Opening Statement – Joint Oireachtas Committee for Disability Matters[1]

December 10th, 2025

Introduction

Chair and Committee members, thank you for the invitation to speak today. I am Annmarie O'Connor, Programme Manager, Safeguarding Ireland, and I am joined today by Ronan Cavanagh, Public Awareness Manager.

Safeguarding Ireland was established in the aftermath of the Áras Attracta investigation and was designed to bring together the views of a multi-sectoral group on how adult safeguarding could be addressed under an independent Chairperson.

Further shocking cases of adult abuse have come into the public domain since our establishment, 'Emily', 'Brandon', and the many risks to nursing home residents during COVID. Safeguarding Ireland was most recently in these rooms in July, following the RTÉ Investigates documentary '*Inside Ireland's Nursing Homes*'.

Our appearance today follows the Farrelly Commission Report about 'Grace', a girl and woman who could not protect herself from harm, who was severely failed for a period of 20 years and experienced an appalling litany of neglect and abuse. The Farrelly Commission Report and the subsequent report by Inclusion Ireland identify many issues that need to be comprehensively addressed. Today, we wish to focus on safeguarding adults who cannot protect themselves from harm.

Adult Safeguarding – fragmentation

Safeguarding Ireland is a small charity focused primarily on raising awareness and achieving long-overdue legislative change. We don't provide a service to the public, yet every day we are contacted by people concerned about adults experiencing, or at risk of, harm and abuse. The vast majority of adult abuse is carried out by someone known to and trusted by the victim. Concerns are always complex and multifaceted; we have noted an increase in gravity; increasingly, we signpost to An Garda Síochana.

Getting support, or resolution, is undermined and frustrated by the absence of a dedicated authority with the requisite skills, expertise and resources to understand and resolve the issues.

Adult abuse can happen anywhere; it's not limited to health and social care. Increasingly, and as awareness of the risk grows, citizens, professionals and organisations want to respond. They want assurance that their referral will be acted on. They want confidence in the referral pathway. Yet there is **no** central source of expertise and guidance, **no** locus of responsibility and accountability and too little transparency.

[1] Further detail is provided here

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Impact on victims/survivors

When we think about victims who may, like Grace, be non-verbal and may not be able, or supported, to have their voice heard, further weaknesses in our safeguarding regime are exposed. Our current approach is not person-centred – it is not victim-centred.

Assisted Decision-Making (Capacity) Act (ADMCA)

There is a long way to go in ensuring that all adults are ensured a voice in decisions about their lives. We believe that a **stakeholder forum** should be convened urgently by the Department of Children, Disability and Equality to ensure effective and harmonised implementation of the ADMCA across all sectors (public, private and C&V).

Adult Safeguarding-Road Map

While the Farrelly Commission report examines (*inter alia*) Grace's case to March 2010 many of the failures in safeguarding identified remain current in 2025.

Safeguarding Ireland's 2022 report , *'Identifying Risks -Sharing Responsibilities'*[2] concluded that:

'A culture that is dismissive of certain forms of abuse, that trivialises others, and that plays down the human and legal rights of adults at risk, persists in Ireland. …The fragmented and specialised remits of various agencies limit their potential in this regard. There is a need for a national body that can address the issue in a comprehensive and all-encompassing manner'.

In April 2024, the **Law Reform Commission** published its report on *A Regulatory Framework for Adult Safeguarding*, concluding:

'*the current position is undesirable and would be greatly improved by the provision of a statutory and regulatory framework for adult safeguarding. This would entail comprehensive, cross-sectoral legislation which assigns responsibility for regulation and oversight to appropriate bodies, and provides powers, duties and obligations for those who interact with adults, who may be at-risk adults, across different settings.*

that:

'There is a profound failure of empathy, understanding and compassion with regard to the lack of urgency in ensuring development of comprehensive policy, regulation, and legislation to protect people with disabilities'.

The policy for adult safeguarding for health and social care, currently being developed by the Department of Health is welcome and necessary, but it is not the comprehensive response required. It is too narrowly focused. Moreover, the policy has no legislative powers of enforcement or conviction.

Safeguarding Ireland issued a public statement following the publication of the Farrelly Commission report. When we appeared before the Health Committee in July, we proposed a roadmap for a National Safeguarding Authority, which must be an independent statutory agency with the following functions:

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- Receive reports of actual or suspected abuse/harm in any sector
- Respond to reports and ensure that action is taken.
- Direct the HSE and other statutory or non-statutory bodies to take actions to safeguard at-risk adults.
- Have a Co-ordinating Role – requiring key stakeholders to work together.
- Conduct Serious Incident Reviews.
- Set standards and monitor compliance.
- Assist with developing Safeguarding Plans.
- Put in place preventative measures.
- Oversee robust data collection.
- Carry out research
- Provide training, education and public awareness

Safeguarding Ireland again asks Government 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, amongst others.

The Working Group must:

1. 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).
2. Plan for an Independent Adult Safeguarding Authority, provided for in the legislation.
3. Complete the statutory framework for Adult Safeguarding, including new offences relevant to the safety and protection of many people, like Grace, who cannot protect themselves from harm and abuse.
    - 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).

Thank you.

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Full Submission

Safeguarding Ireland

Joint Oireachtas Committee for Disability Matters

December 10th 2025

Chair and Committee members, thank you for the invitation to speak with you today. I am Annmarie O'Connor, Programme Manager, Safeguarding Ireland, and I am joined today by Ronan Cavanagh, Public Awareness Manager.

Safeguarding Ireland was established in the aftermath of the investigation into the adult abuse issues within the Áras Attracta facility[3] 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.

Subsequent to Safeguarding Ireland's establishment, many other shocking cases of adult abuse have come into the public domain 'Emily'[4], 'Brandon'[5], the many risks that were manifested to nursing home residents during the COVID-19 pandemic. Safeguarding Ireland was most recently in this building in July following the RTE Investigates Documentary 'Inside Ireland's Nursing Homes'[6] where we once more watched adults unable to protect themselves from harm subjected to serious abuse, ill-treatment and neglect in a regulated nursing home.

The context for our appearance before the Committee today is the Farrelly Commission Report[7] about 'Grace', a girl and woman who could not protect herself from harm, who was severely failed for a period of 20 years and experienced an appalling litany of neglect and abuse over that period. As the Committee is aware, the Farrelly Commission Report and the subsequent report by Inclusion Ireland[8] raise many issues that need to be comprehensively addressed. Today we wish to focus on the implications for the safeguarding of adults who cannot protect themselves from harm.

Adult Safeguarding

Safeguarding Ireland is a small charity focused primarily on raising awareness and achieving long over-due legislative change. We do not provide a service to the public, but nonetheless, almost every day we are contacted by professionals, organisations and people concerned about adults experiencing or at risk of harm and abuse. While we do not have a role in providing direct assistance or support, we review every query and signpost to a relevant source of help or expertise. The concerns are always complex and multifaceted; we have noted an increase in the gravity of the alleged abuse and increasingly we signpost to An Garda Síochana. The vast majority of adult abuse is carried out by someone known to and trusted by the victim.

[3] https://www.hse.ie/eng/services/publications/disability/aasrgwhatmattersmost.pdf
[4] https://www.hse.ie/eng/services/publications/independent-review-of-the-governance-arrangements-in-a-hse-nursing-home.pdf
[5] https://www.hse.ie/eng/services/publications/the-national-independent-review-panel-brandon-report-for-publication.pdf
[6] https://www.rte.ie/player/movie/rte-investigates-inside-ireland-s-nursing-homes/677760040314
[7] https://www.gov.ie/en/department-of-children-disability-and-equality/publications/farrelly-commission-final-reports/
[8] https://www.inclusionireland.ie/news-events/new-inclusion-ireland-report-condemns-farrelly-commission-process-urges-rights-based-overhaul-of-irelands-public-inquiries/

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Complexity and fragmentation

In most cases, the signposting is to multiple organisations, including the HSE Adult Safeguarding and Protection Teams, Sage Advocacy or NAS as relevant, and An Garda Síochana. We let people know about the reporting obligations they have under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and Section 19 of the Criminal Justice Act 2011. (There is no adult safeguarding legislation).

In responding we also highlight areas where there may have been breaches of human rights, consumer rights, equality legislation or where organisations appear to have failed in their obligations under the Assisted Decision-Making (Capacity Acts) (ADMCA), or the Public Sector Duty. Where the matter relates to an organisation we also highlight, as relevant, that complaints should be made to the organisation and following that, (as appropriate) to the relevant Ombudsman or regulator.

The absence of an Adult Safeguarding Authority – impacts

As the foregoing indicates there is no single authority on adult safeguarding in Ireland. Getting support or resolution with a concern about the abuse of an adult who is at risk and cannot protect themselves from harm is undermined and frustrated by the absence of a dedicated authority, with the requisite skills, expertise and resources to understand and resolve the issues.

Safeguarding Ireland regularly receives queries related to governance, compliance, organisational policy, legislation and training. Organisations and professionals across all sectors and disciplines are encountering adult abuse. Some are small community organisations providing services locally, sporting organisations, local development organisations, organisations supporting people in homelessness, private sector organisations. Adult abuse can happen anywhere; it is not limited to health and social care. Increasingly and as awareness of the risk grows, citizens, professionals and organisations want to respond. They want to know who to refer to, and they want assurance that the referral will be acted on. They want a clearer understanding of the process that organisations charged with addressing adult abuse follow when they receive a referral. Sometimes they relay that the person at the centre of the concern is afraid of making a report and afraid of retaliation or escalation. They want confidence in the referral pathway.

The desire to improve the response and develop professional and organisational competence is again undermined by the absence of a single authority. There is no central source of expertise and guidance. No locus of responsibility and accountability and far too little transparency.

Impact on victims

When we think about the victim of the alleged abuse, who may, like Grace, be non-verbal, and may not be able, or supported to have their voice heard, who may be frightened, who may not recognise that they have experienced abuse, or understand the administrative and other procedures that the various entities they may engage with follow as part of the case assessment or subsequent investigation, further weaknesses in our safeguarding regime are exposed. Our current approach is not person-centred – it is not victim-centred.

Assisted Decision-Making Capacity Act

We note Inclusion Ireland's recommendation for an Amendment to the Commission of Investigation Act 2004 to Introduce a statutory duty requiring all future inquiries to provide:

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- Supported decision-making, aligned with the ADMCA,
- Communication supports, including the right to a communication partner or facilitator,
- Non-verbal modes of participation, including augmentative and alternative communication.

These supports need to be available, in inquiries, in access to justice generally and in many other domains.

There is a long way to go in ensuring that the ADMCA is implemented effectively and that all adults are ensured a voice in decisions about their lives. Recent polling carried out by Safeguarding Ireland (October 2025)[9] found that 45% of the public were not clear that health services, banks, utilities or Government services have a legal responsibility to support the person to voice their decision. In Safeguarding Ireland's experience, implementation of the ADMCA has been both slow and patchy, and we believe that a **stakeholder forum** should be convened urgently by the Department of Children, Disability and Equality to see to the effective and harmonised implementation of the ADMCA across key sectors (public, private and C&V).

Adult Safeguarding Road Map

While the Farrelly Commission report examines (*inter alia*) 'matters relating to decision making in and management of Grace's case over the period from July 2007 to 1st March 2010'[10], many of the failures in safeguarding identified remain current in 2025.

Having comprehensively analysed the context for adult safeguarding in Ireland across a range of domains – Safeguarding Ireland concluded in its comprehensive 2022 report *'Identifying Risks - Sharing Responsibilities'*[11] that:

'there remains a lack of awareness amongst the general public, within institutions and agencies, and even within the ranks of health and social care professionals, as to what constitutes abuse of adults at risk. A culture that is dismissive of certain forms of abuse, that trivialises others and that plays down the human and legal rights of adults at risk, persists in Ireland. There is a need for an effective dismantling of this culture. The fragmented and specialised remits of various agencies limits their potential in this regard. There is a need for a national body that that can address the issue in a comprehensive and all-encompassing manner'.

In April 2024, the Law Reform Commission published its comprehensive report on *A Regulatory Framework for Adult Safeguarding*[12], which was based on a detailed analysis of existing Irish policy, regulation and legislation and a review of the international regimes for adult safeguarding. It concluded that:

'*…the current position is undesirable and would be greatly improved by the provision of a statutory and regulatory framework for adult safeguarding. This would entail comprehensive, cross-sectoral legislation which assigns responsibility for regulation and oversight to appropriate bodies, and*

[9] https://safeguardingireland.org/wp-content/uploads/2025/11/8147-2025-Safeguarding-Ireland-OCT-25.pdf
[10] https://www.gov.ie/en/department-of-children-disability-and-equality/press-releases/publication-of-the-final-substantive-report-on-the-first-phase-of-the-farrelly-commission/
[11] https://safeguardingireland.org/wp-content/uploads/2022/05/6439-Safeguarding-Risks-Resp-Report-FA4_lowres.pdf
[12] https://www.lawreform.ie/news/the-law-reform-commission-publishes-report-on-a-regulatory-framework-for-adult-safeguarding.1141.html

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provides powers, duties and obligations for those who interact with adults, who may be at-risk adults, across different settings.

In the foreword to this Committee's report, on '*Ensuring rights based adult safeguarding in Ireland*' May 2024[13], the then Chair, Michael Moynihan T.D., noted that:

'there is a profound failure of empathy, understanding and compassion with regard the lack of urgency in ensuring development of comprehensive policy, regulation, and legislation to protect people with disabilities'.

Safeguarding Ireland issued a public statement following the publication of the Farrelly Commission report[14] and called for:

- An interdepartmental / interagency working group to coordinate progress towards enactment of the Statutory Framework envisaged by the Law Reform Commission
- Introduction of safeguarding orders and warrants for access to a relevant premises including a private dwelling, removal and transfer orders, no-contact orders and the need in exercising any such powers for the least intrusive means possible to be used
- Statutory obligation and permission for information sharing between agencies both public and private where there is a safeguarding concern and publication of regulations under the Data Protection Act regarding special categories of personal data for reasons of public interest of safeguarding
- A strengthened role for State Payments providers and the Department of Social Protection in preventing and addressing financial abuse
- Additional functions for HIQA, the Mental Health Commission, the Policing and Community Safety Authority and the Domestic, Sexual and Gender-based Community Safety Authority, and that health care assistants and support assistants are regulated
- Broadening of the offence of Coercive Control to apply to all persons beyond intimate partner relationships, and the introduction of new criminal offences including coercive exploitation and offences of abuse, neglect, ill-treatment and serious harm.

The policy for adult safeguarding for health and social care currently being developed by the Department of Health[15] – while both welcome and necessary, is not the level of response required to address the ongoing shortcomings in adult safeguarding. It 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). Moreover, the policy has no legislative powers of enforcement or conviction

[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

[14] https://safeguardingireland.org/response-to-grace-report-safeguarding-ireland-calls-for-implementation-of-law-reform-commission-report/

[15] https://www.gov.ie/en/department-of-health/consultations/public-consultation-on-policy-proposals-for-adult-safeguarding-in-the-health-and-social-care-sector/

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When we appeared before the Health Committee in July, we proposed a roadmap[16] for the appropriate overarching response, which is the establishment of a National Safeguarding Authority. It 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
- It will conduct Serious Incident Reviews[17] and will set out the steps and mechanisms to be followed when incidents occur. This is vital in terms of transparency, accountability and improvement.
- 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

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 which includes draft adult safeguarding legislation.

Safeguarding Ireland again asks Government[18] 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 amongst others[19] working in close consultation with Safeguarding Ireland.

The objectives are:

[16] https://www.oireachtas.ie/en/debates/debate/joint_committee_on_health/2025-07-09/3/ https://safeguardingireland.org/wp-content/uploads/2025/07/Opening-Statement-Safeguarding-Ireland_Joint-Committee-on-Health-9th-July-2025.pdf

[17] 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/wpcontent/uploads/2024/05/Five-nations-10th-May-2024.pdf

[18] https://safeguardingireland.org/safeguarding-ireland-calls-for-implementation-of-law-reform-commission-framework-for-adult-safeguarding/ https://safeguardingireland.org/safeguarding-ireland-calls-for-implementation-of-law-reform-commission-framework-for-adult-safeguarding/ https://safeguardingireland.org/structures-needed-to-begin-establishment-of-an-independent-authority-for-adult-safeguarding/

[19] Other State bodies with significant roles in the overall Adult Safeguarding architecture that need to be centrally involved in the 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 collaborate with and consult main C&V organisations, and work with those who are at risk of adult abuse).

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4. 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
5. plan the establishment of an Independent Adult Safeguarding Authority, provided for in the legislation.
6. Completion and application of a statutory framework for Adult Safeguarding which includes new offences- which are relevant to the safety and protection of many people, like Grace, who cannot protect themselves from harm and abuse. Those offences include:
    - 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 o
    - 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).

ENDS

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