
Diocese of Limerick Safeguarding Vulnerable Persons

Policy & Procedures

March, 2015

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List of Relevant Contacts

Bishop of Limerick

Most Rev. Brendan Leahy, D.D.

Diocesan Office, Social Service Centre, Henry Street, Limerick.

Tel. 061-315856 Fax. 061-310186. Email: office@ldo.ie

Diocesan Designated Person

Mr. Ger Crowley, Director of Safeguarding

087/3233564

Diocesan Office, Social Service Centre, Henry Street, Limerick.

Tel. 061-315856 Fax. 061-310186. Email: office@ldo.ie

An Garda Síochána

Henry Street, Limerick

Tel. 061/ 212400

Health Service Executive

Chief Officer, HSE, 31/33 Catherine Street, Limerick.

Tel: 061 483556

TUSLA- The Child & Family Agency -Mid West

Ballycummin Ave, Raheen Business Park, Raheen,

Limerick. Tel 061-482792

Foreward

This policy should be considered with the Diocesan Safeguarding Children Policy. All safeguarding issues concerning children, including those with a disability, are addressed in the Safeguarding Children Policy.

This policy specifically deals with adults who may be vulnerable.

SECTION 1 - GENERAL

1. Introduction to Vulnerable Persons Policy and Procedures

The Diocese of Limerick is committed to safeguarding all members of our community and, in particular, to creating environments where vulnerable persons are welcomed and are respected in all church-related activities.

The Diocese is committed to policies and practices which promote the welfare of vulnerable persons and safeguard them from any form of harm.

In order to support these objectives, this policy has been developed in consultation with individuals and groups who support the Diocese's work in safeguarding vulnerable persons. This Policy deals with issues regarding the safeguarding of adults who may be vulnerable. All safeguarding issues regarding children, including children with a disability are addressed through the Diocesan Safeguarding Children Policy (www.limerickdiocese.org).

All Priests and every person holding an appointment or volunteering within the Diocese must adhere to these policies and procedures. They must act at all times to create safe environments for vulnerable persons and ensure that all concerns are responded to appropriately.

Should any Diocesan/Parish personnel, in the course of their ministry, become aware of concerns regarding the abuse or possible abuse of a vulnerable person in the community, they should seek the advice of the Diocesan Safeguarding Service or contact the relevant statutory organization.

All religious communities ministering in the Diocese are expected to adhere to this document or have their own policies and procedures which are consistent with the diocesan policy.

Church personnel, including priests, staff and volunteers must carry out their ministry respecting the rights of all individuals in line with both gospel values and all legal obligations.

I would like to acknowledge the work of the many people who work at parish and diocesan level to promote the welfare of vulnerable persons and encourage everyone to raise any concerns or suggestions with our Safeguarding Service.

Our intention is to continuously improve our processes and feedback is invited and welcomed.

+Brendan Leahy
Bishop of Limerick

2. Vulnerable Persons

The Diocese of Limerick has for the purpose of this Policy & Procedure adopted the definition of vulnerable person as set out in the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012.

Vulnerable Person” means a person, other than a child, who:

- (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- (b) has an intellectual disability,
- (c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
- (d) has a physical disability,

which is of such a nature or degree

- (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
- (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

3. Principles

- Vulnerable persons are entitled to be treated with respect, protected from all forms of harm and exploitation and have their consent¹ sought and taken into consideration in all matters affecting them.
- Vulnerable persons are entitled to have their emotional, physical and sexual integrity and their ethnicity and gender respected.
- Vulnerable persons are entitled to live in safety and be free from abuse or fear of harm when involved with Diocesan services and personnel.
- The Diocese of Limerick will make all reasonable efforts to create a safe environment, and to respond to concerns, suspicions and allegations of abuse of vulnerable persons.
- Vulnerable persons will be positively supported in receiving the sacraments and spiritual support.
- The Diocese of Limerick in all/any of its ministries, activities or policies will not tolerate the abuse of any vulnerable person

In order to ensure that these principles are embedded in ministry, the Diocese of Limerick will train and support those who minister to vulnerable persons. This training will include knowledge of abuse of vulnerable persons and approaches to working safely, ensuring that any potential risks to both the vulnerable person and Diocesan personnel are recognised and addressed.

¹ See 6.5 Capacity

4. Roles & Responsibilities

Bishop

- Overall responsibility for the safeguarding of vulnerable persons, involved in Diocesan and Parish activities, rests with the Bishop who will approve the vulnerable persons policy and procedures.

The Bishop will make arrangements in order to support

- The development of the vulnerable persons policy and procedures.
- The maintenance of safe environments

Diocesan Designated Person

The Diocesan Designated Person is responsible for:

- Receiving concerns/complaints of alleged abuse regarding vulnerable persons.
- Ensuring the appropriate manager/responsible person is informed and collaboratively ensuring necessary actions are identified and implemented.
- Ensuring reporting obligations are met.
- Other responsibilities, such as conducting preliminary assessments, may be assigned.
- Supporting the development of safe environments and practices

Creation and maintenance of safe environments and compliance with Code of Behaviour by:

- Priests who offer sacred ministry, including the sacraments.
- Parish Safeguarding representatives
- Lay Eucharistic ministers – taking communion to family homes, care facilities and hospitals.
- Lay volunteers involved in relevant Diocesan/Parish activities and programmes.
- All Diocesan and Parish staff.

Diocesan/Parish personnel ministering in relevant organisations will comply with the Safeguarding Policies of such organisations.

Diocesan/Parish personnel are not authorised to provide services which are the preserve of professional personnel, unless they are appropriately qualified and comply with all professional/regulatory codes.

SECTION 2 – RECOGNISING

5. Recognising Vulnerable Persons may be at risk of harm and experience abuse

Within the Church, it is important to recognise vulnerable people and put in place arrangements to ensure their safety and that of people ministering to them. A balance needs to be struck between the right to protection and the need to allow appropriate spiritual relationships between an individual and his/her priest, lay minister or volunteer.

Some persons, because of their vulnerabilities, are more at risk of harm because of their dependence on other adults for a range of care needs. At times an inability to communicate clearly what is happening; a fear of consequences and a concern regarding not being believed may prevent vulnerable persons from disclosing abuse.

5.1 Definitions of Abuse

Abuse may be defined as *“any act, or failure to act, which results in a breach of a vulnerable person’s human rights, civil liberties, physical and mental integrity, dignity or general well being, whether intended or through negligence, including sexual relationships or financial transactions to which the person does not or cannot validly consent, or which are deliberately exploitative. Abuse may take a variety of forms.”*²

There are several forms of abuse, any or all of which may be perpetrated as the result of deliberate intent, negligence or lack of insight and ignorance. A person may experience more than one form of abuse at any one time. The following are the main categories/types of abuse.

Types of Abuse

Physical abuse includes hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.

Sexual abuse includes rape and sexual assault, or sexual acts to which the vulnerable person has not consented, or could not consent, or into which he or she was compelled to consent.

Psychological abuse includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

Financial or material abuse includes theft, fraud, exploitation, pressure in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Neglect and acts of omission includes ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life such as medication, adequate nutrition and heating.

² Health Information and Quality Authority (HIQA). *The National Standards for Residential Services for Children and Adults with Disabilities*. Dublin, 2013

Discriminatory abuse includes ageism, racism, sexism, that based on a person's disability, and other forms of harassment, slurs or similar treatment.

Institutional abuse may occur within residential care and acute settings including nursing homes, acute hospitals and any other in-patient settings, and may involve poor standards of care, rigid routines and inadequate responses to complex needs.

Spiritual Harm - including denying access to sacraments and to the practice of their faith of which possible signs are a person not receiving sacraments or being absent from liturgies.

It is not always easy to detect when vulnerable persons are being harmed. However there may be some signs which may indicate that something is wrong. Definitions, examples and indicators of abuse are set out in Appendix 1, the signs may not, in themselves, be indicators of abuse, but may also indicate other issues in the person's life, e.g. dementia, depression.

5.2 Who May Abuse?

Anyone who has contact with a vulnerable person may be abusive, including a member of their family, community or a friend, informal carer, healthcare/ social care or other worker.

Familial Abuse

Abuse of a vulnerable person by a family member.

Professional Abuse

Misuse of power and trust by professionals and a failure to act on suspected abuse, poor care practice or neglect.

Peer Abuse

Abuse, for example of, one adult with a disability by another adult with a disability.

Stranger Abuse

Abuse by someone unfamiliar to the vulnerable person.

5.3 Vulnerable Persons - Special Considerations

Abuse of a vulnerable person may be a single act or repeated over a period of time. It may comprise one form or multiple forms of abuse. The lack of appropriate action can also be a form of abuse. Abuse may occur in a relationship where there is an expectation of trust and can be perpetrated by a person who acts in breach of that trust. Abuse can also be perpetrated by people who have influence over the lives of vulnerable persons, whether they are formal or informal carers or family members or others. It may also occur outside such relationships.

Abuse of vulnerable persons may take somewhat different forms and therefore physical abuse may, for example, include inappropriate restraint or inappropriate use of medication. Vulnerable persons may also be subject to additional forms of abuse such as financial or material abuse and discriminatory abuse.

It is critical that the rights of vulnerable persons to lead as normal a life as is possible is recognised, in particular deprivation of the following rights may constitute abuse:

- Privacy
- Respect and dignity
- Freedom to choose
- Opportunities to fulfil personal aspirations and realize potential in their daily lives
- Opportunity to live safely without fear of abuse
- Respect for possessions.

People with disabilities and older people may be particularly vulnerable due to:

- diminished social skills
- dependence on others for personal and intimate care
- capacity to report
- sensory difficulties
- isolation
- Power differentials.

Adults who become vulnerable have the right:

- To be accorded the same respect and dignity as any other adult, by recognising their uniqueness and personal needs.
- To be given access to knowledge and information in a manner which they can understand in order to help them make informed choices.
- To be provided with information on, and practical help in, keeping themselves safe and protecting themselves from abuse.
- To live safely without fear of violence in any form.
- To have their money, goods and possessions treated with respect and to receive equal protection for themselves and their property through the law.
- To be given guidance and assistance in seeking help as a consequence of abuse.
- To be supported in making their own decisions about how they wish to proceed in the event of abuse and to know that their wishes will be considered paramount unless it is considered necessary for their own safety or the safety of others to take an alternate course, or if required by law to do so.
- To be supported in bringing a complaint.
- To have alleged, suspected or confirmed cases of abuse addressed promptly and appropriately.
- To receive support following abuse.
- To seek redress through appropriate agencies.

6. Key Considerations in Recognising Abuse

6.1 Recognising Abuse

Abuse can be difficult to identify and may present in many forms. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than abuse. All signs and symptoms must be examined in the context of the person's situation and family circumstances.

6.2 Early Detection

We need to be aware of circumstances that may leave a vulnerable person open to abuse and must be able to recognise the possible early signs of abuse. We need to be alert to the demeanour and behaviour of adults who may become vulnerable and to the changes that may indicate that something is wrong.

It must not be assumed that, for example, an adult with a disability or an older adult is necessarily vulnerable; however it is important to identify the added risk factors that may increase vulnerability. People with disabilities and some older people may be in environments or circumstances in which they require safeguards to be in place to mitigate against vulnerability which may arise. As vulnerability increases responsibility to recognise and respond to this increases.

6.3 Barriers for Vulnerable Persons Disclosing Abuse

Barriers to disclosure may occur due to some of the following:

- Fear on the part of the service user of having to leave their home or service as a result of disclosing abuse.
- A lack of awareness that what they are experiencing is abuse.
- A lack of clarity as to whom they should talk to.
- Lack of capacity to understand and report the incident.
- Fear of an alleged abuser.
- Ambivalence regarding a person who may be abusive.
- Limited verbal and communication skills.
- Fear of upsetting relationships.
- Shame and/or embarrassment.

6.4 Considering the Possibility

The possibility of abuse should be considered if a vulnerable person appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the vulnerable person seems distressed without obvious reason or displays persistent or new behavioural difficulties. The possibility of abuse should also be considered if the vulnerable person displays unusual or fearful responses to carers. A pattern of ongoing neglect should also be considered even when there are

short periods of improvement. Financial abuse can be manifested in a number of ways, for example, in unexplained shortages of money or unusual financial behaviour.

A person may form an opinion or may directly observe an incident. A vulnerable person, relative or friend may disclose an incident. An allegation of abuse may be reported anonymously or come to attention through a complaints process.

6.5 Capacity

All persons should be supported to act according to their own wishes. Only in exceptional circumstances should decisions and actions be taken that conflict with a person's wishes, for example to meet a legal responsibility to report or to prevent immediate and significant harm. As far as possible, people should be supported to communicate their concerns to relevant agencies

Challenges can arise in relation to work with vulnerable persons regarding issues of capacity and consent. It is necessary to consider if a vulnerable person gave meaningful consent to an act, relationship or situation which is being considered as possibly representing abuse. While no assumptions must be made regarding lack of capacity, it is clear that abuse occurs when the vulnerable person does not or is unable to consent to an activity or other barriers to consent exist, for example, where the person may be experiencing intimidation or coercion. For a valid consent to be given, consent must be full, free and informed.

It is important that a vulnerable person is supported in making his/her own decisions about how he/she wishes to deal with concerns or complaints. The vulnerable person should be assured that his/her wishes concerning a complaint will only be overridden if it is considered essential for his/her own safety or the safety of others or arising from legal responsibilities.

In normal circumstances, observing the principle of confidentiality will mean that information is only communicated to others with the consent of the person involved. However, all vulnerable persons and, where appropriate, their carers or representatives, need to be made aware that the operation of safeguarding procedures will, on occasion, require the sharing of information with relevant professionals and statutory agencies in order to protect a vulnerable person or others.

Decision making capacity must always be assumed to exist unless proven otherwise and a person has a right to make decisions which other persons may consider as unwise. The autonomy of the individual must be respected as much as possible. Sometimes people do not want statutory authorities to take action to investigate or protect them from harm. People have a right to make such choices about reporting.

However, if a criminal act is suspected, it must be reported to the statutory authorities. If upon receipt of the concern, where the vulnerable person does not give consent to reporting, and it is not clear that a criminal act has taken place consultation should take place with the statutory authorities as to the best course of action.

The consent of the vulnerable person should be sought prior to reporting any matter to the statutory authorities and to family and care service providers.

In considering the capacity of the vulnerable person to give consent, the following factors are relevant:

- The person has the capacity to understand what is being asked of him/her
- Sufficient information is given, in a way that the person understands, to enable him/her to make an informed decision
- Consent is not received through any form of coercion

If the vulnerable person is unable to give informed consent, discussions should take place with their guardian/family about reporting concerns/allegations and, where appropriate, discussions should also take place with relevant professional personnel. There may need to be a determination as to who can give consent on behalf of the vulnerable person; in some instances there may already be provision in place; consultation may be required with legal advisers and statutory personnel.

Note:

- All concerns/disclosures of abuse must be reported to the Diocesan Designated Person.
- The Diocesan Designated Person is authorised to determine if notification to the statutory authorities is appropriate. This may require a form of preliminary assessment.
- It is not the role of Diocesan personnel to investigate or to determine if abuse has occurred.

6.6 Complaints

Things can go wrong and do go wrong in any organisation. People may instinctively regard complaints as a comment on personal performance. However, the appropriate handling of complaints is an integral part of good governance and risk management. A first step for any activity and programme is to ensure that proper and effective complaint handling procedures are in place.

This Policy should be read in conjunction with the Diocesan Complaints Policy (www.limerickdiocese.org).

SECTION 3 – FRAMEWORK

7. Legal & Policy Framework

There are a number of definitions of a vulnerable person provided for in Irish legislation:

National Vetting Bureau (Children and Vulnerable Persons) Act 2012

“Vulnerable Person” means a person, other than a child, who:

- (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- (b) has an intellectual disability,
- (c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
- (d) has a physical disability,

which is of such a nature or degree

- (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
- (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

Criminal Justice (Withholding of Information of Offences against Children and Vulnerable Persons) Act 2012 provides for a very similar (but not exactly the same) definition

“Vulnerable Person” means a person (including, insofar as the offences specified at *paragraph 8 of Schedule 2* are concerned, a child aged 17 years old)

- (a) who:
 - (i) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or
 - (ii) has an intellectual disability

which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person, or

- (b) who is suffering from an enduring physical impairment or injury which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both.

Canon Law

Canon Law does not directly refer to or define the Vulnerable Person. However, the Congregation for the Doctrine of the Faith reserved certain grave delicts (crimes) to itself. One of these is: “the delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years”. It went on to state that “a person [over the age of eighteen years] who habitually lacks the use of reason is to be considered equivalent to a minor.” (Letter of 21st May, 2010 of CDF regarding modifications introduced in the Normae de gravioribus delictis, Art 6.)

For the purposes of Canon Law therefore we may define a Vulnerable Person as one who habitually lacks the use of reason.

The HSE (Social Care Division) defines a vulnerable person as an adult who may be restricted in capacity to guard himself/herself against harm or exploitation or to report such harm or exploitation. Restriction of capacity may arise as a result of physical or intellectual impairment. Vulnerability to abuse is influenced by both context and individual circumstances³.

The Diocese of Limerick, has for the purpose of this Policy & Procedure, adopted the definition of vulnerable person as that set out in the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012.

“Vulnerable Person” means a person, other than a child, who:

- (e) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,**
- (f) has an intellectual disability,**
- (g) is suffering from a physical impairment, whether as a result of injury, illness or age, or**
- (h) has a physical disability,**

which is of such a nature or degree

- (iii) as to restrict the capacity of the person to guard himself or herself against harm by another person, or**
- (iv) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.**

³ Safeguarding Vulnerable Persons at Risk of Abuse, National Policy & Procedures. HSE (Social Care Division)

Mandatory Reporting

Beyond the scope of this policy it is a legal requirement throughout the island of Ireland for any person who knows or believes that a serious offence has been committed including an offence relating to Rape, Sexual Assault and False Imprisonment to report such information to the police authorities and it is an offence not to do so where that failure cannot be reasonably excused.

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 makes it a criminal offence for any person to fail to disclose to An Garda Síochána information in relation to certain specified offences against children and vulnerable persons. The Act applies to information that a person acquires, receives or becomes aware of after 1st August 2012, irrespective of whether the specified offence concerned was committed before or after that date.

8. Diocesan Code of Behaviour

Ministry with vulnerable persons is a gift from God. All those who minister to vulnerable persons should carry out their duties with the rights of the vulnerable person to the fore. They should recognise the potential power imbalances which may increase the vulnerabilities of the person to whom they are ministering. It is critical that boundaries are respected, and that thoughtful relationships are established which always place the needs and well-being of the vulnerable person as the primary concern. Those carrying out ministries should have clearly defined personal codes of behaviour consistent with this Policy and be accountable at all times for their actions.

Responsibility for adherence to the Code of Behaviour rests with each individual. A breach of the Code will be subject to remedial action, depending on the specific circumstances and the extent of harm.

The standard of good behaviour outlined applies to all clergy, religious, staff and volunteers working with vulnerable persons within the Diocese of Limerick. This code of behaviour outlines what is acceptable and non-acceptable behaviour. This policy exists for the protection of both vulnerable persons and all persons involved in ministry.

General Guidelines:

- Provide an example of good conduct and treat each person with dignity and respect.
- Develop a culture where vulnerable persons can talk openly and ensure each vulnerable person knows what they can do if they have a problem.
- Maintain appropriate boundaries.
- Use only appropriate media products and activities. Sexually explicit or pornographic material is never appropriate.
- Never act in ways intended, or likely, to shame, humiliate, belittle or degrade.
- Never let allegations a vulnerable person makes go without being addressed and recorded and always challenge and report potentially abusive behaviour.
- Never use language, make suggestions or offer advice which is inappropriate, offensive or abusive.
- Do not use alcohol, tobacco or drugs in the company of vulnerable persons and under no circumstances give alcohol, tobacco or drugs to vulnerable persons.
- Never hit or otherwise physically assault or abuse a vulnerable person.
- Comments and jokes of a sexual nature are inappropriate.
- Never behave in a manner which could be seen as inappropriate or sexually exploitative.
- Never do things of a personal nature for vulnerable persons which they can do themselves.

- Never act in ways that may be abusive or may place a vulnerable person at risk of abuse.
- Do not engage in or tolerate any behaviour, verbal, emotional, psychological or physical, that could be construed as bullying.
- Never discriminate against or treat vulnerable persons differently. Discriminatory behaviour and/or expressed views on the grounds of gender, marital status, family status, age, race, religion, disability, sexual orientation, membership of Traveller community, culture, political affiliation and/or views, should not be tolerated.

Physical Activities

- Respecting the physical integrity of vulnerable persons should not prevent appropriate contact where it is necessary to comfort a vulnerable person and ensure their safety and well-being; neither should it preclude normal expressions of warmth or happiness provided that they are acceptable to all parties concerned and are in response to the needs of the vulnerable person.
- In certain activities, physical contact may be necessary however in normal activities, never touch a vulnerable person without his/her consent and always explain to them the reason why contact is necessary.
- Accept that all physical contact may be open to scrutiny, and be prepared to report it and explain it.

Comforting Issues

- Never assume that vulnerable persons seek physical comfort if they are distressed and always ask them what comforting they want.
- Try to ensure that physical comfort is given only if there are other adults present.
- Never comfort a vulnerable person in a way that could be considered indecent or in any way sexual.
- Be aware that a vulnerable person unused to physical comforting may not have appropriate boundaries for this activity.
- Always report when a vulnerable person becomes distressed or angry.

Intimacy Issues

- Avoid any physical contact when a vulnerable person is in a state of undress.
- Avoid visually intrusive behaviour, including photographs.
- Do not change your clothes, sleep with or shower around vulnerable persons.
- Never develop a sexual relationship with a vulnerable person.

Programme/Activities

- Do not disclose your personal confidences or information to a vulnerable person.

- Do not give your personal address, telephone or social networking details to a vulnerable person that you did not know before you started work on the programme.
- Do not arrange to meet a vulnerable person that you did not meet before a programme; Leaders in charge may make provision for contact at re-unions, Christmas parties, etc in accordance with a programme's policy.
- Do not initiate correspondence with a vulnerable person.
- If a vulnerable person makes contact with you, inform the leader in charge of the group. After consultation, it may be decided that you correspond for a brief period, with the vulnerable person by letter, e-mail or card in a manner that is not overly affectionate. If you do not wish to receive such correspondence, the leader in charge of the group will manage the contact with the vulnerable person thereafter.

Meetings

- Do not conduct meetings in, or encourage visits to, private homes or personal living quarters.
- Being alone with a vulnerable person in one's home is not usually appropriate practice. Should circumstances arise where this is unavoidable a written note that the meeting with the vulnerable person took place should be prepared. If a concern of any nature arises discuss the matter with the Diocesan Safeguarding Service.
- If the pastoral care of a vulnerable person necessitates the arrangement of an individual meeting, do not meet in isolated environments. Schedule meetings at times and locations that allow for transparency and accountability. Limit both the length and number of sessions.
- When the need for a visit to the home of a vulnerable person arises professional boundaries must be observed at all times.
- Meetings should not be held at places or times that would tend to cause confusion about the nature of the relationship.

Conflict of Interest

- Avoid situations that might present a conflict of interest or the appearance of such conflict.
- No one involved in any Diocesan activity should use his or her position to exercise unreasonable or inappropriate power.
- People involved in ministry should not advise beyond their competence and should refer to appropriate professionals and services.

A Code of Behaviour cannot address all situations. If in doubt or worried, consult with the Diocesan Safeguarding Service.

9. Recruitment Policy and Procedures

While most people's involvement in Church activities is motivated by their desire to build community and to live out the gospel values we must also be aware that there are people in our society whose motives are not positive. We must therefore ensure that the correct recruitment procedures are followed in order to deter such people.

Staff Recruitment Procedure: Refer to Diocesan HR Policy

Volunteer Recruitment Procedure: (See also Diocesan Safe Recruitment & Selection Checklist)

1. Volunteer should be clear about the role, what it involves and the time commitment required.
2. Volunteer receives the required forms from the Parish Priest or someone appointed by him which includes; Application Form (Youth Ministry or Church Ministry) Declaration Form, Vetting Form and Guidelines for completion of Vetting Form, and Diocesan Safeguarding Policy Information(Available from the Pastoral Centre / Diocesan Office)
3. Parish Priest or person appointed by him notes name of Volunteer and date that they received their application forms in the Volunteer Register.
4. Volunteer returns all completed documentation to the Parish Priest. If Volunteer is not known to the PP then they must provide proof of identity (Photo ID).
5. Parish Priest or someone appointed by him checks to ensure that the forms have all been completed correctly and then signs and dates forms.
6. A note is made that the forms have been returned.
7. References are checked using the Volunteer Reference Check Form.
8. Vetting Forms are submitted to Vetting Administrator, Diocesan Pastoral Centre, St Michael's Courtyard, Denmark St, Limerick and a note made of the date they were submitted.
9. Decision made if Volunteer should attend safeguarding training as well as any training necessary for their role.
10. Volunteer can begin work pending a positive outcome from their Garda Vetting. Until Garda Vetting has been returned the volunteer should not have unsupervised access to vulnerable persons. (**Note: This will need to be amended following enactment of vetting legislation**).

Existing Staff & Volunteers

If a staff member or volunteer has been involved in the parish since before these guidelines came into being they will still have to undergo Garda vetting, as well as agreeing to adhere to the Diocesan Policy and undergoing safeguarding training if required.

SECTION 4 - PROMOTING GOOD PRACTICE

10. Promoting Good Practice

10.1 Risk Management in Diocesan/Parish Programmes & Activities⁴

- The assessment and management of risk should promote independence, real choices and social inclusion of vulnerable persons.
- Risks change as circumstances change.
- Risk can be minimised but not eliminated.
- Identification of risk carries a duty to manage the identified risk.
- Involvement with vulnerable persons, their families, advocates and practitioners from a range of services and organisations helps to improve the quality of risk assessments and decision making.
- Defensible decisions are those based on clear reasoning.
- Risk-taking can involve everybody working together to achieve desired outcomes.
- Confidentiality is a right, but not an absolute right, and it may be breached in exceptional circumstances when people are deemed to be at serious risk of harm or in compliance with law.
- Sensitivity should be shown to the experience of people affected by any risks that have been taken and where an event has occurred.

In assessing and managing risks, the aim is to minimise the likelihood of risk or its potential impacts while respecting an ambition that the individual is entitled to live a normal life to the fullest extent possible. In safeguarding terms, the aim of risk assessment and management is to prevent abuse occurring, to reduce the likelihood of it occurring and to minimise the impacts of abuse by responding effectively if it does occur. The Diocese will put in place risk-reducing measures in respect of all relevant activities and programmes.

No endeavour, activity or interaction is entirely risk-free and even with good planning it may not be possible to completely eliminate risks. In some situations, living with a risk can be outweighed by the benefit of having a lifestyle that the individual values and freely chooses. In such circumstances, risk-taking can be considered to be a positive action. Consequently, as well as considering the dangers associated with risk, the potential benefits of risk-taking have to be considered. In such circumstances strategies to manage/mitigate the risk need to be put in place on a case by case basis.

⁴ Drawn from Volunteer Now - Safeguarding Vulnerable Adults: A Shared Responsibility (2010)

Identifying risk factors can help to prevent abuse by raising awareness and using these to develop effective risk assessments and prevention strategies.

Common personal risk factors include:

- diminished social skills / judgement
- diminished capacity
- physical dependence
- need for help with personal hygiene and intimate body care
- lack of knowledge about how to defend against abuse.

Common organisational risk factors include:

- low staffing/volunteer levels
- high staff/volunteer turnover
- lack of policy awareness
- isolated services
- neglected physical environment
- weak management/support
- staff/volunteer competencies not matched to programme/activity requirements
- staff/volunteer not supported by training/ongoing professional development.

10.2 Culture

*“Culture manifests what is important, valued and accepted in an organisation. It is not easily changed nor is it susceptible to change merely by a pronouncement, command or the declaration of a new vision. At its most basic it can be reduced to the observation the way things are done around here”.*⁵

Key to the successful safeguarding of vulnerable persons is an open culture with a genuinely person-centred approach to care/support, underpinned by a zero-tolerance policy towards abuse and neglect. It is important to create and nurture an open culture where people can feel safe to raise concerns. The importance of good leadership and modelling of good practice is essential in determining the culture of services.

Human Resource policies are fundamental to ensuring that everyone is aware of the standards expected of them and support their protection from situations which may render them vulnerable to allegations of abuse. The Diocese will ensure that there are procedures in place for the effective recruitment, vetting, support and supervision of all staff and volunteers that provide services to vulnerable persons.

⁵ Office of the Ombudsman, Complaints and Complaint Handling,

11. Proper Use of Information Technology Policy

In the course of their work with the diocese, priests, staff and volunteers may use information technology resources.

The use of the diocese's information technology resources is conditional on compliance with this policy and any related guidance which may be issued from time to time.

- The diocese's information technology resources are to be used primarily for work related purposes, lawfully and ethically.
- Users must comply with all relevant laws and regulations, and all contracts and licences applicable.
- Users are responsible for the content of their personal use of information technology and may be subject to liability from this use.
- Ability to access information technology resources does not, by itself, imply authorisation to do so, and must abide by the security restrictions which may apply.
- Users must not engage in inappropriate uses which include, but is not limited to:
 - Activities that violate law
 - Betting or wagering
 - Harassment or threats of others
 - Private commercial business
 - Political activity
 - Storage, display, transmission or intentional or solicited receipt of material that is or may be reasonably regarded as obscene, sexually graphic or pornographic.
- Users must not violate the privacy of others.
- In the course of their work and activity on behalf of the diocese users may obtain or access information of a personal nature, and irrespective of the format such information is strictly confidential and must be so respected.
- Users must take all reasonable steps to protect the information technology resources and information maintained, and report any loss or damage, or any incident of concern without delay to the Diocesan Secretary.

- Users will not state or imply that they speak for the diocese or on its behalf without authorisation.
- The diocese reserves the right to employ security measures including the right to monitor any usage of information technology resources and to restrict or prohibit use.

If in their use of personal information technology a priest/staff/volunteer is found guilty of an offence, or compromises the safety of vulnerable persons, this will be dealt with under the procedures laid out in canon law, Diocesan HR policies or diocesan policies.

12. Whistle Blowing Policy

The Diocese of Limerick encourages any person who has a concern about people or practices in the diocese and its services which may pose a risk to the safety and welfare of vulnerable persons to contact our safeguarding service. If the risk relates to a specific vulnerable person, we will notify the statutory authorities without delay and work with them to ensure the vulnerable person's safety and welfare. If the risk arises from the practice of one of our services, we will review the practice of that service, and take any necessary action

SECTION 5 – RESPONDING & REPORTING

13. Responding to and Reporting Concerns, Suspicions & Allegations of Abuse against Church Personnel, including Volunteers

Safeguarding is a shared societal responsibility. The Diocese does not have the investigative authority of An Garda Síochána or the statutory responsibility of the Health Services Executive. The Diocese can only act within the limits of its responsibility and authority and typically this will involve working collaboratively with the relevant statutory authorities.

The Diocese is committed to promoting the safety, welfare and protection of vulnerable persons. It will take all concerns, allegations and disclosures seriously. The core responsibility is to:

- Recognise abuse
- Take a disclosure seriously
- Consult with the Diocesan Safeguarding Service.

This Policy and Procedure applies to concerns that arise:

- (a) from non-church related activities and
- (b) from activities that are church related

If concerns arise, for example if someone notices any of the signs indicated in Appendix 1, it may be appropriate to ask the vulnerable person what happened or what is wrong. Care needs to be taken not to investigate; this should be avoided by not asking questions beyond initial checking out and listening to the words of the vulnerable person.

- A written record should be made by the person receiving the initial concern/allegation.
- All concerns, suspicions and allegations should be taken seriously and reported to the Diocesan Designated Person.
- The Diocesan Designated Person will establish
 - if the concern relates to a safeguarding issue
 - whether there are reasonable grounds for concern
 - whether to report the concerns to the relevant statutory authorities. Consultation may take place with these authorities to establish if the threshold for notification has been reached.
- Threshold for reporting should be based on an assessment i.e. that there are reasonable grounds for concern. The following examples would constitute reasonable grounds for concern:
 - specific indication from the vulnerable person that he/she was harmed/abused
 - an account by a person who saw the vulnerable person being abused
 - evidence, such as an injury or behaviour which is consistent with abuse and unlikely to be caused in any other way
 - an injury or behaviour which is consistent both with abuse and an innocent explanation but where there are corroborative indicators supporting the concern

- that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour
- consistent indication, over a period of time, that the vulnerable person is suffering from emotional or physical neglect
 - The diocesan designated person will take/or advise on whatever steps are necessary to ensure the safety of the person and all parties and to prevent risk of further potential abuse.
 - A written record of meetings and actions will be maintained by the Diocesan Designated Person.
 - If the concerns relate to possible abuse by a Priest or member of staff, all procedures will be initiated which do not compromise any investigation by the statutory authorities.
 - If the concerns relate to a priest consideration may have to be given by the Bishop to asking the respondent to seek leave from ministry to allow investigations to take place. The same process should be followed for priests as set out in the Leave from Ministry Guidance.
 - If the allegation is made against a lay member of staff the relevant disciplinary procedures will be followed.
 - If the allegation concerns a Volunteer, the Diocesan Designated Person will deal with the issues arising with the person responsible for the activity or programme.

Anonymous Allegations

While the limited information usually available in anonymous allegations may inhibit a full assessment, all such allegations must be reported to the Diocesan Designated Person. All such allegations will be assessed and issues such as the seriousness of the allegation and the capacity to objectively verify relevant information will be considered.

The rights and reputation of any person who is the subject of an anonymous allegation will be respected.

It is not easy to hear a disclosure of abuse and if you find yourself in this position please keep the following points in mind.

- DO:**
- Stay calm, listen and offer reassurance
 - Record in writing
 - Explain that you will have to report the concern to the Diocesan Designated Person

- DO NOT**
- Panic
 - Promise to keep secrets
 - Ask leading questions
 - Make them repeat the story unnecessarily
 - Delay
 - Start to investigate

The diagram below sets out the procedure to be followed in any allegations/concerns/suspicious arise

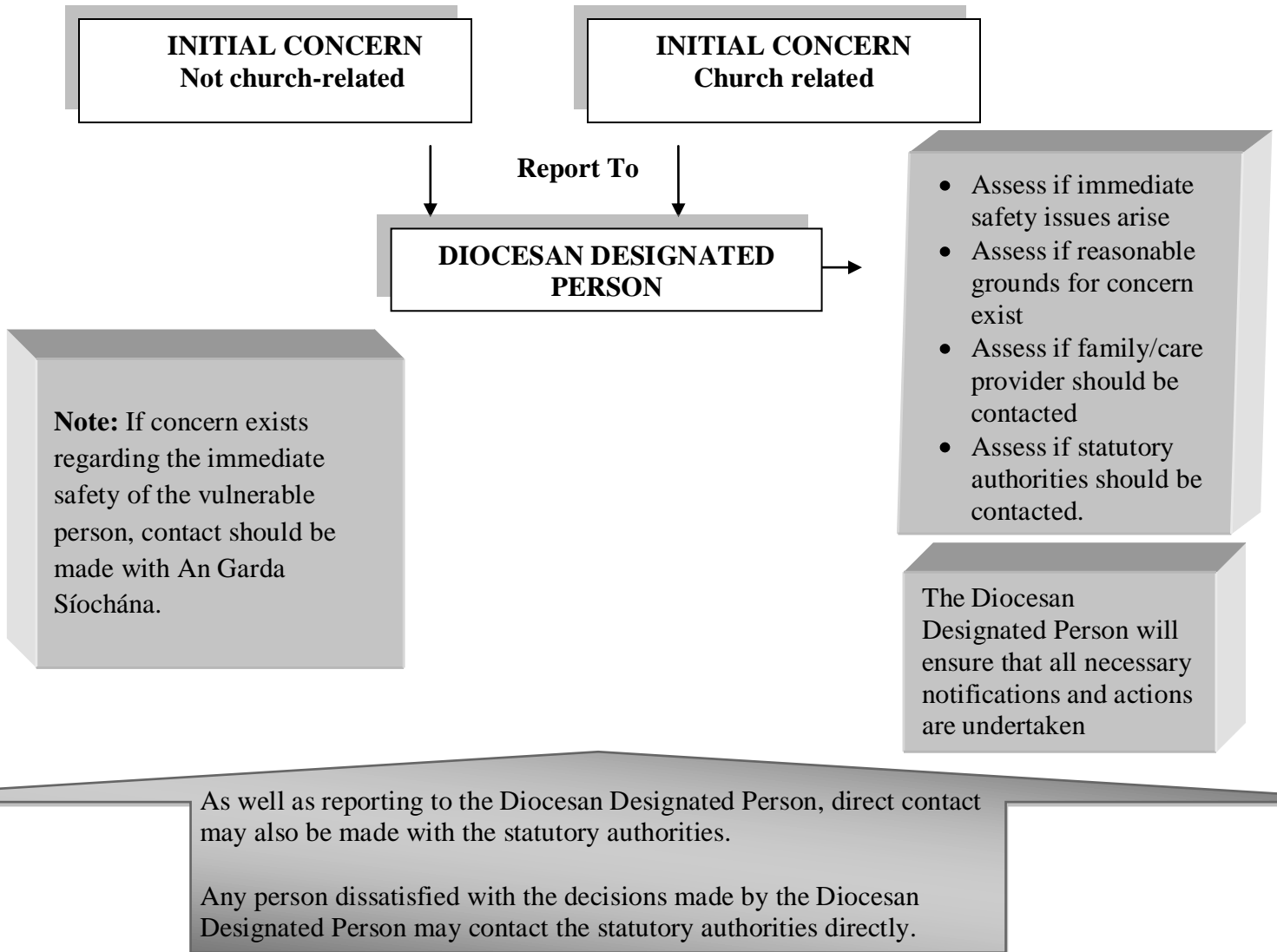
A. Allegations/concerns/suspicious regarding non Church personnel/activities

For example, a disclosure of abuse by a family member

B. Allegations/concerns/suspicious regarding Church personnel/activities

The procedure below sets out the action that must be taken if any concern, allegation, suspicion or disclosure is made that indicates that **Diocesan or Parish personnel** may have

- Behaved in a way that has harmed a vulnerable person
- Committed a criminal offence against a vulnerable person
- Behaved in a way that indicates that s/he is unsuitable to work with vulnerable persons



Procedure for Reporting Allegations/concerns/suspicious

14. Record Keeping

Detailed records will be maintained for all reports of abuse relating to Church personnel.

Records relating to concerns/allegations against non-Church personnel will record that the concern has been passed to the civil authorities.

Records relating to recruitment and creating safe environments will be maintained in diocesan/parish/congregational offices.

Confidentiality must be respected and information shared only on a need to know basis.

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Appendix 1.

The following table provides definitions, examples and indicators of abuse

Type of Abuse: Physical	
Definition	Physical abuse includes hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.
Examples	Hitting, slapping, pushing, burning, inappropriate restraint of adult or confinement, use of excessive force in the delivery of personal care, dressing, bathing, inappropriate use of medication.
Indicators	Unexplained signs of physical injury – bruises, cuts, scratches, burns, sprains, fractures, dislocations, hair loss, missing teeth. Unexplained/long absences at regular placement. Service user appears frightened, avoids a particular person, demonstrates new atypical behaviour; asks not to be hurt.

Type of Abuse: Sexual	
Definition	Sexual abuse includes rape and sexual assault, or sexual acts to which the vulnerable person has not consented, or could not consent, or into which he or she was compelled to consent.
Examples	Intentional Touching, fondling, molesting, sexual assault rape. Inappropriate and sexually explicit conversations or remarks. Exposure of the sexual organs and any sexual act intentionally performed in the presence of a service user. Exposure to pornography or other sexually explicit and inappropriate material.
Indicators	Trauma to genitals, breast, rectum, mouth, injuries to face, neck, abdomen, thighs, buttocks, STD's and human bite marks. Service user demonstrates atypical behaviour patterns such as sleep disturbance, incontinence, aggression, changes to eating patterns, inappropriate or unusual sexual behaviour, anxiety attacks.

Type of Abuse: Emotional/Psychological (including Bullying and Harassment)	
Definition	Psychological abuse includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
Examples	Persistent criticism, sarcasm, humiliation, hostility, intimidation or blaming, shouting, cursing, invading someone personal space. Unresponsiveness, not responding to calls for assistance or deliberately responding slowly to a call for assistance. Failure to show interest in, or provide opportunities for a person's emotional development or need for social interaction. Disrespect for social, racial, physical, religious, cultural, sexual or other differences. Unreasonable disciplinary measures/restraint. Outpacing – where information/choices are provided too fast for the vulnerable person to understand, putting them in a position to do things or make choices more rapidly than they can tolerate.
Indicators	Mood swings, Incontinence, Obvious deterioration in health, Sleeplessness, Feelings of helplessness/ hopelessness, Extreme low self esteem, Tearfulness, Self abuse or self destructive behaviour, Challenging or extreme behaviours– anxious/aggressive/passive/withdrawn.

Type of Abuse: Financial	
Definition	Financial or material abuse includes theft, fraud, exploitation, pressure in connection with wills property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
Examples	Misusing or stealing the person's property, possessions or benefits, mismanagement of bank accounts, cheating the service user, manipulating the service user for financial gain, putting pressure on the service user in relation to wills property, inheritance and financial transactions.
Indicators	No control over personal funds or bank accounts, Misappropriation of money, valuables or property, No records or incomplete records of spending, Discrepancies in the service users internal money book, forced changes to wills, Not paying bills, Refusal to spend money, Insufficient monies to meet normal budget expenses etc.

Type of Abuse: Institutional	
Definition	Institutional abuse may occur within residential care and acute settings including nursing homes, acute hospitals and any other in-patient settings, and may involve poor standards of care, rigid routines and inadequate responses to complex needs.
Examples	Service users are treated collectively rather than as individuals. Service user's right to privacy and choice not respected. Staff talking about the service users personal or intimate details in a manner that does not respect a person's right to privacy.
Indicators	Lack of or poor quality staff supervision and management. High staff turnover. Lack of training of staff and volunteers. Poor staff morale. Poor record keeping. Poor communication with others. Lack of personal possessions and clothing, being spoken to inappropriately etc.

Type of Abuse: Neglect	
Definition	Neglect and acts of omission include ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life such as medication, adequate nutrition and heating.
Examples	Withdrawing or not giving help that a vulnerable person needs so causing them to suffer e.g. Malnourishment, Untreated medical conditions, Unclean physical appearance, Improper administration of medication or other drugs, Being left alone for long periods when the person requires supervision or assistance.
Indicators	Poor personal hygiene, dirty and dishevelled in appearance e.g. – unkempt hair and nails. Poor state of clothing. Non attendance at routine health appointments e.g. dental, optical, chiropody etc. Socially isolated i.e. has no social relationships.

Type of Abuse: Discriminatory	
Definition	Discriminatory abuse includes ageism, racism, sexism, that based on a person's disability, and other forms of harassment, slurs or similar treatment.
Examples	Shunned by individuals, family or society because of age, race or disability. Assumptions about a person's abilities or inabilities.
Indicators	Isolation from family or social networks,

Type of Abuse: Spiritual Harm	
Definition	Spiritual harm includes denying access to sacraments and to the practice of their faith.
Indicators	Person not receiving sacraments or being absent from liturgies