is available does not reflect the true nature and extent of such abuse and exploitation.

Financial Abuse

Notwithstanding the provisions of the ADMCA, there remains a need to challenge the widely held belief that family members of persons at risk are entitled to manage and exploit the finances and assets of their kin, in the absence of proper authorisation. The State needs to ensure it is in compliance with the ADMCA in its administration of payments to adults at risk; in particular, the Department of Social Protection (which is the largest payments organisation in the State), needs to conclude its review of Type 2 Agency Arrangements.[31]

[28] https://safeguardingireland.org/wp-content/uploads/2022/05/6439-Safeguarding-Risks-Resp-Report-FA4_lowres.pdf
[29] https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/national-safeguarding-annual-report-2023.pdf
[30] https://safeguardingireland.org/less-than-20-people-who-experience-adult-abuse-report-it/
[31] *The DSP is in the process of reviewing and revising the general use of Agents for receiving the State payments of adults who may be at risk in the context of ensuring best practice and in order to meet the requirements of the Assisted Decision-Making (Capacity) Act 2015'.* Ibid p 88

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Nursing Homes

There are aspects of nursing home care that give rise to significant safeguarding concerns: Many so-called voluntary residents in nursing homes are de facto detained and deprived of their liberty. There are clear safeguarding concerns associated with the prolonged isolation of people with high care needs in congregated settings with little connectedness with communities. The 'closed' nature of nursing homes makes it exceptionally challenging for either residents or staff to speak up and report abuse or inappropriate care. HIQA does not have the power to investigate specific issues relating to individual nursing home residents unless at the request of the Minister for Health. The HSE Safeguarding and Protection Teams' right of access to private nursing homes is not always recognised. Finally, there continues to be a failure by nursing homes to comply with regulations as evidenced repeatedly in HIQA Inspection Reports.

Coercive Control

Coercive control is used with intent to make a person dependent, to isolate them in order to exploit them, to deprive them of their independence and to exercise control over their behaviour and choices. The Domestic Violence Act 2018 performs a very important task in criminalising coercive control which is now, in certain contexts, a criminal offence under the Act. However, protection under the 2018 Act is not available unless the perpetrator is or was an intimate partner. Neither does the Non-Fatal Offences Against the Person Act 1997 address this regulatory gap relating to coercive control.

Self-Neglect

There is a need for a broader and more integrated approach to the issue of self-neglect in an overall safeguarding context at national level. There is a need to clearly separate out health and safety and environmental concerns associated with extreme self-neglect with the rights of the individual involved and the need to safeguard their health and well-being. It is important that self-neglect (though often inter-connected with other forms of abuse) is considered as an issue in its own right, particularly given the specific challenges and characteristics involved.

Data sharing

Currently, there is a lack of clarity and guidance as to what data can be shared and under what conditions between individuals and organisations where concerns of abuse, neglect and exploitation of an adult at risk are being investigated.

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There is a pressing need for effective information-sharing for safeguarding purposes between the various agencies that are typically involved.

Independent Advocacy

Independent advocacy is particularly important where people are vulnerable because of place of residence, or the non-availability of relatives or social networks characterised by trust, honour and integrity. Legislative underpinning for the practice of independent advocacy in Ireland is required in order to provide an additional safeguarding mechanism for adults at risk of abuse and exploitation.

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