

Appendix 4: Belfast City Council response to:

**DRAFT ADULT SAFEGUARDING POLICY FOR NORTHERN IRELAND –
PREVENTION AND PROTECTION IN PARTNERSHIP**

Section 1 – About You

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Whilst not essential, it would assist the Departments in analysing responses if you could indicate whether you are responding as one or more of the following:

- On behalf of a Health and Social Care Trust;
- On behalf of an organisation or group involved in the voluntary, community or faith sector that is delivering a service to adults at risk;
(Please specify) _____
- On behalf of another organisation / on behalf of a group of individuals;
(Please specify) _____ Belfast City Council _____
- A person who is an adult at risk, or an adult who has firsthand experience of the adult protection process;
- A carer of an adult at risk;
- A family member of an adult at risk.

Section 2 – Questions relating to the Draft Adult Safeguarding Policy and potential underpinning legislation

The draft Adult Safeguarding Policy is attached at Annex A to this consultation. These questions relate to particular areas of the draft policy, and should be read in conjunction with it. For ease of reference, the relevant section of the draft policy is referenced at each question, and space is provided for any additional comments you wish to make.

There is space at the end of this response form to add additional comments on any area of the draft policy or legislative proposals. If you provide additional comments it would be helpful if you reference which part of the document you are commenting on. If you refer to any other documents, please provide the title, author and if possible approximate date of publication or where they may be located.

Q1: Do you agree with the aims of the draft policy outlined in section 3?	Yes	X
	No	
<i>If no, please indicate which aim(s) you disagree with:</i>		

Q2: Are there any other organisations which this draft policy should apply to which are not listed in section 3.2?	Yes	X
	No	
<i>If yes, please list these below:</i>		
Policing and Community Safety partnerships and any other statutory but separately constituted organisations delivering on behalf of councils e.g. Trusts etc		

Q3: Do you agree with the underpinning principles of this draft policy, as outlined in section 4?	Yes	X
	No	
<i>If no, please indicate which principle(s) you disagree with:</i>		

Q4: Do you agree with the definition of an “Adult at Risk” given in paragraph 5.1.3?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q5: Do you agree with the definition of an “Adult in Need of Protection” given in paragraph 5.1.4?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q6: Do you agree with the definition of “harm” given in paragraph 5.1.6?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q7: Do you agree with the definition of “abuse” and the main forms that it may take given in paragraphs 5.1.10 to 5.1.13?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p>In the main yes however the use of the word ‘relationship’ may be considered to mean a family member and distract from the overall meaning that anyone in contact with an adult at risk can create an abusive situation (item5.1.11)</p>		

Q8: Do you agree with the definition of “neglect” given in paragraph 5.1.14?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
Possibly could refer to the withholding of services as well as support in the definition		

Q9: Do you agree with the definition of “exploitation” given in paragraph 5.1.15?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q10: Do you agree with the Department’s view that self-harm and self-neglect are outside of the scope of the draft adult safeguarding policy?	Yes	
	No	X
<p>Local government may interact with adults requiring protection from their own behaviour for example ranging from reports received about the fitness of their homes or they come to our attention through substance abuse etc. Often the individual readily permits an intervention on their behalf however both examples originate from some form of self harm or neglect being reported in the community. The policy should be able to accommodate this growing service area which council provides and may inherit further under the power of wellbeing in any definition of harm or abuse. Council seeks assurance whether the original duty to care legislation or if a separate policy provides the cover to address these needs collaboratively.</p>		

Q11: Do you agree that the importance and extent of the preventative safeguarding roles of communities and organisations are sufficiently outlined within section 8?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q12: Have the key elements for internal governance arrangements for adult safeguarding been captured in section 8.5?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q13: Do you agree that all organisations providing targeted services should have an Adult Safeguarding policy and an Adult Safeguarding Champion?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q14: Do you agree with the role of the Adult Safeguarding Champion outlined in section 8.5.8?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q15: Have the key elements for external governance been captured in section 9, including the responsibilities of Contract Managers, Care Managers and Key Workers?	Yes	X
	No	
<i>Please provide further governance arrangements and/or responsibilities:</i>		
<p>Section 9 is very health specific for a collaborative policy and may benefit from a broad capture of all other collaborative partner arrangements to provide a balance or establish language that everyone recognises in terms of third parties delivering services.</p>		

Q16: Do you agree with the role of the Regulation and Quality Improvement Authority (RQIA) as outlined in section 9.4?	Yes	-
	No	-
<p><i>If no, please outline your reasons below:</i></p> <p>We are not in a position to comment as we are not presently governed by RQIA.</p>		

Q17: Do you agree that risk assessments should only be conducted by those within the statutory health and social care services as stated at paragraph 10.2.1?	Yes	-
	No	-
<p><i>If no, please outline your reasons below:</i></p> <p>Seems reasonable for the health and social services sector however further work would be required for local government and communities.</p>		

Q18: Are the factors influencing the determination of “serious harm” and the threshold for intervention by Protection Services captured in 10.3.2?	Yes	X
	No	
<p><i>If no, please outline your reasons below:</i></p>		

Q19: Do you agree with the list of alternative responses in paragraph 10.4.3?	Yes	X
	No	
<p><i>Please indicate if there any other alternative responses which you consider should be listed.</i></p> <p>An addition is suggested for the proposed policy to take on board our current reporting arrangements which are we escalate reports to either police or Gateway according to the nature of it.</p>		

Q20: Are the respective roles of the HSC Trust and the PSNI and the protocol for joint working sufficiently clear in section 11?	Yes	X
	No	
<p><i>If no, please outline how you think this could be clarified:</i></p>		

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Q21: Do you agree with the 6 stages of the adult protection process and the flexibility proposed in section 11.3?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p>In the main however it would be helpful as the council is generally only involved up to stage 1 that prevention via awareness raising and training are captured as a pre stage.</p>		

Q22: Do you agree with the role of the Adult Protection Social Work Manager (APSWM) as outlined in section 11.4?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p></p>		

Q23: Do you agree with the process outlined for large scale or complex investigations in section 11.5?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p></p>		

Q24: Is there anything that operational adult protection procedures should cover that is not listed in paragraph 11.5.7?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p>Management of communications where it is in the public interest.</p>		

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Q25: Do you agree with the policy approach on consent and capacity, outlined in section 12?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q26: Do you agree with the policy approach on information sharing and inter-agency working outlined in section 14?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q27: Do you agree that there should be a regional adult safeguarding training framework as described in section 15?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
A general regional safeguarding training framework for all ages would be supportive for the council's business.		

Q28: Do you consider that the draft Adult Safeguarding Policy needs legislation to underpin it that is not already in place?	Yes	-
	No	-
<i>If no, please outline your reasons below:</i>		
Council supports zero tolerance in safeguarding adults and through its work in particular as part of the Healthy Ageing Strategic Partnership welcomes any specific future legislative basis the sector may deem necessary to safeguard adults at risk of harm and abuse.		

This section of the **questionnaire is only applicable for those who have responded 'yes' to Q28**. If you have answered 'no', and do not think the Adult Safeguarding Policy requires legislation to underpin it, please proceed to section 3.

Question 29: If you consider an Adult Safeguarding Bill is required, please indicate which of the following you think should be included, outlining your reasons. You

should refer to Annex C when completing these questions, which summaries the legislative proposals made by the Commissioner for Older People for Northern Ireland in her recent report, and the key considerations for each.

Proposal	Yes	No	Reason for answer
a) the participation on regional and local adult safeguarding partnerships on a statutory basis			
b) a statutory duty to report on appropriate organisations			
c) a statutory duty to make enquiries or conduct investigations			
d) a duty to provide “appropriate services” to an adult at risk. If yes, please indicate what services and in what circumstances			
e) a duty to cooperate			
f) a statutory power of access			
g) protection from civil liability for whistle blowing			

h) a power to remove a person at risk. If yes, in what circumstances should the power apply and to whom should it apply			
i) a power to ban a suspected abuser from contacting a specific adult at risk			
j) a power to access information, including financial information			
k) a offence of abuse of an adult at risk			
l) a criminal offence of corporate neglect			

Section 3 – Equality Impact Assessment Questions

In this section of the questionnaire we are asking you to tell us if you think the draft Adult Safeguarding Policy has promoted equality of opportunity in the Section 75 groups between persons of:

- (1) Different religious belief,
- (2) Different political opinion,
- (3) Different racial group,
- (4) Different age,
- (5) Different marital status,
- (6) Different sexual orientation;
- (7) Different gender
- (8) With a disability and persons without; and
- (9) With dependants and persons without.

You may wish to refer to the Equality Screening, Disability Duties and Human Rights Assessment Template at Annex C.

Q30: Are the actions / proposals set out in the draft Adult Safeguarding Policy likely to have an adverse impact on any of the nine equality groups identified under Section 75 of the NI Act 1998?	Yes	
	No	X
<i>If yes, please state the group or groups and provide comment on how these adverse impacts could be reduced or alleviated in the proposals.</i>		

Q31: Are you aware of any indication or evidence – qualitative or quantitative - that the actions / proposals set out in the draft Adult Safeguarding Policy may have an adverse impact on equality of opportunity or on good relations?	Yes	
	No	x
<i>If yes, please give details and comment on what you think should be added or removed to alleviate the adverse impact.</i>		

Q32: Is there an opportunity to better promote equality of opportunity or good relations?	Yes	
	No	X
<i>If yes, please give details as to how.</i>		

Q33: Are there any aspects of the actions/ proposals in the draft Adult Safeguarding Policy where potential human rights violations may occur?	Yes	
	No	X
<i>If yes, please give details as to how.</i>		

Please find additional comments related to Council’s response:

The policy may benefit from a further reflection of the business of partners and the community and voluntary sector and that this could be more fully illustrated in the language used and in how the policy will be operated.

It is vital the needs of all partners are included in the safeguarding adults policy and further assurance is sought particularly in relation to the new areas of council business such as community safety, emergency planning and areas covered by the Clean Neighbourhoods Act.