

## **Opening Statement by Sage Support & Advocacy Service to the Joint Oireachtas Committee on Health on Adult Safeguarding 4<sup>th</sup> October 2017**

### **Cathaoirleach agus comhaltaí an choiste.**

In 2016 the then Joint Oireachtas Committee on Health and Children produced a 'Report on the Role of Advocacy in Health and Social Care Services in Ireland'. This was the first time that an Oireachtas Committee had ever directly engaged with the issue of advocacy. The report indicated that advocates can play an important role in helping to support and empower vulnerable people who use our health and social services. It also referred to the need for coordination.

The right to have your 'voice' heard and to participate in the making of decisions which affect you is a fundamental principle in a democratic society. It is a principle simply stated as "Nothing about you / without you".

In circumstances where people may be vulnerable, or have to depend on others, there is a need to ensure that their rights, freedoms and dignity are promoted and protected. Through support and advocacy the will and preference of a person can be heard and acted on; independently of family, service provider or systems interests.

The concept of advocacy as a formal practice is relatively new, although advocacy has always happened in many forms. During the 20th century out of a diverse range of movements concerned with human rights, worker's rights, women's rights, welfare rights, racial equality, health, disability and the environment there emerged concepts, practices and services which can be broadly described as advocacy.

Advocacy may be instructed or non-instructed. Non-instructed advocacy is where the advocate acts independently of the individual, in some cases through necessity, as the individual may lack the capacity to advocate for themselves. With regard to instructed advocacy it is worth noting that the idea that one adult person can give authority to another adult person to act on their behalf as an advocate is still deeply challenging to some people in Irish society; not least in the health, social care and legal professions.

Sage has developed Quality Standards for its work and in the introduction to those standards Ms Justice Mary Laffoy, until recently a member of the Supreme Court, stated: *"Too often we see the issues facing older people as related solely to health and social care. In doing so we can sometimes forget the fundamental importance of values, standards and the law in determining the wellbeing of citizens."*

There are some significant challenges to the development of independent advocacy services. At the core of these challenges is the absence of a legal framework for independent advocacy. For example, it is clear that, despite the references in the HIQA Quality Standards for Nursing Homes regarding access to independent advocates, the experience of Sage is that some nursing homes continue to display a total disregard for the right of their residents to see an advocate of their choice. We are currently preparing a submission to the Ombudsman in respect of this issue.

There is a clear need for the State to respond directly to the advocacy needs of citizens, rather than simply delegating responsibility to NGOs. Legislative recognition of an independent body, such as a National Council for Support and Advocacy is necessary in order to address the issues of coherency, transparency and equal distribution of resources which can arise when funding is provided to voluntary advocacy groups without reference to any development framework.

Sage argues not just for multi-disciplinary approaches among professionals but also for multi-perspective approaches whereby the 'voice' of a vulnerable person is entitled to be heard and their will and preference respected when health and social care professionals and others gather to review and plan in respect of an individual.

The lack of inter-agency collaboration can sometimes lead to potentially serious situations being addressed in differing ways by various players each with a different remit and with differing perspectives, approaches, pieces of information and knowledge of the extent of each-others involvement. If a HSE Safeguarding Team, a HIQA Inspector, A Garda detective, and Sage all have engagement with a particular place of concern and all are acting independently then, in the absence of some framework of collaboration, there is the potential to fail vulnerable people.

The mission of Sage is "to promote and protect the rights, freedom and dignity of vulnerable adults and older people through the development of support and advocacy services which address individual and systemic issues". As a consequence of this mission Sage has a strong safeguarding dimension to its work and it has been engaged in approximately 200 cases to date in which there is a safeguarding element. There is a clear interplay between independent advocacy and safeguarding and for this reason we make the following recommendations.

### **Recommendations**

1. Immediate extension of the powers of HSE Safeguarding Protection Teams so that they can operate to the fullest degree possible within private care settings.
2. Recognition of the role and practice of independent advocacy.
3. Recognition of the right of vulnerable or potentially vulnerable adults to access and be represented by an independent advocate in all care settings, including domestic homes, and of the necessity for their voice to be heard in multi-disciplinary and inter-sectoral working arrangements which relate to them.
4. Inclusion of advocacy services in any mandatory system of inter-agency collaboration, review and planning.
5. Establishment of a National Council for Support and Advocacy to coordinate and strengthen the systems and practices of all providers of support and advocacy services to vulnerable persons and ensure equity in resource provision.
6. Development of a National Safeguarding Service independent of all other service providers and statutory agencies and resourcing it to the level required to meet minimum nationally applicable standards and to undertake historic investigations of alleged abuse.
7. Enactment of Safeguarding Adults legislation which addresses all of the above issues.

Cathaoirleach, I thank you and the members for the opportunity to address this committee and with my colleague Eileen O'Callaghan, who is the Designated Officer for safeguarding in Sage, we will endeavour to answer whatever questions you may have.