South Eastern Trust Local Adult Safeguarding Partnership

‘Promoting Rights & Responsibilities in Adult Protection’

#SETLASP (twitter)

ADULT SAFEGUARDING
Everyone’s Business

SOUTH EASTERN LOCAL ADULT SAFEGUARDING PARTNERSHIP
CONFERENCE

FRIDAY 27TH FEBRUARY 2015

KEY CHANGES IN ADULT SAFEGUARDING

- March 2010 - Adult Safeguarding in Northern Ireland, Regional and Local Partnership Arrangements (LASP)
- 2010/2011 - Regional Funding for Specialist Adult Protection Posts
- Safeguarding and Protection of Vulnerable Adults is everyone’s business. NIASP and LASP members need to ensure safeguarding is embedded in their organisational policies and procedures and practices.

NEW ADULT SAFEGUARDING ARRANGEMENTS IN NI

DHSSPS

NI

BHSCT LASP

SEHSC LASP

WHSC LASP

NHSCH LASP

SHSC LASP

RESHAPING ADULT PROTECTION

- Establish a Regional Framework for Adult Protection - NIASP/LASP.
- Raise awareness of Safeguarding Adults issues.
- Deliver a much broader, more co-ordinated agenda.
- Improve links with other agencies.
- Strengthen links to Domestic and Sexual Violence Strategies.

MEMBERSHIP OF LASP

- Trust Representatives
  - Medicine/Nursing/Social Work/AHP/Domestic Violence Partnership
- Statutory Sector
  - Public Health Agency, Police Service NI, Probation, Lisburn City Council, Policing and Community Safety Partnership
- Voluntary Sector
  - Fold Housing, Age NI, Action Mental Health, Bryson House, Women’s Aid, Volunteer Now, Royal National Institute of Blind
- Private Sector
  - Four Seasons, Mears Care
- Faith Sector
  - Presbyterian Board of Social Witness
LASP ROLES AND RESPONSIBILITIES

Role:
• To implement NIASP guidance and operational policy and procedures locally.

Key Responsibilities:
• Monitor and evaluate how well local services work together to safeguard vulnerable adults.
• Encourage and develop good working relationships between different services, professionals and community, voluntary and independent sectors.

Develop annual action plans to address Adult Safeguarding issues around 3 key areas.

• Prevention
  – Raise awareness of Adult Safeguarding with Faith Sector
  – Develop local Adult Safeguarding Prevention Plans.

• Protection
  – Establish single point of access to specialist adult safeguarding services in the Trust.
  – Evaluate use of Early Indicators of Abuse in Regulated Services.

• Partnership
  – Develop training opportunities for LASP Partners.
  – Strengthen links with local Policing and Community Safety Partnerships.

A Legislative Review:
Protecting our Older People

Evelyn Hoy
Chief Executive
Commissioner for Older People for Northern Ireland
OVERVIEW

- Role and Function of COPNI
- Why safeguarding older people in NI became a priority for action
- Steps taken when examining the issue
- Recommendations to Ministers
- Areas for “further consideration”

The importance of safeguarding older people

- Ageing population
- Elder abuse – global issue
- Need for involvement
- Law, policy & practice all important
- An issue for everyone

COPNI – Key Duties

- Outlined within the Commissioner for Older People (Northern Ireland) Act 2011
- ‘Keep under review the adequacy and effectiveness of the law as it affects older people and the effectiveness of services provided to older people’

Uncovering the extent of the issue

- Statistics / Evidence
- Expert research (QUB & UU) reported findings to the Commissioner
- Commissioner held a roundtable involving wider stakeholder engagement

Findings

- Disjointed arena of legislation
- Clear, modern legislation required
- Commissioner made recommendations to Ministers’ for Justice and Health, Social Services and Public Safety
- Recommendations presented to DHSSPS Committee

Recommendations include:

- A call for a single Adult Safeguarding Bill
- Clarity on definitions:
  - Adult at risk
  - Abuse/harm
  - Financial abuse
- An oversight body enacted by statute
- Detailed duties; Report, Make Enquiries, Provide Services, Co-operate
- Specific power of access for interview
Duties

- Duty to report suspected abuse or harm to the appropriate body
- Duty on the most appropriate organisation to make enquiries or conduct investigations
- A duty to provide appropriate services to an ‘adult at risk’
- A duty to cooperate in ‘safeguarding cases’

Powers

- Power of access to an individual believed to be at risk of harm/abuse for the purpose of conducting a private interview:
  - Access by means of a warrant;
  - Ascertain vulnerable person making decisions freely;
  - Make assessment of likely harm or abuse.

Points for further consideration

- Power to ban
- Power of removal
- Power to access financial records
- A specific criminal charge of elder abuse
- A specific criminal charge of corporate neglect

DHSSPS Consultation

- DHSSPS Draft Adult Safeguarding Policy consultation period has recently ended
- COPNI seeking greater clarity within the Draft policy
- Commissioner reaffirmed her call for stand alone Safeguarding Legislation

Case Study

- Older person, with fluctuating capacity moved from her home in England with man she had only recently met
- Family contact had been restricted by this third party
- Family concerned about older person and risk of financial abuse
- Social workers faced with difficulty of speaking to older person without 3rd party present

Conclusion

- Legislation itself will not protect older people from harm or abuse
- Other UK jurisdictions - Adult safeguarding legislation
- Balance of legislation, guidance, training and resources
- The Commissioner’s unique duty to ‘review’ legislation has provided the opportunity to enhance the protection for older people at risk of harm or abuse in NI
Contact Details

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Slavery & Servitude

• Servitude is where a person is required to perform forced or compulsory labour and is also required to live on another person's property with the impossibility of changing his or her condition.

Forced/compulsory Labour

• Forced or compulsory labour will require a level of coercion or deception between the employer and the victim, beyond that which might be expected in a normal employment arrangement. The employer must know that the arrangement was oppressive and not truly voluntary, or must have turned a blind eye to that fact.

Human Trafficking

• A person commits an offence if they arrange or facilitate the travel of another person with a view to that persons being exploited.

Types of Exploitation

Control Factors

- Violence / Fear of violence
- Fear of reprisals on family
- Debt bondage
- Drugs
- Fear of authorities (deportation/ arrest)

MONEY IS THE MOTIVATION

Victims Recovered

2011 – 2012 33 Victims
2012 – 2013 20 Victims
2013 – 2014 40 Victims
2014– 2015 42 Victims (so far)

Lisburn Road

Tates Avenue
Op Sleek
- Operation Sleek CONVICTION FIRST IN NI Friday 29 Mar 2012
- Birmingham base crime group who were involved in controlling prostitution and human trafficking across the GB and NI
- Tricked females into travelling from London to Belfast where they were forced into prostitution with threat of death and violence
- 4 victims cooperated – many more identified but too scared to cooperate
- 3 week trial in Belfast
- Rong Chen – Sentence 7 years Human Trafficking, Controlling Prostitution, Acquiring Criminal property (cash)
- Simon Dempsey – Sentence 9 months Controlling Prostitution, Acquiring Criminal Property (cash)

Screening
- Screen victim
- Consent for referral
- Inform UKBA
- Submit NRM referral to UKHTC (48hrs)
- Suitable support accommodation

National Referral Mechanism
- 45 day Reflection Period
- Dedicated / specialised support networks
- Interpretation services
- Immigration advice
- Medical / Health care
- Accommodation
- Repatriation
- 12 month residency

Support Networks
The Dept of Justice currently has a contract with Migrant Help together with their delivery partner Women’s Aid Federation (NI), to provide accommodation and a range of support services for potential adult victims of human trafficking during the period of recovery and reflection. Migrant Help deals with adult male victims, and, in certain circumstances, adult female victims. Women’s Aid Federation (NI) deals with adult female victims. Children require a multi-agency approach to include the Health and Social Care Trust and the PSNI.

The impact of capacity legislation on adult safeguarding

Gavin Davidson
Senior Lecturer in Social Work
Queen’s University Belfast

Overview of presentation
- My perspective
- Current legal framework
- Proposed Capacity Bill
- Other jurisdictions
- Possible impact on adult safeguarding
- Two main points – decision making ability is central to safeguarding and the Capacity Bill has the potential to provide a comprehensive, non-discriminatory framework for respecting autonomy, supporting decision making and intervening when necessary
My perspective

- Background in mental health services
- Involvement in the DHSSPS Reference Group for the Mental Capacity Bill
- Interest in supported decision making
- International comparisons
- UNCRPD

Current legal framework

- Common law
- Protection from liability if:
  - Reasonable belief that the person lacks capacity to make the relevant decision; and
  - intervention is in the person’s best interests
- Disputes considered in the High Court
- Absence of a comprehensive framework with appropriate safeguards

Proposed Capacity Bill

- Principles based: autonomy, presumption of capacity, support, unwise decisions, decision specific, best interests
- Scope: everyone, across settings, aged 16 and over
- Assessment of capacity: person must be unable to make a decision because of an impairment of, or disturbance in, the functioning of the mind or brain
- Decision making ability: understand, retain, appreciate, use and weigh and communicate (same working as the Consent and Capacity section of the 2006 Regional Policy)
- The capacity based approach will apply to the criminal justice system: police, court and transfer powers to ensure they receive care and treatment in the most appropriate setting
- Comprehensive framework – to replace the Mental Health (Northern Ireland) order 1986

Other jurisdictions

- Scotland: Adults With Incapacity (Scotland) Act 2000, and the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adult Support and Protection (Scotland) Act 2007

Legal frameworks

- Mental Health Acts 1983 and 2007
- Mental Capacity Act 2005
- Adults with Incapacity (Scotland) Act 2000
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Adults Support and Protection (Scotland) Act 2007
Mental Health (Northern Ireland) Order 1986, common law and adult safeguarding policy and procedures

Protocol for the Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults (2003, revised by Health and Social Care Board, Police Service of Northern Ireland and RQIA, 2009), which focuses on the investigation of alleged abuse

Safeguarding Vulnerable Adults: Regional Adult Protection Policy and Procedural Guidance (DHSSPS, 2006) which focuses on the wider procedures for statutory organisations

Safeguarding Vulnerable Adults: A Shared Responsibility (Volunteer Now, 2010, revised 2013) which provides guidance for the voluntary and community organisations

Adult Safeguarding in Northern Ireland (DHSSPS, 2010) which set up the Regional and Local Partnership arrangements.

Northern Ireland

Principle of autonomy: if a person has the ability to make a decision, however unwise, that should be respected

If a person lacks the capacity to make a decision they should be supported to do so and then, if they are still lack the capacity to make a decision, a substitute decision is needed and should be made based on their will and preferences and in their best interests

If a person is being exploited, abused and/or harmed then those criminal offences should be dealt with as offences

Would the Capacity Bill provide a sufficient legal framework?

Current criminal offences

- From Safeguarding Vulnerable Adults: Regional Adult Protection Policy and Procedural Guidance (DHSSPS, 2006)
- All people should be protected from criminal acts with police/joint investigation when an offence is suspected:
  - sexual offences;
  - physical abuse or ill-treatment amounting to a criminal offence;
  - financial abuse involving a criminal offence such as fraud or theft; or
  - abuse which involves a criminal offence; eg blackmail
- If there are gaps in the criminal law these should be addressed through that process

Draft Capacity Bill proposes to add a new offence

- PART 10
- OFFENCES
- IL-TREATMENT OR NEGLECT

133. (1) A person (“X”) who

(a) ill-treats, or

(b) wilfully neglects,

another person (“P”) where this section applies commits an offence.

(2) This section applies where

(a) X has the care of P, and P lacks capacity in relation to all or any matters concerning his or her care or is believed by X to lack capacity in relation to all or any such matters; or

(b) X is an attorney under a lasting power of attorney granted by P; or

(c) X is a deputy appointed for P by the court.

(3) A person guilty of an offence under this section is liable

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.

Issues

- The legal framework needs to be both comprehensive and as clear and coherent as possible
- The assessment of decision making ability is central to safeguarding
- The proposed Capacity Bill does have the potential to provide a comprehensive framework for supported and substitute decision making and for the appropriate safeguards

Relevant resources

Honour Based Violence

**D/Sergeant Ailish McCrissican**

**D/Constable Tam Rafferty**

What is Honour Based Violence?

“A crime or incident, which has or may have been committed to protect or defend the honour of the family and / or community.”

Motivators for Honour Based Violence

- Protecting “family honour”
- Protecting perceived cultural ideals
- Controlling unwanted behaviour and sexuality
- Preventing “unsuitable” relationships

How does it manifest itself?

- Forced Marriage
- Female Genital Mutilation
- Murder
- Rape
- False Imprisonment
- Assaults
- Child abuse
- Domestic Abuse

Forced Marriage

![Forced Marriage Image]
**The Facts**

Early and forced marriage occurs in every part of the world, affecting millions of girls every year.

1 in 3 girls in developing countries is married by the age of 18
1 in 9 by the age of 15.
Some are as young as 8.

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**Honour Based Killings**

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**Banaz Mahmod**

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**Preconceptions**

- Isn’t it the same as male circumcision?
- Isn’t it a religious practice?
- Isn’t it a procedure carried out by men to control women?

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**Who is at risk?**
PSNI Statistics
Since 2010 to date there have been 8 incidents related to HBV reported to Police.

- 2010/2011  G District  Fear of HBV
- 2011/2012  C District  Attempted abduction/arranged marriage
- 2011/2012  B District  Threat to Kill
- 2012/2013  G District  HBV victim relocated to N Ireland
- 2013/2014  B District  HBV 17yo Female victim
- 2013/2014  B District  Arranged marriage
- 2013/2014  C District  Concerns about forced marriage
- 2014/2015  B District  Threats to Kill/Assault

Case Studies

PPU Update
From 1st April 2015 there will be 5 PPU’s. One aligned to each trust area.

- Central Referral Unit
- Co located workers
- Joint training
- Corporate approach to Best Practice

One Chance Rule

- All practitioners working with victims of forced marriage and honour-based violence need to be aware of the “one chance” rule.
- That is, they may only have one chance to speak to a potential victim and thus they may only have one chance to save a life.
- This means that all practitioners working within statutory agencies need to be aware of their responsibilities and obligations when they come across forced marriage cases.
- If the victim is allowed to walk out of the door without support, that one chance might be lost.

Considerations

- DO NOT........
- Go directly to the person’s family, friends or those with influence within the community.
- Speak to the victim in front of their family.
- Underestimate that perpetrators of HBV really do kill their closest relatives.
- Send people away believing that it is not a matter for our agency.
- Consider interpreters
- Share information (only on need to know)
- Agencies should be extremely careful not to disclose information to the overseas police or any other overseas organisation, that could place the person at risk

“Coercive Control”
Sheila Simons
Chair SE Domestic Violence Partnership
Strategic Definition: Domestic Violence

“threatening, controlling, coercive behaviour, violence and abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on anyone irrespective of age, ethnicity, religion, gender or sexual orientation) by someone who is, or has been an intimate partner or family member.”

The main characteristic of domestic violence is that the behaviour is intentional and is calculated to exercise power and control within a relationship.

WHAT ARE THE MAIN TYPES OF ABUSE?

- Psychological/emotional abuse
- Physical violence
- Physical restriction of freedom
- Sexual violence
- Financial abuse

Adult Safeguarding - Definition

Safeguarding Adults at Risk – Prevention and Protection in Partnership

- An “adult at risk of harm” – is a person aged 18 years or over whose exposure to harm through abuse, exploitation or neglect may be increased by their
  - Personal characteristics and/or life circumstances
- An “adult in need of protection” – is an adult at risk of harm
- Who is unable to protect their own well-being property assets, rights or other interests and where the action or inaction of another person or persons is causing or is likely to cause him/her to be harmed.

Capacity - considerations

- Self determination/Human Rights
- Absolute right to be protected from torture, inhumane and degrading treatment – the qualified right to respect for private and family life
- Adult at risk has expressly requested no intervention therefore a balance between confidentiality and determining when personal information can or should be shared is not an easy one ie prevention or detection of crime or the right of others to be kept safe.
**Child sexual exploitation**

- Young people do not see themselves as being exploited due to the effective grooming techniques used by the perpetrators.
- Offender plays on the victims insecurities making them feel ashamed of the sexual activity or ancillary activities such as drug/alcohol consumption further increasing their reluctance to come forward.
- Adults may misunderstand the grooming process and assume that the young person was a willing participant in a relationship rather than the victim of sexual abuse. This can further amplify the victim's sense of shame.
- Compliance does not necessarily equate with Consent.

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**Criminal Law Act (NI) - 1967**

2. LEGAL –

Penalties for concealing offences etc.

- (1) Subject to the succeeding provisions of this section, where a person has committed [F1 a relevant offence], it shall be the duty of every other person, who knows or believes –
  - (a) that the offence or some [F2 other relevant offence] has been committed; and
  - (b) that he has information which is likely to secure, or to be of material assistance in securing the apprehension, prosecution or conviction of any person for that offence;

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**Barriers to disclosure**

For Victims

- Fear that disclosure and accepting help will be worse than the current situation and could be fatal.
- Fear the perpetrator will find them again through lack of confidentiality.
- Fear death.
- Feel shame and embarrassment and may believe it is their fault.
- Fear that there will not be follow up support.
- Fear abuser will have them detained.
- Fear they will be deported.
- Fear they will expose the family to dishonour.
- Fear an escalation of violence/real or use of weapons.
- Be scared what the future will hold.
- Be isolated from family/friends.
- Previous poor experience when they disclosed.
- Be dependant on abuser as their carer.
- Simply not ready.

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**Victims are at greatest risk of homicide at the point of separation or after leaving a violent partner**

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**The impact of domestic abuse has been found to have psychological parallels with the impact of torture and the imprisonment of hostages.**

“Intimate Terrorism”

Stockholm Syndrome?

- It is a form of traumatic bonding which describes “strong emotional ties that develop between 2 persons where one person intermittently harasses, beats, threatens, abuses or intimidates the other.”
- The victim expresses empathy and sympathy and have positive feelings towards their abuser, sometimes to the point of defending them. These feelings are generally considered irrational in light of the danger or risk endured by the victims who essentially mistake a lack of abuse from their abusers for an act of kindness. It is usually an unconscious act of self-preservation.

Brainwashing?

- Is an invasive form of influence.
- It requires the complete isolation and dependency of the subject. The abuser (brainwasher) must have complete control over the victim so that sleep patterns, eating, using the bathroom and the fulfillment of other basic human needs depend on the will of the abuser. In the brainwashing process the abuser systematically breaks down the victims identity to the point that it doesn’t work anymore. The abuser then replaces with it with another set of behaviours, attitudes and beliefs that works in the victims current environment.
- The effects of the process are more often short term, the brainwashed victim’s old identity is not in fact eradicated by the process, but instead is in hiding and once the new identity stops being reinforced the persons old attitudes and beliefs will start to return.

Jaycee Lee Dugard

- Kidnapped at aged 11 years on 10/06/1991 whilst waiting on the school bus by Philip and Nancy Garrido.
- Remained missing for more than 18 years.
- On 24th & 25th/08/2009 Phillip (a convicted sex offender) visited the campus of University of California in Berkeley accompanied by 2 girls aged 11 and 15 years.
- Their unusual behaviour resulted in the uni staff contacting Phillips parole officer and he was asked to attend his office on 26th/08/2009. He was accompanied by Jaycee and the 2 girls.
- They were separated from Phillip to ascertain their identity.
- Despite this Jaycee maintained her false identity as “Allissa” but advised the girls were her daughters and spoke fondly of Phillip. The girls also spoke warmly of him.

Cont’d..........

- It was 34 months into her captivity before the Garridos removed Jaycee’s handcuffs for short periods.
- She was 13 years old when she first became pregnant.
- The children were brought up believing Nancy was their mum and Jaycee their sister.
- During her captivity, Jaycee had access to a phone/e-mail and left the family home to accompany the couple on errands.
- It was only after Garrido admitted he had kidnapped and raped Jaycee did she acknowledge her real identity.
- On the day of the couples sentencing on 02/06/2011 Jaycee did not attend the trial but sent a statement to the court.
A new domestic abuse offence for “coercive and controlling behaviour” within relationships has been announced by the home secretary.

The maximum penalty for the new offence in England and Wales will be five years in prison and a fine.

Witness testimony could be supported at prosecution through a variety of ways, including documentary evidence of threatening emails and text messages, or bank statements that show the perpetrator sought to control the victim financially.

**ACROSS THE WATER**

**DHR – “Pritam’s Story”**

- Cultural Background - British Sikh but was exposed to western education and values
- Had hoped to go to university but at 19 yrs her parents had arranged her marriage into another Sikh family in South West England
- She had hoped she and her husband would have their own home and she a career and friends but was required to live with her in-laws and work in the family business
- Diagnosed with depression Nov 1993 and attended GP and MH services on numerous occasions over the years - she had tried to take her life on 4 previous occasions
- A link between intractable mental health problems and domestic abuse was not identified.
- When physical assault was reported in 2012 this was not identified as a possible escalation of risk.
- Attendances/ referrals were seen in isolation
- The DHR found her death by suicide was predictable. The question as to whether it was preventable is less clear due to missed opportunities. What ifs?..........................

Why does she stay?

Why has she made so many attempts to leave?

"IF IT WAS EASY EVERYONE WOULD BE DOING IT"

Dawn’s Story - DVD clip
Panorama – Caught on Camera
This number WILL NOT be disclosed Via 1471
This number WILL NOT appear on your phone bill
You DO NOT have to give your name
ALL calls are CONFIDENTIAL
Open to all women and men affected by Domestic & Sexual Violence
Freephone from all landlines and mobiles
Translation service available
Consultations/Advice for professionals

Thank you for listening?