

Safeguarding Adults who may be Vulnerable

Diocese of Kerry – Interim Policy - 17/20/2016

This document is published as an interim policy to provide guidance and to provide an opportunity for comment and opinion from anyone within the Diocese of Kerry. The final policy document will be published before the end of 2016

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Diocese of Kerry



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Foreword

The Diocese of Kerry is committed to safeguarding all who engage within its community. We have in place standards relating to how we carry out ministry with children and this document extends those standards to ministry with adults who may be vulnerable. The policy statements set out in this document provides a framework of how it is recommended that the Church ministers to adults who may be vulnerable. It identifies what we mean by the term and extends the principles contained within the Diocesan Safeguarding Children Policy to vulnerable adults.

Church policy and procedures for working with adults who may be vulnerable can be integrated with existing standards for children. The existing standards operated by the Diocese of Kerry require adaptation to accommodate the requirements and training needs around safe practice with adults who may be vulnerable and the corresponding reporting of allegations. This policy document addresses these requirements.

Introduction

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

The Diocese is committed to policies and practice which promote the welfare of people who may be vulnerable and safeguard them from any form of harm.

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.dioceseofkerry.ie).

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 people who may be vulnerable and ensure that all concerns are responded to appropriately.

Should any Diocesan/Parish personnel become aware of concerns regarding the abuse/neglect or possible abuse/neglect of any person they should seek the advice of their Parish Safeguarding Representative or the Diocesan Liaison Person or contact HSE or the Gardaí.

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. 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.

I would like to acknowledge the contribution of the many people who work at parish and diocesan level to promote the safety and welfare of children and people who may be vulnerable and encourage everyone to raise any concerns or suggestions with our Safeguarding Representatives.

+Ray Browne
Bishop of Kerry

Definition:

This policy aims to protect people over the age of 18 who may be vulnerable because of restricted 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 age, physical or intellectual disability.

Vulnerability to abuse is influenced by both context and individual circumstances.

Because vulnerability is influenced by both context and individual circumstances we are using the term 'Adults who may be Vulnerable' rather than more inflexible label of 'Vulnerable Adults'

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.

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.

The Seven Standards

Adapted from the National Standards in the Catholic Church in Ireland for Safeguarding Children

- 1. Creating and Maintaining Safe Environments**
- 2. Procedures for Responding to Safeguarding Concerns**
- 3. Care and Support for the Complainant**
- 4. Care and Management of the Respondent**
- 5. Training and Support for Keeping People Safe**
- 6. Communicating The Church's Safeguarding Message**
- 7. Quality Assuring Compliance with the Standards**

Standard 1: Creating and Maintaining Safe Environments

Policy Statement

People have a right to an environment which is free from abuse and neglect; they should have access to good role models who they can trust, and who will respect them.

The Bishop of Kerry is determined to maintain a culture of safety that welcomes all people and contributes to their well-being and empowerment.

Creating and maintaining safe environments reduces the risk of harm to anyone who may be vulnerable attending church activities.

Indicators that ensure that the policy is being met

- The Diocese of Kerry follows best practice guidelines and legislative requirements in the recruitment of all Church personnel and in assessing their suitability to work within the Diocese. See *Recruitment Selection Guidelines in Diocesan website*: <https://www.dioceseofkerry.ie/safeguarding/safeguardingforms/>
- The Diocese of Kerry implements best practice standards of behaviour towards all people engaged in its activities. See *Safeguarding Checklists in Diocesan Safeguarding Handbook*: <https://www.dioceseofkerry.ie/safeguarding/safeguardinghandbook/>
- The Diocese of Kerry implements best practice on safe care for all including those with specific needs. See Standard 1 of Creating and Maintaining Safe Environments Policy by the NBSCCCI: <https://www.safeguarding.ie/images/Pdfs/Standards/Standard%201.pdf>
- The Diocese of Kerry ensures that the use of Church property by external groups complies with best practice. See Application for Use of Church Property Form: <https://www.dioceseofkerry.ie/safeguarding/safeguardingforms/>
- The Diocese of Kerry has in place clear written whistleblowing procedures to support and assist Church personnel to raise concerns about possible dangerous or unethical conduct by others towards anyone involved in Church activities. See *whistleblowing guidelines in Diocesan Safeguarding Handbook*: <https://www.dioceseofkerry.ie/safeguarding/safeguardinghandbook/>
- The Diocese of Kerry has a clear written Complaints Procedure that can be initiated by persons who have a safeguarding concern and who are dissatisfied with the response they have received from the Diocese in the past. See *Complaints Procedure in Diocesan Safeguarding Handbook*: <https://www.dioceseofkerry.ie/safeguarding/safeguardinghandbook/>
- The Diocese of Kerry implements best practice for Church personnel on assessment of hazards when working with people who may be vulnerable. See *Standard 1 of Creating and Maintaining Safe Environments Policy by the NBSCCCI*: <https://www.safeguarding.ie/images/Pdfs/Standards/Standard%201.pdf>
- The Diocese of Kerry implements best practice for the appropriate use of information technology, including social media by all involved in church activity. See *Use of Technology in Diocesan Safeguarding handbook*: <https://www.dioceseofkerry.ie/safeguarding/safeguardinghandbook/>

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Standard 2: Procedures for Responding to Safeguarding Allegations, Concerns and Suspicions

Policy Statement

Any person who may have been abused in past, has a right to be listened to, to be heard and to be protected from all forms of abuse. The Diocese of Kerry provides clear guidance on what to do when safeguarding allegation, suspicion or concern arise.

Clear procedures and guidance on what to do when a concern, suspicion or allegation arises are in place to make sure that there is a prompt response to allegations suspicions, and concerns about a person's safety or welfare.

All allegations which meet the threshold for reporting are reported to the statutory authorities.

Indicators that ensure that the policy is being met

- The Diocese of Kerry has clear written safeguarding procedures and the personnel to implement them if there are concerns, suspicions or allegations received about the abuse of an adult. See Reporting Guidelines in Diocesan Safeguarding Handbook: <https://www.dioceseofkerry.ie/safeguarding/safeguardinghandbook/>
- The Diocese of Kerry liaises on a regular basis with the relevant statutory agencies about all concerns, suspicions and allegations of the abuse. These are: HSE – Vulnerable Adults Protection Team and An Garda Síochána.
- The Diocese of Kerry records all concerns, suspicions, allegations, incidents and referrals and action taken which upholds compliance with relevant data protection, confidentiality and storage of information legislation.
- The Diocese of Kerry is in the process of preparing written guidance on the appropriate sharing of information about safeguarding concerns, suspicions and allegations in line with GDPR regulations.

Standard 3: Care and Support for the Complainant

Policy Statement

People who have suffered abuse will be received with compassion and will be offered appropriate support, advice and pastoral care.

The Diocese of Kerry is committed to establishing safe and caring environments where people can report abuse knowing that they will be listened to and heard and that their concern will be properly handled. The person and their families will be offered support at this difficult time in their lives.

Indicators that ensure that the policy is being met

- a) The Diocese of Kerry has access to personnel whose clearly defined roles are to liaise with the person who reports or alleges abuse (the complainant), or their nominated representatives.
- b) The Diocese of Kerry has developed working relationships with the statutory agencies and relevant voluntary organisations within which information, support and assistance is made available to the complainant, and to Church personnel as required.
- c) Church personnel seek specialist advice from the statutory protection services when necessary.
- d) The Diocese of Kerry offers support to people who have been abused by Church personnel, which recognises the unique needs of each individual.

Standard 4: Care and Management of the Respondent

Policy Statement

People who are accused of abusing have a right to fair process in the investigation and management of any abuse concerns.

Where reasonable grounds have been established that abuse may have occurred; the Bishop will put in place a system of support and monitoring for those who have been accused so that everyone is appropriately protected and supported.

Indicators that ensure that the policy is being met

4.1 The Diocese of Kerry has in place appropriately recruited and trained personnel to support the person who is alleged to have abused (respondent).

4.2 The Diocese of Kerry has arrangements in place to inform the respondent that an allegation has been received about him/her; and has a procedure for deciding whether an interim management plan needs to be put in place for the respondent.

4.3 When statutory authority investigations and assessments have been completed, the Diocese of Kerry will complete its Preliminary Investigation as provided for in Canon 1717 (1), (2) and (3), when it is required.

4.4 The Diocese of Kerry has in place suitable arrangements for the monitoring of a respondent, where there is a case to answer, until (and if) the Church no longer has responsibility for monitoring the respondent. In such cases this will be done in consultation with the statutory authorities.

Standard 5: Training and Support for Keeping People Safe

Policy Statement

Church personnel are trained and supported in all aspects of safeguarding relevant to their role, to develop and maintain the necessary knowledge, attitude and skills to safeguard and protect people who may be vulnerable.

Everyone in the Church has a role to play in safeguarding. To carry out this role effectively the Diocese will provide opportunities for Church personnel to be supported in acquiring necessary training in order to safeguard and protect all people who may be vulnerable.

The Diocese of Kerry takes a proactive approach to ensure that all Church personnel identify their specific training needs, that these are adequately met and that they receive relevant support in their role.

Effective safeguarding requires working in cooperation and partnership within the Church and with other organisations particularly the Statutory Agencies. Church personnel are encouraged to participate in local and national training relevant to their role.

Indicators that ensure that the policy is being met

5.1 The Diocese of Kerry takes responsibility to ensure that the induction of Church personnel includes training in the Diocese's Safeguarding policy and procedures.

5.2 The Diocese of Kerry produces an annual training plan on the basis of a training needs analysis that ensures all Church personnel are appropriately targeted for training.

5.3 The Diocese of Kerry will deliver at a local level HSE identified and approved training programmes.

5.4 The Diocese of Kerry will provide Church personnel who have specific Safeguarding responsibilities with appropriate, role-specific training that is HSE approved; and provides regular opportunities for personnel to update their skills and knowledge on safeguarding and the protection of people who may be vulnerable.

5.5 The Diocese of Kerry provides people who may be vulnerable, their carers/guardians with advice and support on keeping safe and involves them in Church Safeguarding training initiatives wherever possible and appropriate.

5.6 The Church Authority provides an appropriate level of support to all involved with the Church in relation to their responsibilities to safeguard people who may be vulnerable.

Standard 6: Communicating The Church’s Safeguarding Message

Policy Statement

The Diocese of Kerry has an established communications policy that reflects a commitment to transparency and openness.

Clear processes are in place to disseminate the Diocese’s safeguarding policy and procedures to personnel, lay faithful and external agencies.

Indicators that ensure that the standard is being met

- 3.1 The Diocese of Kerry has a written plan which details how the Church’s Safeguarding message will be communicated.
- 3.2 The Diocese of Kerry prominently displays and makes available to all, information on how to the safeguard of people who may be vulnerable.
- 3.3** The Diocese of Kerry communicates the Church’s Safeguarding message to people whose first language is not English, as well as to people who have specific needs.
- 3.4** The Church Authority establishes links with other local organisations in order to promote a safe and caring community for all and to share best Safeguarding practice.

Standard 7: Quality Assuring Compliance with the Standards

Policy Statement

Within the Diocese of Kerry appropriate policies, procedures and plans are implemented across the Church to keep people safe.

Quality Assurance methods are in place to ensure that good practice is consistently applied. The views of those involved within the Church as well as those in the statutory authorities help to improve the effectiveness of the measures taken to safeguard all. The Diocese of Kerry develops a plan of action to monitor the effectiveness of the steps it is taking to keep people safe. This action plan is reviewed annually.

Indicators that ensure that the policy is being met

3.5 The Diocese of Kerry produces a three-year Safeguarding Plan that:

- outlines the actions that will be taken to keep people who may be vulnerable safe;
- identifies who is responsible for implementing these actions;
- specifies the timeframe within which actions are completed
- identifies the Resources to ensure that the Plan's objectives are realised

3.6 The Diocese of Kerry:

- puts in place arrangements to monitor and evaluate its compliance with its Safeguarding Policy at a local level,
- produces a report on the level of compliance established through an annual audit exercise.
- notifies the HSE in writing of the completion of this annual audit report.

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 people who may be vulnerable. 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 Office
- The Diocesan Designated Person will then report the matter to the authorities and keep you informed of developments.

If concerns arise it may be appropriate to ask the 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 person.

- A written note 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 advise on whatever steps are necessary to ensure the safety of the person and all parties and to prevent risk of further potential abuse. This will usually be done in consultation with the authorities.
- A written record of meetings and actions will be maintained by the Diocesan Designated Person.
- No actions will be initiated which do not compromise any investigation by the statutory authorities.
- The matter will be reported to the HSE’s Vulnerable Adult Unit who will carry out any investigation(s) required to ensure the safety of the individual concerned.

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:	DO NOT
Stay calm, listen and offer reassurance Record in writing Explain that you will have to report the concern to the Diocesan Designated Person	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 /suspicions arise

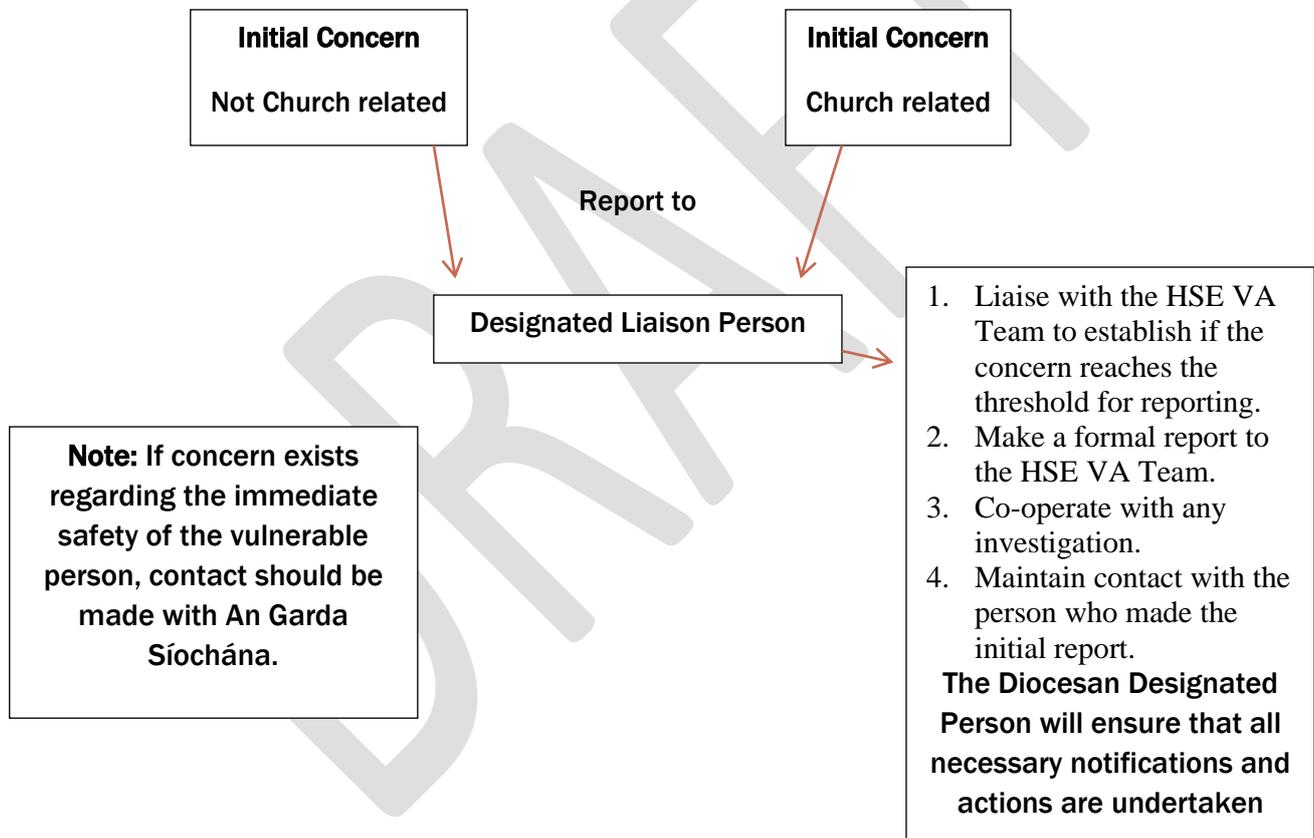
Allegations/concerns/suspicions regarding non Church personnel/activities

For example, a disclosure of abuse by a family member

Allegations/concerns/suspicions 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



As well as reporting to the Diocesan Designated Person, direct contact may also be made with the statutory authorities.

Any person dissatisfied with the decisions made by the Diocesan Designated Person may contact the statutory authorities directly.

Roles & Responsibilities

Overall responsibility for safeguarding in Diocesan and Parish activities rests with the Bishop.

The Bishop

The Bishop will make arrangements in order to support:

- The development of the policy and procedures and
- The maintenance of safe environments

Safeguarding Committee

The Safeguarding Committee is responsible for

1. Developing a 3-year Safeguarding Plan,
 - a. including the establishment of the Safeguarding Policy and Procedures;
2. Coordinating Local Safeguarding Representatives;
3. Coordinating safeguarding related activities, e.g. training;
4. Ensuring the annual audit,
 - a. including the correlation of records for training related activities;
5. Ensuring the completion of Training Needs Assessments across the various safeguarding roles in the Church body;
6. With the Bishop ensuring that the appropriate safeguarding personnel are in place.
7. Upholding the Diocesan Policy on Safeguarding people who may be vulnerable.

The Designated Liaison Person

The Designated Liaison Person is responsible for:

- Receiving concerns/complaints of alleged abuse.
- Ensuring the appropriate responsible person is informed and collaboratively ensuring necessary actions are identified and implemented.
- Ensuring reporting obligations are met.
- Supporting the development of safe environments and practices

Other responsibilities, such as conducting preliminary assessments, may be assigned.

All who minister to people who may be vulnerable must sign-up and adhere to the Policy and the Code of Behaviour:

- Priests who offer sacred ministry.
- 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 engaging with people who may be vulnerable.

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.

Recognising people who may be at risk of harm

Within the Church, it is important to recognise people who may be vulnerable 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 people, because of their circumstances, are more at risk of harm because of their dependence on others 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 a person from disclosing harm/abuse.

Legal and Policy Framework

Vetting

Following consultation with the NBSCCCI, the Department of Justice is proposing an amendment to the Criminal Justice Act 2012 in relation to vetting.

The amendment will state that ***“Anyone in the advancement of religious beliefs would require vetting where they are engaged in activities which consist mainly of working with children or vulnerable persons. Persons engaged in general religious activities in the community will not require vetting”***.

Those personnel who do not require vetting under the Vetting Bureau legislation should complete a declaration form and have no unsupervised contact with children.

The Diocese of Kerry requires anyone, involved in church activities, who may have unsupervised contact with children or adults who may be vulnerable to apply for Garda Vetting.

Criminal Justice Act 2012

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.

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.

Mandatory Reporting

It is a legal requirement in 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.

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Diocesan Code of Behaviour

Ministry is a gift from God. All those who minister to people who may be vulnerable 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 people who may be vulnerable within the Diocese of Kerry. This code of behaviour outlines what is acceptable and non-acceptable behaviour. This policy exists for the protection of both people who may be vulnerable and all persons involved in ministry.

General Guidelines:

1. Provide an example of good conduct and treat each person with dignity and respect.
2. Develop a culture where vulnerable persons can talk openly and ensure each vulnerable person knows what they can do if they have a problem.
3. Maintain appropriate boundaries.
4. Use only appropriate media products and activities. Sexually explicit or pornographic material is never appropriate.
5. Never act in ways intended, or likely, to shame, humiliate, belittle or degrade.
6. Never let allegations a vulnerable person makes go without being addressed and recorded and always challenge and report potentially abusive behaviour.
7. Never use language, make suggestions or offer advice which is inappropriate, offensive or abusive.
8. 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.
9. Never hit or otherwise physically assault or abuse a vulnerable person.
10. Comments and jokes of a sexual nature are inappropriate.
11. Never behave in a manner which could be seen as inappropriate or sexually exploitative.
12. Never do things of a personal nature for vulnerable persons which they can do themselves.
13. Never act in ways that may be abusive or may place a vulnerable person at risk of abuse.
14. Do not engage in or tolerate any behaviour, verbal, emotional, psychological or physical, that could be construed as bullying.
15. 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.

Contact Numbers

Diocese of Kerry – Safeguarding Contact Details

Diocese of Kerry

Designated Liaison Person

Tel: (087) 6362780

HSE – Vulnerable Adults Team

Designated Social Worker

HSE South, Rathass, Tralee, Co. Kerry Tel: **(066) 7184500**

HSE Information Line

Monday to Saturday, 8am-8pm

Call Save: 1850 24 1850

Email: info@hse.ie

The Gardai

Domestic Violence and Sexual Assault Investigation Unit

Tel: (01) 6663430 Email: dvsaiu@garda.ie

Tralee (066) 71022300

Killarney (064) 6671160

Caherciveen (066) 9473600

Listowel (068) 50820

Kanturk (029) 20680

Bantry (027) 20660