

2014.12.09

### **8.5 Deputy M.R. Higgins of the Minister for Health and Social Services regarding the duty of care of officers to vulnerable people:**

With regard to Social Services, will the Minister explain to Members the duty of care officers have to the vulnerable people that they deal with and explain the circumstances, if any, in which the duty of care owed to staff overrides the duty of care to a vulnerable person?

#### **Senator A.K.F. Green (The Minister for Health and Social Services):**

It goes without saying that ensuring the right care for vulnerable people, whether children or adults, is paramount in everything we do. Officers exercise their duty of care to vulnerable people by carrying out assessments of need and providing packages of care or intervention tailored and appropriate to each individual. There are many vulnerable adults, however, who have capacity and who do not make nor want contact with Social Services. These individuals have an absolute right to choose which services they wish to avail themselves of. Health and Social Services also has a clear duty of care to our staff as prescribed in the 1989 Health and Safety at Work Law and policies such as lone worker policies. With the exception of circumstances involving the 1969 Mental Health Law, services can only ever be delivered effectively through working together between staff and the individual and ensuring the safety and welfare of everybody. Service users and staff, in providing safe appropriate care, will always be top priority.

#### **8.5.1 Deputy M.R. Higgins:**

Supplementary, Sir. Does the Minister think that it is acceptable for the Social Services Department to use the duty of care to a member of staff overriding that of a vulnerable person simply because the vulnerable person wants to meet with a social worker who invited them to a meeting, was going to follow up on the following day and arrange the meeting, but never did so. That vulnerable person contacted the social worker repeatedly over a period of time; no answers. I have asked questions in this House before, I have asked it of Social Services. Their excuse is, and they put it in writing, that they believe that the duty of care to the social worker overrides the duty of care to the vulnerable person. Now that vulnerable person cannot move on. They have been let down by the department so many times and they cannot move on to another social worker and trust them because of the failure of the department to deal with the problem. I have offered a meeting with the Director of Social Services, with a social worker, me with the vulnerable person, just to simply find an answer and that has been turned down on these grounds: the duty of care to the member of staff is greater than that to the vulnerable person. Is that acceptable?

#### **Senator A.K.F. Green:**

What the Member describes does not sound acceptable but if he really wanted to move this on we could have dealt with this 3 weeks ago when I was appointed Minister for Health and Social Services. He could have phoned me up and we could have sorted it out. This is not the place to sort out individual concerns. I will meet with the Deputy straight after this Assembly and find out what it is he wants to talk about and arrange the meeting.