

ADULT PROTECTION BILL

PSNI Views

September 2025

In November 2022 the Police Service of Northern Ireland provided commentary on the draft Adult Protection Bill and we now provide our views on the Adult Protection Bill as requested by the NI Assembly Committee for Health.

The legislation is welcomed and supported within policing however it should be noted the impact that this will have on a number of key strands across the organisation including funding and resources. Any additional operational demands on the Police Service essentially mean not being able to undertake other roles and therefore it is important that when operationalising this legislation consideration is given under the following thematic areas

- Policy change and operational guidance demands
- Training
- Technology changes
- Operational support
- Communications and Media awareness

The above thematic areas have been considered in the operationalisation of a number of other key pieces of legislation including Domestic Abuse & Civil Proceedings Act (NI) 2021 and the Protection from Stalking Act (NI) 2022.

Specific comments

It is accepted by the PSNI that the statutory guidance will assist in remedying some of the comments below and wish for these matter to be addressed in statutory guidance or legislation as mentioned –

Clause 2 - Definition of Protection of Adults at Risk of Harm

There have been significant discussions regarding the relevant definitions. Currently there are two definitions – one for Adult at Risk of Harm and a further one for Adults in Need of Protection.

The second is the more serious of definitions and is currently used by all agencies to differentiate between what is and what is not Joint Protocol.

The definition needs to be consistent throughout and then make any reference to other policies that may need to be changed or updated.

Risk that front line officers will be left to interpret thresholds in absence of a suitable definition. This could also translate to an increase in unnecessary administration for front line officers, duplication of tasks, resolve disagreements around the definition which at present is extremely wide in scope and could reasonably be met at most calls local police attend.

Clause 2(1)(b) – Harm v Serious Harm

Clause 2(2)(b) – Socio-Economic Factors

Clause 2 (3)(b) – Psychological Harm

In other legislation / statutory guidance there has been an indication of what this would look like – there would be a requirement for this to remain within any statutory guidance again for consistency of practice.

Duty to report and cooperate

At present Local Policing already make safeguarding referrals through existing pathways. If this makes us report and cooperate in every suspected case (with the wide ranging definition this could be significant) then the risk is we end up duplicating referrals and expending unnecessary time on admin which is entirely the opposite of what we should be doing with our front line officers. Concern over referrals, additional paperwork (unsighted as to potential forms or admin process) and officers pulled away from core duties to follow up additional work for HSC as they will no doubt struggle to

cope and seek support. We would seek clear assurance around the role of police in this as primacy should be with HSC.

Clause 5(1) – Visits by Social Worker

There would be a requirement for clarity required to the extent, if any, of what is expected from Police at these visits within the guidance. It may be helpful to include what actions are necessary for the social worker to do before involving police and/or whether there is a graduated and flexible response. Police should not be the ‘go to’ resource in most cases.

It would also be helpful to ensure that this remains within guidance so that all professionals are aware of their responsibilities and actions to be taken before reaching the next step in response. If there is a requirement for police to attend all visits this would have the potential to appear oppressive and would not be best use of resources, nor would it be considered to be in the best interests of the adult in need of protection given the potential anxiety this could cause.

Clause 10 – Assessment Orders (and other Orders)

There would be a requirement for clarification required as to how the PSNI will receive copies of all orders, for the purposes of an offence being reported.

It is felt that this would be something that would need to be explored between organisations and a potential technical solution needs to be fully embedded. If this is something that is readily available and accurate this will streamline any response required for police and would be able to highlight all required information to first responders.

Clause 10(3)(a) – Assessment Orders & Clause 10(2)(a) Removal Orders

In earlier parts of the legislation there is a reference to harm whereas at these sections, it is seriously harmed – there needs to be a collective understanding of what this difference is.

As highlighted above it would be appropriate that this is covered within the statutory guidance.

Clause 11(4)(b)(iii) – Removal Orders

There would be a requirement for clarification required as to who ‘any other person’ would be. Whilst it is appreciated that there are opportunities for exceptions and it is difficult to create an exhaustive list it would be appropriate to highlight some examples of who this might reflect or include for consistency of operational practice.

Clause 13 – Temporary Banning Orders

There is a requirement for clarification sought as to the difference between the Temporary Order compared with the full Order. This would again help in operationalisation of the legislation so that internal police guidance can be developed.

Clause 16 – Banning Order Offence & Clause 23 Obstruction

It is understood that there will be a power of arrest for these offences under Art 26 PACE. In Clause 16(3) there is reference to (entry for purposes of arrest for certain offences) under PACE however has consideration been given to include in Clause 23 in the Bill that these are arrestable offences, rather than a civil matter? It is appreciated that powers of arrest can be for any offence in certain circumstances which would include protection of vulnerable people, securing and preserving evidence etc.

Clause 19 – Warrants for Entry

Police would be requesting that the statutory guidance will cover that Police will only accompany the Social Worker in certain circumstances and that it should be the exception rather than the rule. The PSNI is currently examining how we can deliver Right Care Right Person and are engaging with internal and external stakeholders on best practice and learning.

Clause 19(4)(b) states a constable who (at the request of the social worker) accompanies a social worker to do anything, using reasonable force where necessary, which the constable considers to be reasonably required in order to fulfil the object of the visit.

There is clarification requested - What parameters are needed/who decides if police attends/risk assessment from Social Services required? How would this be

communicated? Is there an escalation process for this if agreement cannot be reached?

This again would impact on training and communications internally and if it is not clear and agreed on when police would attend it has the potential of adding increased demand for police in an area that it was not designed to.

Clause 23 – Obstruction

There are a number of queries just in respect of the logistics of prosecution for these offences and who would manage this

Including can HSC/Social worker refer direct to the PPS or are all offences that are referred to the PSNI for investigation? There would need to be clear guidance and parameters on this because this has the potential of increased demand. If the latter is the case there would likely be a requirement for training / guidance for HSCT around their obligations in providing evidence in such cases, including making statements. It would be helpful to engage PPS in these discussions as the guidance is developed to ensure that there are clear pathways for investigations to be identified as under the new legislation and who owns the investigation for any additional evidence that may be sought and who produces this.

As mentioned previously, what is the difference between this offence and Section 16?

How would this offence differ from police obstruction, already in place? If different, could both be used alongside each other? This would need to be explored and outlined in the guidance.

The following questions really reflect the requirement for clear statutory guidance in order that internal guidance and training can be developed for operationalisation.

Clause 40 – Care Provider Offence – Penalties

This penalty seems to be very lenient and would not act as a deterrent. How does this compare to other jurisdictions? As outlined above it would be helpful to have a benchmarking request across other jurisdictions as this is something that will likely be explored as the legislation moves on its journey through the committee hearings and

public consultation. It would be helpful to have this in advance of further consultation to be able to understand the rationale for Northern Ireland offences.

Clause 42(2)(a)(b) – Care Provider Offence – ancillary & other offences

This section uses the terminology of ‘charge’ – this needs clarified.

It is also used multiple times from this point in the document.

This has the potential of presenting some operational and legislative challenges for Police. They may be unable to have non-court disposals or even potentially report matters by summons if ‘charge’ remains.

It is felt that this would need to be reviewed and a change in terminology considered, whilst this does not mean that police would seek every opportunity to charge a suspect there is a desire that this does not remain prescriptive or that there is clarity around the definition when used in this context.

Clause 43 – CCTV

In considering the use of CCTV within premises, it is important to analyse its necessity and implications from a legal perspective. The argument in favour of installing CCTV systems is multifold. Firstly, CCTV serves as a crucial security measure, providing a visual deterrent against potential misconduct or unlawful behaviour. For areas accessible to the public or within communicational areas, the presence of surveillance cameras can help prevent incidents and protect individuals.

Moreover, the argument for mandatory CCTV installation is often supported by the need for accountability and safety. In instances where culpable actions or abuses occur, CCTV footage can provide invaluable evidence that aids in investigation and enforcement. This is particularly significant in environments where vulnerable individuals are present.

From a regulatory standpoint, integrating CCTV requirements as part of a premises’ registration process can ensure that RQIA regulated facilities adhere to safety standards consistently. The suggestion of instituting sanctions for non-compliance

underscores the importance of maintaining these standards to promote security and prevent negligence.

In conclusion, there are a number of operational considerations that police need to consider, all of which impact on the timing of delivery against this legislation when it receives Royal Assent. These include

- The legislation needs to come in by commencement order – this allows for operationalisation when all organisations have sight of the final agreed legislation that has been passed through the Executive and received Royal Assent. To have the legislation live on Royal Assent provides unnecessary operational challenges, not just to police but likely to other organisations.
- There is a requirement to consider the pathways for orders and how police will flag this for attention of officers. There are some of these changes that need to be conducted by our Niche teams in Canada and therefore have a turnaround time of somewhere in the region of 6 months but can only be instigated at certain times of the year.
- Whilst the focus of training will be within Public Protection Branch it will still require first responders having a certain level of training and awareness which means delivering training to a considerable number of officers / staff members (circa 5000).
- There is also a requirement to ensure that recording and reporting requirements are discussed at an early juncture. It is likely that as a new piece of legislation all organisations will be asked how often they use the various provisions, how successful they are, and what the outcomes of this interaction or use looks like. Therefore the data capture around this is a key area for discussion.
- In respect of training it is important that organisations are aware of the potential legislative requirements upon them – for example within the Domestic Abuse & Civil Proceedings Act (NI) 2021 there is a requirement for annual CPD training.

This does not appear at the moment however if this is something that is added, or considered for adding it needs to be noted the significant cost that this will bring for police in building and delivering training annually for this and all other pieces of legislation. This appears to be a new desire within the last mandates legislation.

- There will also be a requirement to discuss the pathways of information around orders being received from NICTS into Police or how this information would be received and the responsibility on HSCT to ensure that if orders are rescinded or updated that this information is received.

As outlined at the start, the Police welcome this additional legislation and seek to work closely with partners to ensure a seamless introduction. All of the observations and comments are highlighted through the lens of ensuring that this is successfully embedded across all organisations to better support those who are the most vulnerable across Northern Ireland and secure justice against those who seek to cause them harm.