

Response to the Northern Ireland Assembly Health Committee Consultation on the Adult Safeguarding Bill (Northern Ireland)

The British Association of Social Workers Northern Ireland (BASW NI) welcomes the opportunity to respond to the Health Committee's consultation on The Adult Safeguarding Bill (Northern Ireland). This piece of legislation has been in development for some time, with the aim of providing a statutory footing for adult safeguarding policy and practice creating a statutory framework that is consistent with other parts of the UK.

While the Bill is a welcome and necessary development to ensure greater consistency in practice due to the legal clarity provided by placing adult safeguarding on a statutory footing rather than a policy led approach, there are significant concerns regarding its practical and ethical implementation and resource allocation. The Bill is a crucial step to address a longstanding legislative gap, but its potential impact on social work staff must be carefully considered. There are significant challenges within the social work and social care workforce in Northern Ireland, further statutory responsibility vis a vis the Adult Protection Bill without the investment and resource to accompany will overburden an already extremely overstretched system.

Academic research and lived experience from other UK nations demonstrate that while statutory frameworks provide much-needed clarity and authority, they also significantly increase workload, administrative burden, and demand on resources. A proactive and well-resourced approach is essential to ensure the Bill's success and to mitigate the risk of staff burnout and turnover.

Members of BASW NI have long been in favour of legislation being introduced to try and address the gaps in protecting adults at risk of harm due to the lack of a clear legal mandate for practitioners responding to abuse and neglect. The Bill will also address a significant gap in Northern Ireland's legal system, where adults with mental capacity are not afforded the same legal protections from abuse as those who lack capacity.

From a social work perspective, the **seven underpinning values of the Bill of prevention, autonomy, empowerment, dignity, proportionality, partnership, and accountability** are key values that underpin social work practice. Its primary objective is to enhance the protection of individuals unable to safeguard their own well-being, property, or rights.

This rights-based approach is a positive way to protect vulnerable adults. While the Bill's objectives are broadly aligned with the core ethical principles of human rights, social justice, and professional integrity, its practical implementation raises significant ethical and professional dilemmas for social workers. Specifically, the proposed power of entry, the need for adequate resources, and the balance between protection and self-determination must be carefully navigated to uphold the ethical foundations of the profession.

The **BASW Code of Ethics** ¹is not a set of prescriptive rules but a framework of values and principles to guide social workers in their practice. The Northern Ireland Adult Safeguarding Bill's foundational principles are largely in harmony with these values:

- 1. Human Rights:** The Bill's central aim to protect adults from harm and abuse is a direct application of the human rights principle of upholding and promoting human dignity and well-being. It seeks to create a legal mechanism to prevent harm and ensure each person's physical, psychological, and emotional integrity.

¹ [Code of Ethics | BASW](#)

2. **Social Justice:** The Bill's explicit inclusion of "**socio-economic factors**" in the definition of an "adult at risk" directly reflects the social justice value. It acknowledges that systemic issues like poverty and inequality can contribute to an individual's vulnerability to harm, obligating social workers to address these broader social injustices.
3. **Professional Integrity:** By creating a statutory framework, the Bill provides a clear legal and professional mandate for social workers to act reliably, honestly, and accountably. It clarifies their role in situations of risk, thereby strengthening their professional integrity.

The Bill aims to introduce new duties and powers for Health and Social Care (HSC) Trusts and social workers to investigate concerns and protect adults at risk of harm. This includes a duty to report and a duty to cooperate for the various bodies involved. It aims to support adults at risk in making their own decisions, and any intervention must be the least restrictive possible.

The Bill is designed to clarify the roles and responsibilities of HSC Trusts and other agencies. This will help to reduce ambiguity and ensure that there is a clear chain of accountability for adult protection. The introduction of a duty to report and cooperate will compel different multi-agency collaboration. The Bill's duty to cooperate with other agencies is ethically sound, as it promotes a unified approach to protecting a person from harm. However, a lack of clear governance and a culture of blame can compromise professional integrity. Social workers can be placed in difficult ethical positions if other agencies are not fulfilling their duties, or if there is conflict over how to proceed. Statutory guidance will be crucial in guiding practitioners in the various agencies and our members look forward to engaging with this consultation process in due course.

The proposed Adult Protection Board which is currently operational in an interim capacity vis a vis the Interim Adult Protection Board must be designed to promote a culture of learning, not blame. It must be a forum for ethical reflection and accountability across all agencies, ensuring social workers are supported in their role as a lead professional and not held solely responsible for systemic failures.

The Care Act 2014 in England shifted the focus of Safeguarding Adult Reviews (SARs) from a culture of blame to a culture of "learning." Academic literature on this topic has highlighted the importance of this approach, emphasizing that the purpose of reviews is to identify systemic failings and prevent future harm, not to hold individuals to account. The Northern Ireland Bill's proposed Adult Protection Board will need to adopt a similar learning-focused methodology, drawing on this research to ensure its effectiveness.

The definition of "adult at risk" is central to the Bill, and there have been concerns about its scope. A definition that is too broad could overwhelm services with a massive influx of referrals, many of which may not be appropriate for a statutory response. Conversely, a definition that is too narrow could exclude vulnerable individuals who genuinely need protection. There has been a debate on the threshold of harm, whether it should be "harm" or "serious harm", to ensure a balance between effective intervention and manageable workload.

The broad scope of the definition, which includes "socio-economic factors" and the inability to protect one's "property," could lead to a sharp increase in referrals. This may overwhelm the system with cases that, while important, are not necessarily safeguarding issues, thereby diverting resources from cases of serious abuse and neglect. The Bill defines an "adult at risk" as someone aged 18 or over who is unable to protect their own well-being or property, is being harmed or is likely to be harmed, and whose personal circumstances (including socio-economic factors) increase their exposure to harm.

Without clear statutory guidance on the threshold for intervention, different HSC Trusts and social work teams may interpret the definition inconsistently. This could lead to a 'postcode lottery' for protection, where an individual's access to safeguarding is determined by their geographical location. This is our interpretation of current adult protection practices in NI.²

² Montgomery, L., Doyle, L., Bunting, L., & Gleghorne, N. (2024). Adult safeguarding inequalities in Northern Ireland: an exploratory study. *British Journal of Social Work*, Article bcae064. Advance online publication. <https://doi.org/10.1093/bjsw/bcae064>

The prevalence of Adult Safeguarding in Northern Ireland communities is not as well recognised or understood as it ought to be. Adult safeguarding interventions and outcomes including referrals and adult protection plans are more prevalent in areas of highest deprivation in NI. The significance of contextual factors is relevant in relation to Adult Safeguarding interventions and outcomes, specifically broader socio-economic factors that increase risk of abuse of adult. Investment is needed to deliver on the core principles of early intervention and protective measures within our communities.

In England and Wales, the definition in the respective Care Act 2014³ is more narrowly focused on individuals with "needs for care and support" who are experiencing or are at risk of abuse or neglect. The Adult Support and Protection (Scotland) Act 2007⁴ defines an "adult at risk" as someone aged 16 or over who is unable to safeguard their own well-being, property, or rights and is at risk of harm. The Northern Ireland definition is similar to Scotland's in its breadth, and its explicit inclusion of socio-economic factors is a notable and positive feature. However, this broadness may, as seen in other nations, contribute to a significant increase in referrals.

The Bill will enable suitably trained and qualified adult protection social workers to enter a residence for the purpose of determining whether intervention is required to protect an adult at risk of harm. This is a crucial tool that is currently lacking and is seen as essential for effective intervention in cases where an adult at risk is unable to protect themselves. However, the proposed power of entry for social workers has been a point of contention. While seen as necessary by many, there are concerns about its potential to infringe on an individual's human rights, particularly their right to privacy and family life. Some of our members argue that safeguards must be robust to ensure this power is not used disproportionately or without sufficient cause.

³ [Care Act 2014](#)

⁴ [Adult Support and Protection \(Scotland\) Act 2007](#)

There is concern that this power could infringe upon an individual's fundamental right to a private and family life as enshrined in Article 8 of the Human Rights Act 1998⁵. Explicit and robust safeguards are needed to ensure the power is used proportionately and as a last resort.

Studies in Scotland, where a similar power exists, have found that while hindering a social worker's access to an adult at risk is rare, such powers are crucial for a small number of high-risk cases where access would otherwise be impossible⁶. This supports the view that the power of entry is a necessary last resort to prevent serious harm. In contrast, the government in England rejected calls for a similar power of entry during the passage of the Care Act 2014, arguing that existing police powers and the use of the High Court's inherent jurisdiction were sufficient. However, subsequent academic reviews and reports from organizations like the Local Government Association have found that the lack of this power can be a significant barrier to effective safeguarding, particularly in cases of abuse by family members or carers in a person's own home.⁷ This provides strong evidence to support the inclusion of such a power in the Northern Ireland Bill.

Academics have also explored the ethical dilemmas a power of entry presents for social workers. While practitioners generally support the measure in principle, they also voice concerns that it could be perceived as paternalistic and damage the trusting relationship between social worker and service user in adult services. This highlights the need for rigorous training and clear ethical guidelines to ensure the power is used judiciously and only in situations where it is absolutely necessary to prevent harm⁸

The Bill creates new, tiered criminal offences for ill-treatment and wilful neglect by "care workers" and "care providers." This is a strong measure aimed at enhancing

⁵ [Human Rights Act 1998](#)

⁶ Mackay, K., Notman, M., McNicholl, J., Fraser, D., McLaughlan, C. and Rossi, S (2012) 'What difference does the Adult Support and Protection (Scotland) 2007 make to social work service practitioners' safeguarding practice?' *Journal of Adult Protection*, Vol. 14 No. 4, pp.197 – 205

⁷ [Second national analysis of Safeguarding Adult Reviews: April 2019 - March 2023 \(executive summary\) | Local Government Association](#)

⁸ Martin Stevens, Stephen Martineau, Jill Manthorpe, Caroline Norrie; Social workers' power of entry in adult safeguarding concerns: debates over autonomy, privacy and protection. *The Journal of Adult Protection* 11 December 2017; 19 (6): 312–322. <https://doi.org/10.1108/JAP-04-2017-0020>

accountability. In England and Wales offences of ill-treatment and neglect are typically covered under the Mental Capacity Act 2005⁹, which is primarily focused on individuals who lack capacity. This has left a potential gap in the protection of adults with capacity who are subjected to abuse or neglect. The Northern Ireland Bill's creation of broad, tiered offences for "care workers" and "care providers" is a direct and robust attempt to close this gap, drawing on learning from the limitations of the English model. Academic analysis suggests that a key benefit of dedicated offences is their potential to act as a clear deterrent and to provide a more straightforward legal route for prosecution. This is a point that has been made by legal experts and advocates in Northern Ireland, who argue that the existing criminal justice system has not always been effective in addressing harm to vulnerable adults.

Members have also raised concerns about potential duplication and overlap with other legislation, such as the Mental Capacity Act (Northern Ireland) 2016. There is a need to ensure that the new Bill sits comfortably within the existing legal framework to avoid confusion and inefficiency for professionals and service users. How this Bill will interact with the Duty of Candour also needs to be scrutinised during its passage by members of the Health Committee.

The Scottish Act does not create specific new criminal offences but relies on existing criminal law to prosecute harm. The Northern Ireland Bill's approach is more direct and robust, addressing a potential gap in protection for adults with capacity. These new offences could act as a stronger deterrent and provide a clearer legal route for prosecution. However, given the punitive nature of this there is a potential that caring social care and social work staff may be afraid of criminal liability for mistakes or when there is a bad outcome arising from systemic failings, resource shortages, or an honest error. Sanctions at organisational level may threaten viability of smaller providers of adult social care. Our members have noted that the Bill will rightly expect high standards but are concerned that its implementation will not have the necessary funding, training, or systems to enable frontline staff to meet them. Support for staff who want to raise concerns and whistleblow in this context is obviously crucial.

⁹ [Mental Capacity Act 2005](#)

A major criticism from our members is the lack of a clear, dedicated funding stream to support new duties and responsibilities for the implementation of the Bill including training and staffing. Our understanding is that further financial approval needs to be sought regarding the implementation of the draft Bill. Without new funding, the new duties and powers could put a significant strain on already overstretched HSC Trusts and social work teams who are already facing significant budgetary and workforce pressures. Without new and ring-fenced funding, the new statutory duties could create an unmanageable burden, potentially compromising the quality and timeliness of safeguarding responses.

While the Bill is necessary, there is a risk that this will lead to an increased focus on individual cases and not enough on addressing the systemic, macro-level factors that contribute to adult abuse and neglect. These include issues like poverty, social inequality, and underfunded care services. A holistic approach is needed from the NI Executive to address these issues and that legislation alone cannot fix deep-seated societal problems.

The Bill's focus on statutory duties and inter-agency cooperation could have a significant impact on the voluntary and community sector, which plays a vital role in providing care and support. There is a need to ensure that the Bill's provisions do not inadvertently create barriers or impose new, unfunded responsibilities on these organisations.

Academic research and professional analysis from England, Scotland, and Wales provide compelling evidence of the impact of statutory adult safeguarding frameworks on staff. Contrary to the idea that legislation reduces safeguarding activity, all three nations experienced a significant and sustained increase in referrals following the introduction of their respective Acts. This is due to a clearer legal framework, and public campaigns have led to greater public and professional awareness of what constitutes a safeguarding concern. The statutory duty to report and inquire has formalized the process, leading to more consistent referrals from a wider range of agencies. The explicit inclusion of a broader range of harms has increased the number of individuals who fall under the safeguarding umbrella.

The increase in referrals and the new statutory duties have had a profound impact on social workers in particular. Research has highlighted social workers across the UK report feeling overwhelmed by excessive caseloads, which can lead to burnout, job dissatisfaction, and high staff turnover. The need to comply with formal legal procedures and documentation has increased the administrative workload, diverting time from direct, person-centred practice.

While the legislation provides social workers with a clearer, more authoritative role, it also places a significant amount of legal and professional responsibility on them. The pressure to meet statutory timescales with limited resources can be a source of considerable strain.

Academic research into the implementation of the Care Act 2014 in England offers valuable insights into the potential consequences of moving to a statutory model in Northern Ireland. Following the implementation of the Care Act, there was a significant increase in the number of adult safeguarding referrals. Data from a national analysis of Safeguarding Adult Reviews (SARs) showed that the number of safeguarding cases doubled in the first six months after the act's implementation, and activity has continued to rise.¹⁰ This provides strong evidence to support our ask for new funding and resources to manage the anticipated increase in demand.

In conclusion, while the Northern Ireland Adult Safeguarding Bill is widely supported in principle by social workers, experience of other nations provides a clear warning about the challenges of implementation for social work. The critical arguments revolve around the details of its implementation: the need for a clear budget, robust safeguards for new powers, a carefully considered definition of an "adult at risk," and a clear strategy to ensure it complements, rather than complicates, the existing legal and social care landscape.

¹⁰ <https://www.local.gov.uk/publications/second-national-analysis-safeguarding-adult-reviews-april-2019-march-2023-executive>

To ensure the Bill achieves its intended purpose without compromising human rights or creating an unmanageable burden on services, the following recommendations are made by BASW NI.

1. A Proactive Workforce Plan must be developed

To address potential recruitment and retention issues in adult services workforce planning is needed now. Social workers who are already Designated Adult Protection Officers (DAPO's) may wish to take on the roles of Adult Protection Social Workers leaving a gap at Band 7 level with social workers moving around an understaffed system. Strategies to manage workloads and support staff well-being in adult social care to prevent burnout needs to be considered.

2. The Role of the Social Worker and the Balancing Act

Social workers will be at the forefront of implementing this new legislation. We propose that specialist accredited training is provided for adult protection social workers on the ethical and legal use of new powers. This post qualifying level training must focus on helping social workers navigate the complex tension between their duty to protect and an individual's right to self-determination. Inconsistencies have existed for some time in terms of the interpretation of the current regional Adult Safeguarding policy¹¹. The introduction of an Adult Safeguarding Bill needs to be supported with a training programme incorporating taught and experiential learning to support workforce knowledge and skills of the statutory powers, roles and responsibilities and shared understanding of its interpretation across the region. Members of BASW NI have expressed concern about the specific role they will have regarding investigating finances in the Bill and being asked to complete work they have not trained for or have expertise in. Practitioners feel that the “stakes are high for them professionally” with this pending legislation and there are serious consequences for them as a registered workforce.

¹¹ [Adult safeguarding policy for Northern Ireland published | Department of Health](#)

Many social workers have been badly affected by the impact of failures in safeguarding over the years in NI and we need to support them going forward. The implications for training within social work needs to be considered carefully given workforce numbers and capacity issues in adult social care.

3. Prioritise Inter-agency Dialogue and Training

Proactive engagement with all statutory, voluntary, private and independent sector partners is essential to ensure a shared understanding of roles and responsibilities under the new legislation. Comprehensive, multi-agency training is required to ensure all professionals understand their new duties under the Bill and can collaborate effectively and consistently. While the Bill includes a duty to co-operate, social workers in Northern Ireland consistently report challenges in collaborating with other agencies. A legal duty alone is not enough to break down the silos between health, police, and social care. Both Scotland and Wales have a legal duty to cooperate, but both have experienced ongoing issues with information sharing and joint working. The Bill's implementation must be supported by a regional multi-agency training program that focuses on building effective relationships and clarifying roles. The new Adult Protection Board should be given the authority to enforce these standards and hold agencies accountable for their cooperation.

4. Clarity of Definitions and Consistency of Practice

The lack of precise legal definitions for "adult at risk" and "harm" in the Bill could lead to the same problems faced in England, where inconsistent interpretations and over-reporting strain resources and distract from the most serious cases. Scotland's focus on "harm" and proactive investigative powers has shown the importance of a clear and empowered approach. However, England's experience highlights the need for consistent guidance to prevent a "postcode lottery." The accompanying Statutory Guidance must provide clear, robust, and practical examples to clarify the thresholds for intervention, so it is not a catch all for the whole of safeguarding. This guidance should be developed in close

consultation with frontline social workers to ensure it is clear, consistent, and provides the necessary clarity for professional judgment.

5. Resourcing and Funding

The social work professional duty to promote social justice requires a commitment to equitable resourcing. BASW NI want to see a dedicated, ring-fenced budget to support the implementation of the Bill, thereby enabling social workers to provide a high-quality, ethically sound service. Social workers in Northern Ireland are already under immense pressure due to high caseloads, staffing shortages, and a lack of resources. The Bill introduces new duties and powers that, without dedicated and substantial funding, will be impossible to implement effectively. The experience in England has shown that without proper investment, safeguarding services can become a “paper tiger” where legal duties exist but resources are insufficient to meet demand.

6. The Power of Entry- Balancing Protection and Self-Determination

The BASW Code of Ethics emphasizes respecting an individual's right to self-determination and the principle that social workers should act with informed consent, unless required by law to protect a person from serious harm. The power of entry is a powerful tool designed to protect a person from serious harm, a core ethical duty. However, using this power against a person's will, even for their own protection, creates a direct conflict with the principle of self-determination. This is a complex ethical dilemma that social workers are trained to navigate. To uphold ethical practice, the Bill must be supported by clear statutory guidance that aligns with the BASW Code. It must emphasize that any use of the power of entry must be necessary, proportionate, and the least restrictive intervention possible. The ethical rationale for a judicial warrant is that it provides a public, accountable, and legally sanctioned justification for overriding a person's right to privacy and self-determination. Social workers in adult services are concerned about their personal safety in relation to the power to entry. BASW NI have long campaigned on the safety

of social work practitioners who are regularly exposed to abuse and intimidation and we share those concerns.¹²

7. Workload and Resource Allocation- The Duty to Care

The Code of Ethics highlights the responsibility of social workers to be accountable for the quality of their practice. It also implicitly recognizes that social workers are constrained by resources. A significant increase in caseloads without a corresponding increase in resources, as seen in England, Scotland, and Wales, creates a direct threat to a social worker's ability to provide a high-quality, ethically driven service. When a social worker's caseload becomes unmanageable, their capacity to uphold principles such as holistic working and identifying and developing strengths is severely compromised. This leads to a situation where the quality of care is undermined, which is a breach of the professional duty to care. Aligning the Bill with the BASW Code of Ethics requires a firm commitment to funding. The absence of a dedicated budget forces social workers to operate in a system that makes it difficult to deliver on the ethical promises of the profession. Advocacy for adequate resources is therefore not a political demand but a professional and ethical imperative.

8. Data Collection and Accountability

There is an opportunity with the regional roll out of ENCOMPASS across all 5 HSC Trusts to collect reliable Adult Safeguarding data to inform annual reporting, trends and identify targeted policy responses based on the evidence. A dedicated regional Adult Safeguarding team and the introduction of an independent Adult Protection Board for NI would provide oversight and accountability for all agencies responsible for safeguarding adults in NI,

¹² [Insult and Injury: Exploring the impacts of intimidation, threats and violence against social workers | BASW](#)

including statutory, private and voluntary and community sector. Establishing independent advocates for the sector, specifically for Adult Safeguarding would address issues of informed consent, people lacking or fluctuating capacity and addressing varying degrees of communication needs, which characteristics much of Adult Safeguarding practice. A rights-based perspective and drive towards building community capacity, enhancing social capital and community assets within communities in NI supports a preventative approach to safeguarding in NI. In line with Section 75 of Northern Ireland Act 1998¹³ considerations of Equality, Diversity and Inclusion need to be addressed. For example, in addition to capturing a person's age and gender, it is also important to capture each of the domains within the section 75 legislation. Specifically, disability, ethnicity, and programme of care. In addition to recording male victims and members of community residing in rural areas, which is currently under-represented in the data. Further attention needs to be given to the emerging categories of abuse and those specifically identified in the Adult Protection Bill. For example, in addition to typologies such as sexual abuse, neglect and physical abuse we need to consider abuse arising from technology, financial scams, cybercrime and hate crimes.

In conclusion, the Northern Ireland Adult Safeguarding Bill has the potential to transform adult protection for the better. Its success, however, will be predicated on a realistic and well-resourced approach that acknowledges the significant demands it will place on the social work profession.

¹³ [Northern Ireland Act 1998](#)