



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-01752

Keyword: Organisational Information/Governance

Subject: Safeguarding Vulnerable Adults Investigations

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates. The decision has been taken to disclose the following.

Request 1

I am writing to you to request the following information under The Freedom of Information (FOI) Act 2000 or equivalent FOI legislation; Copies of any policies and/or procedures the police force follow when undertaking Safeguarding Vulnerable Adults Investigations or Investigations of an equivalent nature?

Answer

Please find under links to the following PSNI Service policies, Service Instructions and Joint Protocol Procedure:

Service Policy Criminal justice SP0416

Service Policy Investigations SP0117

Service Policy Vulnerability SP1816

Service Instruction Adult Safeguarding SI2517

Service Instruction Victims and Witnesses SI1317

Protocol for Joint Investigation of Adult –Safeguarding Cases

<https://www.psni.police.uk/globalassets/advice--information/our-publications/policies-and-service-procedures/supporting-victims-and-witnesses-290518.pdf>

<https://www.psni.police.uk/globalassets/advice--information/our-publications/policies-and-service-procedures/adult-safeguarding-290617.pdf>

<https://www.psni.police.uk/globalassets/inside-the-psni/our-policies-and-procedures/corporate-policy/vulnerability121016.pdf>

<https://www.psni.police.uk/globalassets/advice--information/our-publications/policies-and-service-procedures/investigations-280618.pdf>

<https://www.psni.police.uk/globalassets/inside-the-psni/our-policies-and-procedures/corporate-policy/criminal-justice-111016.pdf>

The joint Protocol Attachment is a multi-agency document with PSNI being one of partner agencies.

<http://www.hscboard.hscni.net/download/PUBLICATIONS/safeguard-vulnerable-adults/niasp-publications/Protocol-for-joint-investigation-of-adult-safeguarding-cases.pdf>

Police officers will also abide by the Police and Criminal Evidence (Northern Ireland) Order 1989. This legislation is a Statutory Instrument of the United Kingdom which instituted a legislative framework for the powers of police officers in Northern Ireland similar to the framework for the powers introduced in England and Wales by the Police and Criminal Evidence Act 1984.

Request 2

In lieu of any policies and/or procedures, can the police force please provide an overview of the steps they ordinarily follow when undertaking such investigations, including steps to obtain relevant evidence?

Answer

Please see Request 1.

Request 3

Can Safeguarding Vulnerable Adults Investigations be conducted in instances in which the vulnerable adult(s) concerned is deceased?

Answer

Yes, Police can conduct an investigation if a victim is deceased. Police must have reasonable suspicion that an offence has been committed in the same way as an investigation would be commenced if the victim was alive. If the victim is deceased, Police may rely on third party evidence such as witnesses, CCTV and medical notes etc.

Request 4

Is it normal practice for the police force to interview individuals accused and/or suspected of causing harm and/or abusing a vulnerable adult(s)? Are there any circumstances in which the police force will not interview the accused?

Answer

Yes, it is normal practice for the Police to interview individuals accused and/or suspected of causing harm and/or abusing a vulnerable adult. Where there are reasonable and objective grounds to suspect an offence has been committed and that a person has been named as committing that offence, that person should be interviewed in order to meet the obligations in Section 32 Police (NI) Act 2000 and Article 3 Human Rights Act 1998. However, there may be times, albeit infrequent, where it is deemed inappropriate to interview a named suspect.

Request 5

Is it normal practice for the police force to interview the vulnerable adults(s) concerned as part of the Safeguarding Vulnerable Adults Investigation? Are there any circumstances in which the police force will not interview the vulnerable adult(s)?

Answer

Police will interview vulnerable adults (victim, suspect and witness) when the individual is deemed fit to be spoken to. A suspect will be interviewed if deemed fit to be interviewed by a medical practitioner or healthcare professional. They will be entitled to have a solicitor and an 'Appropriate Adult' with them during the Police Interview. A victim or witness will be spoken to by Police if they are capable of understanding the Criminal Justice process. Police, possibly alongside a Social

Worker (please see Joint Protocol) will conduct a Pre-Interview Assessment (PIA). This is to establish the victims/witnesses willingness and understanding regarding a criminal investigation and possible court case. The PIA will also assist in establishing whether the victim/witness requires assistance to provide their statement, such as a Registered Intermediary (please Joint Protocol).

Police will not interview a vulnerable adult if a medical practitioner or other healthcare professional has deemed them unfit to be spoken to. Circumstances may arise where an investigating officer believes that a named suspect should not be interviewed. This can be due to a variety of reasons; lack of formal first party complaint, lack of evidence regardless of formal complaint received or not, the Injured Party requests no further action or the mental health of the Injured Party raises concerns of Article 2 Human Rights Act 1998 issues or concerns of credibility.

Request 6

Are there any legal requirements to notify a vulnerable adult(s) they are subject to a Safeguarding Vulnerable Adults Investigation?

Answer

Police may not inform a person that they are subject to an investigation if Police believe that informing that person would put them or another person at risk of harm. Police may not tell a person they are subject to investigation if Police believe that in doing so, evidence may be lost or that it may negatively impact on the investigation. Under the Police and Criminal Evidence (Northern Ireland) Order 1989, a person must always be told what offence they are suspected of committing at time of arrest and/or when they invited to attend a Police Interview.

Request 7

In circumstances in which the vulnerable adult(s) is deceased or mentally incapacitated, are there any legal requirements to notify their relatives, executors and/or administrators that they are subject to a Safeguarding Vulnerable Adults Investigation?

Answer

If a vulnerable person is the victim of a crime, Police may begin a Joint Protocol investigation. This will involve a Social –worker who will liaise with the victim’s family and/or carers to ensure that the victim is safe. If it is not a Joint-protocol investigation, Police may inform the victim’s family and/or carer to ensure the safety of the victim and to ensure they get the support they need. If the victim is deceased, Police will usually inform the victim’s family that Police are investigating a crime committed against their family member.

If a vulnerable person is the suspect of a crime, Police will inform their Social Worker and Probation Officer (if they have one). Depending on the nature of the offence, the suspect may be required to move from their accommodation or abide by bail conditions; therefore family and/or carers may be informed if Police require them to be aware to ensure the safeguarding of others.

Therefore, there is not necessarily a legal requirement for Police to notify victims’ relatives, executors and/or administrators that they are subject to a Safeguarding Vulnerable Adults Investigation but we may inform the most suitable person who can ensure that the suspect, victim or potential victims are kept safe.

Request 8

Are there any legal requirements to notify the accused they are subject to a Safeguarding Vulnerable Adults Investigation?

Answer

Please see Request 6

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.