

**HOSPITALLER ORDER OF SAINT JOHN OF GOD  
-WEST EUROPEAN PROVINCE**



**POLICY & PROCEDURES  
FOR SAFEGUARDING  
CHILDREN**

**BROTHERS CONGREGATION**

**October 2015**

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## POLICY STATEMENT

The Hospitaller Order of Saint John of God acknowledges the right of those under eighteen years of age who are visiting the residences of the Brothers' Congregation or have contact with Members in the wider Social Community or in the workplace to be treated with dignity and respect at all times. The Order is also committed to promoting the safety and well-being of children and vulnerable adults (i.e., children\* and vulnerable adults\*\*) within its Services and providing a caring environment where they are treated with dignity and respect. The Order is committed to ensuring a culture of zero tolerance for any type of abuse or abusive practice.

**Children First:** The National Guidelines for the Protection and Welfare of Children (2011) specifies that “... *organisations working with and in direct contact with children should have procedures and guidelines derived from and consistent with the current **Children First: National Guidance** for their staff and volunteers. The content of such local guidelines should not be at variance with the national guidance, but there may be particular specificity or elaboration appropriate to local circumstances. Voluntary and community organisations, for example, will need to outline specific procedures for personnel on how to respond to concerns or suspicions of child abuse*”.

This safeguarding policy is based on the generic policy documents **Children First:** National Guidelines for the Protection and Welfare of Children (1999, 2011), **Safeguarding Children:** Standards and Guidance Document for the Catholic Church in Ireland (2009), **Our Duty to Care** (2002), **The National Standards** for Residential Settings for Children and Adults with Disabilities (HIQA 2013), **Child Protection and Welfare:** Practice Handbook (2011) and Hospitaller Order of Saint John of God Procedures to be followed in cases of alleged sexual abuse (Superior General, 2015).

**Safeguarding is defined as providing a safe environment for the individuals that we support and the people who work with them.**

The following **Principles of Best Practice** govern the procedures outlined hereafter.

## **The Hospitaller Order of Saint John of God:**

1. Recognises that the safety of the child (i.e., under eighteen years of age) and vulnerable adult is paramount
2. Is committed to creating an environment in which all those under eighteen years of age and vulnerable adults are valued, encouraged and affirmed, have their rights respected, and are treated as individuals
3. Is committed to the safest possible practices to minimise the possibility of abuse
4. Recognises the need to have a clear and comprehensive set of written procedures to raise awareness of the possibility of safeguarding concerns/abuse occurring and to manage complaints of alleged abuse, which are made against members of the Order.
5. Provides information that sets out how members of the public and clients (present and former) can report concerns or complaints of abuse against members of the Order.
6. The Discernment process for new Members seeking to join the Religious Order will incorporate procedures consistent with best safeguarding practice; this will include Garda Vetting. (Appendix 13 – no.2)
7. Provides an annual Training Programme for all Members to ensure that they are fully aware of these procedures and are provided with the support and training required.
8. Has a Code of Conduct for all Members of the West European Province of the Order (Appendix 16)

9. Liaises with agencies/officers with statutory responsibility for the protection and care of children and adults with intellectual disabilities (TUSLA, HSE, An Garda Síochána, HIQA) by sharing information when necessary and working together towards the best possible outcome for the child.
10. Makes links with other relevant organisations in order to promote child protection and welfare policies and practices

**Values:**

This policy has regard to the Saint John of God values of Hospitality, Compassion, Respect, Justice and Excellence; the Constitutions of the Hospitaller Order of Saint John of God and of Saint John of God Hospitaller Ministries. (Appendix Fourteen) It also has regard to the Seven Standards underpinning **Safeguarding Children**: Standards and Guidance Document for the Catholic Church in Ireland (2009).

- Standard 1: Written Policy on Keeping Children Safe
- Standard 2: Procedures – How to Respond to Concerns
- Standard 3: Preventing Harm to Children
- Standard 4: Training and Education
- Standard 5: Communicating our Safeguarding Message
- Standard 6: Access to Advice and Support
- Standard 7: Implementing and Monitoring

These *Values* and *Principles of Best Practice* are evident in the Order by means of the following specific implementation policies, procedures and practices.

**This Policy and Procedures applies to all Brothers who are members of the West European Province of the Hospitaller Order of Saint John of God**

These procedures apply to allegations/safeguarding concerns that are made against a Brother who is currently or was previously a member of the West European Province of the Order regarding a child.

**Designated Liaison Person:**

There is a Designated Liaison Person (DLP) who is responsible for the management of allegations of abuse/safeguarding concerns received regarding any current or former member of the West European Province. There will also be a named Deputy Designated Liaison Person (DDLDP) who assumes this responsibility in the absence of the Designated Liaison Person. The DLP and DDLDP are appointed by the Provincial. The name of the DLP and the DDLDP must be available and visible throughout the Community Houses. The role of the DLP is outlined in detail on page 29

**Advisory Panel:**

The Advisory Panel is appointed by the Provincial in order to advise and assist him in the response to and management of such safeguarding concerns/allegations of abuse. This advisory panel is known as the Provincial Safeguarding Advisory Group (PSAG). The PSAG provides a consistent and accessible source of guidance, through a process of risk assessment for the Provincial who is charged with specific responsibilities for decision-making in response to alleged or actual child/vulnerable adult abuse involving a current/former member of the West European Province. A Local Safeguarding Committee is established as a subgroup of the PSAG. A more detailed description is outlined in Appendix One.

**Local Safeguarding Representatives:**

The Prior of each Community House is identified to act as Local Safeguarding Representative to work alongside the Provincial in ensuring all safeguarding responsibilities and obligations are met. His role is to promote the safeguarding of children & vulnerable adults within our Congregational Communities

**The Management of Abuse Allegations/Safeguarding Concerns:**

All religious members, staff, volunteers and students must report suspicions, incidents, disclosures or concerns in relation to possible abuse or the well-being of any child or vulnerable adult. All suspicions, allegations, retrospective disclosures of abuse or concerns about the well-being of a child or vulnerable adult including anonymous



allegations should be brought to the attention of the relevant Prior and reported promptly to the Designated Liaison Person. In the absence of the Designated Liaison Person, the Deputy Designated Liaison Person must be contacted.

Allegations/safeguarding concerns against a Member about a child regarding the Member's former workplace are responded to and managed in accordance with this policy and procedures. If these allegations/safeguarding concerns are initially conveyed to the former workplace, they will then be communicated by the Regional Director for that Service to the Chief Executive who, in turn, informs the Provincial and the Designated Liaison Person.

Allegations/safeguarding concerns against a Member about a vulnerable adult regarding the Member's former workplace are responded to and managed in accordance with Hospitaller Order of Saint John of God – Western European Province ***Policy and Procedures for Safeguarding Vulnerable Adults – Brothers Congregation***.

Allegations/safeguarding concerns regarding a Member's current workplace will be managed in accordance with **“Procedures for Managing Allegations of Abuse against Staff”** (2010) and simultaneously notified to the Provincial by the Director of Human Resources.

Allegations/safeguarding concerns regarding a lay employee will be responded to and managed in accordance with **“Procedures for Managing Allegations of Abuse against Staff”** (2010).

Allegations/safeguarding concerns regarding any other person will be responded to and managed in accordance with the appropriate Hospitaller Ministries safeguarding policy, i.e. ***“Safeguarding Children”*** or ***“Safeguarding Vulnerable Adults”***.

Adults who are currently clients of the services or who previously attended a service may make ***retrospective disclosures*** of alleged abuse from their childhood. If such disclosures constitute a current risk to children and vulnerable adults they will be reported to An

Garda Síochána and TUSLA/HSE, in accordance with the reporting procedures outlined hereafter.

Retrospective disclosures that constitute reasonable grounds for concern that there is a possibility that abuse may have happened but do not constitute a current risk will be reported to the Garda e.g. where the Respondent is deceased. They should also be communicated to TUSLA/HSE for consideration and any future decisions pertaining to such disclosures should only be taken by the Garda in conjunction with TUSLA/HSE.

### **Support Person to the Complainant:**

When a complaint is made against a Member, the Provincial will offer to provide a Support Person to be available to the Complainant for the duration of the management of the complaint. Their role is to ensure the Complainant is kept informed regarding the process and to be there for him/her. It is not their role to legally advise or provide therapy/counselling. Further details are available in Appendix Seven. Consideration for the well-being of the Complainant will be had at all times, information and support will be provided with regard to the meeting of their psychological, emotional, spiritual and physical needs and will include the provision of details of services such as Towards Healing, an organisation providing therapy and counselling free of charge on a confidential basis to individuals who allege abuse by members of a Religious Order. Every effort will be made to provide a pastoral approach to the Complainant.

### **Adviser to the Respondent:**

When a complaint is made against a Member (referred to as the Respondent) the Provincial will assign an Adviser (a member of the Brother's Congregation) to the Respondent for the duration of the management of the complaint and any subsequent involvement of the statutory authorities. Their role is to accompany and to be there for the Respondent for the duration of the process, the provision of civil or canonical advice and/or therapy is not their role, this will be provided to the respondent by civil solicitors/barristers, canon lawyers and/or mental health professionals. Further details are available in Appendix Six.

**Under no circumstances should the same individual act as Support Person for the Complainant and Adviser for the Respondent.**

**Support to Respondent's Families:**

It is acknowledged that allegations against Respondents and subsequent investigations can have a significant impact for the Respondent's family. The Provincial and Provincial Council are committed to the provision of support for Respondent's family in such situations.

**Good Standing:**

Where an allegation has been established as being unfounded or false, every effort will be made by the Provincial and Provincial Council to ensure the Member returns to Ministry and to restore his good standing. It is acknowledged that such situations can have a significant impact for the Member and his family. The Provincial and Provincial Council are committed to the provision of support in such situations.

**Support to Members:**

It is acknowledged that the various issues around the area of abuse can be difficult for Members, particularly if the issues involve a colleague. The Provincial and Provincial Council are committed to assisting, in a confidential manner, any Member who may be experiencing such difficulties. This support will be available through the Provincial, Prior, Member of the Provincial Council or Designated Liaison Person. This programme is outlined in Appendix Eight.

**Vocations:**

The Vocation/Discernment process for new Members seeking to join the Hospitaller Order of Saint John of God will incorporate procedures consistent with best safeguarding practice and will apply to all applicants; this will include Garda Vetting (Appendix Thirteen).

**Vetting:**

All Members and applicants seeking to join the Religious Order if engaged in Ministry within the Hospitaller Ministry Services will be subject to these services' vetting requirements whether employee/volunteer/student. These vetting procedures are in compliance with relevant legislation, e.g. National Vetting Bureau Act 2012 (when commenced) and national guidance, Children First 2011. If engaged in Ministry elsewhere they must comply with vetting requirements of that organisation/location. All individuals seeking to join the Religious Order will be vetted when applying. ( Appendix Thirteen) Existing Members who are not in Ministry will be vetted in accordance with legislative and regulatory requirements.

**Training:**

The Provincial will ensure that all Religious Members, and as appropriate staff, including volunteers, students and visitors, receive a copy of this policy and associated procedures, participate in a training programme and sign that they have read, understood, and will adhere to the content.

An annual Training Programme for all Members is developed and provided to ensure that they are fully aware of these procedures. As will any support and training required to ensure that all Members acquire and develop the skills and competencies necessary for them to discharge their duties and responsibilities in implementing this policy. This training programme is developed by the local safeguarding committee. (PSAG).

Appendix One

**Communicating & Publicising Safeguarding Policy & Procedures:**

The West European Province of the Hospitaller Order of Saint John of God is committed to the safeguarding of all children and vulnerable adults. This commitment is publicly displayed throughout the Congregation, providing name and contact details of the DLP and DDLP and the availability of this Safeguarding Policy and Procedures to all who may seek it. This statement and policy will also be available on the Religious Order website.

**Information & Communication Technology:**

The Provincial Council is committed to the correct and proper use of its Information Communication Technology (ICT) resources in a lawful, ethical and responsible manner in line with the values of the *Hospitaller Order of Saint John of God* and aligned with best practice. In accordance with the Saint John of God Hospitaller Services Information & Communication Technology Policies (Ireland, 2011), its ICT resources may not be used:

- For any activity that is unlawful, unethical, irresponsible or inconsistent with the values of the *Hospitaller Order of Saint John of God* ;
- To view, create, download, host or transmit (other than for properly authorised and lawful purposes) pornographic, offensive or obscene material (i.e. information, images, video clips, audio recordings etc), which could cause offence to others on the grounds of race, creed, gender, sexual orientation, disability, age or political beliefs.

Some people experience difficulties regarding their use of the internet/pornography (child abuse material). This policy identifies that coming forward to disclose same and to seek assistance is a responsibility for all Members experiencing such difficulties.

In line with best practice, internal and external audits with regard to implementation, compliance and the effectiveness of these policies and procedures will be completed at regular intervals. The Provincial in consultation with the Chairperson of the Provincial Safeguarding Advisory Group will recommend the frequency, terms of reference and membership of such audits to the Provincial Council. Such audits will occur at a minimum once every twelve months (internal) and once every three years (external) and will be fully documented.

This *Policy & Procedures for Safeguarding of Children* will be reviewed at a minimum every three years, unless otherwise indicated by legislative, regulatory changes/requirements or review/audit recommendations.

**Nothing in this policy should be interpreted as a restriction on a member from reporting to An Garda Síochána themselves but is intended to facilitate the efficient reporting of such matters**

**\*A child is any person under eighteen years of age excluding a person who is or has been married (Children First, 2011).**

**\*\* *Vulnerable Adult is defined as a person over 18 years and***

**(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.**

# 1. ABUSE

**1.1.** A clear and concise understanding of the term “Abuse” and its various manifestations is central to any policy addressing this issue. In the context of this policy, the term “Abuse” is considered to be any form of behaviour that violates the dignity of a child or vulnerable adult. It may be physical, sexual, psychological /emotional or neglect. It may take the form of isolated incidents of poor or unsatisfactory professional practice at one end of the spectrum, through to pervasive ill treatment or gross misconduct at the other end. Repeated instances of poor care may indicate dysfunction in organisational standards and practices and represent institutional/systemic abuse.

**1.2.** It is recognised that abuse has a significant impact on a victim and is detrimental to their well being.

## **1.3. Categories of Abuse:**

**1.3.1. Physical Abuse** – is that which results in actual or potential physical harm from an interaction, which is reasonably within control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

Examples of physical abuse include:

- a. Severe physical punishment
- b. Beating, hitting, slapping or kicking
- c. Pushing, shaking or throwing
- d. Pinching, biting, choking or hair-pulling
- e. Terrorising with threats
- f. Observing violence
- g. The use of excessive force in delivering personal care e.g., dressing, bathing, administering medication

- h. Deliberate poisoning
- i. Suffocation
- j. Fabricated/induced illness
- k. Allowing or creating a substantial risk of significant harm to a child

*These examples are not exhaustive.*

**1.3.2. Indicators of Physical Abuse** – unsatisfactory explanations, varying explanations, frequency and clustering for the following events are high indices for concern regarding physical abuse:

- a. Bruises
- b. Fractures
- c. Swollen joints
- d. Burns/Scalds
- e. Abrasions/Lacerations
- f. Haemorrhages (retinal, subdural)
- g. Damage to body organs
- h. Poisonings – repeated (prescribed drugs, alcohol)
- i. Failure to thrive
- j. Coma/Unconsciousness
- k. Death

*These indicators are not exhaustive*

**1.3.3. Sexual Abuse** – *when a child is used by another person for his/her sexual gratification or sexual arousal or for that of others.*

Examples of sexual abuse include:

- a. Exposure of the sexual organs or any sexual act intentionally performed in the presence of the child
- b. Intentional touching, fondling or molesting the body of a child or vulnerable adult whether by a person or object for the purpose of sexual gratification or arousal of the offender
- c. Masturbation in the presence of a child or the involvement of a child in an act of masturbation



- d. Sexual intercourse with a child whether oral, vaginal or anal.
- e. Sexual exploitation of a child including inciting, encouraging, propositioning, requiring or permitting a child to solicit for or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing of a sexual act for the purpose of sexual arousal, gratification (including its recording on film, video/DVD, camera phone, computer-generated images) or the manipulation for those purposes, of the image by computer or other means. This may also include showing sexually explicit material to a child which is often a feature of the “grooming” process by perpetrators of abuse.
- f. Consensual sexual activity involving an adult (a staff member/member of the general public) and a child (i.e., an underage person or vulnerable adult). In relation to child sexual abuse, it should be noted that for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.
- g. Inappropriate sexual contact involving any touching of the intimate body parts of a child. The offender may fondle or masturbate the child and/or get the child to fondle/masturbate the offender. Fondling can be inside or outside clothes. Also includes “frottage”, i.e., where the offender gains sexual gratification from rubbing his/her genitals against the child’s body or clothing
- h. Oral-genital sexual contact involving the offender, licking, kissing, sucking or biting a child’s genitals or inducing him / her to do the same
- i. Interfemoral sexual abuse – sometimes referred to as “dry sex” or “vulvar intercourse”, involving the offender placing his penis between the child’s thighs
- j. Penetrative sexual abuse of which there are four types:
  - i. “digital penetration” involving putting fingers in the vagina, or anus or both. Usually the victim is penetrated by the offender, but sometimes the offender gets the victim to penetrate him/her
  - ii. “penetration with objects” involving penetration of the vagina, anus or occasionally mouth with an object

- iii. “genital penetration” involving the penis entering the vagina, sometimes partially
  - iv. “Anal penetration” involving the penis penetrating the anus
- k. Offensive sexual remarks; this includes statements the offender makes to the child regarding his/her sexual attributes, what he or she would like to do to the child and other sexual comments.
- l. Obscene phone-calls.
- m. Exposure to pornography or other sexually explicit and inappropriate material; pornography includes still photography, video/DVD, computer generated images, and camera phone images (of a child or vulnerable adult or others)
- n. “Voyeurism” involving instances when the offender observes the victim in a state of undress or in activities that provide the offender with sexual gratification. These may include activities that others do not regard as even remotely sexually stimulating.
- o. Sexual assault
- p. Sexual exploitation of a child including any behaviours, gestures or expressions that may be interpreted as being seductive or sexually demeaning to a child.

*These examples are not exhaustive.*

**1.3.4. Indicators of Sexual Abuse** – cases of sexual abuse principally come to light through:

- a. Disclosure by the alleged victim
- b. The suspicion of an adult
- c. Physical symptoms

Carers and professionals should be alert to the following physical and behavioural signs

- a. medical /physical conditions such as genital soreness or injury including bruising or bleeding in the vaginal/anal area, unexplained

difficulty in walking or sitting, vaginal infection, difficulty/pain in passing urine/faeces

- b. Overly sexualised language and/or age inappropriate understanding of sexual behaviour
- c. Inappropriate seductive behaviour
- d. Sudden change in personality
- e. School/centre refusal - sudden absenteeism,
- f. Unusual reluctance to join in normal activities that involve undressing, e.g. games/swimming
- g. Fear of pregnancy
- h. Change of eating patterns, - loss of appetite, overeating, hiding food
- i. Self-mutilation
- j. Regressive behaviour
- k. Exhibiting sexually explicit/implicit behaviour e.g., masturbation
- l. Agitated behaviour
- m. Sexually aggressive behaviour, promiscuity
- n. Psychosomatic disorders such as stomach pains, excessive period pains, frequent headaches, skin disorders, bedwetting, soiling
- o. Mood changes including depression, suicidal tendencies, and sleep disturbances, nightmares
- p. Separation anxiety
- q. Emotional flatness, overly compliant behaviour, inability to concentrate, withdrawal, poor peer relationships and inability to make friends
- r. Pronounced fear of certain people or situations or physical contact, lack of trust, particularly of significant others.

All signs/indicators need careful assessment relevant to the child's circumstances

**1.3.5 Neglect** – is usually a passive form of abuse involving omission rather than acts of commission where a child suffers significant harm or impairment of development by being routinely deprived of:

- a. Food, clothing and warmth
- b. Hygiene practices and facilities
- c. Intellectual stimulation
- d. Supervision and safety
- e. Attachment to and affection from adults
- f. Medical Care
- g. Attention from staff

*These examples are not exhaustive.*

**Harm** can be defined as the ill treatment or the impairment of the health or development of a child. Whether it is *significant* is determined by the child's health and development as compared to that which could reasonably be expected of a peer of similar age.

**1.3.6 Indicators of Neglect.** Neglect generally becomes apparent in different ways *over a period of time* rather than at one specific point. Examples of neglect include:

- a. Inadequate nutritional care
- b. An inadequate safety standard for everyday living e.g., a child who has a series of minor injuries is not having his/her needs met for supervision and safety.
- c. Inappropriate or improper dress with little respect for privacy and dignity
- d. Regular isolation (in one room) and denial of access to essential accessories for daily living e.g., glasses, hearing aids, walking frames, call bell
- e. Making it difficult for visitors and professionals to gain access to the child

The *threshold of significant harm* is reached when the child's needs are neglected to the extent that his/her well-being and/or development are severely affected.

**1.3.7 Emotional Abuse** – may arise in the relationship between a parent/carer/staff and a child rather than in a specific event or pattern of events. It occurs when a child's needs for approval, consistency and security are not being met. Unless other

forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples of emotional abuse may include:

- a. The imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming
- b. Conditional care giving in which the level of care shown to a child is made contingent on his or her behaviours or actions.
- c. Emotional unavailability of the child's parent/carer
- d. Unresponsiveness of the parent/carer/staff and/or inconsistent or inappropriate expectations of the child
- e. Premature/inappropriate imposition of responsibility on the child
- f. Unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way.
- g. Under or over-protection of the child.
- h. Failure to show interest in, or provide opportunities for, a child's cognitive and emotional development or need for social interaction
- i. Use of unreasonable disciplinary measures or restraint
- j. Exposure to domestic violence
- k. Exposure to inappropriate or abusive material through new technology.
- l. Disrespect for differences based on social class, gender, race, culture, disability, religion, sexual orientation or membership of the Travelling Community.

*These examples are not exhaustive.*

**1.3.8 Indicators of Emotional Abuse.** Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include:

- a. Insecure attachment,
- b. Unhappiness
- c. Low self esteem
- d. Educational and developmental underachievement
- e. Oppositional behaviour
- f. Non-organic failure to thrive.

- g. Excessive withdrawal
- h. Intimidated or subdued in certain situations
- i. Marked or sudden changes in mood
- j. Complaints of feeling humiliated or depressed
- k. Tearfulness or confusion
- l. Self-injurious behaviour

The **threshold of significant harm** is reached when abusive interactions dominate and become typical of the relationship between child and the parent/carer/staff member.

**1.3.9 Financial Abuse** – financial abuse is the unauthorized interference with or theft of personal possessions, money or property belonging to another. Examples of financial abuse include the following:

- a. Theft
- b. Misusing or stealing the person's property, possessions or benefits
- c. Mismanagement of bank accounts,
- d. Cheating the child,
- e. Exploitation - using the child for financial gain,
- f. Fraud
- g. Forgery
- h. Embezzlement
- i. Putting pressure on the person about wills, property, inheritance and financial transactions

**1.3.10 Indicators of Financial Abuse** – the following is a list of signs or indicators to look for:

- a. No control over personal funds or bank accounts
- b. Misappropriation of property
- c. No records or incomplete records of spending
- d. Discrepancies in records
- e. Lack of money for basics despite an adequate income – for example, no money for newspapers, sweets, cigarettes or for the hairdresser

- f. The child complaining of money or possessions going missing
- g. Reluctance on the part of the family, friends or the person controlling funds to pay for bills, clothes, treatments or medical bills
- h. A person's inability to explain what is happening to their income
- i. Unexplained credit card use or withdrawals
- j. Disappearance of welfare cards, bank statements or other documents

*These examples are not exhaustive.*

**1.3.11. Institutional/Systemic Abuse** – any system, programme, policy, procedure or individual interaction with a person in a service that abuses, neglects or is detrimental to their physical and/or psychological well being. Issues of power/powerlessness are central to institutional abuse. Children in the Order's services may be in a particularly vulnerable position in this regard. Examples of institutional/systemic abuse may include:

- a. Intrusiveness or disregard for a child's privacy
- b. Inappropriate isolation
- c. Intimidation
- d. Unauthorised alteration of treatment or diet
- e. Denial of food, basic rights or privileges
- f. Constantly ignoring calls for help
- g. Indifference when providing personal care

*These examples are not exhaustive*

**1.3.12. Indicators of Institutional/Systemic Abuse:** Institutional Abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Many of the indicators may be similar to those of Neglect. Examples of these include:

- A consistent pattern of neglect that remains unaddressed by organisational structures and procedures
- A consistent policy of ignoring or minimising the child's physical and/or emotional needs

- A failure to respond constructively to reasonable requests for changes to care practices from relatives, other professionals or professional bodies associated with the caring professions

#### **1.4. Recognising Neglect or Abuse**

1.4.1. Neglect or abuse can often 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 child's situation and family circumstances.

#### **1.5. Guidelines for recognition**

1.5.1. The ability to recognise abuse can depend as much on a person's willingness to accept the possibility of its existence as it does on their knowledge and information. There are commonly three stages in the identification of neglect or abuse:

- (i) Considering the possibility;
- (ii) Looking out for signs of neglect or abuse;
- (iii) Recording of information.

#### **Stage 1: Considering the possibility**

1.5.2. The possibility of abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of abuse should also be considered if the child displays unusual or fearful responses to parents/carers/staff or other children. A pattern of ongoing neglect should also be considered even when there are short periods of improvement.



## **Stage 2: Looking out for signs of neglect or abuse**

1.5.3. Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between the child and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon, for example, by informing the DLP who must inform the TUSLA Child and Family Agency in the case of a child. A child should not be **interviewed in detail** about the alleged abuse without first consulting with the TUSLA Child and Family Agency. This may be more appropriately carried out by a social worker or An Garda Síochána. Less obvious signs could be gently explored with the child, *without direct questioning*. Play situations, such as drawing or story-telling, may reveal information. (In all situations where a potential crime exists An Garda Síochána must first be consulted.)

1.5.4. Some signs are more indicative of abuse than others. These include:

- (i) Disclosure of abuse by a child;
- (ii) age-inappropriate or abnormal sexual play or knowledge;
- (iii) Specific injuries or patterns of injuries;
- (iv) Absconding from home or a care situation;
- (v) Attempted suicide;
- (vi) Underage pregnancy or sexually transmitted disease;
- (vii) Signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.

1.5.5. Many signs of abuse are non-specific and must be considered in the child's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

### **Stage 3: Recording of information**

- 1.5.6. If neglect or abuse is suspected and acted upon, for example, by informing the TUSLA Child and Family Agency, it is important to establish the grounds for concern by obtaining as much information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available.

### **1.6. Children with additional vulnerabilities**

- 1.6.1. Certain children are more vulnerable to abuse than others. Such children include those with disabilities, children who are homeless and those who, for one reason or another, are separated from their parents or other family members and who depend on others for their care and protection. The same categories of abuse – neglect, emotional abuse, physical abuse and sexual abuse – are applicable, but may take a slightly different form. For example, abuse may take the form of deprivation of basic rights, harsh disciplinary regimes or the inappropriate use of medications or physical restraints

### **1.7. Points to Remember**

- 1.7.1. The severity of a sign does not necessarily equate with the severity of the abuse. Severe and potentially fatal injuries are not always visible. Neglect and emotional and/or psychological abuse tend to be cumulative and effects may only be observable in the longer term. Explanations that are inconsistent with the signs should constitute a cause for concern.
- 1.7.2. Neglect is as potentially fatal as physical abuse. It can cause delayed physical, psychological and emotional development, chronic ill-health and significant long-term damage. It may place children and vulnerable adults at serious risk of harm. It may also precede, or co-exist with, other forms of abuse and must be acted upon.

- 1.7.3. Experiencing recurring low-level abuse may cause serious and long-term harm. Cumulative harm refers to the effects of multiple adverse circumstances and events in a child's life. The unremitting daily impact of these circumstances on the child can be profound and exponential, and diminish a child's sense of safety and well-being.
- 1.7.4. Abuse of a child is not restricted to any socio-economic group, gender or culture. All signs must be considered in the wider social and family context. Serious deficits in safety and welfare transcend cultural, social and ethnic norms, and must elicit a response.
- 1.7.5. Challenging behaviour by a child should not render them liable to abuse. Children in certain circumstances may present management problems. This should not leave them vulnerable to harsh disciplinary measures or neglect of care.
- 1.7.6. Exposure to domestic violence is detrimental to children's physical, emotional and psychological well-being. The adverse effects of domestic violence have been well established.
- 1.7.7. While the impact of neglect is most profound on young children, it also adversely affects young people. Neglect renders young people liable to risk-taking behaviours, such as running away, early school leaving, anti-social behaviour, and mental health and addiction problems, including the risk of suicide.
- 1.7.8. It is sometimes difficult to distinguish between indicators of abuse and other adversities suffered by children and families. Deprivation, stress, addiction or mental health problems should not be used as a justification for omissions of care or commissions of harm by parents/carers. The child's welfare must be the primary consideration.

- 1.7.9. Neglectful families may be difficult to engage. Research shows that families may be reluctant to seek help in response to experiencing the factors associated with neglect.
- 1.7.10. Families where neglect and abuse are prevalent may go to considerable lengths to deceive professionals. It is important for professionals to approach cases with a wary trustfulness, seek evidence to substantiate claims of improvement and speak with the children concerned individually.
- 1.7.11. Social workers need good observation and analytical skills in order to be able to understand the nature of the relationship between a parent and son/daughter, to understand signs of non-compliance, to work alongside a family and to come to safe and evidence-based judgements about the best course of action.
- 1.7.12. Working in the area of abuse and neglect is dealing with uncertainty. Social workers and other professionals should adopt a 'respectful uncertainty' on parental reporting of improvement until supported by clear evidence.

## 2. THE DUTY OF RELIGIOUS MEMBERS

The primary responsibility of the Religious Member who first suspects or is told of an allegation of abuse or safeguarding concern against a member of the Congregation is to report it to the Designated Liaison Person (DLP) or, in the absence of the DLP, to the Deputy Designated Liaison Person (DDL). The DLP will notify the Provincial at the earliest possible opportunity. The guiding principles in regard to reporting alleged abuse may be summarised as follows:

- the safety and well-being of the child must take priority
- reports to the Prior must be made without delay
- the principle of natural justice should apply, which means that a person is innocent until proven otherwise
- the principle of confidentiality should apply, whereby only those that need to know should be told of a suspicion/allegation/disclosure of alleged abuse and the number that need to be kept informed should be kept to a minimum.

In such circumstances, it is recognised that those reporting a complaint/concern are not regarded as making a complaint as a matter of charge, but are simply carrying out their duty in good faith. They are not accusing or bringing a charge but are merely passing on a report

### **The Protection for Persons Reporting Child Abuse Act, 1998.**

This legislation provides immunity from civil liability to persons who report child abuse “*reasonably and in good faith*”. This means that, even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted reasonably and in good faith in making the report.

In such circumstances it is recognised that those reporting a concern are not regarded as making an allegation as a matter of charge, but are merely passing on a report.

This legislation also creates a new offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities “knowing that

statement to be false”. This is a new criminal offence designed to protect innocent persons from malicious reports

### **Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012**

All individuals have a responsibility to report criminal acts or information regarding criminal acts to An Garda Síochána. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 makes it a criminal offence not to report information regarding certain serious offences. All Religious Members have a responsibility to report all safeguarding concerns to their Provincial or in his absence to the DLP, who will then consider whether the allegation/concern should be reported to An Garda Síochána.

Where the allegation/concern is reported to An Garda Síochána by the DLP, the name and details of the Religious Member who initially reported the allegation/concern will also be provided. This may fulfil the Religious Member’s obligation to report to An Garda Síochána and will be confirmed by the DLP at time of reporting.

Where the allegation/concern is not reported to An Garda Síochána by the DLP, the Religious Member who initially reported the allegation/concern will be so informed and can decide to report the allegation/concern directly to An Garda Síochána.

This responsibility is in addition to any requirement that arises to report to the TUSLA/HSE and HIQA.

**Nothing in this policy should be interpreted as a restriction on the Religious Member from reporting to An Garda Síochána themselves but is intended to facilitate the efficient reporting of such matters**

### **3. THE ROLE OF THE DESIGNATED LIAISON PERSON**

#### **General:**

**3.1 Children First: The National Guidelines for the Protection of Children** (1999, 2011) states that each organisation should identify a Designated Liaison Person to act as liaison with outside agencies regarding allegations of abuse and a resource person to any Member who has safeguarding concerns.

**3.2 Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland** (2009) requires that this be a clearly defined role with responsibilities for safeguarding children at diocesan or congregational level.

3.3 The Designated Liaison Person(s) is responsible for reporting all allegations or suspicions of child abuse to the Statutory Authorities. Where reasonable grounds for concern (Sections 4.4 & 4.5) have been established that a child may have been abused, or is being abused, or is at risk of abuse, this is reported to the TUSLA Child & Family Agency and An Garda Síochána by DLP. Where the child is a resident of the Saint John of God Community Services or is in attendance at Respite when the allegation/concern arises, it is reported to HIQA by the Person in Charge having being informed of the allegation by the DLP.

3.4 The Designated Liaison Person will have a thorough knowledge of safeguarding and a competent level of knowledge of the presenting indicators of child abuse and an appreciation of the nature of risk. The DLP will undertake any training considered necessary to keep updated on new developments.

3.5 The Designated Liaison Person will have the support of the Provincial Safeguarding Advisory Group to provide specialist advice (Appendix 1).

3.6 The Provincial will make known to the Brothers' Congregation the name, role and responsibilities of the Designated Liaison Person.

3.7 The identity of the Designated Liaison Person and contact details should be widely communicated and publicised to ensure that a child knows to whom they can disclose allegations and that all individuals know who to go to in the event that they have a safeguarding concern about a child or other safeguarding issue.

### **The Role of the Designated Liaison Person:**

3.8 The Order's Designated Liaison Person (DLP) will receive/hear allegations of abuse/safeguarding concerns with regard to children against present/former Members of the Hospitaller Order of Saint John of God from the Provincial and/or other sources e.g., former clients/patients/students of Saint John of God Hospitaller Ministries, families of former clients/patients/students, members of the public, the statutory authorities, solicitors etc. The DLP takes responsibility for managing the response to that concern or disclosure, from start to finish.

3.9 To establish the factual basis of the allegation(s) through the Preliminary Screening of the complaint in order to establish reasonable grounds for concern.

3.10 The Designated Liaison Person is responsible for reporting allegations of abuse/safeguarding concerns against a Member of the Hospitaller Order of Saint John of God to TUSLA and/or Gardai where reasonable grounds for concern have been established that there is a possibility that a child may have been abused, or is being abused, or is at risk of abuse and will liaise as appropriate.

3.11 To ensure that the person making the complaint is regularly informed about the management of the complaint. This process will be completed in conjunction with the complainant's Support Person. Appendix Seven.



- 3.12 To ensure that the Provincial and the Provincial Advisory Group are kept fully informed of any allegations of abuse/safeguarding concerns that involve the Brothers' Congregation.
- 3.13 To ensure that the Member (the Respondent) against whom the complaint has been made is regularly informed about the management of the complaint. This process will be completed in conjunction with the Respondent's Adviser (Appendix 6).
- 3.14 To advise that Safety Management Plans/Covenants of Support are developed for Respondents as appropriate, implemented, the implementation monitored and reviewed as required. These should be informed where possible by professional risk assessments.
- 3.15 To liaise with the National Safeguarding Office and have an overview of all matters dealt with under these procedures within the Congregation
- 3.16 To ensure that individual case records are maintained of the action taken by the Designated Liaison Person and the Order, the liaison with other agencies and the outcome. Appendix Four.
- 3.17 The Designated Liaison Person(s) will maintain a Register of all allegations of abuse/safeguarding concerns. This will indicate which cases are open/ongoing and the date of closure of these cases.
- 3.18 To ensure that policies and procedures with regard to managing allegations of abuse are consistently implemented and updated as required to ensure compliance with legislative, regulatory, policy, review/audit recommendations.
- 3.19 To coordinate and ensure action in the Order with regard to allegations of abuse
- 3.20 To provide information and advice on safeguarding to the Provincial and Provincial Safeguarding Advisory Group

- 3.21 To advise the Provincial and the Provincial Safeguarding Advisory Group on safeguarding training needs.
- 3.22 To advise on creating, maintaining and monitoring a safe environment for children in all aspects of Church/Congregational life and activity and for advising on the human resources required for implementing best safeguarding practice across the Province.
- 3.23 To be a resource to Members of the Congregation and Provincial Staff with regard to safeguarding.
- 3.24 A **Deputy Designated Liaison Person (DDL)** is appointed who can act in the event that the Designated Liaison Person is not able to deal with a concern/allegation, where there may be a conflict of interest, or where they are unavailable due to absence or incapacity. The title Designated Liaison Person (DLP) will include the Deputy Designated Liaison Person (DDL).

## 4. PROCEDURES FOR RESPONDING TO AND MANAGING AN ALLEGATION/SAFEGUARDING CONCERN

- 4.1. Procedures for responding to an allegation or safeguarding concern are in accordance with those contained in Children First, the NSBCCCI's guidance for Case Management and Safeguarding Children & Hospitaller Order of Saint John of God Order Procedures to be followed in cases of alleged sexual abuse (Superior General, 2015).
- 4.2. In the event of it being suspected that a child is being abused, is suspected of having been abused, is at risk of being abused or is abusing, immediate steps are to be taken to ensure that the matter is promptly reported to the Prior and that appropriate action is taken to ensure the *immediate safety* of the alleged victim. The nature of such action will be determined by the domiciliary status of the alleged victim – for example resident/patient or day attendee. It is the responsibility of any member who has a concern with regard to the safety or well being of any child to immediately inform the Prior or in his absence the Provincial who immediately notifies the DLP (or in his/her absence the DDLP). The Religious Member may be requested then to complete a Report Form.
- 4.3. When a Member receives an allegation of abuse/safeguarding concern against a present/former Member of the Brothers' Congregation from a member of the public, a former client/patient/student (or relative) of the Hospitaller Ministries, he should listen to the allegation/concern and advise the alleged victim/person reporting the allegation/concern that it will be reported to the Designated Liaison Person (DLP). He should write down the allegation *immediately* (or as soon as possible thereafter) and record facts only. He should immediately inform the Prior or in his absence the Provincial who immediately notifies the DLP (or in his/her absence the DDLP).
- 4.4. If there is reason to believe that a medical examination is required (e.g. to indicate physical/sexual abuse more clearly or if medical treatment is required), An Garda

Síochána and TUSLA should be contacted immediately with regard to organising this with an appropriate Doctor in accordance with their required procedures.

- 4.5.** Any safeguarding concerns raised with a Prior will be immediately made known to the Provincial and to the Designated Liaison Person.
- 4.6.** The Provincial will inform the Designated Liaison Person of all allegations/safeguarding concerns received.
- 4.7.** Where any allegation(s)/safeguarding concerns regarding a Member of the Congregation, past or present, is reported directly to the Designated Liaison Person, s/he will inform the Provincial of the concern.
- 4.8.** Acknowledgement of receipt of the safeguarding concern will be made to the Member who made the initial report.
- 4.9.** The Designated Liaison Person will undertake preliminary screening of the concern to establish reasonable grounds for concern (i.e. a factual basis and if there is a possibility that the alleged abuse may have occurred).
- 4.10.** Where reasonable grounds for concern are established the safeguarding concern will be reported to An Garda Síochána and TUSLA Child & Family Agency.
- 4.11.** Notification to An Garda Síochána will be made to the Special Unit in Harcourt St. Dublin who manage allegations of abuse made against Religious Members.
- 4.12.** Where the named Member, past or present, is living, notification to TUSLA Child & Family Agency will be made immediately. Where the named member, past or present, is deceased notification to TUSLA Child & Family Agency will be made at a regular scheduled meeting between the Designated Liaison Person/Delegate and TUSLA Social Worker with written notification to follow as requested. Where it is uncertain as to whether the named member, past or present, is living or deceased,

notification to TUSLA Child & Family Agency will be made immediately. This has been agreed with TUSLA Social Worker.

- 4.13.** The Provincial, accompanied by the DLP, may organise a meeting with the Respondent
- 4.14.** The Provincial will advise the Respondent of the nature of the allegation and the sequence of procedural steps that will follow.
- 4.15.** The Provincial will make available whatever support is necessary for the Respondent against whom the allegation is made. In this regard, the Provincial will appoint an Adviser (Appendix Six) to the Member / Respondent.
- 4.16.** The Provincial will inform the Superior General
- 4.17.** Where the DLP does not establish that Reasonable Grounds for Concern exist with regard to the nature of the allegation, the Member/Respondent against whom the allegation is made will be advised of this outcome by the Provincial and all the necessary supports will be made available to him in this regard. The Member/any other person who reported the allegation and the alleged victim will also be advised of this outcome. They will be further advised that if they are still concerned they may report the matter directly to the statutory authorities
- 4.18.** Where the DLP establishes that Reasonable Grounds for Concern do exist the Provincial will advise the Member against whom the allegation is made that the matter will be reported to the Statutory Authorities for investigation
- 4.19.** The Respondent, in conjunction with his Adviser, will be advised to seek legal advice, independent of the Order's legal advisers
- 4.20.** In such circumstances the Member/Respondent against whom the allegation is made is prohibited from all contact with children and vulnerable adults. This may entail a change of residence if his current residence allows access to children/vulnerable adults. If the Member is working in a service at the time of the

allegation, he is removed from his work in that service and this decision is only reviewed when the investigations of the statutory authorities are completed. The Member is also prohibited from any contact with the person who is making the allegation.

- 4.21.** When reasonable grounds for concern have been established and the allegation is reported to the statutory authorities, the Respondent is automatically withdrawn from public ministry as outlined above and an interim safety management plan/covenant of support is developed and put in place.
- 4.22.** When the allegation is reported to the statutory authorities the place of residence of the Respondent and other associated matters as outlined above is communicated to the relevant authorities. As a consequence of being identified as a possible risk to children /vulnerable adults, consideration will be given to the commencement of a professional risk assessment and attendance at a therapeutic programme as may be recommended. The DLP will consult as appropriate with the Statutory Authorities in this regard. His Prior will supervise his social, travel and other activities and ensure that he has no contact with children/vulnerable adults, as far as is practicable. This arrangement will pertain for the duration of the investigation by the statutory authorities.
- 4.23.** Following notification to the Statutory Authorities of the allegation/safeguarding concern, where the allegation/safeguarding concern is of a sexual nature, anonymised notification of the safeguarding concern will be made to the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI).
- 4.24.** Following notification to the Statutory Authorities of the allegation/safeguarding concern, the Provincial will notify the Bishop of the area in which the abuse is alleged to have occurred and if different, the Bishop of the area where the named member is residing.
- 4.25.** Where the allegation/safeguarding concern is of a sexual nature regarding a child the Provincial will immediately commence a canonical process in accordance with

the relevant Canon Law and conduct a preliminary investigation. Such an investigation will be suspended pending the completion of any investigations necessary to be undertaken by the statutory authorities and/or indication from the statutory authorities that they do not object to it proceeding. Where the allegation is made against a Member who is a priest or a deacon, the Provincial must forward his report upon completion of this investigation to the Congregation for the Doctrine of the Faith (CDF), which has jurisdiction in these cases. This should be accompanied by the Form required by the CDF (Form for reporting *graviora delicta* cases).

**4.26.** Full co-operation will be provided to the Statutory Authorities.

**4.27.** Where the alleged victim is a resident of the Saint John of God Community Services, or is in attendance at Respite when the allegation/concern arises, the DLP reports the allegation/concern to the Person in Charge (PIC) who notifies HIQA using form NF06. The notification of HIQA must be undertaken within 72 hours of the allegation/concern being received.

**4.28.** Any legal correspondence received containing an allegation of abuse in addition to being forwarded to the Order's Solicitor should be made known to the Designated Liaison Person who accordingly notifies the authorities in accordance with the above outlined procedure. In such instances the alleged victim will be informed of this and provided with the contact details of An Garda Síochána, TUSLA Child & Family Agency and Towards Healing (or other appropriate counselling/support agency) via their solicitor. The alleged victim will also be offered the opportunity via their solicitor to meet the Designated Liaison Person if they wish to inform the Congregation directly of their allegations/concerns. If a Canonical/independent Investigation is undertaken the alleged victim will be provided with the opportunity to have their allegation(s)/safeguarding concern considered and to participate by meeting with the investigator/s. They can if they prefer, decide that they wish their allegation(s)/safeguarding concern to be considered but choose not to meet with the investigator/s. They can also decide that they do not wish their allegation(s)/safeguarding concern to be considered in any form by the investigation. In such circumstances their allegation(s)/safeguarding concern and

their decision will be noted by the investigator/s. This will be offered via their solicitor unless they have indicated otherwise.

**4.29.** All alleged victims will be offered access to appropriate support and provided with the contact details of Towards Healing or other appropriate counselling/support agency. The Provincial will offer to provide a Support Person to be available to the Complainant for the duration of the management of the complaint. In consultation with the authorities, appropriate efforts should be made to contact the alleged victims and necessary pastoral accompaniment measures provided. They will also be informed of the reporting of the allegation(s)/safeguarding concern to the civil authorities and will be provided with the contact details of An Garda Síochána, TUSLA Child & Family Agency and Towards Healing (or other appropriate counselling/support agency) in order that they may directly report the allegation(s)/safeguarding concern to the authorities if they so decide. The alleged victim will also be offered the opportunity to meet the Designated Liaison Person if they wish to inform the Congregation directly of their allegations/concerns.

**4.30.** If the allegation is not substantiated/determined to be “founded” by the investigation of the statutory authorities the Member/Respondent against whom the allegation was made will be advised of the outcome of the investigation.

**4.31.** Where the Respondent (Brother) is charged, tried but then acquitted in court, The Provincial and Superior General shall decide whether that is the end of the matter or whether there are still sufficient grounds to open a canonical process. A preliminary canonical investigation may be undertaken to establish this,

**4.32.** If a Canonical/Independent Investigation is undertaken the alleged victim will be provided with the opportunity to have their allegation(s)/safeguarding concern considered and to participate by meeting with the investigator/s. They can if they prefer, decide that they wish their allegation(s)/safeguarding concern to be considered but choose not to meet with the investigator/s. They can also decide that they do not wish for their allegation(s)/safeguarding concern to be considered in any



form by the investigation. In such circumstances their allegation(s)/safeguarding concern and their decision will be noted by the investigator/s.

- 4.33.** If following the civil and canonical processes a Member is acquitted, the Provincial will make available supports as is practicable and relevant and ensure the Member's return to Good Standing. A return to the Respondent's original living and work assignment (if relevant), an alternative assignment or a period of Reflection/Renewal/Retraining will be at the discretion of the Provincial.
- 4.34.** If a Respondent (where a Brother) is convicted of child sexual abuse (and placed on the Sex Offenders Register), his membership of the congregation will be reviewed by the Provincial. If he does not apply for laicisation the Provincial must open the canonical process, which once concluded must be referred to the Superior General, so that the latter may, if he considers it appropriate and with the consent of his Council, refer the matter to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, which has the last word.
- 4.35.** Where the Member is Priest or a Deacon, the Provincial must immediately forward the outcome of the Statutory/Civil Authorities investigation and proceedings, i.e. without substance/unfounded, acquitted, convicted to the Superior General who will forward it to the CDF who will complete their canonical process and reach their final decision.
- 4.36.** If the Respondent remains a member of the congregation, the Provincial will ensure that the Respondent is compliant with the terms of the Sex Offenders Register regarding reporting requirements to the Gardai and notifying the Gardai of his address/change of address. The Respondent will be prohibited from any contact with children/vulnerable adults, either in a professional/ministry context or in a personal context. He will also be assigned a member of the congregation to supervise his social and other activities and ensure that he has no contact with children/vulnerable adults, as far as is practicable. The Member will be required to

attend a therapeutic programme as determined appropriate by a qualified professional.

- 4.37.** If the Member's membership of the congregation is rescinded by the Provincial, the Gardai and/or TUSLA and/or any other appropriate authority will be notified.
- 4.38.** Where a Member is arrested and/or charged, a communication plan will be developed with regard to other Members, employees/students/volunteers of Hospitaller Ministries and the Public. This should be considered and undertaken in any other situations identified as appropriate by the Provincial, Provincial Safeguarding Advisory Group and/or Provincial Council.
- 4.39.** Documentation of all of the above actions, correspondence, contacts and meetings will be maintained in accordance with the secure filing system.

# APPENDIX ONE

## Advisory Panel – Role & Responsibilities

The Advisory Panel is appointed by the Provincial in order to advise and assist him in the response to and management of safeguarding concerns/allegations of abuse. This advisory panel is known as the **Provincial Safeguarding Advisory Group (PSAG)**.

The PSAG provides a consistent and accessible source of guidance, through a process of risk assessment for the Provincial who is charged with specific responsibilities for decision-making in response to alleged or actual child/vulnerable adult abuse involving a current/former member of the West European Province.

The Panel consists of not less than five members, who collectively provide expertise, experience and impartiality necessary in this field of safeguarding. The members shall include each of the following competencies. The Panel will encompass the role and responsibilities of the Safeguarding Committee and may establish a sub-committee in this regard.

- A Canon Lawyer
- A civil lawyer
- A child care professional (being either a psychologist or a social worker) knowledgeable in the field of child protection issues and the effects of child abuse
- A priest or religious with strong pastoral experience
- A lay person with qualities and expertise relevant to the functions of the Panel, such as a parent representative.

**The Advisory Panel may provide advice on:**

- The complaint itself

- Ensuring the safety and welfare of the child (ren) or vulnerable adult(s) remains paramount.
- The appropriateness of providing help to a child or vulnerable adult making an allegation and to the family of the child or vulnerable adult.
- The appropriateness of the respondent continuing in his or her present pastoral assignment, having regard to the paramount need to protect children and/or vulnerable adults.
- How the right of the respondent to a fair trial on any criminal charge may be preserved, and his or her good name and reputation may be appropriately safeguarded.
- Whether a specialist risk assessment of the respondent should be sought.
- The needs of a service, parish or other community in which a respondent has served.
- The needs of the wider community, including the appropriateness and timing of any public statement.
- The implementation of the **Saint John of God Safeguarding Children – Policy and Procedures, Brothers’ Congregation.**
- The implementation of the **Saint John of God Safeguarding Vulnerable Adults – Policy and Procedures, Brothers’ Congregation.**
- The provision of training within the Congregation.

- The establishment and maintenance of a centralised Register of all allegations of abuse received against religious members. This will indicate which cases are open/ongoing and the dates of closures.
- The establishment and maintenance of a secure centralised filing system.
- On creating, maintaining and monitoring a safe environment for children and vulnerable adults in all aspects of Church/Congregation life and activity and for advising on the human resources required for implementing best safeguarding practice across the Province.
- The undertaking of external and internal audits

The Panel will create a record of its recommendations and should note the matters upon which it has been asked to advise and the documents which it has considered. These documents should include information on any previous allegations that have been made against the individual concerned.

The advice that is provided by an Advisory Panel shall be included in any inspection of an incident/allegation report file conducted by the National Office.

No member of an Advisory Panel shall act in a professional capacity to either the person making the allegation or the respondent.

## **APPENDIX TWO**

### **Prior - Local Safeguarding Representative:**

The Prior of each Community House is identified to act as Local Safeguarding Representative to work alongside the Provincial in ensuring all safeguarding responsibilities and obligations are met.

His role is to promote the safeguarding of children & vulnerable adults within our Congregational Communities by:

- raising awareness of what safeguarding is
- Ensuring that Religious Members and others residing within the Community House are knowledgeable and familiar with Saint John of God Safeguarding Vulnerable People Policy & Procedures.
- Ensuring that Religious Members and others residing within the Community House have attended appropriate training and education on this policy
- Ensuring that Visitors (who are not members of the Western European Province) residing within the Community House on a short or long term basis do so in accordance with the protocol for such visits.
- Ensuring that any activities run within the Community House are provided in a manner which ensures the safety and well-being of any children and vulnerable adults who may be attending.
- Ensuring that the contact details of the relevant Designated Liaison Person/Delegate are available and visible.
- Ensuring the implementation and monitoring of any Safety Management Plan/Precept/Covenant of Support in place for any individual residing within the Community House

It is the responsibility of any member who has a concern with regard to the safety or well being of any child or vulnerable adult to immediately inform the Prior or in his absence to the Provincial.

Any safeguarding concerns raised with a Prior will be immediately made known to the Provincial or in his absence to the Designated Liaison Person/Delegate. The Provincial will inform the Designated Liaison Person/Delegate.

Acknowledgement of receipt of the safeguarding concern will be made to the member who made the initial report.

## APPENDIX THREE

### **Retrospective Disclosure:**

Adults who are currently clients of the services or who previously attended a service may make *retrospective disclosures* of alleged abuse from their childhood. If such disclosures constitute a current risk to children and vulnerable adults they will be reported to the Gardai and TUSLA Child & Family Agency/HSE Safeguarding & Protection of Vulnerable Persons' Team, in accordance with the reporting procedures already outlined.

Retrospective disclosures that constitute reasonable grounds for concern that abuse may have happened but do not constitute a current risk will be reported to the Gardai. They should also be communicated to the TUSLA Child & Family Agency/HSE for consideration and any future decisions pertaining to such disclosures should only be taken by the Gardai in conjunction with the TUSLA Child & Family Agency/HSE Safeguarding & Protection Vulnerable Persons Team.

### **Anonymous Complaints:**

Anonymous complaints should not be ignored. In all cases the safety of the client/patient is paramount. Anonymous complaints relating to inappropriate behaviour should be brought to the attention of the Prior who will inform the Provincial who, in turn, will advise the Designated Person. In carrying out a Preliminary Screening of any such complaint in order to establish whether there are reasonable grounds for concern that a client/patient has been abused, or is being abused or is at risk of abuse, regard shall be had to the fact that the complaint or report has been made on an anonymous basis.

The Member who initially receives an anonymous complaint by telephone, e-mail, or text message should encourage the complainant to identify himself/herself on the grounds of safety of the client/patient

If reasonable grounds for concern are established the matter will be formally reported to the Gardai and/or the TUSLA Child & Family Agency/HSE Safeguarding & Protection Vulnerable Persons Team in accordance with the policy and procedures outlined.



**Rumours:**

Rumours should not be allowed to develop and gain momentum. Any rumours relating to inappropriate behaviour by a Member should be brought to the attention of the Prior who will inform the Provincial who, in turn, will advise the Designated Person. A Preliminary Screening of the information associated with the rumour will be completed by the Designated Person without delay. If reasonable grounds for concern are established the matter will be formally reported to the Gardai and/or TUSLA Child & Family Agency HSE Safeguarding & Protection Vulnerable Persons Team in accordance with the policy and procedures outlined.

## APPENDIX FOUR

### **Confidentiality:**

All information regarding concerns associated with the alleged abuse of a child or vulnerable adult and the Member alleged to have caused harm to him / her should be shared on a “need to know” basis in the interests of both parties. It is important that the rights of both the child/vulnerable adult and the Member against whom the complaint has been made are protected.

No undertakings regarding secrecy can be given. Those working with the child/vulnerable adult should make this clear to all parties involved. Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different professional staff that has responsibility for ensuring the protection of children/vulnerable adults in the service. Giving information to others for the protection of a child/vulnerable adult is not a breach of confidentiality.

It must be clearly understood that information which is gathered for one purpose must not be used for another without consulting the person who provided that information.

The following points should be borne in mind:

- a guarantee of confidentiality or undertakings regarding secrecy cannot be given, as the welfare of the child/vulnerable adult will supersede all other considerations
- all information should be treated in a careful and sensitive manner and should be discussed only with those who need to know
- giving information to others on a “need to know” basis for the protection of the child/vulnerable adult is not a breach of confidentiality.

## **Filing System for Records of Allegations:**

The Provincial will have a designated confidential filing system for all records of allegations against Members that is separate from the standard filing system for the Brothers' Congregation. It will be held in a central secure location and access will be restricted to the key personnel who have the responsibility for the implementation of these procedures.

This designated filing system will retain reports pertaining to:

- Initial disclosure
- Preliminary screening
- Contact with parents/guardians
- Contact with the statutory authorities
- Reasonable grounds for concern do not exist
- Contact with the Member against whom the complaint was made
- Other relevant documentation

All reports should be in order of date.

## **Register:**

The Designated Liaison Person will maintain a Register of all allegations of abuse. This will indicate which cases are open/ongoing and the date of closure of these cases.

## APPENDIX FIVE

### Training:

All Members are required to participate in an annual training programme with regard to these policies and procedures in order to ensure that best practice pertains in this regard.

The content of the training programme will, at a minimum, focus on:

- What constitutes abuse?
- Power imbalances
- Categories of abuse
- Indicators of abuse
- Legislation
- Psychodynamics of abuse
  - ✓ abuse of power, trust
  - ✓ threats, inducements, secretive
  - ✓ personality attributes of offender
  - ✓ impact of abuse on victim
- Duty of Members
- Role of Designated Person
- Role of Adviser to Respondent
- Role of Support Person to Complainant
- Role of Statutory Authorities
- What constitutes a concern
- Reporting procedures
- Allegations against a Member

## APPENDIX SIX

### **Adviser to Respondent:**

When a complaint is made against a Member (hereafter referred to as the Respondent) the Provincial will assign an Adviser (a member of the Brothers' Congregation) to the Respondent for the duration of the management of the complaint and any subsequent involvement of the statutory authorities. The Adviser will have knowledge of the issue of abuse and will receive additional training, as required.

The Adviser will represent the needs of the Respondent to the Provincial and assist, where appropriate, with the care of the Respondent and with communication between the Respondent, the Designated Liaison Person and the Provincial. **It is not the role of the Adviser to defend the respondent. The Adviser shall not be the Respondent's therapist or spiritual adviser.**

The Adviser will be particularly alert to the sense of isolation and vulnerability which a Respondent may experience following a complaint. The Adviser will:

- Accompany, if so requested, and be available after the Respondent's meeting with the Provincial and the Designated Liaison Person
- Inform the Respondent of his right to obtain legal advice (independent of the Order's legal advisers) in both civil and canon law.
- Identify any therapeutic or other needs of the Respondent and advise the Provincial how these may be met
- Consider the wishes of the Respondent in regard to a pastoral response by the order to his family
- Be available to the Respondent throughout the complaint process, and thereafter as required
- Ensure that the Respondent is kept informed of developments with regard to the management of the complaint
- Represent the needs and wishes of the Respondent to the Designated Person, as required
-

## **APPENDIX SEVEN**

### **Support Person to Complainant:**

When a complaint is made against a Member, the Provincial will offer to provide a Support Person to be available to the Complainant for the duration of the management of the complaint.

The Support Person will have knowledge of the issue of abuse and receive additional training, if necessary. The role of the Support Person is:

- To assist, where appropriate, with communication between the Complainant and the Designated Person
- To assist in gaining access to information and help
- To represent the concerns of the Complainant during the complaint process.

**The Support Person is not a counsellor for the Complainant and should not act in that role nor act as Spiritual Guide for the Complainant.**

The Support Person must be particularly attentive to the expressed needs and objectives of the Complainant and the fact that some may be reluctant to seek help. The Support Person should consider how any therapeutic or spiritual needs of the Complainant may be met (but not by the Support Person), and will be mindful of his/her ongoing vulnerability during the complaint process. In addition, the Support Person should:

- Consider any wishes of the Complainant in regard to a pastoral response by the Order to his/her family
- Be available to the Complainant throughout the course of the complaint process, and thereafter as required
- Ensure the Complainant is kept informed of developments in relation to him/her

- Represent the wishes and any therapeutic needs of the Complainant to the Designated Person, as required
- **Under no circumstances should the same individual act as Support Person for the Complainant and Adviser for the Respondent.**

## **APPENDIX EIGHT**

### **Support to the Members:**

It is acknowledged that the reality of abuse in religious life can be difficult for the Members within the Congregation. The Provincial is committed to assisting, in a confidential manner, any Member who may be experiencing such difficulties. In this regard support will be available from within the Congregation.

There is also the option of external Support at an off-site location. This support can be accessed through the Provincial, Prior, Member of the Provincial Council or Designated Liaison Person. The confidentiality of any Member's contact regarding support will be strictly observed.



## **APPENDIX NINE**

### **Safeguarding Contacts**

#### **DESIGNATED LIAISON PERSON (DLP)**

Ms Maria Corrigan  
Hospitaller Order of Saint John of God  
Granada House  
Stillorgan  
Co. Dublin

Tel: [+353 1 533 3311](tel:+35315333311)

Email: [provincial@sjog.ie](mailto:provincial@sjog.ie)

#### **DEPUTY DESIGNATED LIAISON PERSON (DDLDP)**

Br Fintan Brennan-Whitmore OH  
Hospitaller Order of Saint John of God  
Granada House  
Stillorgan  
Co. Dublin

Tel: [+353 1 533 3311](tel:+35315333311)

Email: [provincial@sjog.ie](mailto:provincial@sjog.ie)

#### ***TUSLA CHILD AND FAMILY AGENCY***

##### ***Local Contact :***

***TUSLA CHILD AND FAMILY AGENCY***

***Duty Social Work Department***

Our Lady's Clinic, Patrick Street.

Dun Laoghaire, Co Dublin

**Telephone: +353 1 6637300**

**Check updated Contacts for TUSLA Child & Family Agency details in other areas**

See: [www.tusla.ie](http://www.tusla.ie)

#### **AN GARDA SÍOCHÁNA:**

National Bureau of Criminal Investigation  
Domestic Violence & Sexual Assault Unit  
Harcourt Street  
Dublin 2

**Tel: +353 1 666 3342**

**NATIONAL BOARD FOR SAFEGUARDING CHILDREN IN  
THE CATHOLIC CHURCH IRELAND - NBSCCCI**

**Tel: + 353 1 5053124**

**TOWARDS HEALING – an organisation that provides counselling and support to individuals alleging abuse by religious. This is provided on a confidential basis and is free of charge.**

**Tel: 1800 303416 or email: [coordinator@towardshealing.ie](mailto:coordinator@towardshealing.ie)**

# **APPENDIX TEN**

## **RELEVANT LEGISLATION**

### **Children Act 2001**

The Children Act 2001 replaced provisions of the Children Act 1908 and associated legislation with a modern comprehensive statute.

The 2001 Act covers three main areas of the law. Firstly, and predominantly, it provides a framework for the development of the juvenile justice system. Secondly, it re-enacts and updates provisions in the 1908 Act protecting children against persons who have the custody, charge or care of them. Thirdly, it provides for family welfare conferences and other new provisions for dealing with children where there is a real and substantial risk to their life, health, safety, welfare and development.

### **Child Care Act 1991**

The purpose of the Child Care Act 1991 is to ‘update the law in relation to the care of children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk’. The main provisions of the Act are:

- (i) The placing of a statutory duty on the HSE to promote the welfare of children who are not receiving adequate care and protection up to the age of 18;
- (ii) The strengthening of the powers of the HSE to provide child care and family support services;
- (iii) The improvement of the procedures to facilitate immediate intervention by the HSE and An Garda Síochána where children are in danger;
- (iv) the revision of provisions to enable the Courts to place children who have been assaulted, ill-treated, neglected or sexually abused, or who are at risk, in the care of or under the supervision of the HSE;
- (v) The introduction of arrangements for the supervision and inspection of pre-school services;
- (vi) The revision of provisions in relation to the registration and inspection of residential centres for children.

## **Criminal Justice Act 2006**

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of ‘reckless endangerment of children’. It states: ‘A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –

- (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
- (b) Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.’

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

## **Domestic Violence Act 1996**

The Domestic Violence Act 1996 introduced major changes in the legal remedies for domestic violence. There are two main types of remedies available:

- (i) **Safety Order:** This Order prohibits a person from further violence or threats of violence. It does not oblige that person to leave the family home. If the parties live apart, the Order prohibits the violent person from watching or being in the vicinity of the home.
- (ii) **Barring Order:** This Order requires the violent person to leave the family home.

The legislation gives the HSE the power to intervene to protect individuals and their children from violence. Section 6 of the Act empowers the HSE to apply for Orders for which a person could apply on his or her own behalf but is deterred from doing so through fear or trauma. The consent of the victim is not a prerequisite for such an application, although he or she must be consulted. Under Section 7 of the Act, the Court may, where it considers it appropriate, adjourn proceedings and direct the HSE to undertake an investigation of the dependent person’s circumstances with a view to:

- (i) Applying for a Care Order or a Supervision Order under the Child Care Act 1991;
- (ii) Providing services or assistance for the dependent person's family; or
- (iii) Taking any other action in respect of the dependent person.

### **Protections for Persons Reporting Child Abuse Act 1998**

This Act came into operation on 23 January 1999. The main provisions of the Act are:

- (i) The provision of immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of the HSE or to any member of An Garda Síochána;
- (ii) The provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to, and including, dismissal;
- (iii) the creation of a new offence of false reporting of child abuse, where a person makes a report of child abuse to the appropriate authorities 'knowing that statement to be false'. This is a new criminal offence, designed to protect innocent persons from malicious reports.

### **Data Protection Acts 1988 and 2003**

The Data Protection Act 1988 applies to the processing of personal data. It gives a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her, and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

### **Education Act 1998**

The Education Act 1998 places an obligation on those concerned with its implementation to give practical effect to the constitutional rights of children as they relate to education and, as far as practicable and having regard to the resources available, to make available to pupils a level and quality of education appropriate to meeting their individual needs and abilities.

### **Education (Welfare) Act 2000**

The Education (Welfare) Act 2000, which was fully commenced in July 2002, replaced previous school attendance legislation and provided for the creation of a single national agency, the National Educational Welfare Board (NEWB), which has statutory responsibility to ensure that every child either attends school or otherwise receives an education or participates in training. The NEWB also assists in the formulation and implementation of Government education policy.

### **Non-Fatal Offences against the Person Act 1997**

The two relevant provisions of this Act are:

- (i) It abolishes the rule of law under which teachers were immune from criminal liability in respect of physical chastisement of pupils;
- (ii) It describes circumstances in which the use of reasonable force may be justifiable.

### **Freedom of Information Acts 1997 and 2003**

The Freedom of Information Acts 1997 and 2003 enable members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies. The specific provisions of the Acts include:

- (i) To provide for a right of access to records held by such public bodies, for necessary exceptions to that right and for assistance to persons to enable them to exercise it;
- (ii) To enable persons to have corrected any personal information relating to them in the possession of such bodies;

- (iii) To provide for independent review by an Information Commissioner both of decisions of such bodies relating to that right and of the operation of the Acts generally;
- (iv) To provide for the publication by public bodies of guides to their functions and national guidelines, such as these, for the public.

Under the Acts, a person about whom a public body holds personal information has:

- (i) right of access to this information, subject to certain conditions;
- (ii) The right to correct this information if it is inaccurate.

Where a public body makes a decision that affects an individual, that individual has a right to relevant reasons and findings on the part of the body reaching that decision.

The Acts are also designed to protect the privacy of individuals and, in general, require the prior consent of an individual before releasing personal information about them.

Where the release of social work or medical records contains information that would be harmful to a person's well-being, the release may be made to a health professional who acts on the person's behalf. Under the Acts, there are regulations and guidelines relating to access by parents to their children's records; these emphasize that the overriding concern is the best interests of the child.

The exemptions and exclusions that are relevant to child protection include the following:

- (i) Protecting records covered by legal professional privilege;
- (ii) Protecting records that would facilitate the commission of a crime;
- (iii) Protecting records that would reveal a confidential source of information.

### **Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012**

- Enactment of this legislation created a newly defined responsibility not just for relevant persons but for all citizens in relation to their obligation to report to An Garda Síochána information which they know or believe may assist in the apprehension, prosecution or conviction of an offender or in the prevention of the commission of serious crime against children or vulnerable persons

- **Vulnerable Person:** “vulnerable person” means a person 18 years of age and over
  - (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) 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.
- **Child:** A person who has not attained 18 years of age
- Act is not retrospective. S.2 (2) provides that the Bill will only apply to information that a person receives or becomes aware of after the introduction of the Act.
- The offence can be committed prior to the Act.
- The Act provides for a number of defences for an accused person, they are complex in nature and the Act requires careful reading to understand the extent of the defences.
- Capacity S4 (2):
  - A child under 14 years does not have the capacity to form a view that the offence should be disclosed to the Gardaí.
  - In the same way vulnerable persons suffering from a disorder of the mind or intellectual disability (as defined) do not have the capacity to form such a view.



- Penalties include:
  - Summary Conviction – fine and or imprisonment 12 months.
  - Conviction on Indictment – fine and/or imprisonment according to the gravity of the sentence of the scheduled offences.
  - Maximum of 10 years

**National Vetting Bureau (Children & Vulnerable Persons) Act 2012:**

When this Act comes into effect, it will make it mandatory for persons working with children or vulnerable adults to be vetted by the Gardaí. The Act also provides for the use of “soft” information in regard to vetting. This is information other than criminal convictions where such information leads to a bona-fide belief that a person poses a threat to children or vulnerable persons. Under the Act the Garda Central Vetting Unit will become the National Vetting Bureau and the vetting procedures will be put on a statutory basis.

# APPENDIX ELEVEN

## References

1. **Analysis of Submissions made on National Review of compliance with Children First** (2008): Dublin: Stationary Office.
2. **Child Care Act** (1991): Dublin: Stationary Office.
3. **Children First: National Guidelines for the Protection and Welfare of Children** (2011): Dublin: Stationary Office.
4. **National Review of compliance with Children First: National Guidelines for the Protection and Welfare of Children** (2008): Dublin: Stationary Office.
5. **Our Duty to Care** (2002): Department of Health & Children (IRL).
6. **Our Duty to Care** (2000): Department of Health and Social Services (NI).
7. **Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland** (2009): National Board for Safeguarding Children.
8. **Service Users' perceptions of the Irish Child Protection System** (2008): Dublin: Stationary Office.
9. **Trust in Care: Policy for Health Service Employers on Upholding the Dignity and Welfare of Patients/Children and the Procedure for Managing Allegations of Abuse against Staff Members** (2005): Dublin: HSEA.
10. **Procedures for Managing Allegations against Staff** (2010). Hospitaller Order of Saint John of God

**11. Saint John of God Hospitaller Services (2011) Information & Communication Technology Policies (Ireland)**

**12. Hospitaller Order of Saint John of God Order Procedures to be Followed in Cases of Alleged Sexual Abuse (Superior General, Rome, 2015)**

## APPENDIX TWELVE

**Procedure to be followed in the case of charges of sexual abuse committed against minors or adults with mental disabilities, by a Brother.**

*It is the responsibility of the Provincial Superior and the Superior General to investigate any alleged cases of abuse, personally or through an appropriate person and to open the canonical process which may ensue (Canon 1717 and 1718).*

1. Whenever the Provincial Superior receives allegations of abuse by a Brother, he must inform the Superior General.
2. When such abuse is proven or when there have been complaints about abuse, the Provincial Superior must inform the diocesan Bishop and follow the Protocol and the procedures laid down by the Bishops' Conference of the country in which the abuse has taken place.
3. In Countries where the Bishops' Conference has no Protocol on abuse, the Provincial Superior must request the Union of Major Superiors. If there is no such Protocol, the Superior General must be informed to indicate the process to be followed, which must begin with a prior investigation of the facts and cautionary measures to be taken against the accused Brother.
4. When a complaint has been lodged with the secular courts, it is necessary to await the outcome of the case and final judgement, including any appeals which may be lodged.
5. When the case becomes public knowledge, the Provincial Superior should set up a commission including himself, the lawyer and another person enjoying their confidence, to coordinate matters and provide the appropriate information to the mass media.
6. If the judgement goes against the Brother and the Brother does not apply for laicisation, the Provincial Superior must open the canonical process which, once concluded must be referred to the Superior General, so that the latter may, if he considers it appropriate and with the consent of his Council, refer the matter to the Congregation for Institutes of Consecrated Life and Societies Apostolic Life, which has the last word.
7. If the Brother is acquitted by the secular court, the Provincial Superior and the Superior General shall decide whether that is the end of the matter, or whether there are still sufficient grounds to open a canonical process, following the same procedure as indicated in the previous paragraph.
8. When a complaint has been lodged with the secular courts, full cooperation must be provided to the judicial authorities in order to clarify the facts. The necessary measures must also be adopted to accompany the Brother: a lawyer must be appointed to act for the accused Brother; the case must be entrusted to professionals to provide psychological support, and the Brother must be given spiritual help, and no guilt must be ascribed until all the facts have been fully and finally clarified.

9. When the charges are deemed plausible, and even more so when they are proven, the necessary pastoral accompaniment measures must be provided to the victims. Genuine efforts must be made to contact the victims, respecting their silence or their right to speak about the events that happened to them. Pastoral care must be given to the victims in a manner that will bring them peace of mind and foster their psychological and spiritual well-being.

# **APPENDIX THIRTEEN**

## **Brothers of St John of God** **Vocation Promotion and Formation of the Brother**

### **Responsible Persons**

The promotion of the St. John of God Brothers' way of life; the discernment process before the acceptance of an individual; and the formation of the candidates who enter are the overall responsibility of the Provincial and Council.

The stages of formation as outlined above are delegated to a Brother, appointed by the Provincial, who then chairs the Promotion and Formation Committee.

The initial acceptance of a candidate into the Order; entrance into the novitiate, acceptance for first and final profession; have to be formally approved by the Provincial and Council.

### **Acceptance of Candidates**

Once a person expresses an interest in entering the Order a comprehensive psychological assessment and ongoing vocational discernment will take place. References, background checks and Garda vetting are also part of the application process.

From the first informal enquiries up to the time a person makes a decision to formally apply to enter the initial stage of formation, an ongoing discernment process in relation to the spiritual, psychological, emotional and vocational development of the candidate is part of the accompaniment of the candidate by those in charge of formation. If at any stage there is doubt as to the suitability of the candidate they will not be accepted into the next stage of formation.

### **Brothers' Way of Life**

The Orders' Constitution, after describing the foundation, charism, mission and spirituality of the Order, gives very clear and direct instructions on how the Brothers' way of life is both promoted and the holistic formation of candidates who wish to undertake that way of life.

### **Work Placements**

No interested person or those who wish to become candidates are permitted to have any involvement in the Services until it is ascertained that they have complied with the statutory regulations that apply to all those who work in the Services, staff, Brothers and volunteers, i.e. references, Garda clearance, work history etc.. They are also required to participate in the induction programme of the Services, i.e. history and values of the Order and the policies of the services e.g. employment, safeguarding, health & safety etc.

## APPENDIX FOURTEEN

### Brief Extracts from the Constitutions of the Hospitaller Order of St. John of God on: (Constitutions, General Curia, Rome, 1984)

- **Charism of the Order**
- **Hospitaller Vocation**
- **Formation**
- **Discernment & Orientation of Vocation**

Article 2: **The Charism of Our Order**

Our charism within the Church is a gift of the Spirit, which leads us to conform ourselves to the compassionate and merciful Christ of the Gospel, “who went about doing good to all and healing every kind of disease and infirmity”.

Article 53: **Our Hospitaller Vocation**

The hospitaller vocation we have received is a gift which develops within us in proportion to how we respond day by day to the invitation of God , who calls us to identify ourselves with Christ in his love for humankind and especially in the service of the sick and those in need.

The joy we experience in faithfully following Jesus motivates us to offer others the possibility of sharing our life.

Article 56 **The Aim of Formation in Our Order**

The whole formation process is aimed at the harmonious and integrated development of the person, so that he may be capable of absorbing our charism and living it with a deeply evangelical spirit.

Formation must encourage, foster and develop human, Christian and religious values in keeping with our identity as Hospitaller Brothers.

Article 58 **Discernment and Orientation of Vocations**

The best way of providing orientation for vocations is to offer our witness of faith, brotherhood and apostolic service.

Discernment as to the capacities and determination of the candidate to answer God’s call will take place in an atmosphere of prayer and dialogue, making sure that he also possesses

- 1 good physical and psychological health;
- 2 intellectual, moral and spiritual suitability;
- 3 the aptitude for community life;
- 4 attitudes of openness and service in the face of the sufferings and needs of his neighbour;
- 5 the capacity to take balanced and logical decisions;
- 6 an adequate level of education in the faith and of openness to God’s action in his life.

Article 60      **Progressive Integration**

Candidates are progressively integrated into the life of our community in accordance with the successive stages and steps of their formation. They will share in the life of prayer, brotherhood and apostolic service so far as this can help them experience and assimilate the evangelical values of life in common.

Article 61      Formation programmes will be worked out bearing in mind the individuals involved and the aims of the successive stages, balancing theoretical content with the development, expression and communication of the candidate's feelings.

Article 62      Admission of postulants to the novitiate is performed by the Provincial with the consent of his Council. No candidate may be admitted into our Order who does not possess the qualities required in order to take on the type of life proper to our Institute.

Article 72      **Ongoing Formation**

Ongoing formation is both a requirement of our life itself and our constant response to the regenerating action of the Spirit, who calls us to support God's plans for the world with the energy, relevance and competence demanded by our consecration in the Hospitaller life.

This task lasts throughout our whole life; it commits us to ever deeper reflection on what we have acquired during our initial formation and requires us to keep ourselves up-to-date with the valuable elements in the culture of our times in order to improve constantly the way in which we carry out the specific mission entrusted to us by the Church.



## APPENDIX FIFTEEN

### Brief Extracts from Formation Programme for the Hospitaller Brothers of St. John of God (General Curia, Rome, 24<sup>th</sup> October 2000)

#### Introduction:

- (7) ***Visioning for New Hospitality.*** Admitting new Brothers guarantees the future of our Order and demands that we use every means available to foster their personal, professional and apostolic development. It also implies the need to provide them with all the skills and resources they require to initiate and develop expressions of New Hospitality. (pg. 21)
- (8) In short, formation of the Brothers of St. John of God in the 21<sup>st</sup> century demands a commitment to growth and change in the light of our contemporary meaning and reality. Our formation encourages a future visioning that does not diminish the richness and depth of our traditional understanding and experience of our Charism. Formation for the 21<sup>st</sup> century also demands an effective interrelationship between what is taught and what is experienced, between theory and practice, and between what we desire and what we are called to achieve for the People of God. (pg. 22)
- (4) **Qualities and Attitudes of the Brother of St. John of God**  
Our formation as Hospitaller Brothers is a dynamic process, and a challenge that we pursue throughout our lives. We believe in the unchanging, essential nature of the Charism, which the Spirit keeps alive in us according to the times and places where the Order is established.
- (26) The attitudes, behaviours and qualities which St. John of God exhibited form part of the identity that we seek to embody. As Brothers of St. John of God we seek to be:
- a. men of faith and prayer, signs of the presence of God in the world, following the life of Jesus who was chaste, poor, obedient and hospitable;
  - b. men who are poor in spirit, prophets of charity and are committed to solidarity with the poor;
  - c. men who are fraternal and a sign of communion, who live as Brothers distinctly marked out by their Charism and spirituality.
  - d. men of Hospitality in the manner of St. John of God, offering mercy and compassion, and defenders of human life and dignity in every situation;
  - e. men, who like St. John of God, bear witness to our communion with the Church. Our love for the Church leads us to invite her to authenticity in terms of our Charism and to demonstrate an inherent option for the poorest, and those who are ignored and excluded.
  - f. men who are committed to work together in unity with our co-workers to perform mission as a Hospitaller family.
  - g. men who integrate life and prayer;
  - h. men who identify with the Hospitaller vocation, who animate this Charism, who seek to discover and to live what is essential to the Consecrated Life and who promote creative fidelity in Hospitality.

## The Objectives of Formation

58. In order to enhance our Hospitaller identity, and to remain faithful to our Charism, the following objectives, criteria, and means summarise our formative agenda:

### 1. General Objective

To accompany those in both initial and ongoing formation in their human, Christian, vocation and Hospitaller growth, enabling them to consecrate their lives to God, following Christ and living the Charism of the Order in the manner of St. John of God

### 2. Specific Objectives

- a. *Vocations Promotion*  
To make our Charism known throughout the Church and accompany those who feel called to follow Jesus in the manner of St. John of God.
- b. *Pre-Postulancy*  
To help candidates clarify and discern their vocation in the Church, offering them appropriate human and Christian formation, in contact with the Mission of the Hospitaller Order.
- c. *Postulancy*  
To foster the growth of the postulant in terms of his personal maturity and life of faith and to accompany him as he discerns his vocation as a Brother of St. John of God.
- d. *Novitiate*  
To live a profound experience of personal encounter with God, the community and suffering humanity; to grow in self-knowledge and to continue to discern one's vocation so as to freely and responsibly respond to the call to follow Christ.
- e. *Scholasticate*  
To heighten the experience of life dedicated to discipleship of Christ as a Brothers of St. John of God, through a process of personal integration that equips the Brother to consecrate himself definitively to God in the Order; at the service of the Mission.
- f. *Ongoing Formation*  
To refresh and update each dimension of our lives, in order to respond effectively and creatively to the specific Mission of Hospitality that the Church has entrusted to us.
- g. *Formation of Formators*  
To prepare Formators and encourage continuous professional updating so that they are able to appropriately perform the formative responsibilities entrusted to them by the Order.

### **3. Means**

110. Comprehensive formation implies an individual approach to the formation of each Postulant. However, the following objectives for the Postulancy have been identified.
- a. A sufficient period should be devoted to acquiring familiarity with our daily life, through contact with and direct experience of it.
  - b. The Postulants should write their spiritual autobiography to assist them to re-read their lives.
  - c. A psychological assessment of each Postulant should be undertaken and counselling offered.
  - d. Systematic support should be provided, cultivating each life dimension of the Postulant;
  - e. Appropriate study should be undertaken on the Consecrated Life and the Order and other areas as identified by the Formator
  - f. Basic guidance should be given to drawing up the Postulant's personal Project of Life
  - g. The Postulant should gradually be given direct experience of our Hospitaller Mission

### **4. Content**

111. The content of this formative stage should be directed towards learning and assimilating the following:
- a. Self-knowledge and identity
  - b. The personal and communal Projects of Life; group behaviour, discernment etc.
  - c. Affectivity: sexuality, interpersonal relations, friendship, group psychology
  - d. Biblical vocations and their features
  - e. Methods of personal prayer: learning and practising prayer
  - f. Introduction to the life of our Founder
  - g. Introduction to the Constitutions and the culture of the Order
  - h. The Hospitaller Mission: contact with the world of pain, suffering and deprivation, and interpretation of this experience in terms of the Gospel.
  - i. The basics of the Christian life according to the Catechism of the Catholic Church: the Creed, Sacraments, moral theology, Liturgy etc.

- j. Discovering and becoming familiar with the Bible and the Liturgy of the Hours
- k. Introduction to the theology of the Consecrated Life

### **The Formation of Formators**

*“Preach the word, be urgent in season and out of season, convince, rebuke and exhort, be unfailing in patience and in teaching” (2 Tim 4:2)*

#### **1. Definition**

138. One of the responsibilities of the leadership of any Religious Institute is to carefully select and train those who have the responsibility to train and form others, given their vital role in vocational discernment and initial formation. For this reason, the Brothers appointed to this ministry should give primacy to this task over all their other activities and services.

139. Our Constitutions indicate the main characteristics that Formators should possess. The most noteworthy are:

- a. They should possess the personal balance and cultural and theological education necessary to fulfil the formative task entrusted to them;
- b. They should remain open to God’s action in their own lives, demonstrating a maturity of faith proper to an adult person.
- c. They should foster love for, and fidelity to, our Charism
- d. They should support the movement of the Holy Spirit in candidates, treating them in the same way that Jesus treated his disciples: in a constant spirit of service, trusting in their efforts and understanding their weaknesses.

#### **2. General Objective**

140. Formators actively undertake training in specific formative areas in order to effectively exercise the formation responsibilities entrusted to them by the Order.

#### **3. Means**

141. Some means that assist Formators to perform their formative ministry include:

- a. The establishment of appropriate formation facilities by the Order
- b. Attending courses for Formators at the level of the Church and the Order
- c. Exposure to specific and systematic formation in anthropology, psychology, education, theology and accompaniment designed for Formators
- d. Establishing networks with other Religious Institutes to undertake courses of study and exchange experiences;
- e. Courses or meetings at the General or Interprovincial Curial levels, to open up and share new approaches to Hospitality and formation.

# APPENDIX SIXTEEN

## Code of Behaviour / Conduct for Brothers

- As Christians we believe that every human being, irrespective of age, gender, race, ability, ethnicity, nationality, beliefs, education, financial or social status, is created in the image and likeness of God and so, in all circumstances and situations, must to be treated with dignity and respect. This means:
  - Regarding everyone as one's equal
  - Never taking any advantage in situations where there is a power imbalance, but always seeking to empower the disadvantaged.
  - Being vigilant in ensuring that the people we encounter in life are safe and reporting our concerns to the appropriate authorities when we suspect that people might be unsafe.
  - Being vigilant in observing bullying and abuse and taking the necessary measures to ensure they are appropriately reported and remedied.
- As religious we have undertaken to live chaste lives. This includes ensuring that:
  - All our relationships are gender and age appropriate
  - Nothing in our language, posture, or gestures should offend others or cause them to feel uncomfortable.
  - People should feel safe in our presence.
- As religious we have undertaken, in our vow of poverty, not to abuse material goods. This involves:
  - Never using material goods to impress, manipulate, or gain advantage in our personal relationships.
- As religious we have undertaken, in our vow of obedience, to live in right and proper relations with all other people. This includes:
  - Never using any position of power or authority we may have or that others may perceive us to have to gain personal advantage over other people.
- As people with a vow of Hospitality, we have undertaken to welcome other people as they are, even if they are very different from us and to create a free and empty space where they can be themselves in our presence. This involves:

- Not having any hidden agendas or ulterior motives in our relationships with others.
- As responsible citizens, Christians and religious we are obliged to be attentive to the requirements of safeguarding and to do everything we can to ensure that children and vulnerable adults are safe and are seen to be safe at all times. This includes:
  - Helping to ensure a culture of safety by knowing, observing, and promoting the safeguarding policies and procedures in the places where we live and work and in all the locations we frequent.
  - Expressing our concern and where necessary making a formal complaint, where we find that safeguarding policies and procedures are not in place or are inadequate.
  - Reporting, without hesitation, any safeguarding concerns we may have to the appropriate Designated Liaison Person or civil authorities.
  - Avoiding inappropriate demonstrations of affection from children or vulnerable adults.
  - Avoiding circumstances where we find ourselves alone and unobserved with a child or vulnerable adult. This can be done by invited another responsible adult to be present, keeping the door open, ensuring there is a clear glass panel in the door or wall of the room through which we can be observed.
  - Avoiding having a child or vulnerable adult alone with us in a car.
  - Ensuring that those whom we invite to stay in our communities have the references specified in the community safeguarding policy.
  - Ensuring that any child or vulnerable person invited to the community house is supervised by his / her parents or by ourselves as the responsible adult.