



# **ADULT SAFEGUARDING POLICY**

**Safeguarding Adults at Risk of Abuse**

**Archdiocese of Cashel and Emly**

**Diocese of Cloyne**

**Diocese of Cork and Ross**

**Diocese of Kerry**

**Diocese of Killaloe**

**Diocese of Limerick.**

**Diocese of Waterford and Lismore**

# **Adult Safeguarding Policy**

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**Province of Cashel**

**December 2020**

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## Forward

Inspired by gospel values, the commitment of Pope Francis, and in compliance with law we will strive to ensure the participation and welfare of all adults who may be vulnerable in the life of the Church.

We are committed to fostering a safeguarding culture characterised by empowerment, collaboration and zero tolerance of abuse.

This Policy guides all clerics (priest or deacon), religious, staff and volunteers within our Diocese in how to prevent harm to adults who may be vulnerable and how to minister safely. It is particularly relevant for those involved in chaplaincy and pilgrimages and those who minister to people who may be housebound.

Everyone involved in ministry within the Diocese must follow this Policy and make safeguarding an integral part of the life and ministry of the Catholic Church.

This Policy will be reviewed and amended as required and will be supported by training.

We thank and acknowledge the work of all those involved in ministry with adults who may be vulnerable, and commit ourselves to support their ministry.

**✠Kieran O'Reilly, Archdiocese of Cashel & Emly**

**✠William Crean, Diocese of Cloyne**

**✠Fintan Gavin, Diocese of Cork & Ross**

**✠Ray Browne, Diocese of Kerry**

**✠Fintan Monahan, Diocese of Killaloe**

**✠Brendan Leahy, Diocese of Limerick**

**✠Alphonsus Cullinan, Diocese of Waterford & Lismore**

## Introduction

The Dioceses of the Province of Cashel are committed to safeguarding as an integral component of the life and ministry of the Catholic Church and recognise a particular responsibility for the protection from harm of adults who may be at risk of abuse due to their vulnerability.

All those who minister or work in parishes whether as clerics, religious, staff or volunteers (hereafter referred to as Church personnel) are required to behave towards all persons and particularly persons who may be vulnerable in a manner that upholds their value and dignity as human persons. All Church personnel must commit to:

- ensuring that safe arrangements are in place in all areas of relevant ministry
- ensuring that people involved in ministry with adults who may be vulnerable are safely selected and trained
- avoiding any behaviour that constitutes abuse or could reasonably be interpreted as abuse, and complying with the code of behaviour
- ensuring that appropriate boundaries are maintained in relationships with people to whom we minister
- contributing to a culture of safeguarding by being transparent and accountable in our practices and by calling others to account for their actions in a constructive and respectful manner.

This Adult Safeguarding Policy informs our relationships with people with whom we interact with in the course of ministry for or on behalf of the Diocese/Parish. It describes how to recognise and respond to concerns that an adult who may be vulnerable has been abused, is being abused or is at risk of abuse.

In addition, those who minister or work in parishes must recognise that there may be people who are at risk in their families or communities and it is important that we know how to respond when we believe that they may have been abused or are at risk of abuse.

Church personnel must also adhere to the policies of organisations within which we are ministering.

The civil authorities referred to in this document are the Health Service Executive (HSE) and An Garda Síochána. The HSE assesses risk and appropriate protective measures. An Garda Síochána

investigates alleged crime. It is noted that there is a considerable body of legislation and policy relevant to the issue of adults who may be vulnerable.

## Understanding Vulnerability

For the purposes of this policy document a vulnerable adult is “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.

Adults may feel vulnerable at a time of adversity. However, in the context of this Policy an adult may be vulnerable if he/she lacks or has seriously impaired capacity either to make informed decisions or to defend him or herself from harm. An adult’s risk of abuse through, for example, exploitation or neglect may be increased by their personal characteristics and/or their life circumstances.

### **How will I know whether a person is an adult who may be vulnerable?**

In some cases, it will be very straightforward. In other cases, it may not be clear. If there is any concern an adult who may be vulnerable is at risk of, or currently experiencing, abuse it is important to seek advice from the Diocesan Designated Liaison Person or the HSE Safeguarding & Protection Team. While the HSE has explicit responsibility for people availing of services it provides or funds, people may also report or discuss other adult safeguarding concerns with the HSE Safeguarding & Protection Teams.

### **Consent & Capacity**

The issues of consent and capacity are complex and may vary depending on the nature of the issues/decisions arising.

Adults have a right to self-determination and this must be respected. An adult's will and preference must be heard. The absence of capacity to consent cannot be assumed unless a lawful process has occurred.

It is particularly important that sufficient information has been given to an adult who may be vulnerable in an appropriate way and that the person can understand and weigh up the information and consequences. Consent must be voluntary and free from coercion or negative influence.

Church personnel may be concerned regarding a person's capacity to give consent being compromised but are not qualified to make this determination. Advice from the DLP or the HSE Safeguarding & Protection Team should be sought.

The disclosure of information, without consent, by reporting to an appropriate person may be necessary in situations where there is a risk to safety or in order to prevent a crime.

## Recognising & Responding

### **Recognising Abuse**

Abuse can occur in a variety of situations, and may on occasion involve people in positions of trust. It is everyone's responsibility to be open to the possibility of abuse occurring.

Responding to concerns of abuse can be anxiety provoking. Church personnel are not responsible for investigating or deciding if abuse has occurred. They are responsible for reporting concerns and disclosures to the Diocesan Designated Liaison Person (DLP).

A concern that abuse may be occurring may arise, for example when:

- The adult may disclose to you
- Someone else may tell you of their concerns
- You may see something that causes you concern:
  - The adult may show some signs of physical injury for which there does not appear to be a satisfactory or credible explanation
  - Demeanour/behaviour may lead you to suspect abuse or neglect
  - The behaviour of a person close to the adult makes you feel uncomfortable

### **Responding to Disclosure**

Where a disclosure is made this can raise anxiety and confusion for those who receive the information. However, it is very important that you know how to respond appropriately. Such information is sensitive, and it may have taken a lot of courage for the person to reach the stage of disclosing.

Your role is to pass it on to the DLP who will make a report if appropriate. You always have the right to contact the statutory authorities yourself directly.

The following are guidelines for dealing with disclosure, which all Church personal should follow:

#### **Do:**

- Stay calm
- Listen to what the adult who may be vulnerable is telling you
- Express concern and regret about what has happened
- Reassure the adult that they have done the right thing in telling you



- Record - ensure you write down the information disclosed as told to you
- Tell them you will seek advice from the DLP and talk to them again

**Don't:**

- Panic
- Stop someone from disclosing to you
- Ignore: it is important that concerns regarding abuse are never ignored
- Ask the person leading questions or press for more details. You should allow the person to freely recall events
- Investigate:
  - you must never try to investigate incidents of abuse yourself or
  - confront the person you think is responsible for the abuse
- Promise to keep secrets. Although you should reassure the person that any issue will be dealt with sensitively and discussed only with those who need to know.
- Gossip about the disclosure or speak with people who have no legitimate need to know
- Decide not to report, from fear of getting it wrong or damaging the reputation of a colleague

## Reporting

### Diocesan Reporting Policy

Apart from matters arising within the sacrament of reconciliation, it is the policy of the Diocese that all disclosures and concerns of the abuse of an adult who may be vulnerable which relate to Church personnel, must be reported to the Designated Liaison Person.

### The Designated Liaison Person (DLP)

The DLP is the person who has specific responsibility from the Bishop regarding concerns/reports of abuse of adults who may be vulnerable. All concerns/reports regarding adults who may be vulnerable which relate to Church personnel and activities in the Diocese must be reported to the DLP. The DLP has the overall responsibility, entrusted to them by the Archbishop/Bishop, to ensure that each concern is appropriately responded to and for liaising with the relevant statutory authorities

### Obligation to Report the Abuse of an adult who may be Vulnerable

The Criminal Justice (Withholding of Information on Offences against children and Vulnerable Persons) Act 2012 makes it an offence to withhold information from the Gardaí about certain types of offences against “vulnerable persons” (as well as children). These offences include assault causing harm, sexual assault, rape, incest and trafficking.

### Statutory Agencies

Nothing in this Policy prevents a person who has reasonable grounds for concern from also making a direct report to the statutory agencies.

### Health Service Executive

The HSE has established regional safeguarding and protection teams which are available to provide advice and receive reports of abuse (see Advice and Support).

### An Garda Síochána

An Garda Síochána must be contacted when there is a concern that a criminal act may have occurred or may be about to occur. The DLP will advise a person making a disclosure of the option of making a statement of complaint to An Garda Síochána and inform them that it may be preferable to do so before giving an account to the Diocese (see Appendix 3)

## **Tusla : The Child & Family Agency**

A notification to Tusla is required where the alleged victim was a child at the time of the historical concern, or in circumstances where a child may be at risk.

Failure to make such reports will be addressed within the context of the relevant Diocesan policy.

### **When the person who may be Vulnerable does not want to make a Complaint**

An adult who may be vulnerable should be assured that his/her wishes concerning the reporting of 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.

Situations can arise where an adult does not wish to make a formal complaint to a statutory agency but a reasonable concern exists regarding abuse or a possible crime. When an adult with decision making capacity does not wish to make a statement of complaint or to have a report made, advice should be obtained from the Diocesan DLP and from the HSE Safeguarding and Protection Team. Decisions not to report should never be made by a person acting alone. Church personnel are not qualified to make assessments and decisions in relation to capacity to consent in matters of substance. The HSE can arrange a meeting of key people and agencies, with legal advice, to inform the necessary decision making.

### **Confidentiality**

It is important that Church personnel understand the importance of confidentiality. Confidentiality is not secrecy.

All information relating to safeguarding concerns/suspicious/disclosures/allegations needs to be shared with the DLP who in turn shares it on a “need to know” basis with the relevant statutory authorities and relevant professionals. This is not a breach of confidentiality, even without the consent of the person involved.

This information should not be shared with anyone, inside or outside the diocese, unless they are involved in the case. The DLP will advise on “who needs to know” and who should have access to records.

### **Historical Abuse**

In receiving information that abuse has occurred in the past, this information should be reported to the DLP, as there could be a continuing risk.

## Anonymous Concerns

Allegations made anonymously can be difficult to address. However, all anonymous concerns of abuse must be assessed as far as possible. Issues to be considered in responding to anonymous concerns will include the:

- possibility of establishing any independent information
- significance of the concern
- potential for ongoing risk.

## Whistleblowing

Whistleblowing is a term used to describe the action of someone who reveals/discloses wrongdoing within an organisation to the public or to those in positions of authority. There is legal protection for whistleblowers. The Protected Disclosures Act 2014 provides legal safeguards to employees, contract and agency workers and people on work experience schemes (but not volunteers) to report illegal practices or other specified wrongdoings such as abuse. This applies where the disclosure is made in good faith and on reasonable grounds and relates to any conduct or action which raises a significant danger to public health or safety.

The Diocese is committed to ensuring that any person who raises a concern for the safety or welfare of any person arising from their involvement with their parish will not be victimised, harassed or in any way disadvantaged provided that the person has reasonable grounds for concern.

Any person who is concerned about poor or inappropriate practice or behaviour in a parish should report it to the person in charge of the activity or to the parish priest/administrator. However, the person may decide to make the concern directly to the Diocesan DLP and/or to the statutory agencies.

The Diocesan DLP is available to provide advice and support to any person who is concerned about the protection and welfare of an adult who may be vulnerable.

## Complaints

General complaints will be addressed within Diocesan Complaints Procedures.

## Procedure Summary

### Disclosure or Concern Arises

- If in doubt, discuss with the DLP or/and the HSE Safeguarding and Protection Team
- If the disclosure/concern relates to Church personnel it must be reported to the DLP who will inform the Bishop
- If the disclosure/concern relates to a residential setting (hospital, nursing home etc.) it must be reported to the DLP of the institution.
- If the disclosure/concern does not relate to Church personnel, the DLP is available to provide advice and support. However, the person who receives the disclosure or has the concern may report it to the statutory agencies

Matters to be considered with the DLP will include the need:

- For the provision of support to all persons affected by the disclosure/concern
- For further information or/and advice from the statutory agencies
- To establish if the threshold for reporting has been reached (reasonable grounds for concern exist)
- To identify all responsibilities and ensure that these are met

If immediate and serious risk exists contact the HSE or Gardai or phone 999

## Canonical response to allegations against clerics

If a cleric (priest or deacon) is the subject of an allegation of sexual, physical, emotional or financial abuse of an adult who may be vulnerable, the responsibilities and protections provided in Canon Law will be respected.

### **Source of the complaint**

A complaint can derive from many sources and essentially consists of any information about a possible delict against a vulnerable adult that comes to the attention of the bishop of the diocese. It can be formally presented to the Bishop or his staff, orally or in writing, by the alleged victim, his or her guardians or other persons claiming to have knowledge about the matter. It can become known to the Bishop through the exercise of his duty for vigilance. It can be reported to the bishop by the civil authorities. It can be made known through the media (including social media). It can come to the bishop's knowledge through hearsay, or in any other adequate way. A complaint can also reach the bishop through an anonymous source or an unidentified or unidentifiable person. While great caution should be exercised in these cases, as noted by the Congregation for the Doctrine of the Faith (Vademecum # 11), the anonymity of the source should not automatically lead to considering the report as false.

### **Vulnerable Person**

Pope Francis has provided the following definition of a vulnerable person:

“*vulnerable person*” means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence.’ (M.P. *Vos Estis Lux Mundi*, Art 1 # 2).

The diocesan Bishop and all relevant diocesan personnel will take particular note of their responsibilities towards persons reporting abuse and persons affected by the alleged abuse.

### **Initial Response to Complaint**

Having reported the matter to the civil authorities, the Designated Liaison Person (DLP) will provide a preliminary assessment to the bishop of the issues and risks which may arise. If the bishop concludes that the information that he has received has at least the semblance of truth, he will:

- initiate a preliminary investigation under Canon 1717, and will then suspend this until after the civil process has come to an end or it becomes clear that there is to be no civil process;

- consider, with the DLP, if interim protective measures are appropriate. Interim protective measures, which may include asking a priest or deacon to step aside from ministry or restrict his ministry pending a full investigation, carries no implication of guilt and the cleric is entitled to the presumption of innocence and to his good name.
- arrange, with the DLP, for appropriate supports for all persons affected by the alleged abuse;
- utilise such advisory and support services as he considers appropriate which may include the relevant civil authorities and
- make arrangements to maintain a written record of all significant matters, especially decisions.

### **Informing the Cleric of the Complaint**

Having decided in consultation with the statutory authorities that it is appropriate to do so, the bishop will arrange a meeting with the cleric against whom the allegation(s) has been made (the respondent). In arranging this meeting, the bishop will inform the respondent that he [the bishop] will be accompanied at the meeting by the DLP. The respondent should be offered the services of an advisor and informed that he may be accompanied by another person at the meeting with the bishop.

At the meeting the respondent should be informed of his rights under both civil and canon law including his rights to civil and canonical legal advice. He should also be advised of his right not to respond to the allegations made against him and that no inference may be drawn from his silence. The respondent is to be given sufficient detail regarding the allegation to allow him to offer a response. He is to be informed that under no circumstances is he to contact the complainant either directly or indirectly.

After the meeting, a dated written record of the meeting including a summary of the allegation and his response (if any) is to be sent to the respondent for his signature. The respondent is also to be given a written reminder to abide by the vulnerable adult safeguarding policy of his diocese. If the bishop decides that an interim management plan is necessary, it will be presented by the DLP to the respondent and his advisor for the respondent's acceptance and signature.

### **Civil Process to take place before the Canonical Process**

It is important that nothing in relation to the canonical process compromise the civil process. To avoid this the civil process is usually completed before the canonical process takes place. Nothing should be done, as part of the canonical process, that would interfere with the civil process. The

canonical process may be informed by the outcome of the civil process. In some situations, there may be no civil process for example if there is no formal complaint. The approval of An Garda Síochána will be sought for putting the information of the complaint to the priest.

### **Preliminary Investigation**

Canon 1717 §1: states “Whenever the Ordinary receives information, which has at least the semblance of truth, about an offence, he is to enquire carefully, either personally or through some suitable person, about the facts and circumstances, and about the imputability of the offence, unless this enquiry would appear to be superfluous.”

The bishop will appoint an auditor to conduct the investigation and a notary to assist in recording any oral statements and in authenticating all documentation used in the process. The choice of the person chosen to conduct the preliminary inquiry will be informed by the nature of the alleged crime. If the auditor chosen is not expert in canon law, she/her may seek the advice of a canon lawyer. All oral testimony shall be recorded in writing by the Notary and given to the deponent for amendment or correction, if necessary, and signing.

The bishop shall inform the cleric of the nature of the complaint made against him and give him an opportunity to respond orally or in writing. Before being asked to give a statement in a Preliminary Investigation, the subject of the complaint shall be reminded of his rights under canon and civil law not to answer any question which may incriminate him. He shall also be advised of his right to be accompanied by another person at his interview.

All those giving evidence during a Preliminary Investigation shall be advised prior to interview that all information they shall give will be processed by the Diocese in keeping with the GDPR Regulations. They shall also be advised that any such information may be subject to disclosure in any civil law and/or criminal justice process, or may trigger the Diocese’s reporting requirements under civil law and/or the *Safeguarding Children Policy and Standards for the Catholic Church in Ireland (2016)*.

All officials involved in the Preliminary Investigation shall conduct it in such a way that care is taken not to call into question anyone’s good name (Canon 1717 §2).

### **Next Steps**

If it becomes clear there is not a case to answer the matter ends with the Preliminary Investigation. The bishop issues a decree concluding the preliminary inquiry and the *Acta* are sent to the secret



archive of the diocese. The bishop may decide to refer the matter to the Professional Conduct Group in the diocese (where such exists).

However, if having received the *Acta* of the Preliminary Inquiry, the bishop decides that there is a case to answer, it becomes necessary to clarify whether it is a disciplinary or penal matter. The bishop may consult the Diocesan Chancellor, the Promoter of Justice or others expert in canon law in determining the proper procedure to be followed thereafter. The Code of Canon Law (1983) shall regulate any process where a penal sanction is available.

In all investigations the complainant will be advised of his/her right to be accompanied by a person of his/her choice at any meeting or interview. Should he/she seek the advice of a canon lawyer, a list of suitably qualified persons should be provided, respecting his right to select a canon lawyer of his own choosing.

The respondent shall be advised of his right to appeal any decision at diocesan level to the Congregation for Clergy and to seek recourse.

Before determining whether a penal or administrative process is to be undertaken as envisaged by Canon 1718§1, the Bishop shall consider with the parties' consent whether an equitable settlement be proposed by himself or the Auditor in order to avoid unnecessary trials (Canon. 1718 §4).

### **Allegation against Bishops**

Cases involving allegations against diocesan bishops or their equivalents in law regarding their personal behaviour and/or their alleged neglect in the exercise of their office in relation to allegations of abuse inflicted on vulnerable adults are responded to according to the civil law and the procedures contained in M.P. *Come una Madre Amorevole* and M.P. *Vos Estis Lux Mundi* and other relevant canonical legislation.

## Code of Conduct

Church personnel involved in ministry with adults who may be vulnerable must act at all times honestly, ethically and lawfully and must comply with this code of conduct.

This code of conduct is aimed at minimising the opportunities for harm to be caused and to reassure those involved in ministry with adults who may be vulnerable that their behaviour is appropriate.

Church personnel who work for or on behalf of parishes/diocese are often invited into people's lives at sensitive and important moments when people may be more vulnerable than usual and are obliged to always act in the interests of those they serve, to take responsibility for managing boundary issues and for being accountable for any violations of such boundary issues as may occur and must also be accountable and transparent in their dealings with others.

If Church personnel are involved in ministry with a person who may be vulnerable, this is their primary relationship. Any other subsequent forms of relationships with the person who may be vulnerable, which may impair judgement, or have the potential to exploit or appear to exploit should be avoided.

Church personnel must always ensure that:

- People are treated with dignity and respect
- Physical contact is minimised and is not secretive.
- Communication difficulties and diversity of beliefs and practices are respected
- Appropriate boundaries are maintained
- The right to personal privacy is respected
- Avoid prolonged one to one contact particularly in "closed" settings

Church personnel must never:

- Behave disrespectfully
- Abuse or exploit in behaviour or communication
- Shame, humiliate or belittle
- Discriminate
- Involve themselves in financial affairs or make/accept loans or gifts of more than token

value

- Behave in a sexually exploitative manner
- Provide intimate or personal care
- Ignore or fail to report disclosures or evidence of abuse
- Arrange activities without assessing risk of harm and ensuring such risk is mitigated
- Inappropriately use social media
- Gossip about personal and sensitive information
- Involve themselves in matters that are beyond their competence

### **Breaches of Code of Conduct**

Any person who is concerned about a possible breach of this code of conduct should discuss the matter with the Diocesan DLP or the Bishop.

Breaches of this Code of Conduct will be addressed under the authority and responsibility of the Bishop and in keeping with the principle that the welfare of adults who may be vulnerable is the paramount consideration.

## Safe Recruitment

### **Recruitment & Appointment**

The Diocese will apply lawful good practice in the appointment of Church personnel. Permission for priest and religious to minister within the Diocese will also be based on clearly specified procedures and safeguarding requirements.

Prospective volunteers should be appointed in line with Diocesan recruitment procedures.

Church personnel involved in relevant work or activity with adults who may be vulnerable on behalf of the Parish must be vetted.

### **Vetting**

The National Vetting Bureau (Children and Vulnerable Adult) Act, 2012 - 2016 states that all those who engage in 'relevant work or activities' with children or vulnerable persons must be vetted. In setting out what such work or activities consist of, the Act refers to:

Schedule 1, Part 2, Section 7

“Any work or activity as a priest or minister or any other person engaged in the advancement of any religious beliefs to children or vulnerable persons unless such work is incidental to the advancement of religious beliefs to persons who are not children or vulnerable persons”

Schedule 1, Part 2, Section 4

“Any work or activity which consists of the provision of educational, training, cultural, recreational, leisure, social or physical activities (whether or not for commercial or any other consideration) to vulnerable persons unless the provision of educational, training, cultural, recreational, leisure, social or physical activities is merely incidental to the provision of educational, training, cultural, recreational, leisure, social or physical activities to persons who are not vulnerable persons”.

### **Training**

All Diocesan personnel who minister with adults who may be vulnerable will receive training to enable them to respond appropriately to concerns or allegations of abuse. This will form part of the Diocesan Safeguarding Training Plan.

### **Safe Arrangements when organising Activities & Outings**

Church personnel may have significant engagement with adults who may be vulnerable within a

parish and in particular when involved in pilgrimages including those involving travel abroad.

Very careful consideration is required to ensure that all risks to the welfare and safeguarding of participants are considered appropriately. An appropriate risk assessment and risk management plan must be undertaken in accordance with Diocesan policy.

## Information Sharing, Confidentiality and Data Protection

Information sharing for the purposes of protecting adults who may be vulnerable is not a breach of confidentiality, provided it is

- a) shared only with those who need to know it and
- b) in compliance with data protection law.

Each Diocese recognises the importance of ensuring every person's right to confidentiality and is committed to keeping confidential all personal information in so far as this is possible and lawful. When a concern arises for the protection of an adult who may be vulnerable the information is shared on a "need to know" basis, that is, it is shared with those who need to know it in order to ensure that an adult who may be vulnerable is protected from harm. The information is shared in accordance with the requirements of this policy and as required by law. Those who work for or on behalf of the Diocese and any of its parishes cannot give an undertaking to any individual not to disclose protection concerns regarding adults who may be vulnerable on the grounds of confidentiality.

Data protection legislation attempts to ensure that an individual's right to privacy and dignity are respected, particularly regarding the use and sharing of personal data (information), whether the personal data is held electronically or in manual form.

The Diocese operates in compliance with the General Data Protection Regulation (GDPR) which came into effect in May 2018. Its principles include:

- Lawful, fair and transparent processing
- Processing for a specified and lawful purpose
- Data minimization
- Accuracy
- Storage limitation
- Security, integrity and confidentiality
- Liability and accountability.

The GDPR permits processing of personal data including, disclosing personal data to third parties, in certain circumstances. These include:

- Where it is necessary to comply with a legal obligation (Article 6 (1))
- To protect the vital interests of a data subject (Article 6 (1)(d) and Article 9 (2)(c))
- Where the processing is in the legitimate interests of the Diocese, or a parish within a Diocese, and appropriate safeguards have been put in place regarding privacy (Article 6 (1)(f) and Article 9 (2)(d))
- To establish, exercise or defend a legal claim (Article 9 (2)(f)).

The records of protection concerns relating to adults who may be vulnerable are retained indefinitely. Other records are removed once they are no longer required for the purpose for which they were created.

Persons on whom the Diocese holds personal data are entitled to a copy of it subject to limited exceptions. Applications to obtain such personal data should be made to the Diocesan Office.

Advice & Support

**HSE Safeguarding & Protection Teams**

**South Tipperary, Carlow, Kilkenny, Waterford, Wexford**

Ms. Geraldine Sutton, HSE Offices, Dublin Road, Lacken, Kilkenny, Co. Kilkenny

Tel: 056-7784325 Email: [Safeguarding.cho5@hse.ie](mailto:Safeguarding.cho5@hse.ie)

**Kerry and Cork**

Ms. Kathleen O'Mahony, Unit 24/25 Doughcloyne Industrial Estate, Wilton, Cork. Eircode T12Y821

Tel: 021 4927550 Email: [Safeguarding.cho4@hse.ie](mailto:Safeguarding.cho4@hse.ie)

**Clare, Limerick, North Tipperary and East Limerick**

Ms. Maggie McNally, Tyone Health Centre, Tyone, Nenagh, Co. Tipperary

Tel: 067 46470 Email: [Safeguarding.cho3@hse.ie](mailto:Safeguarding.cho3@hse.ie)

**HSE Information Line**

Monday to Saturday, 8am-8pm

Call Save: [1850 24 1850](tel:1850241850)

Email: [info@hse.ie](mailto:info@hse.ie)

**Diocesan Designated Liaison Person (DLP)**

Cleo Yates. Killaloe Diocesan Offices, Westbourne, Ennis, Co Clare

Tel: 065 6828638. Mobile 087 3553024

Email: [cyates@killaloediocese.ie](mailto:cyates@killaloediocese.ie)



## Appendix 1: Definition of abuse

Abuse is a single or repeated act, or omission, which violates a person's human rights or causes harm or distress to a person.

<b>Type of Abuse</b>	<i>Examples of Indicators</i>
<p><b>Physical</b></p> <p>The use of physical force, the threat of physical force or mistreatment of one person</p> <p>by another which may or may not result in actual physical harm or injury.</p>	<p>Unexplained injuries-bruises/cuts/burns; unexplained or long absences from a residential placement/home; appearing frightened/ avoiding a particular person; asking not to be hurt.</p>
<p><b>Sexual</b></p> <p>Any behaviour (physical, psychological, verbal, virtual/ online) perceived to be of a sexual nature which is controlling, coercive, exploitative, harmful or unwanted towards another person.</p>	<p>Trauma to genitals, breast, rectum, mouth, injuries to face, neck abdomen, thighs, buttocks, STIs and human bite marks.</p> <p>Behaviours which are unusual for that person e.g. disturbed sleep/incontinence/ aggression/changes to eating patterns/un- usual sexual behaviour/anxiety attacks.</p>
<p><b>Emotional/Psychological (incl. bullying/harassment)</b></p> <p>Behaviour that is psychologically harmful to another person and which inflicts anxiety or mental distress by threat, humiliation or other verbal/ non-verbal conduct.</p>	<p>Mood swings, incontinence, obvious deterioration in health, sleeplessness, feelings of helplessness/hopelessness, extreme low self-esteem, tearfulness, self-abuse or self-destructive behaviour.</p> <p>Challenging or extreme behaviour.</p>
<p><b>Financial/Material</b></p> <p>The unauthorised and improper use of funds, property or any resources including pensions, or others'</p>	<p>Lack of control over personal funds or bank accounts; misappropriation of money, valuables or property; lack of records or records</p>

<p>statutory entitlements or benefits. Financial abuse involves an act or acts where a person is deprived of control of their finances or personal possessions or is exploited financially by another person or persons.</p>	<p>incomplete regarding spending; forced changes to wills; not paying bills; refusal to spend money; insufficient money for day-to-day expenses.</p>
<p><b>Type of Abuse</b></p>	<p><i>Examples of Indicators</i></p>
<p><b>Institutional</b></p> <p>The mistreatment of people brought about by poor or inadequate care or support or systemic poor practices that affect a whole care setting.</p>	<p>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 other service providers. Lack of personal possessions and clothing, being spoken to inappropriately.</p>
<p><b>Neglect</b></p> <p>The withholding of or failure to provide appropriate and adequate care and support which is required by another person. It may be through a lack of knowledge or awareness, or through failure to take reasonable action given the information and facts available to them at the time.</p>	<p>Poor personal hygiene, dirty and dishevelled in appearance e.g. unkempt hair and nails. Poor state of clothing; non-attendance at routine health appointments; socially isolated.</p>
<p><b>Discriminatory</b></p> <p>Unequal treatment, harassment or abuse of a person based on age, disability, race, ethnic group, gender, gender identity, sexual orientation, religion, family status, or membership of the travelling community.</p>	<p>Isolation from family or social networks. Indicators of psychological abuse may also be present.</p>
<p><b>Online or digital abuse</b></p> <p>An abusive or exploitative interaction occurring online or in a social media context.</p>	<p>Becoming withdrawn, anxious, clingy, depressed, aggressive, changes in behaviour, problems sleeping and eating disorders.</p>

**Human Trafficking/ Modern Slavery**

The acquisition and movement of people by improper means, such as force, threat or deception, for the purposes of exploiting them. It can take the form of domestic servitude, forced criminality, forced labour, sexual exploitation and organ harvesting.

People believing that they must work against their will, unable to leave their work environment or showing signs that their movements are being controlled. Fear, anxiety, signs of injuries that appear to be the result of assault

(Adapted from: *Final Draft, HSE Adult Safeguarding Policy (2019)*).

## Appendix 2: Checklist of Policies and Procedures that need to be in place in each Diocese

- Procedures which ensure that all Church personnel will be appointed in a manner that meets legal and church requirements and is compliant with safeguarding practice. This will include completion of an application form with commitment to comply with the Diocesan Code of Conduct.
- Procedures which require risk assessment of all programmes of ministry and arrangements which mitigate such risks.
- Training plan which ensures appropriate training and information for all persons involved in ministry with adults who may be vulnerable.
- Complaints Policy and Procedures.
- Appointment of Designated Liaison Person who is subject to the authority of the Bishop and authorised to take lead responsibility for safeguarding adults who may be vulnerable.

## Appendix 3 - An Garda Síochána

Contact details for An Garda Síochána

Garda National Protective Services Bureau

Harcourt Square

Harcourt Street

Dublin 2

Phone: 01 666 3230

Email: [nbciscmu@garda.ie](mailto:nbciscmu@garda.ie)