



VERSION 1.0

# ADULT SAFEGUARDING PRACTICE GUIDANCE

LIAISON WITH AN GARDA  
SÍOCHÁNA

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# INTRODUCTION

In the course of an assessment it may become clear that the concern being dealt with could be criminal in nature. Alternatively, in the course of an initial assessment of a concern another matter may be disclosed which could be considered criminal in nature.

It is not possible for this guidance document to outline a definitive list of possible criminal offences that should be notified to An Garda Síochána. Each case will need to be assessed individually and issues such as any legal or policy requirement to report, consent, the wishes of the adult at risk of abuse as well as the decision making capacity of the adult at risk of abuse will need to be considered.

Professionals are asked to use their professional judgment and when necessary seek advice in considering a notification to An Garda Síochána. Staff should be clear that their role in making a report to An Garda Síochána is to raise a concern with the appropriate authorities in good faith. It will be a matter for An Garda Síochána as to how the concern is progressed through the criminal justice system. An Garda Síochána is the state agency empowered by law to carry out investigations in respect of criminal complaints relating to abuse or harm towards adults at risk of abuse. This role extends to the preparation of files for the office of the Director of Public Prosecutions (which decides on and carries out prosecutions) as well as the prevention of crime. Garda investigations will require the interviewing of the adult, other potential witnesses and the collection of medical and/or material evidence.

An Garda Síochána may deploy their **Protective Services Unit** to assist with specialist interviewing of the adult at risk of abuse where deemed necessary. While the functions and roles of An Garda Síochána and the HSE/ funded agencies are different it is important that there is effective collaboration to ensure that the adult at risk of abuse is adequately safeguarded and to ensure that any criminal investigation is supported. It is important that appropriate working relationships are developed and maintained to facilitate these processes.



# ENGAGEMENT WITH AN GARDA SÍOCHÁNA

An Garda Síochána should be notified if it is suspected that the concern of abuse could be criminal in nature. Guidance and advice can also be sought from An Garda Síochána in assisting professionals in making a decision on reporting a possible crime. A decision to report a concern to An Garda Síochána may require a risk management decision for the professional in circumstances where;

- there is on-going risk to the adult and/or other adults
- the adult has indicated they are not in agreement with notification to An Garda Síochána.
- the adult has indicated that they do not wish to make a statement of complaint.

In such circumstances the professional will need to take cognisance of their professional responsibilities and the provisions of [The Criminal Justice \(Withholding of Information on Offences against Children and Vulnerable Persons\) Act, 2012](#). An investigation by An Garda Síochána should not necessarily prevent a safeguarding assessment being completed or a Safeguarding Protection Plan being implemented.

## IMPORTANT POINTS TO REMEMBER DURING ENGAGEMENT WITH AN GARDA SÍOCHÁNA

- Encourage and support the adult to make a notification (and a subsequent statement of complaint) to An Garda Síochána.
- If possible, seek the consent of the adult at risk of abuse in advance of making a notification to An Garda Síochána.
- Record the process by which consent has been sought.
- If a notification is made to An Garda Síochána against the wishes of the adult at risk of abuse:
  - Staff should inform the adult at risk of abuse of the reason for the report to An Garda Síochána.
  - Staff should inform An Garda Síochána that the matter is being reported without the consent of the adult at risk of abuse.
  - Every effort must be made to support the adult at risk of abuse throughout the process and this should be done in a manner appropriate to the risks posed to the adult at risk of abuse or to others.
- Keep a copy of any report to An Garda Síochána.
- Protect available evidence.
- Follow Garda advice in relation to discussing/not discussing allegations with any relevant parties.
- Keep a written note of any consultation with An Garda Síochána.
- Keep an agreed minute of any meetings with An Garda Síochána, particularly;
  - any decisions made/actions agreed and the person(s) nominated to carry out those actions/decisions.
  - the timeframe within which such actions will be completed
  - a review date.
- An Garda Síochána may seek the following:
  - The opportunity to interview the adult at risk of abuse prior to any other assessment.
  - That service/ Safeguarding and Protection Team interviewing of relevant individuals is kept to a minimum until the matter is resolved, so as not to prejudice the process.
  - That any witnesses do not discuss the matter with the accused or with other witnesses.
  - That the HSE/funded agency conducts its own independent investigation in parallel with any criminal investigation.

# CASE STUDY

## EFFECTIVE LIAISON WITH AN GARDA SÍOCHÁNA

An older man contacted his local Safeguarding and Protection Team to state that money was being taken from his bank account without his permission on a regular basis by way of ATM withdrawals.

The Safeguarding and Protection Social Worker initially considered making contact with the bank to cancel the ATM card and thus stop any further activity on the account of the older man.

However, the Social Worker made an initial call to notify the matter to An Garda Síochána and to seek further advice. The Social Worker was advised not to make contact with the bank. Gardai took a statement from the older man and liaised with the bank.

An Garda Síochána was subsequently able to secure CCTV footage of the next occasion that the person withdrew money from the account. This ultimately proved to be a key element in securing a successful prosecution.

