

Ms. Mairead O'Donovan
Committee Clerk
Joint Committee on Disability Matters
Leinster House,
Dublin 2
D02 XR20

Your Ref: JCDM-i601
Sent to: disabilitymatters@oireachtas.ie

29th March 2022

Dear Ms. O'Donovan,

The Irish Association of Social Workers very much welcome the opportunity to speak with the Joint Committee on Disability Matters on the issues pertaining to the 'Module –Independent and adequate standard of living and social protection – Safeguarding.' I enclose our opening statement and our submission to the Joint Committee on the IASW perspective on 'Ireland's Implementation of Articles 16 & 19 of UNCRPD in Congregated Settings'.

If you have any questions regarding the opening statement and submission prior to the 31st of March you can contact me through our Office Manager, Danielle McGoldrick via officemanager@iasw.ie or tel. 087 7392420.

Sincerely,



Vivian Geiran
Chair of IASW
SW00319

Opening Statement by the Irish Association of Social Workers (IASW) to the Oireachtas Joint Committee on Disability Matters

31 March 2022

Good morning and thank you for the invitation to the Irish Association of Social Workers (IASW) to present to the Joint Committee today. My name is Vivian Geiran; I am the Chairperson of the IASW. I am joined here today by Ms. Celine O'Connor, a social worker with experience in working in and managing safeguarding services, and – joining us by video link – our colleague Ms. Sinéad McGarry, a social worker experienced in safeguarding practice. I want to acknowledge the specific input of Dr. Sarah Donnelly of UCD's School of Social Work and Social Policy, who is the IASW's Academic Safeguarding Advisor and who worked with us on today's submission but cannot be with us this morning.

The Irish Association of Social Workers was founded in 1971. There are almost 5,000 registered social workers in Ireland and the IASW is the national representative body of the profession. We have members working in various service areas, including children and families, mental health, probation, primary care, disability, hospitals, and with migrants, among others.

Social work is the named lead profession for child protection and adult safeguarding in Ireland¹ tasked with the primary responsibility for policies that support people at risk of abuse and neglect, including children and adults with disabilities. Social workers work with people with disabilities in their own homes and communities, in disability services, nursing homes, homeless services, direct provision centre's, prisons and other settings across Ireland. We work with many adults with disabilities who have never been formally assessed or supported by a disability service. **In this context, adult safeguarding failures in any setting may impact upon people with disabilities.**

Focusing on **safeguarding in congregated settings**, and the requirements of Articles 16 & 19 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), social work champions a **human rights-based approach to safeguarding**, recognising that safeguarding is equally about promoting the rights, autonomy, and well-being of a person, as it is about protecting people from abuse and neglect. **It is in scenarios and cultures where rights are overlooked and well-being is ignored, where a person lacks choice and autonomy in their own lives, that abuse is most likely to occur.** The values of the social work profession therefore very much align with the values of the UNCRPD.

Adults with disabilities in congregated settings comprise one of the least protected groups, and compared to children, have far less legal protection in their 'home.' It is a stark fact that legal protection from abuse, neglect and exploitation decreases for every person, including a person with disability, when they turn eighteen years of age in Ireland.

Our separate written submission document elaborates our position, that Ireland is not meeting the requirements set out in Articles 16 and 19. Our move toward *deinstitutionalisation*, where people can live according to their will and preferences, is unacceptably slow;² and safeguarding within existing services is far too weak.

We have limited data on safeguarding in Ireland. While we know that **51,000 concerns about the abuse and neglect of adults** have been reported to the Safeguarding and Protection Social Work teams since 2015³, it is unknown how many of these relate to people with disabilities. The IASW has established that apparently **143 sexual assaults against residents in care settings were reported to HIQA from 2015 to 2022**. Eighty-seven of these reported sexual assaults were in nursing homes where many people with disabilities reside and fifty-six were in disability centres⁴. We have also established that An Garda Síochána cannot provide figures about the rates of abuse and neglect of residents in nursing homes or disability centres reported to them.⁵

Concerns about the response to the abuse of adults, including adults with disabilities, regularly enter the public domain. The media have reported concerns in **Leas Cross**⁶ in 2006, in **Aras Attracta**⁷ in 2014, in the '**Grace**'⁸ and '**Brandon**'⁹ cases, the events of which spanned decades. Media reports also highlighted delays in reporting alleged sexual abuse of unconscious patients in **Naas Hospital**¹⁰; failures in the management of safeguarding concerns in **HSE area CHO7**¹¹ (Kildare, West Wicklow, Dublin West, South City & South West) from **2018 to date** and reported a pattern of **safeguarding failures in HSE area CHO1** (Leitrim, Monaghan, Sligo, Donegal)¹². Despite a recurring national outcry in the aftermath of each revelation, little seems to have changed for the better and **events of recent months alone show how little Ireland is adhering to the principles set out in Articles 16 and 19 of the UNCRPD**.

In comparison to child protection, and despite being lead profession in adult safeguarding, social work faces very real challenges to influence the governance and management of adult safeguarding and practice, through our human rights lens and approach. We encounter the same medicalised model at strategic and practice level, to that described by people with disabilities, and which does not adequately address their needs.

Our separate submission document details our views on the key challenges and solutions. These include:

1. Urgent enactment of safeguarding legislation, based on appropriate principles, including the UNCRPD.
2. Establishment of an independent statutory adult safeguarding authority.
3. Appropriate legal mechanisms to support social workers to do their work.
4. Mandatory Reporting of abuse and neglect of adults.
5. Adequate data collection and research.

In the gap of new Adult Safeguarding legislation, we also call in our more detailed submission for a number of interim measures, which should be taken as a matter of urgency.

The rights of people with disabilities to live lives where their will and preferences are respected, where their well-being is supported and where they are protected from abuse and neglect, must be vindicated and upheld. This is not, in the view of the IASW, currently happening and it will take a collective effort across relevant bodies and wider society to change this.

Thank you again for your time and attention and we welcome any questions.

Reference List:

1. *Report of the Working Group on the Role of Social Workers in Adult Safeguarding* (2019) Joint FÓRSA Trade Union and Health Service Executive (HSE) Working Group.
2. Inclusion Ireland (2018) Deinstitutionalisation in Ireland, A Failure to Act, Dublin.
3. Health Service Executive (2021) National Safeguarding Office, *Annual Report 2020* [online],
Available:<https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/nationalsafeguardingofficereport2020.pdf>
4. [Parliamentary Question: Written Answer on 08/02/22, Questions Numbers 678](#)
[Question Reference: 6151/22. Department: Health, Asked by: Fergus O Dowd.](#)
5. Letter from Minister Helen McEntee TD to Deputy Fergus O Dowd, 24th February 2022.
6. Department of Health and Children (2009) Commission of Investigation Leas Cross Nursing Homes available via <https://www.lenus.ie/handle/10147/76516>
7. Aras Attracta Swinford Review group (2016) *What Matters Most*, Available via <https://www.lenus.ie/handle/10147/622679>
8. Department of Health (2021) Sixth Interim Report of the Farrelly Commission, Available via: <https://www.gov.ie/en/publication/072b70-sixth-interim-report-of-the-farrelly-commission-of-investigation/>
9. National Independent Review Panel (2021) Brandon Report. available via <https://www.hse.ie/eng/services/news/media/pressrel/hse-publishes-independent-review-of-the-management-of-brandon.html>
10. Hegarty Aoife (2021) Investigations into the suspected abuse of unconscious patients, *RTE News*, Wednesday 24th Nov 2021, available via <https://www.rte.ie/news/investigations-unit/2021/1122/1262519-sexual-abuse-complaints-naas-general-hospital/>
11. Reilly, Cathy (2021) Major Backlog of Concerns with HSE Safeguarding Teams, *The Medical Independent* 12th March 2021 <https://www.medicalindependent.ie/in-the-news/news-features/major-backlog-of-abuse-concerns-with-hse-safeguarding-team/Medical Indo on CHO>
12. Conneely, A (2022) 'Concerns over HSE management of northwest disability services' *RTE News*, Tuesday 15th February 2022 [online], Available; <https://www.rte.ie/news/2022/0215/1280849-hse-higa-northwest/>