

## I. PROTECTION OF VULNERABLE ADULTS/ADULTS AT RISK – IRELAND

### Adult at risk

An adult at risk is someone aged 18 or over who is, or may be, in need of community services due to age, illness or a mental or physical disability. They are someone who is, or may be, unable to take care of themselves, or unable to protect themselves against significant harm or exploitation.

'Adult safeguarding is based on fundamental human rights and on respecting the rights of adults as individuals, treating all adults with dignity and respecting their right to choose. It involves empowering and enabling all adults, including those at risk of harm, to manage their own health and well-being and to keep themselves safe. It extends to intervening to protect where harm has occurred or is likely to occur ... All adults at risk should be central to any actions and decisions affecting their lives ... Faith sectors that come into contact with adults, including those who may be at risk of harm, must be alert to the individual's needs and any risks of harm to which they may be exposed.<sup>1</sup>

Where it is known or suspected that an 'adult at risk' is being harmed, it must be decided whether or not further action is needed to protect the adult's well-being, property or financial affairs. Harm could occur at the hands of anyone: a relative, spouse or partner, friend, professional, neighbour, stranger or church member. It could happen anywhere – in the family home, in a care setting, at work or in public places.

### Who is an adult at risk of harm?

Adult Safeguarding: Prevention and Protection in Partnership (July 2015) provides the following definitions<sup>2</sup>:

An '**Adult at risk of harm**' is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

- a) personal characteristics and/or
- b) life circumstances

**Personal characteristics** may include, but are not limited to, age, disability, special educational needs, illness, mental or physical frailty or impairment of, or disturbance in, the functioning of the mind or brain.

**Life circumstances** may include, but are not limited to, isolation, socio-economic factors and environmental living conditions.

An '**Adult in need of protection**' is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:

- a) personal characteristics and/or
- b) life circumstances; and
- c) who is **unable to protect** their own well-being, property, assets, rights or other interests; and
- d) where the **action or inaction of another person or persons** is causing, or is likely to cause, him/her to be harmed.

Safeguarding means protecting an adult's right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risks and experience of abuse or neglect. Safeguarding is promoting their well-being, allowing them to make their own choices as far as they are able to without endangering themselves.

### What are abuse and neglect?

What constitutes abuse or neglect can take many forms and circumstances but exploitation, in particular, is a common theme. The categories below are not an exhaustive list but an illustrative guide as to the sorts of behaviours which could give rise to a safeguarding concern. Incidents of abuse may be one-off or multiple, and affect one or more persons. Full definitions can be found under Appendix 16: Definitions of Abuse.

<sup>1</sup> Adult Safeguarding Prevention and Protection in Partnership, DHSSPS, DoJ July 2015

[http://www.dhsspsni.gov.uk/index/hss/safeguarding\\_vulnerable\\_adults/safeguarding\\_vulnerable\\_adults-resourcelibrary.htm](http://www.dhsspsni.gov.uk/index/hss/safeguarding_vulnerable_adults/safeguarding_vulnerable_adults-resourcelibrary.htm)

<sup>2</sup> Ibid

- physical abuse
- domestic violence
- sexual abuse
- psychological abuse
- financial and material abuse
- modern slavery
- discriminatory abuse
- organisational abuse
- neglect and acts of omission
- self-neglect

It is most likely that the person responsible for abuse is known to the adult and is in a position of trust and power. Abuse can happen anywhere and be inflicted by anyone; sadly, it can take place in church. Abuse or neglect may be unintentional and may arise from an individual struggling to care for a loved one; or it may arise from a person's deliberate intent to cause harm or exploitation.

### **What can Health Boards do to protect an adult who is at risk of harm?**

Health Boards can make enquiries, or cause others to do so, if they reasonably suspect an adult is, or is at risk of, being abused or neglected. Authorised professionals can enter any place where it knows or suspects that an adult is at risk of harm in order to establish whether any further action is needed to protect the adult. They will work with other agencies to secure the well-being of that adult. This may include:

- ensuring access to suitable advice and support;
- providing practical care and support services for the adult at risk and/or their carer;
- an order or appointment of a proxy to help the person manage their affairs.

Where a criminal offence has been committed against the adult at risk, this should be reported immediately to the police. Any interview or medical examination can only be carried out with the agreement of the adult concerned.

Where necessary the local authority can apply to court for a protection order if specific consent is needed for permission to undertake further assessment on behalf of an individual; to remove them from a situation of potential serious harm; or to ban another person from contact.