Minister Mary Butler, Chief Whip and Minister of State at the Department of Health
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27th November 2025

Re: Law Reform Commission's Report *A Regulatory Framework for Adult Safeguarding* [LRC128 - 2024]
Adult Safeguarding and the Criminal Law: Recommendation 19.1 – 19.16 as set out in the Criminal Law (Adult Safeguarding) Bill 2024

Dear Minister Butler,

Thank you for your recent meeting with Safeguarding Ireland when we discussed the Law Reform Commission's Report *A Regulatory Framework for Adult Safeguarding* published in April 2024, and which contains a draft Civil Law (Adult Safeguarding) Bill and a Criminal Law (Adult Safeguarding) Bill based on the Commission's detailed recommendations. As you are aware, there is a need to enact Adult Safeguarding legislation without further delay, given that an initial Bill was tabled in 2017 and deemed by the then Joint Health Committee of the Oireachtas to be an urgent matter at that time.

Following our discussion on the disturbing issues that were filmed on the Prime Time Investigates (PTI) 'Inside Irish Nursing Homes' in June where it was clear that residents were assaulted, ill-treated and neglected, Safeguarding Ireland urges the enactment of the new offences as recommended by the Law Reform Commission which would address some of the very serious abusive practices identified in the PTI Programme. Safeguarding Ireland has been informed over time (particularly following this Programme) that these practices are not isolated but are a regular occurrence in care settings. The Commission points out that the current position with regard to the limitation of adult safeguarding legislation is undesirable, and what is required is comprehensive, cross-sectoral legislation. The Commission also comments on the absence of Social Care legislation in Ireland.

Safeguarding Ireland notes that the Government Legislation Programme published in October 2025 lists under the heading 'Legislation for Priority Publication' in Autumn 2025 a *Criminal Law and Civil Law (Miscellaneous Provisions) Bill*, and that the Heads of Bill were approved in May 2025. Safeguarding Ireland therefore asks that the Law Reform Commission's proposed criminal law offences as contained in the Criminal Law (Adult Safeguarding) Bill 2024 be included in this Miscellaneous Provisions Bill as these offences require to be enacted as a priority.

I attach a copy of Appendix D Criminal Law (Adult Safeguarding) Bill 2024, as drafted by the Law Reform Commission. In summary, the criminal offences proposed are:

(i) Offence of Intentional or reckless abuse, neglect or ill treatment

It is important that the most frail and vulnerable persons in our society are cared for in a manner that respects a person's dignity, bodily integrity, privacy, autonomy and control over his or her financial affairs and property. The LRC clarifies that 'abuse' can involve physical abuse, emotional abuse, sexual abuse or financial abuse. The offence would apply where a person who provides care (in whatever setting) for a relevant person, intentionally or recklessly assaults, ill-treats or neglects a person or causes them to be assaulted, neglected, or ill-treated in a manner likely to cause suffering or injury to their health or seriously affect their wellbeing.

(ii) Offence of Exposure of a relevant person to the risk of serious harm or sexual abuse

It is important that care and support needs are delivered in a manner that does not subject any person to harm or serious harm. The LRC defines 'harm', for criminal law purposes, as including harm to body or mind, any injury or impairment of physical, mental, intellectual, emotional health or welfare or any form of property or financial loss. Again, in defining 'serious harm', the LRC recommends that serious harm should not be limited to physical harm and should include injury of a psychological nature which has a significant impact.

(iii) Offence of Coercive Control of a relevant person

Safeguarding Ireland has been highlighting, since the commencement of the Domestic Violence Act in 2018, the need for the offence of coercive control to be extended to a broader category of person than provided for in the 2018 Act. This criminal offence will provide for behaviour that is controlling or coercive.

(iv) Offence of Coercive exploitation of a relevant person

The LRC states that this offence would criminalise a person who, without a reasonable excuse, controls or coerces a relevant person so as to get control or be able to exercise control over their property or financial resources to gain a benefit or advantage for themselves or another person. The offence also aims to address 'cuckooing' and 'mate crime', which are now prominent and concerning issues in the adult safeguarding context.

The LRC states that, having evaluated existing legal provisions regarding coercion, fraud, and theft, these laws primarily target behaviour involving violence, intimidation, deception, or unlawful property appropriation and do not fully encompass the nuanced and often non-violent, non-deceptive forms of exploitation that at-risk adults may encounter. The recommendation further proposes that for the purposes of coercive control, it is irrelevant whether there was any actual gain, benefit or advantage, and it will not be a defence to prove the acquiring of consent of, or acquiescence by, the relevant person.

Safeguarding Ireland is very aware of some of the type of behaviours identified as 'controlling or coercive behaviour' viz.:

> (a) controlling the relevant person's necessaries of life, medication, interaction with others, access to information, or sleep;
>
> (b) use of violence, intimidation or threats, whether directed against a relevant person or any family member of a relevant person;
>
> (c) exercising undue influence over a relevant person; or
>
> (d) making, or threatening to make, changes to the personal or property rights or a relevant person,

and urges that there is no delay in putting in place a legislative framework for society to recognise that such behaviours are criminal in nature.

Safeguarding Ireland would very much appreciate if you would urge the implementation of these offences, as an initial response to the gap in adult safeguarding measures, to protect the most vulnerable in our society, particularly those who are unable to protect themselves.

As discussed at our meeting, Safeguarding Ireland continues to look to Government and Government Departments for the establishment of an interdepartmental, intersectoral Working Group to advance the enactment and implementation of Adult Safeguarding legislation.

Safeguarding Ireland looks forward to the imminent publication by the Department of Health of a policy for Adult Safeguarding in the context of the health and social care sector and also notes that the Government Legislation Programme lists Adult Safeguarding legislation, but notes this proposed legislation is limited to the health and social care sector.

Safeguarding Ireland is concerned with the number of queries it receives from a wide range of sectors (including the health and social care sector) where a range of safeguarding concerns arise and where there is simply no adequate response that can be given in the absence of a framework of protection or prevention, nor is it currently possibly to identify and signpost to a body with that is responsible and accountable for dealing with such issues. Safeguarding Ireland fully endorses Recommendation 20 of the Law Reform Commission's Report which states – ***adult safeguarding legislation should be cross-sectoral legislation that applies across all relevant sectors rather than specific legislation being introduced for individual sectors.***

Safeguarding Ireland calls for the urgent enactment of Adult Safeguarding legislation.

Yours sincerely,



Patricia Rickard-Clarke
Chair