

**FROM THE MINISTER OF HEALTH**



Department of  
**Health**

An Roinn Sláinte

Mánnystrie O Poustie

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Date: 3 March 2026

Dear *Philip*

Thank you for your correspondence on the 27 February to request that the Department attend additional closed committee sessions being arranged on the Adult Protection Bill at 9.30am on the 3 March (Room 29), 10 March (Room 29) and 24 March (Senate) in the Assembly. I can confirm that Kerry Loveland-Morrison, Head of Adult Safeguarding Unit, will be in attendance to support the Committee's consideration of the Bill at these sessions.

I have also supplied information in relation to the 2 issues raised in your correspondence:

Issue 1 – Clause 3 "Inquiry"

The committee has asked for an assessment of the amendment to Clause 3 proposed by the Southern HSC Trust in their evidence to Committee: that the duty to co-operate placed on Trusts is extended to include a duty to co-operate in both the inquiry **and** any subsequent investigation.

The view of the Bill Team supported by advice from the Office of Legislative Counsel (OLC) is that it does not create a formal distinction between inquiries and investigations and 'inquiries' at Clause 3 of the Bill should refer to the investigation as a whole. The term "inquiry" is a broad over-arching term and the investigatory powers set out in clauses 5 to 9 of the Bill can be exercised to enable the Trust to conduct inquiries.

## Question 2 - Provision of Independent Advocates – Health Trusts

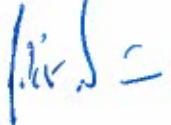
The Committee raised concerns around the provision of independent advocates being left up to Trusts, and that this could lead to Independent Advocates not being provided in all cases where they should be. Trusts having “regard” to providing an independent advocate is referenced in Clause 3, but this is not specifically referenced in Clauses 5, 6, 7 and 8. Can the Bill team provide any assurances around the provision of independent advocates? Would the Minister give any consideration to strengthening the wording in Clauses 5-8 in this regard?

The provisions mentioned should be read in the context of Clause 26, which is dedicated specifically to Independent Advocates. Clause 26 (1) states: “Each HSC trust must make arrangements to secure that an independent advocate is available to be assigned to represent and provide support to an adult in relation to the exercise, or proposed exercise, by the trust of any functions under this Part in relation to the adult.”

Members will wish to note both that this clause specifically states that the trust must make arrangements to secure an available advocate in relation to “any functions under this Part” – this therefore refers to the entirety of Part 1 of the Bill, which includes all of the clauses mentioned. Clause 3 is prompting the Trust to consider advocates at the beginning of their inquiries, but Clause 26 makes clear both that advocates must be provided, and that this applies to the use of all powers within Part 1 of the Bill.

I hope you find this information helpful.

Yours sincerely



**Mike Nesbitt MLA**  
**Minister of Health**