

FROM THE MINISTER OF HEALTH



Department of
Health

An Roinn Sláinte

Mánnystrie O Poustie

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Dear *Keith*

Thank you for your invitation to provide a briefing on the Adult Protection Bill on 12 June 2025. Mark McGuicken, Director of Disability and Older People, and Kerry Loveland Morrison, Head of Adult Safeguarding Unit, will attend the Committee to provide an oral update.

In advance, please find attached a briefing paper providing an update on the Adult Protection Bill.

I hope you find this information helpful.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mike Nesbitt'.

Mike Nesbitt MLA
Minister of Health

**Health Committee Briefing Paper
in advance of meeting on 12 June 2025
Adult Protection Bill**

Introduction

1. In May 2024, Department of Health officials attended the Health Committee providing Members with a briefing on the Adult Protection Bill. This paper provides an update on the current position of the Adult Protection Bill prior to introduction.

Background

2. Following the high-profile adult safeguarding failures in Dunmurry Manor Care Home and Muckamore Abbey Hospital, the Commissioner for Older People in Northern Ireland (COPNI) produced the Home Truths Report. A further independent review to examine the health and social care system's response to care failings was carried out by CPEA (Independent Social Services Consultancy). Both these reviews recommended legislation to place adult safeguarding on a statutory footing in Northern Ireland.
3. In September 2020, the then Health Minister (Minister Swann) announced his intention to consult on legislative options to inform an Adult Protection Bill. The consultation took place between December 2020 and April 2021 and following analysis of the consultation responses, an Executive paper was developed recommending policy proposals for inclusion in the draft Bill. The consultation analysis report and policy proposals paper are publicly available on the Department's website at [Legislative options to inform the development of an Adult Protection Bill for Northern Ireland | Department of Health](#).
4. On receipt of Executive approval to commence drafting, the Bill Team within the Department of Health have been liaising with the Office of Legislative Council (OLC) and Departmental Solicitors Office (DSO) in the drafting of the Adult Protection Bill. This work has been overseen by the Department's Adult Safeguarding Transformation Board, which draws membership from the Department of Health, Department of Justice, the Health and Social Care (HSC) Trusts, the PSNI and RQIA.

Policy Development

5. The draft Bill is based on seven principles, which should be adhered to by everyone involved in adult protection. These principles are prevention, autonomy, empowerment, dignity, proportionality, partnership and accountability.
6. These principles have been incorporated within the draft Bill:
Prevention is referring to those in care should be as safe as possible and we should be creating environments where harm is not tolerated and suspected harm is quickly investigated.

Autonomy, where there is a presumption that adults have capacity to make their own decisions unless there is evidence to the contrary.

Empowerment means that we need to support and encourage people to make informed choices, while taking their views into account.

Dignity, where we pay attention to people's human rights and respect their dignity.

Proportionality, where we take interventions in a person's best interests and with the least restrictive option possible.

Partnership, meaning that we recognise that the value and importance of an adult's family, friends and carer and ensure a meaningful collaboration with them.

Accountability, meaning that we are transparent about what we do and roles and responsibilities are clearly understood.

7. The draft Bill will introduce a Duty to Report and Duty to Make Inquiries. The Duty to Report will be placed on a range of bodies named within the draft Bill, generally professionals who provide health and social care services. The duty would mean there is requirement to report to the relevant Trust any case where they believe someone meets the criteria of an adult at risk, as defined in the draft Bill. The Duty to Make Inquiries will be placed upon the Trusts and will require them to make inquiries, where someone who is suspected of being an adult at risk has been reported to them.
8. The draft Bill will also introduce several new powers for the HSC Trusts, which will facilitate their investigations. The Power of Entry, which allows entry into the home of a suspected adult at risk to enable them to be interviewed in private. Following this there will be three Protection Orders available, namely the Assessment Order, the Removal Order and the Banning Order.
9. The Assessment Order will allow an adult to be taken from their home to another location for the purpose of interviewing them. The Removal Order would allow the adult to be removed and taken to another location for up to seven days. The Banning Order would ban a person from being in a location for up to six months if an adult at risk was being, or was likely to be, seriously harmed by that person. These orders are similar to what is available in the Scottish Adult Support and Protection Act 2007.
10. There will also be the introduction of two new offences relating to ill-treatment and wilful neglect. These offences are similar to those included in the Care Act 2014 in England, and the offences are intended to cover instances of harm by care workers and care providers, which may not be captured by existing offences available in Northern Ireland.
11. The draft Bill will also see the introduction of an Adult Protection Board for Northern Ireland (APBNI). The APBNI, amongst other functions, will have the power to conduct Serious Case Reviews (SCR's). These SCR's will be multi-agency reviews which look into instances where someone has been very seriously harmed or died and will consider what lessons need to be learned. Similar reviews already take place in other parts of the UK, but do not yet happen in Northern Ireland.

12. The draft Bill will set out enabling powers to make Regulations to regulate the installation and use of a CCTV system on the premises of certain establishments, such as a day care setting, a nursing home, a residential care home and a mental health unit. When the regulations are drafted it is intended that a full public consultation on their content will take place.

Current Position

13. The Minister of Health wrote to Executive colleagues on 30 May to ask for the draft Adult Protection Bill and the Explanatory and Financial Memorandum (EFM) to be tabled for agreement at the next Executive meeting on 5 June.

14. The business case was approved by Peter May, former Department of Health Permanent Secretary and Accounting Officer in March 2025 and the draft Bill was also approved by DoF shortly thereafter. The Attorney General has confirmed that the Bill is within the legislative competence of the Assembly. However, the business case has been approved on the condition that the Adult Protection Bill will not be enacted until such time as funds are available. This means that the draft Bill will be introduced, but implementation would be delayed until such time as budget becomes available.

15. Estimations in the business case have indicated that the implementation of the draft Bill will cost approximately £12 million in year one and £120.8 million over the first 10 years of implementation. This is all new funding and largely attributed to additional staffing costs associated with implementing the new powers within the draft Bill; other costs related to the APBNI, training, court costs for new offences etc. However, it is worth noting that it is unlikely that all the new staff will be recruited in year one. Therefore, while the business case identifies costs per annum, it is likely that actual spend will be less than anticipated in the first year, leading to a more gradual rise as a result of incremental recruitment. Officials will consider if any elements of the Bill, once passed, could be enacted on a phased basis when funding is available.

16. In terms of workforce, Health Committee Members had raised concerns about what impact the Bill will have on an already stretched workforce. The Office of Social Services (OSS) in the Department of Health has responsibility for workforce planning in general and this is being considered along with a training plan.

Legislative Programme

17. The Bill has been highlighted for inclusion in the Executive's Legislative Programme as a Year 1 priority. The remaining issue mentioned earlier would not prevent the draft Bill progressing, as this could be addressed through amendments throughout the passage of the draft Bill if necessary.

18. Subject to approval of the draft Adult Protection Bill and EFM by the Executive on the 5 June, and agreement by the Speaker thereafter, it is anticipated that the Bill will be introduced to the Assembly during week commencing Monday 16th June.

