

ADULT SAFEGUARDING

The approach of the criminal justice system
to investigating and prosecuting crimes
against vulnerable adults

September 2015



Criminal Justice Inspection
Northern Ireland
a better justice system for all





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September 2015





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List of abbreviations

CJI	Criminal Justice Inspection Northern Ireland
COPNI	Commissioner for Older People for Northern Ireland
DHSSPS	Department of Health, Social Services and Public Safety
DOJ	Department of Justice
HSC	Health and Social Care
NI	Northern Ireland
NIASP	Northern Ireland Adult Safeguarding Partnership
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
RQIA	Regulation and Quality Improvement Authority
SBNI	Safeguarding Board for Northern Ireland
UK	United Kingdom



Chief Inspector's Foreword

As a result of demographic change, increasing numbers of us will, at one time or another in our lives, be classed as vulnerable and in need of protection. It is important to know that our public services are working together to provide the help and support we may need to deal with our vulnerability. Through the work of the Northern Ireland Adult Safeguarding Partnership and the Commissioner for Older People for Northern Ireland we have a raised awareness of the risks of harm and how it can impact on citizens, whether they are at home or in domiciliary care settings.

Adult safeguarding is a challenge for governments throughout the world and can only be effectively dealt with through a partnership approach by the Departments of Health and Justice and in particular, Social Services and the police. Our previous work in this area had identified a need to strengthen the framework within which police and social services could work collaboratively to protect those at risk of harm. In appropriate cases, there was a need for victims and witnesses in certain categories or circumstances to be fully supported through criminal investigations and court proceedings to give their evidence.

Progress has been made, albeit not at the pace we had hoped for. I acknowledge the new public protection structures within policing and the efforts to be co-terminous with the Health and Social Care Trusts. Getting this right could transform the experience of our most at risk

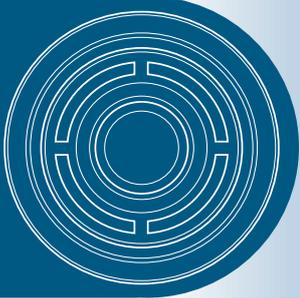
citizens, especially as they grow older and need increasing support from their families or the state.

I intend to return to this subject in 18 months time to allow the new structures to become fully operational and to assess their effectiveness.

This inspection was conducted by Rachel Lindsay with support from Alan Longwell and Dr Ian Cameron. My sincere thanks to all who contributed to their work.

Brendan McGuigan
Chief Inspector of Criminal Justice
in Northern Ireland

September 2015



Executive Summary

Adult safeguarding encompasses both activity which prevents harm from occurring in the first place and activity which protects adults at risk where harm has occurred or is likely to occur without intervention¹. In Northern Ireland (NI) there had been recent developments in this area which aimed to improve the approach to individuals who required safeguarding. These included a new Adult Safeguarding policy; a review of the Protocol for the Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults ('Joint Protocol'); and work regarding victims and witnesses issues in the criminal justice system.

A consultation on the draft Adult Safeguarding Strategy was held in late 2014 and there had been a review of the Protocol, with the new policy published in July 2015, for the Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults ('Joint Protocol'). The Northern Ireland Adult Safeguarding Partnership (NIASP) was responsible for setting policy and strategy in this area although it did not have the same powers as the equivalent body for children. Similarly there was no overarching legislation that conferred specific powers in relation to adult safeguarding. This was an area which the Commissioner for Older People for Northern Ireland (COPNI) felt needed addressing.

The Police Service of Northern Ireland (PSNI) had recently re-structured the organisational delivery of public protection, which included the role of the Adult Safeguarding Officer. This included realignment of the Public Protection Units to be co-terminous with Health and Social Care Trusts and plans to further professionalise the delivery of all aspects of public protection. The number of safeguarding referrals continued to rise but it was also likely that there was under-reporting of incidents. The PSNI and Social Services had recently undertaken a pilot in which incidents which did not require a criminal justice response were dealt with by social workers, in order to avoid inappropriate criminalisation of individuals

¹ DHSSPS & DoJ, 2015, Adult Safeguarding Policy, available online <http://www.dhsspsni.gov.uk/adult-safeguarding-policy.pdf>.

who have limited capacity. Previous CJI reports had highlighted the need for improved identification of victims and witnesses who require additional support during the criminal justice process and the PSNI had undertaken work to address this.

There was a need for longer-term analysis of the level of demand for police involvement in cases where adults require safeguarding. CJI had also previously made recommendations regarding the need for improved communications with victims, including updates about the case and a recent follow-up review had made positive findings in relation to progress in this area. Avoidable delay continued to be an issue and had a particularly negative effect in this type of crime, where there could be continuing deterioration in the health or mental capacity of the victim.

The area of public protection is one which CJI have focused on for a number of years. Given the recent changes outlined above in the area of adult safeguarding and within the PSNI in particular, Inspectors believe it would be unhelpful to publish further recommendations at this time. This report therefore provides an overview of changes ongoing in the system rather than repeat recommendations made by CJI previously which are in the process of being delivered. This is an area CJI will return to in the future.



Inspection Report



Introduction

Background to the inspection

- 1.1 In 2012 CJJ undertook a brief review, as part of a larger inspection by the Regulation and Quality Improvement Authority (RQIA), of the approach of the PSNI to the investigation of cases of alleged or suspected abuse of a vulnerable adult². Six recommendations for change were made in this report and the review afforded CJJ an initial opportunity to consider the role of PSNI Adult Safeguarding/Vulnerable Persons Officers and how the criminal justice system was working in partnership with colleagues in Social Services in this area.
- 1.2 At the end of 2013 CJJ commenced a more in-depth look at this area and found that many of the issues that had been previously identified in other inspections of adults at risk of harm were still relevant in respect of adult safeguarding. Since the start of this thematic inspection, there have been a number of changes impacting on the approach to adult safeguarding and there are still ongoing developments at the time of writing. These will be described further below but include:
 - consultation on draft Adult Safeguarding policy and new policy published in July 2015;
 - review of the Protocol for the Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults ('Joint Protocol');
 - re-structuring of PSNI Public Protection Units; and
 - work regarding victims and witnesses issues in the criminal justice system.
- 1.3 For this reason, Inspectors believe it would be unhelpful to publish a full inspection report with further recommendations during a period of flux. This report therefore intends to provide an overview of changes ongoing in the system rather than repeat recommendations made by CJJ previously which are in the process of being delivered. This is an area CJJ will return to in the future.

What is adult safeguarding?

- 1.4 The Department of Health, Social Services and Public Safety (DHSSPS)/Department of Justice (DoJ) Adult Safeguarding Policy³ provides definitions of several terms that explain what adult safeguarding is as outlined in the box on the next page. This policy offered a shift in terminology

² Joint Review by RQIA and CJJ of the Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults, 2012

³ DHSSPS & DoJ, 2015, Adult Safeguarding Policy, available online <http://www.dhsspsni.gov.uk/adult-safeguarding-policy.pdf>.

from a 'vulnerable adult' (therefore the focus is on the individual victim) to one where a person is at 'risk of harm' (and therefore the focus is on the perpetrator). At the time of writing, however, the term 'vulnerable adult' was still in use in a number of contexts.

Preventative Safeguarding includes a range of actions and measures including practical help, care, support and interventions designed to promote the safety, wellbeing and rights of adults which reduce the likelihood of, or opportunities for, harm to occur.

Protective Safeguarding will be targeted at adults who are in need of protection, that is, when harm from abuse, exploitation or neglect is suspected, has occurred, or is likely to occur. The protection service is led by Health and Social Care Trusts and the PSNI.

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:

- i) **personal characteristics** (*may include, but are not limited to age, disability, illness, physical or mental infirmity and impairment of, or disturbance in, the functioning of the mind or brain*);
- and/or**
- ii) **life circumstances** (*may include, but are not limited to, isolation, socio-economic factors and environmental living conditions*).

An '**Adult in need of protection**' is an **adult at risk of harm** (above)

- i) who is **unable to protect** their own well-being, property, assets, rights or other interests;
- and**
- ii) where the **action or inaction of another person or persons** is causing, or is likely to cause, him/her to be harmed.

- 1.5 The area of adult safeguarding is one where the PSNI has a key interface with non-justice organisations. In many ways the police have to deal with offending where adults have not been properly safeguarded by statutory agencies or indeed those organisations or individuals who have caring responsibilities for them. In some situations it can be hard to ascertain what is a wilful criminal act or what is poor practice or ignorance about the needs of those at risk of harm. This then has a large impact on the most suitable response by statutory agencies; whether that be a criminal investigation and prosecution or an investigation by Social Services or RQIA as the healthcare regulator.
- 1.6 For the criminal justice system the need for adult safeguarding manifests itself in a wide range of offences and type of victims. The offences can include assaults against a person, domestic violence and abuse, sexual violence and abuse, financial abuse and behaviour leading to homicide offences (for example, by neglecting the needs of an older person who relies solely on the perpetrator for nourishment or medication). Victims can include adults of any age including those who have learning difficulties, developmental disabilities, physical disabilities, dementia, Alzheimer's disease or who are at risk of harm or in need of protection due to physical or mental frailty as a result of aging.

- 1.7 The impact on victims, and in some circumstances their carer(s) (where for example a relative has care responsibilities for the victim and they are also affected by the abuse or other offences), can be devastating. In some cases the impact of physical assaults, abuse or neglect can impact on the victim's physical or mental health, be life limiting or even lead to early death. In others the victim can be stripped of assets and left destitute or with nothing to pass on to their heirs. In some cases the victim is unaware that they are being exploited by the perpetrator, which can lead to difficult relationships with those who identify and try to tackle the abuse.



Strategy and governance

Policy and strategy

2.1 In November 2014 a consultation commenced on the DHSSPS/DoJ draft Adult Safeguarding Policy. The policy offered greater clarity regarding the definitions of what constitutes adult safeguarding, which appeared to address concerns expressed by the PSNI that the previous definition of 'vulnerable' was too wide and therefore could dissolve the focus away from those in clear need of safeguarding. The final policy was published in July 2015. The operational realities of this remained to be tested once the policy became operational.

Police targets

2.2 The PSNI was the key criminal justice agency in terms of initial response and investigation of adult safeguarding cases. The 2014-17 Policing Plan included the outcome of *'Improved service to vulnerable groups'* with a measure *'To improve quality of engagement and service delivery to the following, as well as encouraging increased reporting from victims of crime, and those affected by crime, within these groups:*

- *Children and Young People, in particular males aged 16-24 and Children in care;*
- *Older People;*
- *Victims of Domestic Abuse;*
- *Victims of Hate Crime;*
- *Victims of Serious Sexual Crime; and*
- *Victims of Child Sexual Exploitation (in partnership with other relevant agencies).'*

Many of the victims whose case would be defined as an adult safeguarding case would be likely to be classified under one of these 'vulnerable groups' either by virtue of age or the type of crime.

Joint Protocol

- 2.3 A 'Joint Protocol' had been in existence since July 2009. This sets out the responsibilities and joint working arrangements for PSNI officers and Social Workers. In the 2013-14 financial year the NIASP Operational Policy and Procedures Workstream completed its work on the revision of the Joint Protocol. This addressed many of the operational challenges faced by practitioners, such as clarifying the threshold for referral to the PSNI, the role and contribution of RQIA to safeguarding investigations and the conduct of large-scale investigations.
- 2.4 The delay in the development of the revised policy statement on adult safeguarding has meant that this document cannot yet be issued to practitioners. The Joint Protocol will clearly need a further review in light of changes in the Adult Safeguarding Policy.

Governance structures

- 2.5 NIASP had a key role in setting the strategy and policy in this area. The NIASP was chaired by the Health and Social Care Board and included representation from Health and Social Care Trusts, criminal justice organisations, care providers and the voluntary and community sector. The DoJ chaired a Vulnerable or Intimidated Witnesses Steering Group, which included representatives from the criminal justice agencies and relevant voluntary and community organisations.
- 2.6 In respect of children who require safeguarding the Safeguarding Board for Northern Ireland (SBNI) was set up by the DHSSPS in 2012 following the publication of the Safeguarding Board Act (2011). The SBNI replaced the Regional Child Protection Committee with an extended role to include the wider area of safeguarding as well as statutory child protection. The objective of the SBNI is to safeguard and promote the welfare of children and young people in Northern Ireland by coordinating the work and ensuring the effectiveness of each person or body represented on the Board.
- 2.7 The Safeguarding Board Act placed a duty on members to make arrangements for ensuring that:
(a) their functions are exercised having due regard to the need to safeguard and promote the welfare of children; and
*(b) any services provided by another person pursuant to arrangements made by the person or body in the exercise of their functions are provided having due regard to that need.*⁴

The membership of the Board includes key partner organisations from the statutory, community and voluntary sectors. The representatives from the criminal justice system are the PSNI, Probation Board for Northern Ireland and Youth Justice Agency.

⁴ Safeguarding Board Act (2011), section 12 (arrangements to safeguard and promote welfare of children).

- 2.8 Some interviewees during this inspection commented that adult safeguarding is '*where child protection was 10 years ago*.' The lack of a similar safeguarding board for adults was an example of this. Whilst NIASP sets the policy and strategy for adult safeguarding, it did not have the powers that a safeguarding board would have, for example the power to undertake case management reviews. More importantly no duty on statutory organisations existed in respect of adult safeguarding as in child safeguarding outlined above. Legislation does not currently allow for the setting up of a similar structure for adults (see below).
- 2.9 From 1 April 2015 the PSNI changed the organisational structures which underpinned how it dealt with public protection issues. Public Protection was brought into a centralised department as part of Crime Operations Branch, instead of being located within the District policing model. This enabled the PSNI to align the Public Protection Units with the five Health and Social Care Trusts under the command of a Chief Superintendent as Head of Branch. At the time of writing a Business Case had been submitted to the Service First Programme Board with proposals as to the future operation of this area of business (see further details in 'Delivery' Chapter 3).

Legislative framework

- 2.10 The majority of offences in adult safeguarding cases were covered by criminal law. The offences therefore were varied and could range from assaults to fraud to theft or to homicide offences. There was no criminal offence of 'neglect' as could be found as an offence against a child and some interviewees commented that this was a gap in legislation. In addition mental health legislation could, and had, been used to prosecute cases where the victim could be shown to have capacity issues which the perpetrator had taken advantage of. The Mental Health (NI) Order 1986 Article 121 makes it a criminal offence for anyone to mistreat a person with a mental disorder (who may or may not have capacity).
- 2.11 At the time of the inspection the COPNI had made representations to the DHSSPS and the DoJ to draft an Adult Safeguarding Bill. This piece of legislation would bring together various elements of safeguarding, contained in other pieces of legislation, as well as giving new powers and duties for the purposes of safeguarding. The proposed Adult Safeguarding Bill would include the following as outlined in the following box⁵:

5 Commissioner for Older People, *Protecting Our Older People: A Call for Adult Safeguarding Legislation*, Briefing Note: June 2014

The Commissioner for Older People for Northern Ireland is calling for a single Adult Safeguarding Bill which is clear and which includes the following:

Definitions:

1. A clear and easy to understand definition of an 'adult at risk.'
2. An enhanced definition of 'abuse or harm.'
3. A clear definition of financial abuse.

Duties:

4. A duty on identified relevant organisations to report suspected abuse or harm to the appropriate body.
5. A duty on the most appropriate organisation to make enquiries or conduct investigations once a report or referral is made.
6. A duty to provide appropriate services to an 'adult at risk.'
7. A duty on all relevant organisations to co-operate with each other in safeguarding cases.

Oversight:

8. An Adult Safeguarding Board with a legal basis/foundation.

Powers:

9. A power of access to an individual believed to be at risk of harm or abuse for the purpose of conducting a private interview.
10. Protection from civil liability for those making a report.

The Commissioner recommends that further consideration should also be given to the introduction of the following:

11. The power to remove an individual at risk.
12. The power to ban a suspected abuser from contacting a specified person or attending a particular location.
13. The power to access financial records.
14. A specific criminal charge of 'elder abuse.'
15. A specific criminal charge of 'corporate neglect.'

2.12 The Commission advised that this would bring Northern Ireland in line with England, Wales and Scotland, which all currently had Adult Safeguarding legislation in place. If Northern Ireland is out of step with the other parts of the UK and therefore there are gaps in the protections afforded to adults in need of safeguarding, it would be prudent to address this by way of an Adult Safeguarding Bill. The summary document on the consultation responses to the Adult Safeguarding Policy⁶ indicated that just under 60% of responses received to a question on the need for legislation believed that Northern Ireland legislation was required to underpin the adult safeguarding policy and that there was a lack of consensus on this issue. The Departments therefore proposed to take further time to explore the range of views expressed in this area. CJI look forward to these developments and believe that arrangements for safeguarding adults should be on a similar footing to that in place for children.

⁶ DHSSPS & DoJ, Draft Adult Safeguarding Policy: Consultation Summary Report, April 2015, accessed on-line at: http://www.dhsspsni.gov.uk/adult_safeguarding_report_consultation_summary_report.pdf.



Delivery

PSNI Public Protection Units

- 3.1 As outlined previously in Chapter 2 the PSNI had implemented changes to the governance and delivery structures of Public Protection Units. The plans for the new structures were that each Unit would be responsible for dealing with public protection issues in respect of rape, child abuse and child sexual exploitation, domestic violence and abuse, offender management, missing persons⁷ and adult safeguarding within the Trust area. Resources would be dedicated to the investigation of adult safeguarding cases within this structure and a Chief Inspector would be given regional responsibility for adult safeguarding issues. Other plans were proposed, which were subject to sign off and the allocation of resources, such as additional training and skills development for officers. It was also intended that the Public Protection Branch would have a Central Referral Unit to provide a central point of contact for Health and Social Services for all Public Protection concerns and bring improved consistency and professionalism to how cases are dealt with.
- 3.2 Inspectors would expect to see that within these new structures there would be an end to 'double-jobbing' (where Adult Safeguarding Officers also had another role, for example as the Missing Persons Officer) as identified in the 2012 RQIA/CJI Review of the Joint Protocol which recommended '*PSNI should implement the recommendations of the 2010 internal review of Public Protection Units, in particular the separation of roles and the practice of 'double and triple jobbing' should cease.*'
- 3.3 CJI believes there is great merit in the planned changes to the structures and associated processes within the PSNI. Co-terminosity with the five Trust areas appears to be an appropriate approach and in step with other efforts to align service delivery (for example, the re-alignment of PSNI district policing with new council boundaries in 2015). There may still be difficulties for the PSNI in that Health and Social Care Trusts are not all consistent in their methods of working (for example, not all Trusts have a Gateway service for adult safeguarding, which act as the first point of contact for all new referrals to the adult social work service) and these may need to be improved over time as relationships develop.

⁷ With regard to the development of policy including with H&SC Trusts and also in cases where there is an operational requirement, for example, where the person concerned may be at risk of child sexual exploitation.

- 3.4 The proposals that the PSNI outlined to CJI appear to retain a focus on the needs of victims whilst considering the most efficient way for police and social services to work together. CJI are aware that the reduction in the PSNI's budget will make such proposals challenging, but would urge the PSNI to make every effort to deliver on its plans in this area.
- 3.5 The 'Joint Protocol' requires police and social workers to work together on investigations of alleged and suspected cases of abuse of vulnerable adults. In order to do this most effectively the issue of co-location of police Adult Safeguarding Officers and social workers had been raised by the PSNI previously but had not been progressed any further. CJI has previously recommended mechanisms to improve the joint working between police and partners to support victims:
- the CJI report on Sexual Violence and Abuse⁸ recommended *'The PSNI should, in conjunction with Social Services Gateway Teams, develop and implement methods to improve the quality and consistency of communications between police officers and social workers working in the area of child abuse (see paragraph 3.15)'* and raised the possibility of co-location between the police and social workers.
 - the CJI report on Domestic Violence and Abuse⁹ recommended that *'The PSNI should explore, in conjunction with Women's Aid, the possibility of further co-location of support workers with Public Protection Units (see paragraph 3.13).'*
- It would follow therefore that the concept of co-location would also be sensible in this area of public protection and the PSNI were also considering how to develop this area.

Supporting victims and witnesses

- 3.6 The significant increases in recent years in the number of safeguarding referrals as outlined in the NIASP Annual Reports (see Table 1) suggest that adult safeguarding cases have been, and may still be, subject to under-reporting by victims and/or their carers. The 2013-14 NIASP Annual Report comments as follows on the issue of the increase number of referrals: *'Since the publication of NIASPs first report in March 2011, referrals to adult safeguarding have increased by just over 400%, from 1,936 in 2010-11 to 7,782 in 2013-14. There are a number of possible reasons for this, including:*
- *increased awareness of adult safeguarding issues and how to respond to a concern amongst staff and service users;*
 - *the development of Local Area Safeguarding Partnerships and Trust Adult Safeguarding Officers in providing a focus for advice, guidance and clearer referral mechanisms;*
 - *the impact of media reports such as Panorama, Spotlight and the local press highlighting issues of alleged abuse, particularly in institutional settings;*
 - *the impact of complex investigations into allegations of institutional abuse have encouraged whistleblowers by demonstrating that their concerns are taken seriously and responded to appropriately;*
 - *the impact of recent RQIA Inspections in raising awareness of adult safeguarding as well as identifying specific concerns; and*

8 Sexual Violence and Abuse: A thematic inspection of the handling of sexual violence and abuse cases by the Criminal Justice System in Northern Ireland, CJI 2010.

9 Domestic Violence and Abuse: A thematic inspection of the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland, CJI 2010.

- *recent events to share learning and good practice have increased practitioners' confidence in their own actions and judgements in referring and responding to allegations of abuse.'*

3.7 The issue of under-reporting was also raised in the CJJ reports on Sexual Violence and Abuse and Domestic Violence and Abuse. The need for advocacy and support for victims in order to encourage them to report cases and engage with the criminal justice process was covered in CJJ's 2010 report on The Care and Treatment of Victims and Witnesses¹⁰. This led to recommendations being made around the need for Witness Care Units (paragraph 6.52) and advocacy services (paragraph 5.13). Since the CJJ report on Victims and Witnesses was published the PSNI and Public Prosecution Service (PPS) had introduced a Witness Case Unit in Northern Ireland (based in two locations; Belfast and Foyle) and the CJJ Follow-Up Review¹¹ confirmed this recommendation had been fully achieved.

Table 1: Number of Adult Safeguarding referrals from 2011-12 to 2013-14

Year	Number of safeguarding referrals	Increase from previous year
2013-14	7,782	2,058 (36%)
2012-13	5,724	2,120 (59%)
2011-12	3,586	1,650 (85%)

- 3.8 A pilot scheme for the use of Registered Intermediaries had also been developed to offer support in cases where the victim, witness, suspect or defendant has significant communication difficulties and requires a trained intermediary to assist them in communicating in order to make a witness statement to the police or give evidence in court. The pilot of this service in indictable cases in the Crown Court concluded in December 2014 and based on positive preliminary findings, the DoJ extended the pilot to all Crown Court cases for a further 12 months from 1 April 2015.
- 3.9 Whilst the CJJ recommendations were not made specifically in respect of cases of adult safeguarding it is clear that victims in safeguarding cases will benefit from the introduction of these measures. Longer-term analysis will offer a more comprehensive evaluation of the impact for victims.

Threshold for intervention

3.10 The PSNI and Social Services staff face considerable challenges when dealing with cases of assault in residential facilities where both parties are considered to have capacity issues and be in need of safeguarding. These incidents have historically been reported to police, who are then, in many cases, unable to progress an investigation due to the capacity of the individuals to give evidence or be interviewed as a potential perpetrator. It is usually not in the public interest for these cases to be taken forward, with other, more appropriate, options available for safeguarding the individuals concerned, and therefore a police investigation serves little purpose. It also takes police resources away from dealing with other safeguarding cases, potentially criminalises

¹⁰ The Care and Treatment of Victims and Witnesses in the Criminal Justice System in Northern Ireland, CJJ 2011.

¹¹ The Care and Treatment of Victims And Witnesses in the Criminal Justice System in Northern Ireland, Incorporating the Use of Special Measures: A follow-up review of inspection recommendations, CJJ 2015.

those with limited capacity and creates a false perception of the levels of violent offences in a particular location (for example Muckamore Abbey Hospital in Antrim).

- 3.11 In early 2015 the PSNI, in conjunction with the Belfast and Southern Health and Social Care Trusts, commenced a project to pilot a specific threshold for intervention and, where the threshold was not met, an alternative method of dealing with these types of incidents. This aimed to seek an alternative disposal, which would ensure the safeguarding of the victim but avoid needless criminalisation of the perpetrator where it was not in the best interests of any party. In these cases Social Services staff would deal with incidents which did not meet the threshold to require a police response, and the decision making behind this was recorded in a manner that was auditable and justifiable. Initial results from this pilot appeared positive. CJI welcomes this approach and looks forward to the longer-term results of this pilot in due course.

Identification of adult safeguarding needs

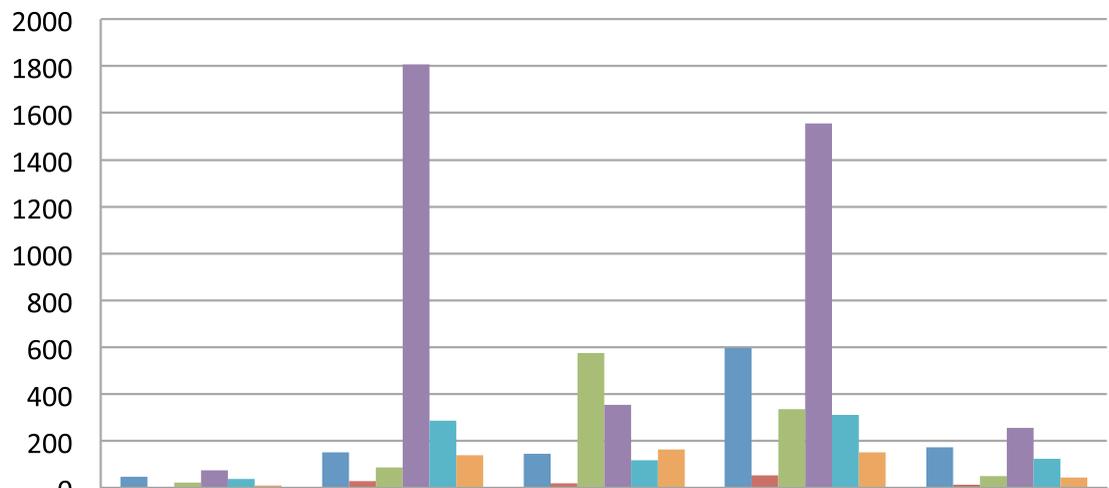
- 3.12 The need to identify the particular vulnerability of individuals who require adult safeguarding is critical in ensuring an effective investigation from the outset. Without early identification of the vulnerability and particular needs of the victim the police, and subsequently the prosecutor and courts, will be unable to afford the victim the appropriate support during the criminal justice process. Once a victim is identified as having a vulnerability, then the criminal justice agencies can offer Special Measures provisions and the services of a Registered Intermediary, as appropriate. Without early identification and these measures being offered, evidence may be lost or the victim may not feel sufficiently supported to continue with the criminal justice process.
- 3.13 The CJI inspection of Victims and Witnesses recommended *'On the matter of post-foundation training, Inspectors would recommend the PSNI examine how they can deliver appropriate victim focused refresher training to Officers who are routinely engaged in public response (whether by way of call management or physical response) at key stages.'* This was assessed as achieved in the Follow-Up Review in 2015. The PSNI had indicated that *'Current work includes refresher training to district and specialist officers in regard to: identification of vulnerability and intimidation; special measures provisions; and registered intermediaries.'*
- 3.14 In addition the CJI inspection of Special Measures recommended that: *'Bearing in mind the significant difficulties with the identification of Victims and Intimidated Witnesses, it may be helpful to provide a suitably short appendix within the Achieving Best Evidence (ABE) Guidance specifically to inform and assist operational police officers. This and other guidance material can then be made more widely available via electronic media for reference as required.'* In the 2015 Follow-Up Review this recommendation was assessed as achieved, albeit that *'Whilst ABE guidance has not itself therefore been reviewed as yet, a suitable revision has been developed and made available to practitioners in the interim. Given the availability of this guide, Inspectors are content to assess the recommendation as achieved.'*
- 3.15 These two pieces of work, in response to CJI's recommendations, should raise awareness amongst officers of the need to identify adults who require safeguarding at an early stage.



Outcomes

Adult safeguarding referrals

4.1 The graph below shows the breakdown of the number of adult safeguarding referrals by type of abuse and programme of care as published in the NIASP Annual Report 2013-14. A total of 7,782 referrals were received, an increase of 2,058 or 36% on the previous year. Of these, 5,360 (69%) resulted in a full investigation. In fact as the Annual Report states *'Not every referral leads to a full adult safeguarding investigation. Referrals will be screened out at different points of the process, for a variety of reasons. Most referrals that do not reach a full investigation are screened out either because the matter is being addressed through an alternative process such as Complaints Procedures, or*



	Hospital Social Work and Intermediate Care	Learning Disability	Mental Health	Older People	Physical Health and Disability
Financial	48	151	145	598	172
Institutional	0	28	18	52	13
Neglect	23	88	574	336	50
Physical	74	1,806	353	1,555	255
Psychological/Emotional	39	288	119	310	124
Sexual	10	138	163	150	45

because the allegation is withdrawn (p27)... Very few adult safeguarding investigations result in criminal prosecution. There remain issues and challenges in enabling people with complex needs who have also been subject to abuse, neglect or exploitation to access the criminal justice system and have their story heard, even with the specialist support provided by the use of Special Measures such as Registered Intermediaries. (p34)'. It must be kept in mind, however, that a criminal prosecution is not always the most appropriate outcome for the victim in these cases.

- 4.2 The NIASP Annual Report also notes that in 2013-14 each of the Health and Social Care Trusts undertook large scale investigations where it was suspected that service users living in group care settings were being subjected to institutional abuse. The report notes that *'these investigations can be both complex and protracted and, due to the specific and challenging needs of the service users, it may not always be possible to prove that the abuse happened beyond all reasonable doubt, that is, to the standard of proof required in a criminal case. Nonetheless, these investigations have established that, on the balance of probability, the identified abuse is likely to have occurred. As a result, providers have made changes to the culture and ethos of particular services as well as to everyday practice and the arrangements to keep people safe from harm have been enhanced.'* This illustrates how the lack of a criminal prosecution does not necessarily mean that no action is taken to safeguard the victim.
- 4.3 The PSNI highlighted that it had been hard to predict demand upon which to make decisions about resourcing and budgets required for this area of the new structures for public protection. It would therefore be necessary to take a longer-term view of the demand profile of adult safeguarding, particularly given the piloting of new agreed thresholds in conjunction with Social Services as outlined above.

Communication with victims

- 4.4 Communication with victims or their families about the progress of a case was reported to be, in common with other types of victims in the criminal justice system, not always as effective or as timely as it could be. CJI has previously made recommendations to address these issues, as outlined above. In addition CJI has previously recommended:
- *'...as part of the Witness Care Unit programme/project plan, a dedicated project work-stream is established aimed at ensuring a clear, comprehensive and auditable system of updates for witnesses regarding the process of special measures applications.'* (Special Measures, recommendation 8);
 - *'... that victims letters should be revised by the PSNI to take account of the matters raised in this report at paragraphs 2.29 and 2.30.'* (Victims and Witnesses, recommendation 7); and
 - *'Inspectors recommend that the PPS review of letters take account of the findings and comments at paragraph 3.12 and paragraphs 3.14 - 3.18.'* (Victims and Witnesses, recommendation 9).

- 4.5 These recommendations were all assessed as achieved in the 2015 Follow-Up Review. These have predominantly been achieved by the introduction of a Witness Care Unit and Registered Intermediaries. CJI would hope to see the longer-term impact of these developments for victims who require safeguarding as their case progresses through the criminal justice process.
- 4.6 In respect of the attendance of the victim at court the CJI inspection of Special Measures made the following recommendation: *'... as part of its ongoing work, that the NICTS should examine the feasibility of providing video-link facilities which would allow witnesses to hear and see what is going on in court in a separate room, and which would maintain the integrity of their separation from the court, but allow vulnerable and/or intimidated witnesses to feel part of the proceedings'*. (recommendation 7). This was assessed as 'achieved in part' in the recent Follow-up Review.

Avoidable delay

- 4.7 Avoidable delay was also a concern within the area of adult safeguarding, in common with other inspections that CJI have conducted in relation to victims of crime. The issue of delay was raised firstly in respect of the victims themselves; particularly in cases where the age or deteriorating physical or mental health of the victim meant that time spent during the criminal justice process was critical. However it was also raised with Inspectors that delay in the process can impact on delivery of services in care homes where staff were under investigation for the duration of the process and therefore suspended for long periods of time. This inevitably had an impact on the quality of care provided to other service users as well as an increase in resources required to staff the care home (both in private and Social Services run facilities).



Appendices



Appendix 1: Methodology

Desktop research and development of inspection Terms of Reference and question areas

Research literature and guidance documentation was reviewed in relation to adult safeguarding violence and abuse. The 2012 Joint Review by RQIA and CJI of the Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults provided a background to the issues. Other relevant documents included NIASP annual reports and strategic plan, adult safeguarding/vulnerable adult strategy and policy documents and documents regarding child safeguarding by way of comparison. Previous CJI reports on issues such as domestic violence and abuse, sexual violence and abuse and victims and witnesses offered a background to previous recommendations which had been made in this area.

Document review

A review was undertaken of the documentation collated to cross-reference information against the topic areas and later obtained during the fieldwork. This was used also to inform interview questions during the fieldwork phase.

Fieldwork

One-to-one and focus groups interviews were conducted with a range of personnel within the relevant agencies. Interviews were also conducted with stakeholders who had an interest in adult safeguarding, particularly from a victim's perspective. Representatives from the following areas were interviewed during the fieldwork:

Government Departments:

- Department of Justice; and
- Regional Safeguarding Officer, Health and Social Care Board.

Northern Ireland Courts and Tribunals Service:

- Head of Court Operations.

Public Prosecution Service for Northern Ireland:

- Assistant Director Policy; and
- Senior Public Prosecutor Policy.

Police Service of Northern Ireland:

- Assistant Chief Constable, Service Improvement Department;
- Chief Inspector (Adult Safeguarding), Public Protection Branch;
- Chief Superintendent, Public Protection Branch;
- Focus group Adult Safeguarding/Vulnerable Adult Officers;
- Focus group Response Officers; and
- Inspector, Policy Branch.

Stakeholders:

- Age NI;
- Alzheimer's Society;
- Board of Social Witness, Presbyterian Church;
- Bryson Charitable Group;
- Carers' NI;
- Commissioner for Older Persons for Northern Ireland;
- Disability Action;
- Mindwise;
- Northern Ireland Policing Board Learning Disability Steering Group (Leonard Cheshire, Disability Action, Mencap);
- Praxis;
- Victim Support NI; and
- An individual with safeguarding needs and experience of the criminal justice system.



Appendix 2: Terms of Reference

An Inspection of Adult Safeguarding

Terms of Reference

Introduction

Criminal Justice Inspection proposes to undertake a thematic inspection of adult safeguarding by the criminal justice agencies in Northern Ireland.

A definition of safeguarding has been provided by the Office of the Public Guardian in England as follows: "Safeguarding is the term that describes the function of protecting adults and children from abuse or neglect. Safeguarding relates to the need to protect certain people who may be in vulnerable circumstances. These are people who may be at risk of abuse or neglect, due to the actions (or lack of action) of another person."¹²

This inspection focuses on the safeguarding of adults, particularly those who are vulnerable, for example by virtue of a particular aspect of their background such as a learning difficulty or disability.

The Department of Health, Social Services and Public Safety (DHSSPS) and Health and Social Care (HSC) Board adopt the following definition of vulnerable adults as being '*a person aged 18 years or over who is, or may be, in need of community care services or is resident in a continuing care facility by reason of mental or other disability, age or illness or who is, or may be, unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation.*'¹³

Context

In July 2003 the first 'Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults' (the Protocol) for Northern Ireland was introduced with an updated version published in 2009. The Protocol outlines the role and responsibilities of the respective agencies and provides guidance about joint working arrangements and investigation. It was developed in partnership between the PSNI, the HSC trusts, the HSC Board, RQIA and the DHSSPS in Northern Ireland. A review of the protocol was underway during 2013 with completion scheduled for autumn 2013.

In February 2012 RQIA and CJ published the findings of a joint review of the 'Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults'. This aimed to assess the progress made by HSC trusts, HSC Board, PSNI officers and RQIA in the implementation of the Protocol since 2009. The report contained five recommendations for the PSNI.

12 Office of the Public Guardian, Safeguarding Policy, May 2013, available online <http://www.justice.gov.uk/downloads/protecting-the-vulnerable/mca/safeguarding-policy.pdf>.

13 HSC Board, Safeguarding Adults: Regional Adult Protection Policy and Procedural Guidance, September 2006, available online <http://www.hscboard.hscni.net/publications/LegacyBoards/001%20Regional%20Adult%20Protection%20Policy%20and%20Procedural%20Guidance%202006%20-%20PDF%20249KB.pdf>.

CJI have previously undertaken some inspections where the issues surrounding vulnerable adults have been relevant for example the inspections of Sexual Violence and Abuse (July 2010), Domestic Violence and Abuse (December 2010), The Care and Treatment of Victims and Witnesses (December 2011) and Special Measures (April 2012). The current inspection will be a more in-depth review of the way that cases involving vulnerable adults specifically are dealt with by the criminal justice system but the wider issues may be reflective of previous concerns raised by CJI. Where this is the case CJI will attempt to avoid duplication and will focus on what developments, if any, have been made since the previous findings.

The inspection will cover the work of the following criminal justice agencies: PSNI, PPS and NI Courts and Tribunals Service. Whilst CJI do not have the remit to inspect social care organisations there will necessarily be engagement with these partner agencies during the fieldwork to consider their interaction with the CJ agencies. CJI will also engage with other stakeholders from the criminal justice system and from the voluntary and community sector. This inspection will not consider the activities of the criminal justice system post-conviction of an offender (i.e. in relation to prisons or probation).

Aims of the Inspection

The broad aims of the inspection, with specific reference to vulnerable adults, are to:

- Assess the effectiveness of organisational or cross-organisational strategies, policies and procedures;
- Assess the effectiveness of the response of the criminal justice agencies working alongside their relevant partners to initial concerns around safeguarding issues;
- Assess the effectiveness of the approach of the criminal justice agencies to the investigation and prosecution of cases where a crime has been identified;
- Provide comparative analysis with other jurisdictions, where appropriate and possible;
- Assess the impact of current practices on victims and their carers (where applicable); and
- Identify opportunities to improve practice.

Methodology

The inspection will be based on the CJI Inspection Framework, as outlined below, for each inspection that it conducts. The three main elements of the inspection framework are:

- Strategy and governance;
- Delivery; and
- Outcomes.

CJI constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. In terms of equality CJI will consider how the criminal justice system ensures that all victims have access to justice, despite any difficulties they may have, for example in relation to communication or understanding of the issues.



The following methodology is proposed in line with CJl's Quality Management System;

Design and Planning

Preliminary research

Preliminary meetings have been held with the PSNI and the Regional Adult Safeguarding Officer from the HSC Board in order to develop an understanding of the context for the inspection and the current ongoing work in this area.

Benchmarking, research and data collection

Desktop research will be conducted to identify appropriate material. Agencies will be asked to supply relevant documentation to support the inspection.

Contact with agencies

The agencies to be inspected will be initially notified by way of letter from the Chief Inspector and provided with a copy of the Terms of Reference.

Delivery

Stakeholder consultation

Stakeholders will be consulted from the voluntary and community sector (for example Victim Support NI, Carers' NI, Age NI, Cause, Mindwise) as well as statutory partners from outside the criminal justice system (e.g. representatives from HSC Trusts and the HSC Board, the NI Housing Executive/sheltered housing providers) and from within it (e.g. members of the Judiciary, the Department of Justice).

Development of fieldwork plan

A fieldwork schedule will be developed with the inspected agencies and stakeholders.

Analysis of data

Qualitative and quantitative data collected through the inspection process will be analysed.

Drafting of report

An initial report will be drafted which will be subject to CJl's internal quality assurance processes.

A copy will then be sent to the inspected agencies for factual accuracy check. Relevant amendments will be made as appropriate prior to finalising the report.

Publication and Closure

Ministerial approval

Once the final version of the report has been prepared the report will be sent to the Justice Minister for permission to publish.

Press release

A press release will be drafted based on the findings of the report and shared with the relevant agencies before finalisation.

Identification of publication date

An appropriate publication date will be agreed with the agencies and the Department of Justice.

Publication arrangements

The report will be published in line with CJl's usual publication process.



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