



Child Safeguarding
& Protection Service

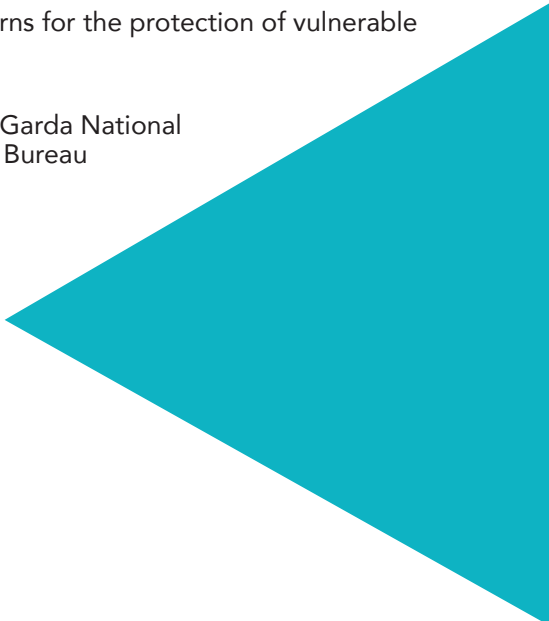
SAFEGUARDING VULNERABLE
ADULTS

POLICY OF THE ARCHDIOCESE OF DUBLIN
JULY 2019

Archdiocese of Dublin

SAFEGUARDING VULNERABLE ADULTS POLICY OF THE ARCHDIOCESE OF DUBLIN JULY 2019

FOREWORD BY ARCHBISHOP MARTIN

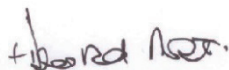
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FOREWORD

I welcome this Vulnerable Adult Safeguarding Policy as an expression of our pastoral commitment to those whose lives have been marked by challenges and adversity. Our recognition of their very special place in our Diocese is expressed in many ways, for example, in the devoted care provided by the chaplains, doctors, nurses, other volunteers and, not least, by the young people from schools in the Diocese who travel to Lourdes every year to care for the sick pilgrims who are at the very heart of the annual Dublin Diocesan Pilgrimage to Lourdes.

In his recent Apostolic Letter, "Vos Estis Lux Mundi" Pope Francis calls for a "continuous and profound conversion of hearts in response to the crimes of sexual abuse that have offended Our Lord and caused immense damage to victims and to the community of the faithful". This change of heart, Pope Francis writes, must be "attested by concrete and effective actions that involve everyone in the Church, so that personal sanctity and moral commitment can contribute to promoting the full credibility of the Gospel message and the effectiveness of the Church's mission". This policy describes concrete and effective actions we need to take to ensure the safety and protection from harm of vulnerable adults in our parishes.

I commit all of those who work for and on behalf of the Archdiocese of Dublin to the implementation of this policy.



+ Diarmuid Martin

Archbishop of Dublin

July 2019



CHAPTER 1:

SAFEGUARDING VULNERABLE
ADULTS IN THE ARCHDIOCESE
OF DUBLIN:

A SUMMARY INTRODUCTION



What is vulnerable adult safeguarding?

Vulnerable adult safeguarding in the Archdiocese of Dublin consists of a set of principles and practice guidelines that inform our dealings with all of those we meet in the course of our ministry for or on behalf of the Diocese, and describes how we recognise and respond to concerns that a vulnerable adult, has been abused, is being abused or is at risk of abuse.

Why do we need a policy to safeguard vulnerable adults in the Archdiocese of Dublin?

- 1 By following good practices in our parishes and diocesan agencies we create a safer environment for all adults.
- 2 We need to be alert to threats to the safety and well-being of vulnerable adults that arise within our parishes and diocesan agencies and know how to respond to them.
- 3 We have a responsibility to the vulnerable adults that we come across in the course of our ministry. These may be people who are at risk in their own families or communities and it is important that we know how to respond when we believe that they have been abused or are at risk of abuse.

What is a vulnerable adult?

For the purposes of this policy document a vulnerable adult is a person over 18 who lacks or has seriously impaired capacity either to make informed decisions or to defend him or herself from harm.

An adult can be vulnerable at one time in his or her life but not at another time. For example, a person who is going through an acute psychotic episode is highly likely to fit the definition of a vulnerable adult but this will need to be reassessed once the acute phase of the illness has passed.

A person can find herself in a situation where she feels vulnerable, for example, following a bereavement or an accident. However, provided that she retains capacity to make decisions and defend herself, she does not fit the definition of a vulnerable adult.

How will I know whether a person fits the definition of a 'vulnerable adult'?

In some cases, it will be very straightforward. People with intellectual disabilities or people suffering from dementia will generally always be considered 'vulnerable adults'. In other cases, it may not be clear. A frail older person living alone might be considered vulnerable but still retain capacity to make decisions. We have to find a balance between protecting people from harm and respecting their personal autonomy.

In situations where there is any concern that someone who may be a vulnerable adult is at risk of, or currently experiencing, abuse it is important to seek advice from the Child Safeguarding & Protection Service or the HSE.

Am I obliged to report the abuse of a vulnerable adult?

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012 makes it an offence to withhold information from the Gardai about certain types of offences against 'vulnerable persons' (as well as children). These offences include assault causing harm, sexual assault, rape, incest and trafficking. A 'vulnerable person' is defined as an adult:

- 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 him 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.

The HSE's Draft Adult Safeguarding Policy (2019) provides for reporting of concerns for the protection of vulnerable adults¹ to regionally based Safeguarding and Protection Teams and the contact details for these teams are given in Appendix 2 of this document.

What do I do if I am not sure whether the person I am in contact with is a vulnerable adult?

The best thing to do in this situation is to seek advice. Such advice can be obtained from the Child Safeguarding and Protection Service (CSPS) or the HSE. Loraine Byrne is the diocesan Safeguarding Officer for Vulnerable Adults and can be contacted on: 01 8360314 or by email: loraine.byrne@dublindiocese.ie.

In Loraine's absence Andrew Fagan (andrew.fagan@dublindiocese.ie) or Julie Mc Cullough (julie.mccullough@dublindiocese.ie) are available at the same number.

The address is: Holy Cross Diocesan Centre
 Clonliffe Road
 Dublin DO3 P2E7

Is there anything else we need to consider when it comes to dealing with vulnerable adults?

Yes, each person, no matter what their status, is unique and has an important contribution to make. We need to consider how best we can support them in doing so.

¹ The HSE Draft Policy uses the term 'adult at risk of abuse' in preference to 'vulnerable adult' but with a similar definition to that given above.

Key terms

The term **safeguarding** is generally understood to refer to those measures taken to create safe environments for both children and vulnerable adults. It includes, for example, careful selection of people who work in parishes.

The **civil authorities** referred to in this document are the Health Service Executive (HSE) and An Garda Síochána. These authorities have different responsibilities in relation to the protection of adults at risk. The HSE assesses risk and advises on the implementation of appropriate protective measures. An Garda Síochána investigates alleged crimes and then refers cases to the Director of Public Prosecutions who decides on prosecution.

Sources

This policy takes account of:

- The Irish Constitution;
- The Council of Europe Recommendation No. R(99)4, 1999;
- The Hague Convention on the International Protection of Adults, 2000;
- The Mental Health Act 2001;
- The Disability Act 2005;
- United Nations Convention of the Rights of People with Disabilities, 2006;
- The Health Act 2007;
- The National Vetting Bureau (Children and Vulnerable Persons) Act, 2012;
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012;
- The Assisted Decision-Making (Capacity) Act, 2015;
- Archdiocese of Dublin: Standards and Guidelines for Priestly Life and Ministry, 2015;
- The Criminal Law (Sexual Offences) Act, 2017;
- The National Safeguarding Committee (Safeguarding Ireland) (2016) Strategic Plan 2017-2021;
- Final Draft: HSE Adult Safeguarding Policy (2019).

Implementation

The Child Safeguarding and Protection Service of the Archdiocese of Dublin, will assist parishes in the implementation of this policy by: publicising it; providing information and training sessions; and offering advice and support to members of parish teams.

Review

This policy will be reviewed by the Child Safeguarding and Protection Service and updated as necessary to take account of any developments in law or practice.

The background is a solid teal color. There are two large purple triangles: one in the top-left corner pointing right, and one in the bottom-right corner pointing left.

CHAPTER 2:

THE SAFEGUARDING STRUCTURES OF THE ARCHDIOCESE OF DUBLIN

The Archbishop of Dublin has overall responsibility for ensuring that there are adequate arrangements in place to ensure that children and vulnerable adults who participate in the activities of the Catholic Church in the Archdiocese of Dublin are kept safe. Since 1996 a number of structures have been established to assist the Archbishop in this task. For the purposes of this document the most important of these are described below.

The Diocesan Advisory Panel on Child Protection

The Panel was established in 1996 to provide independent, expert advice to the Archbishop on all aspects of the management of cases of alleged or confirmed child sexual abuse by clerics of the Diocese. It is composed of clerical and lay people with a range of expertise in areas relevant to the management of child protection concerns. A majority of the members are lay people and the chair is a lay person. The Panel now considers allegations of all forms of child abuse and in 2016 its remit was extended to include vulnerable adults. As part of this new remit, the advice of the Panel will be sought in any case in which there is any doubt as to whether or not the person alleged to have been abused fits within the definition of a vulnerable adult. The Panel considers cases on an anonymised basis. The identity of the complainant and respondent are not disclosed to the members so that their advice is based on a consideration of the facts of the case, rather than prior knowledge of those involved. This provides for a high level of objectivity.

The Diocesan Safeguarding Committee

This committee was established in 2013. It advises the Archbishop on the creation and maintenance of safe environments for children and vulnerable adults in the parishes and diocesan agencies of Dublin Diocese. It has a particular focus on ensuring that diocesan safeguarding policy is implemented across all of the 197 parishes in the Diocese and, to this end, it drew up a strategic plan in 2017 to replace an earlier one that covered the period from 2013 to 2016. The Safeguarding Committee monitors the implementation of the strategic plan on a regular basis. It also comprises a majority of lay members and it is chaired by a lay person. There are clerics and religious on the committee.

Both the Safeguarding Committee and the Advisory Panel work closely with the Child Safeguarding and Protection Service (CSPS).

The Child Safeguarding and Protection Service

The Child Protection Service of the Archdiocese of Dublin was established in 2003 on the recommendation of the Advisory Panel. The Panel identified a need for a cohesive and effective support service for those who had experienced abuse in childhood by clerics, and for their families, and for a proper system for the monitoring, supervision and support of those clerics against whom allegations of child sexual abuse had been made and who were out of ministry as a consequence. The name of the service was changed in 2011 to the Child Safeguarding and Protection Service (CSPS) to reflect a more proactive and preventive approach to the issue of child abuse within the Archdiocese. During 2016, the CSPS also took on responsibilities in relation to vulnerable adults.

The primary objective of the CSPS is the safeguarding and protection from abuse of children and vulnerable adults who participate in the life and work of the Catholic Church in the Archdiocese of Dublin.

The service has three functions that relate to this procedural guide. These are:

1. Creating and maintaining safe environments for children and vulnerable adults who participate in Church activities. This is done through:
 - providing safeguarding training and advice to diocesan and parish personnel,
 - developing materials to assist parishes and diocesan organisations in creating safe environments,
 - carrying out audits of parishes to ensure they are operating in compliance with the requirements of diocesan safeguarding policy.

2. Providing a support service to those affected by abuse. This is a service provided to those who have experienced abuse in a Church context and to members of their family. The service provided consists of:
 - facilitating people to make complaints about abuse,
 - accessing counselling for those who need and want it,
 - informing them of the steps being taken to address their concerns,
 - providing ongoing support in accordance with their needs and wishes.

3. Case management. The management of child and vulnerable adult protection concerns relating to clerics of the Diocese. These are concerns that abuse may have occurred, is occurring or is at risk of occurring. This involves a range of activities including:
 - meeting with those who wish to discuss such concerns,
 - meeting with the respondent (the cleric against whom an allegation of abuse has been made),
 - notifying the relevant civil authorities, that is, An Garda Síochána and Tusla, the Child and Family Agency or the Health Service Executive (HSE),
 - advising the Archbishop on protective measures,
 - implementing appropriate measures to minimise risk to children or vulnerable adults.

In addition the CSPS:

- Provides advice and assistance to parishes and diocesan agencies in their management of such concerns and
- Oversees practice in parishes and diocesan organisations in order to ensure they are fully compliant with legislation and Church and national guidelines relating to the safeguarding and protection from abuse of children and vulnerable adults.

Under the direction of, and reporting to, the Archbishop of Dublin, CSPA is currently made up of a team of ten people.

The team consists of:

- Director, who has overall responsibility for the service;
- Safeguarding Officer, who manages cases involving allegations of abuse of vulnerable adults, delivers safeguarding training to parishes and provides support for those affected by abuse;
- Child Protection Officer, who manages cases involving allegations of abuse of children, delivers safeguarding training to parishes and provides support to those affected by abuse;
- Training and Development Coordinator, who coordinates and delivers safeguarding training in the Diocese and provides advice and support on all aspects of safeguarding;
- Priest Delegate, who coordinates the relationship between the Diocese and the respondent;
- Priest Support Coordinator, who supports and monitors clerics out of ministry due to concerns relating to the protection of children and vulnerable adults;
- Two vetting administrators, who process Garda vetting applications;
- Two other administrators, one assigned to case management and one assigned to training.

The Designated Liaison Person (DLP)

The DLP is a person who has specific responsibility for ensuring that effective procedures are followed within the Diocese when dealing with child protection concerns and those that relate to vulnerable adults.

The DLP for the Archdiocese of Dublin is the Director of the CSPA. The Safeguarding Officer and the Child Protection Officer are the Deputy DLPs. All child and vulnerable adult protection concerns that relate to Church personnel and activities in the Archdiocese of Dublin must be reported to the DLP or the Safeguarding Officer who have the overall responsibility, entrusted to them by the Archbishop, to ensure that each concern is correctly managed from start to finish.

The Respondent Supervision and Support Committee (RSSC)

The Respondent Supervision and Support Committee brings together personnel from the Child Safeguarding and Protection Service, the Chancery and the Office for Clergy under the direction of the Moderator of the Curia in order to minimise risk of harm to children or vulnerable adults. The committee monitors, on behalf of the Archbishop, the diocesan response to clergy against whom a complaint, allegation or concern has been expressed. The committee meets every four to six weeks to ensure that these men are given adequate support and that the arrangements for their monitoring and supervision are operating effectively.

Communicating the Diocese's Safeguarding Message

Each church in the Diocese is required to display a Safeguarding Notice in a prominent place. This is a statement of the diocesan child safeguarding policy and contains contact details for:

- The diocesan DLP and the deputy DLPs,
- The Tusla local social work office (for child protection issues),
- The local Garda station,
- The Parish Safeguarding Representatives.

During 2019 these notices will be amended and updated to take account of this policy and to include the contact details for the local HSE Safeguarding Team (for vulnerable adults).

The Diocese has a leaflet that explains the work of the CSPS and gives information on support services for those who were abused in a Church context. The Diocese also has a leaflet developed specifically for young people.

The CSPS has a website: www.csp.dublindiocese.ie which provides information on the service, the team, the procedure for reporting child and vulnerable adult protection concerns and on support services.

The CSPA produces a Newsletter which is sent to parishes and safeguarding representatives and is also available on the website. It provides an update on the work of the CSPA and highlights current issues of relevance to safeguarding and the support of those who were abused in a Church context.

Since 2013, the Diocese has had an annual Safeguarding Day on which parishes are encouraged to draw attention to the work that is being done at parish and diocesan level to encourage the participation of children and vulnerable adults in Church activities by providing them and their families with the assurance that everything possible is done to ensure their safety and to protect them from abuse. Safeguarding Day has now become part of the diocesan calendar and takes place on the fourth Sunday in September.



CHAPTER 3:

THE CREATION AND
MAINTENANCE OF SAFE
ENVIRONMENTS



3.1 Policy Statement

The Archdiocese of Dublin is committed to safeguarding as an integral component of the life and ministry of the Catholic Church in Dublin and recognises a particular responsibility for the protection from harm of vulnerable adults. All vulnerable adults are encouraged to participate fully in the life of the Church in Dublin in accordance with their wishes.

All those who minister or work in parishes whether as clerics, religious, employees or volunteers are required to behave towards all persons with whom they come in contact within a Church context in a manner that upholds their value and dignity as human persons. They must:

- avoid any behaviour that constitutes abuse or could be reasonably interpreted as abuse,
- take responsibility for ensuring that appropriate boundaries are maintained in their dealings with people to whom they minister,
- contribute to a culture of safeguarding by being transparent and accountable in their practice and by calling others to account for their actions in a constructive and respectful manner.

In addition, those who minister or work in parishes whether as clerics, religious, employees or volunteers recognise their responsibility for vulnerable adults in the community and commit to equipping themselves, through training and other means, with the knowledge required to identify concerns for their protection and welfare and to report these, as appropriate, to the relevant authorities. This extends to work undertaken outside of Dublin and Ireland as, for example, when participating in pilgrimages.

The Archdiocese of Dublin does not tolerate the abuse of vulnerable adults by those who act on behalf of the Diocese. Adherence to this policy is supported by robust procedures described below and by the provision of training to diocesan personnel who work with vulnerable adults.

3.2 Code of Practice

The *Archdiocese of Dublin: Standards and Guidelines for Priestly Life and Ministry* recognises that priests are often invited into people's lives at sensitive and important moments "when people may be more vulnerable than usual" and that "great sensitivity, therefore, is required in ministering effectively and appropriately". Care for others precludes any behaviour which could reasonably be interpreted as harassment. Harassment is defined as encompassing a "broad range of behaviours, including but not limited to physical, verbal, written or psychological abuse, bullying, racial and religious insults, derogatory ethnic slurs, sexual jokes and comments, requests for sexual favours, display of pornographic materials. Harassment can occur as a result of a single incident or a pattern of behaviour where the purpose or effect is to create a hostile, offensive, humiliating or intimidating environment".

Priests, according to these guidelines, are obliged to always act in the interests of those they serve, to take responsibility for managing boundary issues and for being accountable for any violations of such boundary issues as may occur.

These principles hold good for all who work for or on behalf of the parishes of the Diocese.

Those who work in parishes must be accountable and transparent in their dealings with others. Accountability, in this context, means being willing to give an account and explanation of their actions, including their reasons for choosing to do things in a particular way rather than in any of the available alternative ways.

Transparency is about operating in safe environments, ones where there is openness and visibility. A culture of safeguarding and, therefore, a safe environment, obtains when accountability and transparency operate horizontally and as well as vertically. In other words, members of the parish team are accountable to each other, not just to the parish priest or leader of the particular activity or group they are involved in.

Creating a culture of safeguarding in parishes is not always easy and can run counter to ingrained habits of deference to authority, especially clerical authority. However, it is entirely consistent with the behavioural standards for priests outlined in *Standards and Guidelines for Priestly Life and Ministry*.

Those working for or on behalf of the Diocese in its parishes commit to:

- treating all people with justice, courtesy and respect;
- encouraging every person to contribute to the parish in accordance with their wishes and abilities;
- learning appropriate means of communicating with those with whom they come in contact in the course of their ministry, taking account, in so far as in practicable, of any communication difficulties people may have by virtue of disability, infirmity or limited knowledge of the English language;
- listening to and demonstrating respect for the views of all people, taking account of their particular background and experiences;
- respecting each person's personal boundaries;
- assisting people to develop their own sense of their rights and their responsibilities to others;
- developing a culture where people can speak openly about anything that may be worrying them;
- operating in accordance with this policy and national guidelines;
- challenging and reporting abusive or potentially abusive behaviour;
- maintaining confidentiality with respect to sensitive information;
- working cooperatively with colleagues;
- reporting any concerns of abuse in accordance with this policy;
- the appropriate use of social media and communication and reporting any concerns regarding these.

Those working for or on behalf of the Diocese will not:

- engage in any form of bullying or harassment (as defined above);
- have a sexual or otherwise inappropriate or exploitative relationship with any person to whom they are ministering;
- accept gifts of money (for personal use) or objects of substantial value or in any way financially abuse a vulnerable person as described in the definition in this policy;

- photograph /video an adult, even by mobile phone, without valid consent;
- present for ministry under the influence of alcohol or illegal substances.

When working with vulnerable adults there are some behaviours which would generally be discouraged, for example, spending excessive amounts of time alone with a vulnerable adult. However if the situation requires this, it is important to be open and accountable. It may be appropriate to note the occasions where this work has been necessary and to discuss them with colleagues or, if appropriate, with members of the person's family.

The Child Safeguarding and Protection Service will develop guidance on specific aspects of working with vulnerable adults.

Breaches of Code of Practice

Any person who is concerned about a possible breach of this code of practice should discuss the matter with the diocesan Safeguarding Officer.

3.3 Obtaining consent for the involvement of vulnerable adults in parish activities

For those adults who have capacity to give consent the process of becoming involved in parish activities is the same as for any other adult. For vulnerable adults, for example, for some people with intellectual disabilities, it will be necessary to consult with their families and/ or carers and/ or advocates. Written consent for involvement in parish activities should be obtained and signed by both the person (where possible) and a family member, carer or advocate.

Information should be provided, including a description of the activity or outing, those organising it, and the contact details for a responsible person who can be contacted, if necessary by the family member, carer or advocate. The organisers should obtain an emergency contact number for a family member, advocate or carer of the vulnerable adult.

- Information should be obtained on any specific dietary requirements, medical or other needs;

- Consent should be obtained for inclusion in filming (for example, use of web cams), photographs taken or video recordings.

3.4 Making proper arrangements when organising activities and outings

Careful consideration is required (using a risk assessment where appropriate) when making arrangements with vulnerable adults. The issue of consent and information sharing has been addressed above. Some adults who may be considered vulnerable, such as a frail older person, may be perfectly capable of giving consent to participate in an activity or trip away. However, it may still be appropriate to ask the person for the name of a family member or friend who can be contacted in the event of accident or illness.

Risk Assessment & Risk Management

When completing the Parish Safety Statement (sample available on Diocesan website) particular consideration should be given to risks relating to vulnerable adults within the Parish. These risks may change should circumstances change and can only be minimised rather than eliminated.

Trips away from Home

- All trips, including day trips, overnight stays and holidays, need careful advance planning, including adequate provision for safety in regard to transport, facilities, activities and emergencies. Adequate insurance should be in place.
- Consent should be sought, as described above.
- A copy of the itinerary and contact telephone numbers should be made available to family members/ carers/ advocates of vulnerable adults.
- Particular attention should be given to ensuring that the privacy of vulnerable adults is respected when they are away on trips.
- The provision of appropriate and adequate sleeping arrangements should be ensured in advance of the trip.
- There should be separate male and female sleeping areas and appropriate supervision of them.
- There should be a named person to whom all concerns and

complaints are referred and all such concerns and complaints should be followed up in a timely and efficient manner.

Further advice regarding risk assessment and risk management when planning events or activities for vulnerable adults is available from the Child Safeguarding & Protection Service.

3.5 Recruitment

Clerics (priests and deacons) of the Diocese are required to:

- Complete a written application form;
- Provide references that are followed up through direct contact with referees;
- Be vetted;
- Undergo psychological evaluation;
- Undergo a period of discernment, training and formation, usually of 6 to 7 years duration.

Religious who work in the Diocese undergo similar selection, recruitment and training.

Parish pastoral workers employed by the Diocese undergo similar processes though the training is of shorter duration.

The employment of other staff in parishes and diocesan agencies is carried out in accordance with the Diocese's HR policies and procedures which includes written applications, references, vetting and, for some positions, psychological evaluation. The recruitment of volunteers is a less formal process but it should include the following:

- People should be required to complete an application form and provide the names and contact details of at least two referees;
- Candidates should be interviewed for the post in question;
- Candidates should be vetted;
- Candidates should be asked to sign an undertaking to comply with the parish/ diocesan agency's/ group's code of practice;

- The Diocese requires all clerics, religious, parish safeguarding representatives, chairs of parish pastoral councils and those who are involved in ministry with children to undertake a one day safeguarding training programme. All others involved in diocesan or parish activities are expected to attend a shorter, two hour safeguarding information session.

Vetting

All those who minister in public on behalf of the Diocese and its parishes must be vetted.

The National Vetting Bureau (Children and Vulnerable Adult) Act, 2012 - 2016 states that all those who engage in 'relevant work or activities' with children or vulnerable persons must be vetted. In setting out what such work or activities consist of, the Act refers to: "Any work or activity as a priest or minister or any other person engaged in the advancement of any religious beliefs to children or vulnerable persons unless such work is incidental to the advancement of religious beliefs to persons who are not children or vulnerable persons" (Schedule 1, Part 1, Section 7 and Schedule 1, Part 2, Section 7).

The Diocese takes the view that those who exercise public ministry, whether as Priests, Deacons, Readers, Eucharistic Ministers, members of choirs or other similar roles minister to the whole congregation, which includes children and vulnerable persons.

Vetting is one among a range of safeguards and not necessarily the most important one. However, it acts as a deterrent to those who are a danger to vulnerable adults from using the Church to get access to them.

Instructions on completing a vetting application and the application form is available on: <http://csps.dublindiocese.ie/category/garda-vetting/>

Vetting application forms are also available from:
Vetting Administrator
Child Safeguarding and Protection Service
Holy Cross Diocesan Centre
Clonliffe College
Dublin 3
01 8087593 or 8360314

3.6 Dealing with complaints

The Archdiocese of Dublin proceeds on the basis that most of those who minister on its behalf are motivated by concern for their neighbour. There are procedures in place to deal with situations where this is not the case. Even when it is, things can and do go wrong and effective means are needed to put them right.

The Archdiocese of Dublin's *Standards and Guidelines for Priestly Life and Ministry* sets out a procedure for dealing with complaints against priests of the Diocese. What follows in this document applies to others who work in parishes.

A simple way of understanding a complaint is as an expression of dissatisfaction. People complain when they are unhappy about something. Dealing with complaints is about trying to put things right, rather than allocating blame for something that has gone wrong. Most people respond positively when their complaints are heard, taken seriously and they are given an undertaking that steps will be taken to ensure that the thing that caused them unhappiness does not recur. A simple apology can go a long way to address a person's complaint and to establish or restore a positive relationship with the complainant.

A person may never use the term 'complaint' when expressing unhappiness about something that has happened. Indeed, many people find it difficult to make or to be seen to make a complaint. There is a responsibility on those who work in parishes to be alert to expressions of unhappiness (which may be non-verbal) and to respond appropriately. Such a response could be as simple as asking the person if everything is okay with them. Ignoring signs of unhappiness is not good safeguarding practice.

Complaints are best addressed as close as possible to the source of the problem. For example, if a parish volunteer inadvertently does something to upset a parishioner an immediate and unqualified apology is the most appropriate response.

Where a matter cannot be resolved in this simple and direct manner, another volunteer or church worker may be able to assist in bringing about resolution through negotiation and mediation. Such an intervention can be effective where a misunderstanding has arisen between the parties involved.

Sometimes complaints cannot be resolved immediately and it is good practice that within every activity or group there is a person designated to deal with complaints. This person's role is to attempt to resolve the matter through negotiation and mediation between the parties involved. If resolution is not achieved, or if there is no designated person to deal with the matter within the group, responsibility for resolution is likely to fall on the parish priest.

At the point where a complaint is referred to the group's designated person or to the parish priest a note should be made of the incident or situation giving rise to the complaint and the outstanding issues. The parish priest will then have to determine what steps need to be taken to resolve the matter. One option to be considered is to have the complaint investigated by a person from outside the parish. This is likely to be expensive and time consuming and, in considering such a course of action, the parish priest should consider the following:

- the seriousness of the matter complained of;
- the integrity of the complaint, that is, whether it stands on its merits or relates to an underlying issue such as enmity between individuals or groups;
- the impact of the process of investigation, which can sometimes encourage those in dispute to take up more entrenched positions as they seek to justify their own position or prove an opponent wrong;
- the likely outcome of the investigation and whether it will lead to a resolution of the issues that gave rise to it.

In many instances informal means of resolving complaints are to be preferred. This is not always possible and formal, independent investigations are required. Parish priests who are uncertain how to proceed should seek the advice of the diocesan Human Resources department, the Office for Clergy and/or the Child Safeguarding and Protection Service.

When complaints relate to the behaviour of Church personnel other procedures may have to be invoked such as the disciplinary procedure or the child or vulnerable adult protection procedure. Where such procedures are invoked they are additional to and not a substitute for attempts to resolve the unhappiness or dissatisfaction of the complainant.

3.7 Whistleblowing policy

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

The Archdiocese of Dublin is committed to accountability and transparency as described above. The purpose of this policy is to encourage those who have concerns for the welfare or safety of those involved in church activities in the diocese and its parishes to express their concerns without the fear that they will be victimised or harassed for so doing.

It may be difficult to raise concerns about the practice of colleagues. There can be a reluctance due to:

- fear of getting it wrong and damaging the reputation of a colleague;
- fear of disrupting working relationships;
- fear of not being believed;
- fear that the information will be used inappropriately, precipitating a chain of events that spirals out of control.

These considerations have to be considered in the light of the following:

- the responsibility of everyone working for or on behalf of the Diocese for the protection and welfare of all, especially children and vulnerable adults;
- that raising a concern in a timely manner can prevent a bad situation from spiralling out of control;
- that raising a concern about one situation can reduce the risk of a similar situation arising in another part of the organisation;
- that raising a concern about poor or inappropriate practice will prevent the person raising the concern from becoming implicated in such practice.

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

There may be occasions where a member of staff, paid or voluntary has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. That person has a

responsibility to discuss such a situation with his/her group leader or parish priest so that professional and personal support can be offered. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the protection and welfare of vulnerable adults.

Any person who is concerned about poor or inappropriate practice or behaviour in a parish should report it to the person in charge of the activity or to the parish priest. However, the person may decide to take the concern directly to the diocesan DLP, the Safeguarding Officer or to the civil authorities. Whatever decision the person takes, the concern will be taken seriously, investigated and the appropriate action taken. At another point, there may need to be a discussion as to why the person was unable to take their concern to the person in charge or to the parish priest or to the DLP or the Safeguarding Office (if he or she has gone directly to the civil authorities) but this will be after the concern itself has been addressed.

If the person believes that their concern about an employee or volunteer has not been heard or taken seriously or that they have suffered negative consequences for raising the concern, they should bring the matter to the attention of the Moderator of the Curia in Holy Cross Diocesan Centre, Clonliffe Road, Dublin D03 P2E7, phone: 01 8373732.

If the person believes that their concern about a cleric has not been heard or taken seriously they should bring the matter to the attention of the Vicar for Clergy in Holy Cross Diocesan Centre, Dublin D03 P2E7, phone: 01 8373732.

The Child Safeguarding and Protection Service is available to provide advice and support to any person who is concerned about the protection and welfare of a vulnerable adult. Loraine Byrne (Safeguarding Officer), Andrew Fagan (Director) or Julie McCullough (Child Protection Officer) are available during office hours on 01 8360314. They can also be contacted by email on: loraine.byrne@dublindiocese.ie andrew.fagan@dublindiocese.ie and julie.mccullough@dublindiocese.ie.

3.8 Information sharing, confidentiality and data protection

Information sharing for the purposes of protecting children and/ or vulnerable adults is not a breach of confidentiality, provided it is shared only with those who need to know it.

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

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 creates an offence of failing to disclose to the Gardai, without reasonable excuse, information relating to certain specified serious offences against a 'vulnerable person', where it is known or believed that the information will be of material assistance in securing the apprehension, prosecution or conviction of another person known or believed by the first person to have committed an offence. The specified offences include most sexual offences and others such as assault causing harm, abduction, manslaughter and murder.

Data protection legislation attempts to ensure that an individual's right to privacy and dignity are respected, particularly regarding the use and sharing of personal data (information), whether the personal data is held electronically or in manual form. The Archdiocese of Dublin operates in compliance with the General Data Protection Regulation (GDPR) which came into effect in May 2018. Its principles include:

- Lawful, fair and transparent processing;
- Specified and lawful purpose;
- Data minimization;
- Accuracy;
- Storage limitation;
- Security, integrity and confidentiality;
- Liability and accountability.

The records of the Child Safeguarding and Protection Service that contain personal information are stored in secure, locked fireproof cabinets and can only be accessed by members of staff. Computer records are password protected and encrypted. Those staff members accessing computer records are required to log on to diocesan computers using their own personalised password.

Records relating to vulnerable adult protection concerns are retained for 100 years. Other records are removed once they are no longer required for the purpose for which they were created.

Those on whom the Diocese holds personal data are entitled to it subject to limited exceptions. Applications to obtain such personal data should be made to the Moderator of the Curia in writing accompanied by proof of identity. There is no charge for this.

All Parish records are held in accordance the Parish Privacy Statement and retention schedule.

3.9 Keeping good records

Parishes must be able to account for the manner in which they care for vulnerable adults. It is important, therefore, that adequate records are kept, stored and retained in accordance with diocesan policy on storing and retention of records.

- An accurate record should be kept for each vulnerable adult participating in activities, including the programme details.
- Consent forms should be retained.
- A written record of organisers, supervisors, employees and volunteers in attendance at events and activities, should be kept.
- In the event of an accident or incident relating to a vulnerable adult, this should be recorded according to Parish policies and periodically reviewed to inform risk assessments.
- All records should be dated and signed.

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CHAPTER 4:

DEALING WITH CONCERNS
FOR THE PROTECTION OF
VULNERABLE ADULTS

This chapter provides guidance on recognising and responding to the abuse of vulnerable adults.

4.1 Recognition

Definition of abuse

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

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

Type of Abuse	Examples of Indicators
<p>Institutional</p> <p>The mistreatment of people brought about by poor or inadequate care or support or systemic poor practices that affect a whole care setting.</p>	<p>Lack of or poor quality staff supervision and management. High staff turnover. Lack of training of staff and volunteers. Poor staff morale. Poor record keeping. Poor communication with other service providers. Lack of personal possessions and clothing, being spoken to inappropriately.</p>
<p>Neglect</p> <p>The withholding of or failure to provide appropriate and adequate care and support which is required by another person. It may be through a lack of knowledge or awareness, or through failure to take reasonable action given the information and facts available to them at the time.</p>	<p>Poor personal hygiene, dirty and dishevelled in appearance e.g. unkempt hair and nails. Poor state of clothing; non-attendance at routine health appointments; socially isolated.</p>
<p>Discriminatory</p> <p>Unequal treatment, harassment or abuse of a person based on age, disability, race, ethnic group, gender, gender identity, sexual orientation, religion, family status, or membership of the travelling community.</p>	<p>Isolation from family or social networks. Indicators of psychological abuse may also be present.</p>
<p>Online or digital abuse</p> <p>An abusive or exploitative interaction occurring online or in a social media context.</p>	<p>Becoming withdrawn, anxious, clingy, depressed, aggressive, changes in behaviour, problems sleeping and eating disorders.</p>
<p>Human Trafficking/ Modern Slavery</p> <p>The acquisition and movement of people by improper means, such as force, threat or deception, for the purposes of exploiting them. It can take the form of domestic servitude, forced criminality, forced labour, sexual exploitation and organ harvesting.</p>	<p>People believing that they must work against their will, unable to leave their work environment or showing signs that their movements are being controlled. Fear, anxiety, signs of injuries that appear to be the result of assault</p>

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

The context of abuse

Abuse can happen anywhere and anyone can be an abuser, including those normally expected to love or care for vulnerable adults.

- Familial abuse is abuse by a family member such as a partner, a son, daughter or sibling.
- Peer abuse is the abuse of one adult by another adult, typically occurring within a care setting, such as a nursing home.
- Professional abuse is the misuse of power and abuse of trust by a professional and includes such things as entering into an inappropriate relationship with a vulnerable adult or failing to refer a disclosure of abuse to the appropriate authorities.

Abuse by someone unknown to the vulnerable person is also a possibility.

Establishing whether there are reasonable grounds for concern that abuse has occurred

There are a number of ways in which concern that a vulnerable adult is being abused, has been abused or is at risk of abuse might arise.

- The person may disclose abuse;
- It may be witnessed by someone else;
- The person may show some signs of physical injury for which there appears to be no credible or satisfactory explanation;
- The person's demeanour/behaviour may cause a suspicion that something is not right;
- Worries or anxieties may be expressed by someone close to the person (friend, neighbour, relative).

Being alert to possible abuse plays a significant role in ensuring that vulnerable adults are protected. It is important that all concerns about possible abuse of vulnerable adults are followed up.

4.2 Response

Disclosures of abuse

Where a vulnerable adult discloses abuse, it is important that the person hearing the disclosure:

- Explains that information relating to the person's protection and welfare must be shared but only with those who need to know it to protect the person and/or other vulnerable adults;
- Stays calm and listens carefully, expressing concern and sympathy;
- Asks questions for the purposes of clarification only;
- Allows the person to tell the story in their own words and at their pace;
- Reassures the person that they are doing the right thing in disclosing the abuse;
- Considers the immediate health and safety of the person and contacts the appropriate medical/ emergency services, if required;
- Explains what is happening and who is being contacted;
- Reports to the appropriate authority without delay (see next section);
- Makes a record of what has been said (in the person's own words) and what actions have been taken;
- Dates and signs the record.

The person hearing the disclosure should not:

- Stop the person from disclosing;
- Promise to keep secrets;
- Initiate an investigation;
- Ask leading questions or press for details;
- Make any comment or judgment on the alleged abuser;
- Reassure the person that everything will be alright or that the matter can be resolved quickly;
- Promise continuing support unless sure this can and will be provided;
- Disclose the information, other than in accordance with this policy;
- Leave details of any concern on a voicemail or e-mail;
- Contact the alleged abuser.

Checking things out

Concerns may come to light other than through a disclosure initiated by the vulnerable adult. For example, if a parish volunteer noticed an injury to a vulnerable adult it would be appropriate to ask how it happened. However, it is not appropriate to initiate an investigation by asking questions that relate to the detail or circumstances of the alleged abuse, beyond initial enquiry and then listening and expressing concern for the injured adult.

4.3 Reporting

All concerns that a vulnerable adult has been abused, is being abused or is at risk of abuse should be reported without delay to the appropriate civil authorities. Such concerns are reported to the HSE. Information that a person has committed a serious offence against a vulnerable adult must be reported to the Gardai in addition to the HSE. The relevant offences are specified in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act. They include most sexual offences and others such as assault causing harm, abduction, manslaughter and murder. The diocesan Designated Liaison Person (DLP) and Deputy DLPs are available to offer advice and support and, if appropriate, to report the matter to the civil authorities on behalf of the person concerned about possible abuse of a vulnerable adult.

All concerns that a vulnerable adult has been abused, is being abused or is at risk of abuse within a church context should be reported to the Designated Liaison Person (DLP) or Safeguarding Officer for the Diocese. This can be done instead of reporting to the civil authorities on the basis that the DLP or the Safeguarding officer will undertake the reporting to the civil authorities. The person making the report can go directly to the civil authorities if they so choose. However, it will assist the Diocese to take immediate protective measures if the person making the report shares the information with the DLP or the Safeguarding Officer.

If there is an immediate concern for the protection of a vulnerable adult, the Gardai should be contacted. Such a concern could arise, for example, if a vulnerable adult states that he or she cannot go home for fear of being assaulted.

4.4 Dealing with concerns that arise within a Church context

The following steps are taken in relation to concerns for the protection of vulnerable adults that relate to diocesan personnel in the context of Church activities:

- All such concerns that reach the threshold of ‘reasonable grounds for concern’ are reported to the civil authorities as outlined above;
- All such concerns about vulnerable adults that relate to diocesan personnel are notified to the Archbishop;
- Appropriate interim protective measures are taken, pending the outcome of any investigation and/or assessment by the civil authorities. Such measures are a neutral act to allow an investigation and/ or assessment to proceed. They typically involve the person about whom a complaint has been made or a concern expressed having no contact with vulnerable adults;
- Final determination of the person’s future role within the Archdiocese is informed by the outcome of any investigation by An Garda Síochána, HSE assessment and internal disciplinary processes;
- Information about vulnerable adult concerns is only shared with those who need such information in order to keep vulnerable adults safe;
- A record is made of all such vulnerable adult protection concerns. All records are stored and retained in accordance with the appropriate professional and legal requirements in relation to confidentiality and data protection and in accordance with diocesan policy (see 3.6 and 3.9 above);
- Allegations that a cleric has sexually abused a vulnerable adult are dealt with in accordance with procedures outlined in: *Archdiocese of Dublin: Procedure for Dealing with Allegations of Sexual Abuse of Children or Vulnerable Adults against Clerics of the Archdiocese of Dublin, 2019*. Allegations against employees or volunteers are dealt with in accordance with diocesan HR policies. In both cases the application of these procedures await the outcome of the investigation and/or assessment carried out by the civil authorities;

- No person found to have sexually abused a vulnerable adult is permitted to minister in or work on behalf of the Archdiocese of Dublin;

Role of the CSPS

The CSPS, under the authority of the Archbishop and working in close cooperation with the HSE and An Garda Síochána, manages cases involving clerics working for the Diocese. The role of CSPS in situations regarding parish workers is to provide advice and assistance and to ensure that the parishes act in compliance with national guidelines. In every case, civil processes take precedence over internal diocesan processes.

Those who work as chaplains in hospitals, prisons and educational institutions should follow the policy and procedures of the agency that employs them, for example, the HSE. The CSPS is available to offer advice and support to such chaplains.

The contact details for those who need to be contacted are given below.

Designated Liaison Person (DLP):

Andrew Fagan, 01 8360314, andrew.fagan@dublindiocese.ie

Safeguarding Officer:

Lorraine Byrne, 01 8360314, loraine.byrne@dublindiocese.ie

An Garda Síochána:

Contact details for local Garda station available from directory enquiries on 11811/ 11850, www.garda.ie.
In an emergency call 112 or 999.

HSE:

Contact details of local office available from the HSE National Safeguarding Office on 061 461165 or safeguarding.socialcare@hse.ie



APPENDICES:

APPENDIX 1

CONTACT DETAILS FOR GARDA
NATIONAL PROTECTIVE SERVICES
BUREAU

APPENDIX 2

CONTACT DETAILS FOR
HSE SAFEGUARDING AND
PROTECTION TEAMS



Appendix 1

Contact Details for Garda National Protective Services Bureau

Any person who comes to the CSPS of the Archdiocese of Dublin to make a disclosure of abuse of a vulnerable adult is advised of the option of making a statement of complaint to An Garda Síochána and informed that it may be preferable to do so before giving an account of the allegation to the Diocese. The complainant is given the contact details of the Sexual Crime Management Unit of An Garda Síochána, as follows:

Sexual Crime Management Unit,
Garda National Protective Services Bureau,
Harcourt Square
Harcourt Street,
Dublin 2
Phone: 01 666 3430
Fax: 01 6663439
Email: NBCI_SCMU@GARDA.IE

(Note: the space between 'NBCI' and 'SCMU' is underscored)

Appendix 2

Contact Details for HSE Safeguarding and Protection Teams

The teams that cover the area of the Archdiocese of Dublin are:

HSE, Area 9 (North Dublin), St Mary's Hospital, Phoenix Park, Dublin 20, 01 6250447, safeguarding.cho9@hse.ie;

HSE, Area 8 (Laois/ Offaly), Ashbourne Primary Care Centre, Declan Street, Ashbourne, Co Meath, 01 6914632, safeguarding.cho8@hse.ie;

HSE, Area 7 (Kildare, West Wicklow, Dublin South City and Dublin South West), Beech House, 101 – 102 Nass Business Park, Naas, Co Kildare, 045 981810, safeguarding.cho7@hse.ie;

HSE, Area 6 (Wicklow, Dun Laoghaire, Dublin South East), Ballinteer Health Centre, Ballinteer Avenue, Ballinteer, Dublin 16, 01 2164511, safeguarding.cho6@hse.ie;

HSE, Area 5 (Wexford), HSE Offices, Dublin Road, Lacken, Kilkenny, 056 7784325, safeguarding.cho5@hse.ie.



Archdiocese of Dublin

Holy Cross Diocesan Centre,
Dublin D03 P2E7 Phone: 01 8360314
Email: cps@dublindiocese.ie
Website: www.csps.dublindiocese.ie