



**Procedures  
of the  
Irish Capuchin Province  
for the implementation of the  
Child Safeguarding Policy  
of the Catholic Church in Ireland**

(2019)

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## Foreword

By signing a Memorandum of Understanding with the National Board for Safeguarding of Children in the Catholic Church in April 2009, the Capuchin Order in Ireland through its Provincial Minister adopted the Board's policy and procedures document, *Safeguarding Children: Standards and Guidance Document for the Catholic Church in Ireland (2009)*, and the documents that may be added to it from time to time, as its basic regulation in all matters pertaining to the safeguarding of children. In addition, we accept the supervisory role of officials of the Board's National Office and pledge our cooperation with them in their work.

In 2016, the National Board issued a revised document entitled *Safeguarding Children: Policy and Standards for the Catholic Church in Ireland*. We, along with other constituent organisations and institutions of the Catholic Church in Ireland are committed to implementing this policy and observing the standards contained therein.

This document, entitled *Procedures of the Irish Capuchin Province for the implementation of the Child Safeguarding Policy of the Catholic Church in Ireland*, outlines the procedures to be followed in the implementation of the policy. Further guidance for the implementation of the policy may be downloaded from <http://www.safeguarding.ie/guidance> (the website of the National Board). Useful templates are available from a drop-down menu for each of the Seven Standards. Reference is made to appropriate templates throughout this document and a list of available templates is to be found in Appendix E.

Suitable posters and leaflets for the publicising of the Child Safeguarding policies and procedures of the Capuchin Order in Ireland are available on request from the Provincial Coordinator of Safeguarding, Capuchin Curia, Halston Street, Dublin 7.

## Summary Statement of Policy

As a constituent member of the Catholic Church in Ireland, we, the Irish Province of the Capuchin Franciscan Order recognise and uphold the dignity and rights of all children, are committed to ensuring their safety and well-being, and will work in partnership with parents and guardians to do this. We recognise each child as a gift from God, and we value and encourage the participation of children in all activities that enhance their spiritual, physical, emotional, intellectual and social development.

All Church personnel (including clergy, religious, staff and volunteers) have a responsibility to safeguard children through promoting their welfare, health and development in a safe and caring environment that supports their best interests and prevents abuse.

## Statement of Commitment

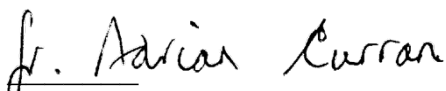
On behalf of the Irish Province of the Capuchin Franciscan Order, I renew our commitment to the safeguarding of children and to following the Child Safeguarding Policy of the Catholic Church in Ireland.

We will abide by and uphold the seven standards and the applicable indicators in our entire ministry and contacts with children.

Signed: \_\_\_\_\_ Date:  
Provincial Minister  
on behalf of  
the Irish Province of the Capuchin Franciscan Order

## Endorsement

At the meeting of the Provincial Minister and Council held at the Provincial Curia, Halston Street Dublin on 16–17 January 2019, the document entitled *Procedures of the Irish Capuchin Province for the Implementation of the Child Safeguarding Policy of the Catholic Church in Ireland* was unanimously approved.

Signed:  Date: 17 January 2019  
Provincial Minister

### SECTION 1: Creating and Maintaining Safe Environments for Children and for those who work with them<sup>1</sup>

#### 1.1. Personnel with Special Responsibilities

Every friar must be committed to ensuring the safeguarding of children. Guardians and others in any position of responsibility must be especially vigilant in ensuring the implementation of the Child Safeguarding Policy. Furthermore, all employees of the Capuchins and those who engage in voluntary work, should such work bring them into contact with children, must likewise commit themselves to observe the Child Safeguarding Policy, and upholding the seven standards in practice and behaviour. In addition, the following have special responsibilities:

1. The Coordinator of Child Safeguarding.
2. The Provincial Child Safeguarding Committee.
3. The Designated Liaison Person
4. Local Safeguarding Representatives
5. Mandated Persons
6. Safeguarding Trainers
7. Local Safeguarding Committees
8. Support Person(s)
9. Advisor(s)

##### 1.1.1. Coordinator of Child Safeguarding

The Child Safeguarding Coordinator is appointed by the Provincial Minister. The role is to oversee the implementation of the Child Safeguarding Policy, with a view to ensuring that any place or event under the purview of the Capuchin Order is a safe environment for children and vulnerable adults, and for those who work with them, or who come in contact with them, whether friars, employees or volunteers.

The Coordinator keeps the implementation of the policy under review, and in consultation with the Provincial Child Safeguarding Committee, continually makes assessment of local needs, and makes recommendations for further development of the policy and procedures of the province, liaising with the National Board.

The Coordinator is also the first point of contact in respect of the Province's Child Safeguarding Statement.<sup>2</sup>

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<sup>1</sup> What is said below regarding the safeguarding of "children" applies to all minors, which in both jurisdictions on the island of Ireland includes all those under the age of eighteen, provided they have not achieved legal majority through marriage. The provisions outlined below also apply, *mutatis mutandis*, to vulnerable adults.

<sup>2</sup> A "relevant person" as defined in the *Children First Act 2015*, Part 2, §8.

## Section 1: Creating and Maintaining Safe Environments

### Provincial Safeguarding Committee

The role of the Safeguarding Committee is to provide ongoing support and advice on the implementation of the standards of the National Board and the Safeguarding Policy; to monitor its implementation; to evaluate the results of the annual self-audit of the friaries; and to make recommendations to the Provincial Minister and Council as to how the policy and procedures can be further developed so as to ensure best practice.

The Safeguarding Committee is not involved with the management of individual cases of suspected or alleged abuse. It has responsibility for —

- Developing a three-year child safeguarding plan, including the drawing up of procedures for the implementation of the Church's child safeguarding policy;
- Coordinating the activities of Local Safeguarding Representatives (LSRs);
- Coordinating activities related to child safeguarding, e.g. training;
- Ensuring that the appropriate child safeguarding personnel are in place;
- Providing advice, as required, on the safe recruitment of volunteers and staff, and on resources required for implementing best safeguarding practice.
- Ensuring that an annual audit of the implementation of the child safeguarding policy is carried out and correlating training records;
- Ensuring that an assessment is carried out of training needs for the various child safeguarding roles in the province; and helping to make arrangements for appropriate training.

#### 1.1.2. The Designated Liaison Person

The Designated Liaison Person (DLP)<sup>3</sup> is appointed by the Provincial Minister. The DLP's role is —

- To hear any concerns relating to safe-guarding children that involve friars, employees of the Order, or volunteers working with the friars, including any disclosures or allegations of abuse; and to take responsibility for managing the response to that concern or disclosure from start to finish. This includes preliminary clarification and referral to the Child and Family Agency (Tusla) and An Garda Síochána, and any subsequent internal investigations;
- To ensure that the person raising a concern, disclosing abuse, or making an allegation, and anyone who is implicated in that, are regularly informed about the course of the inquiry process;
- To record carefully all steps undertaken as part of these procedures, and to keep all such records and documents associated with cases in a secure place, with due regard to Data Protection legislation.

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<sup>3</sup> See *Children First: National Guidance for the Protection and Welfare of Children* (2011): §3:3;



## Section 1: Creating and Maintaining Safe Environments

A deputy or assistant to the Designated Liaison Person may also be appointed who can act in the event that the Designated Liaison Person is not able to deal with a concern or allegation for any reason.

### 1.1.3. Local Safeguarding Representatives

All friaries, or parishes in the care of friars, are to nominate at least one Child Safeguarding Representative in accordance with the Standards and Guidance document issued by the National Board.

The Child Safeguarding Representative(s) shall be appointed by the Guardian/Parish Priest after appropriate consultation and agreement with the Community/Parish Council. Those appointed should have the personal qualities, interest, and life experience fitting them for the tasks involved. They are required to undergo appropriate training to ensure that they thoroughly understand their responsibilities. The Child Safeguarding Representatives may draw on expert help and support from the Provincial Safeguarding Committee and the Designated Liaison Person.

The responsibilities of the Local Safeguarding Representative are:

- To promote awareness of the Church's child safeguarding policies, and disseminating information widely regarding the standards and guidance regarding the implementation of that policy.
- To ensure that Church activities are organised in a way that ensures the safety and well-being of any children involved and those working with them;
- To ensure that the public has ready access to contact details of the Provincial Designated Liaison Person, the local *Tusla* Child Care Manager or Principal Social Worker, and the local Garda Station.
- It is *not* the role of the Child Safeguarding Representative to resolve concerns regarding possible child abuse, still less to investigate allegations. Concerns and allegations are to be referred to the Provincial Designated Liaison Person.
- To have copies of Child Safeguarding Recording Forms<sup>4</sup> readily available to facilitate the recording of allegations, incidents or concerns if need be.
- The Child Safeguarding Representative is to be given every assistance by the Guardian, the local community/Parish Pastoral Council in carrying out his/her task.

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<sup>4</sup> See the National Board's website <http://www.safeguarding.ie/guidance> Templates 1.4B: Template 1- Form for Dealing with Accidents : Incidents.doc  
1.7A Template 1- Complaints Form.doc

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### 1.1.4. Mandated Persons

“Mandated persons” are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm.<sup>5</sup> All clerics and religious are deemed to be mandated persons. The Coordinator of Child Safeguarding and the Designated Liaison Person are to maintain a list of mandated persons.

Under the *Children First Act 2015* mandated persons are legally obliged:

- To report child safeguarding concerns to Tusla;<sup>6</sup>
- To assist *Tusla*, if requested, in assessing a concern.

### 1.1.5. Safeguarding Trainer(s)

While friaries and parishes may avail of safeguarding training provided by other Church institutions, the Provincial Minister may nominate safeguarding trainers, who, on the completion of their training under the aegis of the National Board and being accredited by it, shall be entrusted with the following tasks on behalf of the province:

- Cooperating with the Provincial Safeguarding Committee to identify training needs;
- Delivering full-day and information-session safeguarding training to those identified by the Provincial Safeguarding Committee;
- Keeping records of all of those who have been trained, and passing on this information to the Coordinator of Child Safeguarding.

### 1.1.6. Local Safeguarding Committee

In each friary or parish there shall be a Local Safeguarding Committee, which will include the Guardian, the Vicar, the Councillor (if the community has one), and the Local Safeguarding Representatives. The Local Safeguarding Committee shall meet regularly and take responsibility, with the assistance of the Provincial Safeguarding Committee for the coordination of child safeguarding at the local level. The Committee shall —

- Coordinate the completion of the annual self-audit early in each new year.
- Ensure that the policies and procedures are in place and implemented;
- Advise on the recruitment and selection of volunteers;
- Provide information to all staff and volunteers, as and when required;

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<sup>5</sup> This includes anyone who is a “member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community”; or a “safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children.” (*Children First Act 2015*: Schedule 2, §15 g & i).

<sup>6</sup> See §2.2 below for the procedures for reporting Child Safeguarding concerns or allegations.

## Section 1: Creating and Maintaining Safe Environments

- Ensure that information relating to safeguarding is posted in publicly accessible places, and is relevant and up to date; and
- Facilitate communication with the public on safeguarding issues.

### 1.1.7. Support Person

The Support Person is the person appointed to support anyone making an allegation or disclosure, or raising a concern about actual or suspected abuse. The role of the Support Person is to assist, if required, communication between the complainant and the Designated Liaison Person; to help the complainant gain access to information and assistance he or she may require (including access to counselling);<sup>7</sup> to represent the complainant's concerns during the inquiry process; and to keep the complainant informed of developments in the case.

### 1.1.8. The Advisor

The Advisor is a person appointed to offer support to a person who has had an allegation or concern raised against him (the "Respondent"). The advisor's role is to represent the needs of the alleged offender to the authorities of the Order and the Church at large; to facilitate communication between the Respondent, the Designated Liaison Person and the said authorities; to keep the Respondent informed of the process of the case; and, if required, to help the Respondent to access legal advice (in canon and civil law), or to counselling.<sup>8</sup> The Advisor is also to keep a record of any meetings held with the Respondent and to report to the DLP as appropriate.

**Note:** In view of the sensitive and possibly demanding roles of the Support Person and the Advisor, it is essential that properly qualified people be chosen to fulfill these roles. Therefore, the services of Support Persons approved and recommended by diocesan authorities or other Church bodies or service agencies are to be availed of, if this should seem necessary or desirable.

The **National Case Management Committee (NCMC)** was established in January 2012 by the National Office to provide expert specialist advice on dealing with allegations, on considering a person's fitness for ministry, and on the management of risk. The group may also be approached for advice on the selection of suitably qualified people to undertake the roles of Support Person and Advisor.

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<sup>7</sup> It should be noted, however, that the Support Person is *not* to undertake such counselling, even if he or she is qualified to do so. The role is one of moral support, encouragement and accompaniment.

<sup>8</sup> As in the case of the Support Person, the Advisor, even if qualified, should *not* undertake such counselling. The role is one of accompaniment. And it hardly needs pointing out that the same person should never be appointed to fulfill the roles of Support Person and Advisor.

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### 1.2. Physical Environment

**1.2.1.** The Guardian in each friary shall, in consultation with the Local Safeguarding Committee, ensure that in all places to which children have access the applicable health and safety standards are met – including fire safety, adequate toilet facilities, etc. The Council shall periodically check for potential hazards and take steps to eliminate them.<sup>9</sup>

**1.2.2.** At all gatherings access to fire escapes should be clearly marked and attention drawn to them, as well as to the location of fire extinguishers.

**1.2.3.** There should be a fully stocked First-Aid Box accessible at all gatherings attended by young people or vulnerable adults (or indeed the public at large). This should be examined regularly and re-stocked as necessary. Care should be taken that someone trained in First Aid procedures is also present, or easily accessible.

**1.2.4.** The safety of the physical environment should be reviewed regularly and any potential risks to health or safety identified and dealt with.

### 1.3. Personnel: Friars and other Clerics or Religious

**1.3.1.** All Friars are issued with an identity card dated and signed by the Provincial Minister, testifying that they are members in good standing of the Capuchin Order. In the case of a priest, this takes the form of a *Celebret*, and indicates in addition that he is permitted to celebrate the sacraments.

**1.3.2.** Friars visiting the Irish Province from other jurisdictions, especially if they are staying in the province for an extended period whether for the purpose of work, or study, or vacation, are required to produce an identity document confirming that they are in good standing in the Order. Friars who are priests are expected to produce a *Celebret*, stating that they are permitted to preside at the liturgy. This requirement applies also to visiting clergy.<sup>10</sup>

**1.3.3.** Visiting friars are also to have the Child Safeguarding Policy brought to their attention, and they are to make a commitment to adhere to it. They are also to be given a copy of the Child Safeguarding Policy Statement.

**1.3.4.** Friars from other jurisdictions who are staying in the province for an extended period and engaging in ministry are subject to the same Garda Vetting regulations as Irish friars.

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<sup>9</sup> See *Templates*: 1.8A Template 1: Hazard Assessment Form.

<sup>10</sup> See the following *Templates* for use in processing applications to engage in public ministry:

1.1C Template 1- Acknowledgement Letter for Request for ministry.doc

1.1C Template 2- Declaration Form of Good Standing.doc

1.1C Template 3- Confirmation of Good Standing.doc

1.1C Template 4- Approval for Ministry.doc

1.1C Template 5- Confirmation of Good Standing for Non Ordained Religious.doc

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**1.3.5.** An Attendance Register shall be kept in all our Sacristies, recording the names of those who were present there on a given date — celebrants, concelebrants, sacristans, altar servers, choir leaders, etc.<sup>11</sup>

### **1.4. Personnel: Safe Recruitment of Employees and Volunteers**

**1.4.1.** It is essential to have safe recruitment procedures for employees or volunteers whose work would or could bring them into contact with children or vulnerable adults, so that there can be reasonable assurance that they pose no risk.<sup>12</sup> Some useful principles include the following:

- Always apply thorough selection procedures regardless of who the applicant is and whether the position is full-time, part-time, permanent, paid or voluntary.
- Judge the suitability of applicants across a broad range of criteria, through face-to-face interviews.
- Ensure that interviews are conducted by more than one person and that at least one of those interviewing has established competence in interviewing and selection for posts involving work with children.
- Take all reasonable steps to select only suitable candidates, by insisting on and verifying verbal and written references, qualifications and previous records of employment, holding face to face interviews, and by Gárda vetting when applicable.

**1.4.2.** Adherence to the Safeguarding Policy, and the behaviour guidelines, is to be stipulated in employment contracts and in the job description of volunteers, and appropriate training provided to staff, particularly for those whose jobs involve working directly with children.

**1.4.3.** To foster compliance with the Safeguarding Policy and to ensure that it is widely known, copies of the Child Safeguarding Policy Statement are to be given to members of staff, and are to be available, on request, to parents or guardians, and to members of the public.<sup>13</sup> In addition the Safeguarding Statement is to be displayed prominently in places where it may be seen by the public.

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<sup>11</sup> See *Templates*: 1.4A Template 2: Attendance Register for Sacristy.

<sup>12</sup> Detailed guidance on recruitment procedures may be found on the website of the National Board: [https://www.safeguarding.ie/images/Pdfs/Standards/Standard\\_1.pdf](https://www.safeguarding.ie/images/Pdfs/Standards/Standard_1.pdf), pp.9ff. The following Templates are recommended for use in the recruitment of employees and volunteers:

- 1.1A Template 1- Recruitment and Selection Checklist.doc
- 1.1A Template 2- Volunteer Application Form.doc
- 1.1A Template 3- Confidential Declaration Form.doc
- 1.1A Template 4- Character and Personal Reference Request.doc
- 1.1A Template 5- Confidentiality Declaration.doc

<sup>13</sup> See *Children First Act 2015*: Part 2, §11 (5).

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### 1.5. Garda Vetting

**1.5.1.** In the Republic of Ireland Garda vetting is a legal requirement for every person engaged in any work or activity, a necessary and regular part of which consists mainly of the person having access to, or contact with, children and/or vulnerable adults.<sup>14</sup>

**1.5.2.** Garda vetting is also required for any work or activity as “a minister or priest or any other person engaged in the advancement of religious beliefs”, to children and/or vulnerable adults unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children and/or vulnerable adults.<sup>15</sup>

**1.5.3.** In deciding who needs to be vetted it is our policy to err on the side of prudence. It should be noted that Garda vetting is only one part of a safe recruitment procedure and does not dispense from the good practice procedures mentioned above (§1.4). Also, good safeguarding practice means that, as far as possible, management and supervision arrangements are such that substantial, unsupervised access to children is limited.

**1.5.4.** Personal information received during the recruiting process shall be scrupulously dealt with in accordance with data protection legislation.<sup>16</sup>

### 1.6. Working with Children

**1.6.1.** All those who work with children must be aware of children's rights and respect those rights as enshrined in the United Nations Convention on the Rights of the Child (UNCRC), to which Ireland made a commitment in 1992.<sup>17</sup>

**1.6.2.** Working with children involves:

- Listening to children and young people;
- Valuing and respecting them as individuals;
- Rewarding their efforts as well as achievements;
- Involving them in decision making (as appropriate);
- Encouraging and praising them.

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<sup>14</sup> See *National Vetting Bureau (Children And Vulnerable Persons) Act (2012)* Schedule 1: Part 1, §1 and Part 2, §1,

<sup>15</sup> See *National Vetting Bureau (Children And Vulnerable Persons) Act (2012)* as amended by paragraph 27 of the *Criminal Justice [Spent Convictions and Certain Disclosures] Act (2016)* Schedule 1: Part 1, §1.7, and Part 2, §1.7.

<sup>16</sup> See *Data Protection Acts 1988 and 2003*; and the *General Data Protection Regulation* (in effect from 25<sup>th</sup> May 2018). See also *Templates 1.1A Template 5 – Confidentiality Declaration.doc*.

<sup>17</sup> See *Appendix B*.

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**1.6.3.** Those working with children must subscribe to a code of behaviour that reflects best practice in dealing with children.<sup>18</sup> A code of behaviour for children should also be worked out, and this should be done in consultation with the children themselves.<sup>19</sup>

### **1.6.4. Consent of Parents/Guardian(s)**

- A signed consent form from parents or guardians should be obtained prior to the participation of children and young people in events, activities and groups.<sup>20</sup>
- Parents or guardians should be asked to indicate if the children have any specific dietary requirements, medical needs or special needs.

### **1.6.5. Adequate Supervision**

In any event or activity involving children there must always be a sufficient number of responsible adults present to ensure adequate supervision. The recommended numbers are as follows:

- For children under 8 years of age:
  - 0 to 2 years: one adult for every 3 children.
  - 2 to 3 years: one adult for every 4 children.
  - 3 to 7 years: one adult for every 8 children (or for every 6 if outdoor activity is involved).
- For children of 8 years of age and over: Two adults for up to 20 children (or for up to 15 children if outdoor activity is involved). Above that number requires an additional responsible adult. (Note: one should always have two adults present, and at least one of each sex when there is a mixed group.)
- In any event or activity involving children, there must always be a named person whom a child can confidently approach if he or she has worries or concerns; and this should be made clear from the outset.
- Those working with children, whether friars, employees or volunteers, must also know beforehand whom to approach if they become aware of anything untoward.

### **1.6.6. Dealing with Accidents**

- In the event of any accident or incident relating to a child an Incident/Accident Report Form should be completed as soon as possible.<sup>21</sup> Once completed this form should be stored in a safe place in line with data protection and treated as a confidential document.
- Parents/guardians should be informed of any accident that has occurred involving their child, regardless of how minor the accident appears to be. It is good practice to give a copy of the accident/incident report to parents/guardians.

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<sup>18</sup> See *Appendix B* for a sample Code of Behaviour for Adults dealing with children. See also *Templates: 1.2A Template 1- Sample Code of Behaviour for Adults*

<sup>19</sup> See *Appendix C* and *Templates: 1.3A Template 1: Example of Workshop on Creating a Code of Behaviour with Children.*

<sup>20</sup> See *Templates: 1.4A Template 3 – Form Child and Parent/Guardian Joint Consent.doc*

<sup>21</sup> See *Templates: 1.4B Template 1- Form for Dealing with Accidents : Incidents.doc*

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### 1.6.7. Record Keeping

- An accurate record should be kept for each child and young person participating in activities, including, but not limited to, attendance, programme details and medical information. This record should include a copy of the consent form or letter signed by the parent or guardian. It should also contain details of emergency contact numbers.
- A written record of organisers, supervisors, employees and volunteers in attendance at events, such as meetings, choir rehearsals and sports activities, should be kept.<sup>22</sup>

### 1.6.8. Use of Computers

- If young people are allowed access to computers, e.g. for the purpose of sending emails or for accessing the internet, their use must be carefully monitored.
- Where a computer is used by more than one person, each person should be obliged to have a unique username and password, or where this is not possible, to maintain a signed record of the date, time and duration of their use of the computer.
- Where a computer can be accessed by children or young people, it should be accessible only through the use of a username and password unique to each child. Where this is not possible, the children or young people should be obliged to provide a signed record of the date, time and duration of their use of the computer.
- Computers which can be accessed by children or young people should always have appropriate filtering software, and should be monitored regularly to ensure that they are being used in accordance with the stated policy. Where there is any suspicion or doubt, a person with specialist knowledge of computer hardware and software should be asked to assess the purposes for which the computer has been used.

### 1.6.9. Visiting Groups using Friary or Parish facilities.

When visiting groups use the facilities of a friary or a parish, the Guardian or parish priest shall assure himself as to the facts —

- a) that the group has a child safeguarding policy in place; and
- b) that the group has appropriate insurance cover.<sup>23</sup>

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<sup>22</sup> See *Templates: 1.4A Template 1-Attendance Register for Large Groups.doc*

<sup>23</sup> See *Templates: 1.5A Template 1: Form for Use of Church Property by External Groups*



## SECTION 2: Procedures for Responding to Complaints

### 2.1. Receiving the Complainant<sup>24</sup>

**2.1.1.** Anyone who brings an allegation or concern regarding the safe-guarding of children are to be listened to carefully and with sensitivity, especially if an alleged abuse concerns themselves.

**2.1.2.** It should be made clear from the start that where a case of child abuse is known or suspected, secrecy cannot be promised,<sup>25</sup> and the matter has to be referred to the proper authorities.

**2.1.3.** Complainants are advised to make a statement to an Garda Síochána, but are assured that if they are unwilling to make a formal statement to the Gardaí they will not be compelled to do so. They may convey their information or suspicions anonymously. They are to be reminded, however, that the safety of other children may depend on the decisions they make.

**2.1.4.** It is to be noted, and pointed out to anyone making an allegation or disclosure of abuse, that the disclosure of information to statutory authorities for the purpose of protecting a child is not a breach of confidentiality or of data protection legislation.<sup>26</sup> Complainants should also be assured that *The Protection for Persons Reporting Child Abuse Act, 1998* §3<sup>27</sup> provides immunity from civil liability to persons who report child abuse “reasonably and in good faith” to designated officers of the Child and Family Agency (Tusla) or the Garda Síochána.

**2.1.5.** Whoever is first approached by a complainant should normally refer him or her, in the first instance, to the Designated Liaison Person. The option of referring the matter directly to the civil authorities is always there; and if it appears that a child may be at immediate and serious risk, this should be done without delay.

**2.1.6.** Complainants are invited to meet the Designated Liaison Person, and others as appropriate, and the policy and procedures regarding the handling of allegations are explained to them, (especially regarding the prompt reporting of all allegations to the civil authorities).

**2.1.7.** Complaints should be recorded in writing as soon as possible after the complaint is made, using insofar as possible the complainants’ own words. The record should include the time, date and place where the complaint was made. It should be signed by the one making the record.<sup>28</sup>

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<sup>24</sup> “Complainant” is a term used to describe a person who makes an allegation of abuse. However, complaints may refer to matters other than abuse.

<sup>25</sup> See *Children First (2011)* §§3.9 – 3.11 and §5.15

<sup>26</sup> See *Children First (2011)* §3.9.4.

<sup>27</sup> As amended by the *Child and Family Agency Act 2013* (Schedule 2, part 10).

<sup>28</sup> See *Templates: 2.1A Template 1- Child Protection Referral Form (for allegations of Abuse)*  
1.7A Template 1- Complaints Form (for recording complaints on other matters).  
1.4B Template 1- Form for Dealing with Accidents-Incidents.

## 2.2. Reporting Concerns, Suspicions, Disclosures or Allegations

**2.2.1.** The safeguarding of children is the concern of everyone. Therefore anyone who becomes aware of a concern, suspicion, disclosure or allegation of abuse should inform the appropriate authorities, Tusla and the Garda Síochána, as soon as practicable.<sup>29</sup> In the case of sexual abuse, if a person *knows* or *believes* that a child or vulnerable person has been subjected to such abuse, it is an offence not to disclose this and any relevant information to the Garda Síochána.<sup>30</sup> In cases of emergency, the civil authorities should be informed immediately (even if anonymously). If there is uncertainty as to whether the suspicion or concern is serious enough to warrant reporting Tusla may be contacted informally for advice.<sup>31</sup>

**2.2.2.** If concerns, suspicions, disclosures or allegations pertain to a friar, an employee, or a volunteer, the Designated Liaison Person should be informed without delay. The option of reporting directly to the civil authorities, Tusla and the Garda Síochána, is always open, and in case of emergency this is the course to be adopted. But if the civil authorities are notified directly, care should be taken that the Designated Liaison Person is also informed.

**2.2.3. Mandated persons** (a term which is deemed to include clergy and religious)<sup>32</sup> have special responsibilities in Irish law. When a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he has received, acquired or become aware of in the course of his ministry, that a child —

- has been harmed,
- is being harmed, or
- is at risk of being harmed,

he must report that knowledge, belief or suspicion, to the Child and Family Agency (Tusla) as soon as practicable, in the prescribed manner.<sup>33</sup>

- The mandated person must assess whether the harm suspected, believed or alleged reaches the “threshold” at which a mandated report must be made to Tusla: this is the case —
  - If the alleged harm – whether it consists of neglect, emotional or physical abuse, or other ill-treatment — is of such a degree that the child’s health, development or welfare have been, are being, or are likely to be seriously affected; or –
  - If the alleged harm consists of any form of sexual abuse.

<sup>29</sup> Disclosures made under the seal of confession are excluded.

<sup>30</sup> *Criminal Justice (Withholding of [Information on Offences Against Children and Vulnerable Persons] Act 2012: §§2, 3.*

<sup>31</sup> The DLP may be asked for advice as to procedures but is not permitted by data protection legislation to hear or deal with information that does not concern friars, employees or volunteers.

<sup>32</sup> See §1.1.5 above, with footnote.

<sup>33</sup> *Children First Act 2015, §14.*

## Section 2: Procedures for Responding to Allegations ...

In making this assessment the mandated person, if in doubt as to whether the threshold for reporting has been reached may consult with a social worker, but the legal responsibility for reporting remains with the mandated person.

- A mandated report is submitted to Tusla using one of two forms:
  - The Child Protection and Welfare Report Form (CPWRF) for concerns regarding children; or
  - The Retrospective Abuse Report Form (RARF) for cases of adults disclosing childhood abuse.<sup>34</sup>
- If the mandated person knows, believes, or has reasonable grounds to suspect that a child may be at risk of *immediate* harm and should be removed to a place of safety, Tusla should be informed directly by any means available; and if it proves impossible to contact Tusla, the Gardaí should be contacted. In such cases, a mandated report, using the appropriate form, *must* be completed and submitted to Tusla not later than three days after this report.<sup>35</sup>
- The mandated person should make the mandated report jointly with the Designated Liaison Person (who is also a mandated person).
- A mandated person is also obliged, if requested by Tusla, to assist Tusla in making any assessment concerning a child, subsequent to the submission of the mandated report.<sup>36</sup>
- The mandated person's responsibilities with respect to Tusla are in addition to, not in substitution for, any other legal obligations that may apply. (See e.g. §2.2.1 above.)

**2.2.4.** If concerns, suspicions, disclosures or allegations pertain to a friar, an employee, or a volunteer, the Designated Liaison Person is responsible for reporting them to the Provincial Minister and the Bishop and for liaising with the civil authorities in any ensuing case. If these concerns relate to a cleric or religious, the National Board (NBSCCCI) must also be informed.

**2.2.5.** A *written* acknowledgement of all such communications with the civil or ecclesiastical authorities should always be sought and obtained, in order to maintain a clear record of events.

**2.2.6.** The Designated Liaison Person is to keep a record of all information and all documents pertaining to allegations, disclosures or suspicions of abuse, and how these have been managed or dealt with, including a record of the chronology of events.<sup>37</sup>

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<sup>34</sup> These forms are available at <http://www.tusla.ie/children-first/publications-and-forms#SRP>

<sup>35</sup> See *Children First Act 2015* §14 (8).

<sup>36</sup> See *Children First Act 2015* §16.

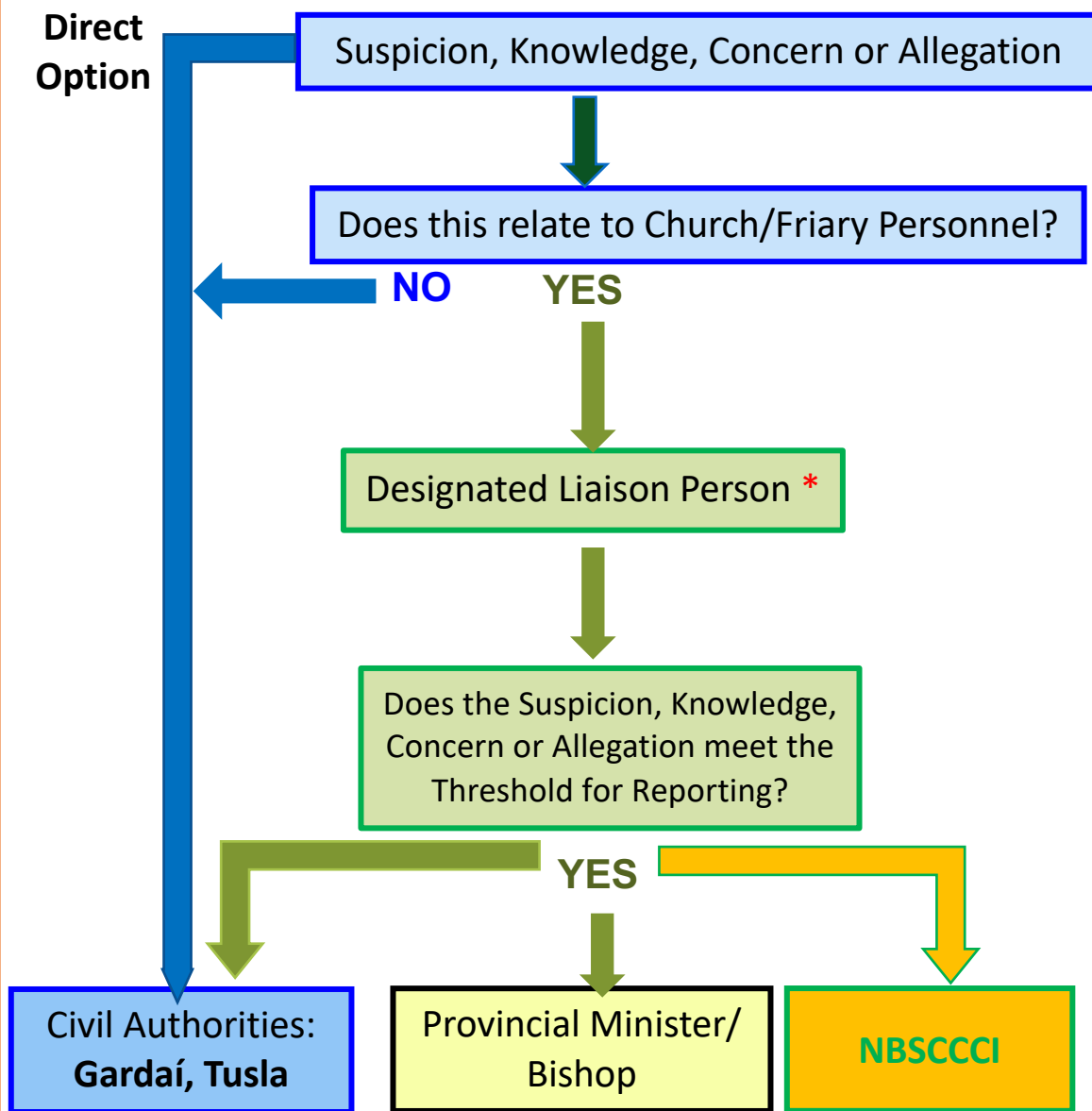
<sup>37</sup> See *Templates*: The following are particularly important:

2.1A Template 1- Child Protection Referral Form-2.doc

2.2B Template 1- File Index.doc

2.2B Template 2- Case Summary Information Sheet

## Reporting Flow Chart



If the concern relates to a Cleric or Religious

\* If the DLP has been contacted by a mandated person they should make a joint report to the statutory authorities.

## SECTION 3: Care and Support for the Complainant

### 3.1. Initial Contacts

**3.1.1.** Anyone who brings an allegation or concern regarding the safeguarding of children is to be listened to carefully and with sensitivity, especially if an alleged abuse concerns themselves.

**3.1.2.** Complaints *other* than those concerning the abuse of children should be resolved, if possible, through discussion between the parties involved.<sup>38</sup> If this proves to be impossible, the complaint should be recorded<sup>39</sup> and reported to the local superior (Guardian or parish priest).

**3.1.3.** In the case of allegations or suspicions concerning the abuse of children, see §§2.1.5 and 2.1.6 above. Complainants should be assured that persons who report child abuse “reasonably and in good faith” to designated officers of the Child and Family Agency (Tusla) or the Garda Síochána are immune from civil liability.<sup>40</sup>

**3.1.4.** When the person bringing the complaint (whether of abuse or other wrongdoing) is an employee, he or she is further protected by the *Protected Disclosures Act* of 2014. This so-called “Whistle-blowers’ Charter” allows workers to raise concerns regarding potential wrongdoing that has come to their attention without fear of victimisation.<sup>41</sup>

### 3.2. Ongoing Support Offered to the Complainant

**3.2.1.** Those who have suffered child abuse should receive a compassionate and just response and shall be offered appropriate pastoral care to rebuild their lives. Our duty of care to the complainant does not cease with the initial response. Complainants are therefore offered access to counselling.

**3.2.2.** Complainants are also informed that a Support Person is available to them, should they wish to avail of his or her support. If the complainants accept such support, the Support Person makes contact with them. However, if the person making the allegation wishes to be supported by someone other than the one appointed by the Provincial, this choice is respected and the work of the Support Person is facilitated.

**3.2.3.** The frequency of contacts/meetings between the complainant and the Support Person should be dictated by the complainant; but the Support Person needs to keep the communication open and initiate contact at least once a year, unless the complainant states that he/she does not want any contact.

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<sup>38</sup> For detailed guidance on handling such complaints see <https://www.safeguarding.ie/images/Pdfs/Standards/Standard 1.pdf>, pp 81ff

<sup>39</sup> See *Templates: 1.7A Template 1- Complaints Form* (for recording complaints on other matters).

<sup>40</sup> See the *Protection for Persons Reporting Child Abuse Act, 1998 §3*, as amended by the *Child and Family Agency Act 2013* (Schedule 2, part 10).

<sup>41</sup> See <https://www.safeguarding.ie/images/Pdfs/Standards/Standard 1.6a.pdf>

**3.2.4.** Information regarding meetings between the Support Person and the complainant must be stored safely and securely. A record that the meetings have taken place and any relevant child safeguarding issues arising should be forwarded to the DLP.

**3.2.5.** Friars are encouraged to familiarise themselves with the resources available in their locality, for information, for education, for counselling and for spiritual assistance. This applies in particular to Support Persons (who may or may not be friars); but it also applies in a special way the Guardians and Vicars, and indeed to all friars, any of whom may be approached by someone in need of assistance.

**3.2.6.** Information about sources of support, both for adults and children, is to be kept readily available, and useful contact details are to be posted prominently in our Churches, Church porches, halls, and any suitable place where they can be easily seen by the public. It is important that materials aimed at children be “child-friendly” and easily understandable.

**3.3. The Complainant is kept informed of developments in the case**

Either directly by the Designated Liaison Person, or through their Support Person, complainants are to be kept informed of developments in the case.

## SECTION 4: Care and Management of the Respondent<sup>42</sup>

### 4.1. Preliminary Steps

In dealing with allegations or suspicions, the basic principle is that the safeguarding and welfare of children is of paramount consideration.

**4.1.1.** When an allegation of child abuse against a member of the Order comes to the attention of the Provincial Designated Liaison Person, he shall immediately inform the Provincial Minister.

**4.1.2.** The Provincial Minister issues a Decree under Canon §1717 of the Code of Canon Law, commencing a canonical investigation into the alleged offence. However, he immediately suspends the canonical investigation in deference to any civil investigation that may take place, the latter always being given precedence.

**4.1.3.** If there is doubt as to whether the allegation is well-founded, i.e., that there are 'reasonable grounds' for believing it, the Child and Family Agency (Túsla) and the Gardaí are consulted.

### 4.2. Meeting between the Respondent and the Provincial

**4.2.1.** The Provincial shall summon the member in question and informs him of the *fact* that an allegation has been made against him and the *nature* of the allegation, without, however, going into details that might compromise the investigation by the civil authorities.

**4.2.2.** The Provincial does not require the respondent to make any response to the allegation, but reminds him of his right to consult with a solicitor and a canon lawyer.

**4.2.3.** The respondent is offered an Advisor and asked not to contact the person making the allegation (if known) or his or her family, or to try to get in touch with them through others.

### 4.3. Removal from Ministry

**4.3.1.** Since the safeguarding and welfare of children is the paramount consideration, the Provincial, as an administrative procedure, and without prejudice, or presumption of guilt,<sup>43</sup> removes the respondent from ministry.

**4.3.2.** If the friar is in a parish he is removed to a non-parochial house of the Order. The bishop is informed that the friar is not available for pastoral ministry.

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<sup>42</sup> The National Case Management Committee is available to provide expert advice on the management of cases.

<sup>43</sup> As a matter of natural justice, the respondent is to be considered innocent until proven guilty. The administrative action here described is not to be construed as "punishment" but as a precaution.

### 4.4. Restrictions Imposed

**4.4.1.** The Provincial then requires the respondent, without prejudice, to cease wearing the religious habit or clerical garb, until the civil authorities have investigated the allegation and cleared him of all wrongdoing, or, in the absence of such an investigation, if a Church canonical process has come to the same conclusion.

**4.4.2.** The friar's identification card as a "member in good standing" in the Order (his *Celebret* in the case of a priest) is withdrawn.

**4.4.3.** A 'contract' or agreement is drawn up in which restrictions governing the life of the accused in community, his travel arrangements and communications with persons outside the Order are set forth. Principal among the restrictions is the prohibition on his having unsupervised access to children. He is asked to sign this agreement. The local superior also signs it and it is witnessed.

### 4.5. Reporting to the Civil and Church Authorities

**4.5.1.** On receipt of the allegation the Designated Liaison Person reports without delay in the prescribed manner<sup>44</sup> to the contact person of the Child and Family Agency (Tusla) in the area where the accused is now living. The National Board (NBSCCCI) is also informed of the allegation. The bishop of the place where the accused friar is now living is informed that he is not available for pastoral ministry.

**4.5.2.** The Designated Liaison Person also informs the Inspector in charge at the Gardaí National Protective Services Bureau of the allegation, and inquires if the accused can be informed of the details of the allegation and who the complainant is. When permission is given the Designated Liaison Person informs the accused of these details.

**4.5.3.** If an allegation is brought against a deceased friar, a similar procedure of informing civil and Church authorities is followed.<sup>45</sup>

### 4.6. Ongoing Case Management

**4.6.1.** If it is deemed necessary or desirable, the Provincial Minister and/or the Designated Liaison Person shall consult the National Case Management Committee for expert advice and guidance in managing cases.

**4.6.2.** Should the complainant not make a statement to the Gardaí, or should the Director of Public Prosecutions decide not to prosecute, but concerns remain regarding the culpability of the accused, the Provincial, in accordance with Canon §1717, can initiate an independent investigation by qualified personnel, the results of which will go to inform a canonical process, which will, it is hoped, reach a definitive judgement on the case.

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<sup>44</sup> See §2.2 above. If the source of the allegation is a mandated person, this report is made jointly.

<sup>45</sup> See <https://www.safeguarding.ie/images/Pdfs/Standards/Standard 2.pdf>



## Section 4: Care and Management of the Respondent

**4.6.3.** In all cases where well-founded concerns are raised against a priest-friar his case-file is sent by the Council to the Minister General with the opinion of the Provincial as to whether a semblance of truth attaches to the allegation and an indication of the action expected from the Congregation of the Doctrine of the Faith. If the Minister General approves, the case file is then forwarded to the Congregation together with his *votum* (opinion).

### **4.7. Long-term Supervision of the Respondent in the Province**

**4.7.1.** In those cases where the accused friar has admitted to an offence, or where he has denied the truth of the allegations made against him but suspicion remains as to his culpability, the policy of the province is not to dismiss the member in question from the Order in the first instance. Rather, in the interests of the better safeguarding of children, it is our policy to endeavour to help him to lead an offence-free life under supervision within the Order. He should be helped to face up to the reality of abuse, as well as being assisted in healing.

**4.7.2.** The friar is requested to go for assessment and treatment and continuing therapy, if need be.

**4.7.3.** The friar's life within the religious community is governed by a contract (as in §4.4 above) and he is encouraged to enter into 'the life of penitence' enjoined on all members of the Order, leading to repentance. A pastoral care plan is set in place to give him support in living an offence-free life.

**4.7.4.** The friar's adherence to the contract (see §4.4.3) is subject to ongoing monitoring and review by the local superior and community to which he is assigned, and by the Provincial Minister. The community and the Guardian and Vicar of that community, are to be given guidance and support in discharging their responsibilities towards and for the friar in question.<sup>46</sup>

### **4.8. Restoration of the good name of those wrongly accused**

If the allegation against a friar is withdrawn or proved to be false, the Provincial will take whatever steps are necessary to restore the friar's good name.

### **4.9. If the Accused is an Employee or Volunteer**

**4.9.1.** Should an employee or volunteer be accused of the abuse of a child, the first consideration is the safety and welfare of children. Therefore, without prejudice or presumption of guilt, the employee or volunteer in question is immediately suspended from their duties, and the matter reported to the Designated Liaison Person.

**4.9.2.** The Designated Liaison Person in turn reports to the civil authorities. (As stated above, there is also the option of reporting directly to the civil authorities, and if there is a possibility of a child being left in a situation of risk, this may be the preferable option).

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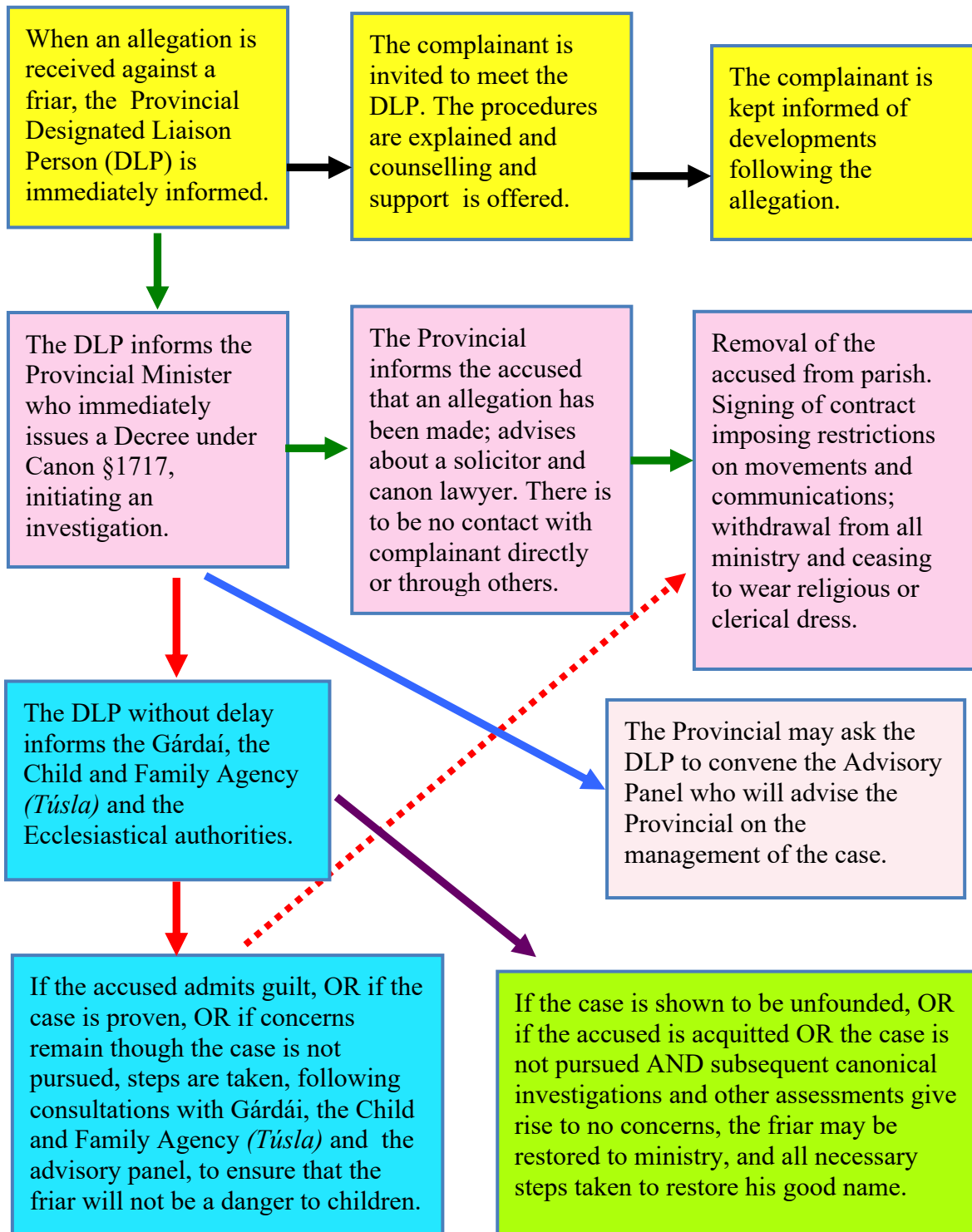
<sup>46</sup> This is to be the subject of regular assessment by the Local Safeguarding Committee. The meetings of Guardians and Vicars with the Provincial Minister and Council, as well as providing an opportunity for updating, also provide a forum for sharing experiences, discussing difficulties and providing mutual support.

## Section 4: Care and Management of the Respondent

**4.9.3.** Pending the results of the investigation, the employee or volunteer remains on suspension (with pay, in the case of an employee).

**4.9.4.** As in the case of a friar, even if the civil investigation is inconclusive, the question of the employee's continuing in his or her present position is subject to further consideration. Risk assessment by the Child and Family Agency (Tulsa) may be required to resolve the issue.

### 4.10. Outline of Procedures for dealing with an Allegation against a Friar



## SECTION 5: Training and Support for Keeping Children Safe

### 5.1. Basic Training

**5.1.1.** Everyone in who comes into contact with children in our friaries, Churches, or other facilities in our charge, has a role to play in safeguarding them. This applies to friars, employees and volunteer personnel alike. Therefore all those who come into contact with children shall receive appropriate training in the principles and practice of safeguarding children, in order to–

- Help them to grow in awareness of Child Safeguarding issues;
- Help them to appreciate the value of safe environments for children and how to create them.
- Help them to understand Child Safeguarding policies and procedures and apply them to the pastoral needs of their own specific situation.

**5.1.2.** In addition to basic training programmes, it is also the policy of the province that the conscientisation of the friars on the issue of safeguarding children be an ongoing concern of superiors. Hence every friar, including visiting friars, and all relevant staff and volunteers, are to have a copy of the *Policy Statement for Safeguarding Children*. In addition, copies of the document, *Safeguarding Children: Policy and Standards for the Catholic Church in Ireland 2016*, published by the National Board, and of the Province's *Procedures for the implementation of the Child Safeguarding Policy of the Catholic Church in Ireland*, are to be freely available in each friary and ready for inspection by interested parties, on request.

**5.1.3.** The issue of Child Safeguarding and the best practices of ensuring it shall be part of the Provincial Programme of Initial Formation for all candidates to our Order.

### 5.2. Role-Specific Training

**5.2.1.** In addition to the basic training and conscientisation referred to above, those with special responsibilities in relation to the safeguarding of children<sup>47</sup> shall receive training for their specific roles:

- The Coordinator of Child Safeguarding.
- The Provincial Child Safeguarding Committee.
- The Designated Liaison Person and Assistant
- Local Safeguarding Representatives
- Safeguarding Trainers
- Local Safeguarding Committees
- Support Person(s)
- Advisor(s)

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<sup>47</sup> See paragraph 1.1 , page 1 above.

### 5.3. Training Programmes

**5.3.1.** Training shall be conducted under the auspices of the National Board, using training materials produced by the board, and conducted by trainers who are themselves properly trained and accredited by the National Board.

**5.3.2.** Following the annual self-audit, each Local Safeguarding Committee, having consulted the rest of the community, shall report to the Provincial Safeguarding Committee on the implementation of the child safeguarding policies. On the basis of these reports, the Provincial Safeguarding Committee shall make a training needs assessment for the province, and submit this to the Provincial Minister and Council for approval. Then the Provincial Safeguarding Coordinator shall make arrangements for the provision of the training required.

**5.3.3.** It is understood that the national safeguarding policy is subject to ongoing updating. If significant changes are introduced, updating training shall be provided. How this is delivered can be decided on in consultation with the Provincial Child Safeguarding Committee and appropriate child safeguarding personnel.

**5.3.4.** If updated training is not required, all personnel should in any case be retrained at least every three years. It is the role of the Child Safeguarding Committee to plan how training is delivered: either by a full day training session, or by means of shorter sessions delivered regularly over a three-year period to cover the same material.

**5.3.5.** Apart from training schedules organised by the province itself, it is the policy of the province to avail of training events organised on national, diocesan or parish level, and to encourage participation in these by friars and relevant employees.

**5.3.6.** An on-line programme has been designed by Tusla to help people familiarise themselves with the child safeguarding principles of *Children First 2015*. It includes a module to test one's grasp of the material.

<http://www.tusla.ie/children-first/children-first-e-learning-programme>

## SECTION 6: Communicating the Church's Safeguarding Message

**6.1.** In order to ensure that the Child Safeguarding Policy of the Church in Ireland and the province's procedures associated with it are understood by personnel, and those who use our facilities, including children, a summary of the policy, including reporting procedures and relevant contact details is to be placed prominently in a permanent framed notice in the porch(es) of each friary Church, in the parlours, meeting rooms, halls and anywhere else frequented by the public.<sup>48</sup> It is important that similar posters be in place that are accessible and intelligible to children.<sup>49</sup>

**6.2.** In addition, local Child Safeguarding Representatives are to have ready to hand the contact details of the local office of the Child and Family Agency (*Túsla*), the Provincial Designated Liaison Person, the Diocesan Director of Child Safeguarding, and relevant telephone helplines, as well as the local Garda Síochána.

**6.3.** A full copy of the *Safeguarding Children Policy and Standards for the Catholic Church in Ireland* and the *Child Safeguarding Policy Statement* of the Province shall be kept available for perusal by any member of the public who wishes to do so. In addition, copies of the policy statement shall be kept on the province's website [www.capuchinfranciscans.ie](http://www.capuchinfranciscans.ie) and updated as necessary.

**6.4.** In order to maintain awareness of the dignity of children and the importance of safeguarding them, each year, at a time to be decided by the Provincial Minister, a "Child Safeguarding Sunday" is to be held in our Churches, during which these issues will be emphasised through homilies and by other appropriate means.

**6.5.** Leaflets and other materials aimed at raising awareness of the importance of safeguarding children and giving clear guidance, as to whom to approach and how to proceed if concerns arise, should be easily available in our friaries and Churches. Materials specially aimed at children should be included.<sup>50</sup>

**6.6.** Apart from materials produced by ourselves, there is a wealth of "child-friendly" literature, posters and leaflets available (much of it free), and it is strongly recommended that Local Safeguarding Representatives familiarise themselves with sources of such material, produced by other religious, by dioceses or by agencies.<sup>51</sup>

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<sup>48</sup> See *Templates*: 6.2A Template 1- Example Public Poster for Adults.

<sup>49</sup> See *Templates*: 6.2A Template 4- Example Safeguarding Poster for Children.

<sup>50</sup> See *Templates*: 6.2A Template 2- Example Safeguarding Leaflet for Parents/Guardians.doc; and 6.2A Template 3- Example Safeguarding Leaflets for Children.doc

<sup>51</sup> E.g. Barnardo's: [www.barnardos.ie/resources-advice/publications/](http://www.barnardos.ie/resources-advice/publications/)  
Irish Society for the Prevention of Cruelty to Children (ISPCC) [www.ispcc.ie](http://www.ispcc.ie)

## SECTION 7: Quality Assuring Compliance with the Standards

**7.1.** The province's compliance with the Church's Child Safeguarding Policy is subject to regular review by the Provincial and Local Safeguarding Committees, to ensure that it is implemented, and that our procedures are continually updated in line with best practice and developments in the field of Child Safeguarding, and revised as necessary to deal with any risks that may be identified.

**7.2.** On the occasion of his visitation of the friaries, the Provincial Minister shall enquire as to the implementation of the Child Safeguarding Policy. In friaries where there is a friar or friars under restriction, he shall ensure that the pastoral care plan and the contract is being adhered to.

**7.3.** In addition, an annual "self-audit" is to be carried out in each friary at a community meeting, attended by the Local Child Safeguarding Representative(s), in order to monitor the implementation of the policy and the effectiveness of the procedures. The results of this are to be sent to the Safeguarding Coordinator, who, together with the Provincial Safeguarding Committee, shall consider the returns and make recommendations to the Provincial Minister and Council. The annual self-audit questionnaire seeks to encourage a deeper reflection and more thorough and searching analysis, as to the local needs of each friary and the effectiveness of the provincial policy in maintaining a safe environment for children and vulnerable adults, and also for those who minister to them.<sup>52</sup>

**7.4.** In preparing for the self-audit, and in reviewing our policies and procedures, it is advisable that representative lay people, especially parents, (and where appropriate, children themselves)<sup>53</sup> be consulted as to their views regarding the effectiveness of the Policy and its implementation, and that their recommendations be given due consideration.

**7.5.** The Child Safeguarding Policy and its implementation at all levels is to be reviewed by the Provincial Minister and Council at least every three years, prior to the Provincial Chapter, and a report given to the Chapter. At the Chapter all the friars shall be asked to renew their common commitment to the safeguarding of children and vulnerable adults.

**7.6.** Following the triennial Provincial Chapter, the newly elected Provincial Minister and Council shall see to it that the necessary Provincial structures and resources (human and financial) are in place to implement safeguarding policies, and that the newly formed communities have a capable and committed leadership team. Special consideration shall be given to those communities where a friar is under restriction.

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<sup>52</sup> According to the *Children First Act 2015* such a review (with assessment of risks and evaluation of procedures) should take place *at least* at two year intervals. See *ibid*: Part 2 §11 (7)

<sup>53</sup> Since the overall aim of the safeguarding policy is to create and maintain environments where children are, and *feel* secure, it is obviously important to get their feedback.

## Section 7: Quality Assuring Compliance with the Standards

**7.7.** At the start of each triennium, following the appointment or re-appointment of the necessary personnel, the Provincial Safeguarding Committee, taking into account the reports from the different communities, gleaned from previous audits, shall make an assessment of the needs of the province (including training needs), and draw up a Three-Year Plan for the ongoing implementation of the Church's Safeguarding Policy, in accordance with the Seven Standards of the NBSCCCI. This is to be submitted to the Provincial Minister and Council for approval, and then shall serve to guide the province over the next three years. <sup>54</sup>

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<sup>54</sup> See *Templates: 7.2A Template 1- Example of a Three Year Child Safeguarding Plan.*

### Maintenance of Records

1. The safeguarding of children requires the keeping of accurate records —
  - To demonstrate accountability;
  - To show how decisions relating to safeguarding issues are made;
  - To support effective assessments;
  - To provide documentary evidence of actions taken; and
  - To help to identify risks, and in demonstrating how risks have been managed.
2. While it is useful for those who are involved in safeguarding children to communicate with one another, all information obtained in the implementation of these policies and procedures is to be shared on a strictly need-to-know basis.<sup>55</sup>
3. **Personal information** may be obtained about individuals in the carrying out of the safeguarding policy and procedures, e.g.:
  - in the recruitment of employees and volunteers;
  - in receiving the permission of parents or guardians for the participation of children in programmes or activities;
  - in hearing complaints;
  - in the processing of concerns or allegations relating to abuse;
  - in the records of meetings between complainants and Support Persons, and between Respondents and Advisors.

All such information is subject to data protection legislation.<sup>56</sup> The main requirements of such legislation are as follows:

- To obtain and process the information fairly;
- To keep it only for one or more specified and lawful purposes;
- To use it only in ways compatible with the purposes for which it was given initially;
- To keep it safe and secure;
- To keep it accurate and up-to-date;
- To ensure that it is adequate, relevant and not excessive;
- To retain it no longer than is necessary for the specified purpose or purposes;
- To give a copy of his/her personal data to any individual, on request.

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<sup>55</sup> See *Children First* (2011) §3.9.2.

<sup>56</sup> See the *Data Protection Acts* of 1988 and 2003, especially §2; and the *General Data Protection Regulation* (in effect from 25<sup>th</sup> May 2018).



## Appendix A: Maintenance of Records

**Note:** The last two provisions do *not* apply to the confidential material obtained in the preparation and management of case files, since the retention of these is required the maintenance of historical records, and the disclosure of personal details might jeopardise the safeguarding of children and others.<sup>57</sup>

4. The Designated Liaison Person is to keep a record of all information and all documents pertaining to allegations, disclosures or suspicions of abuse, and how these have been managed or dealt with, including a record of the chronology of events,<sup>58</sup>

5. All such records, and all other records of a sensitive or confidential nature, shall be stored in a secure location. Access to these records is restricted to the Provincial Minister and the Designated Liaison Person, and only to such others as may have a legal right to see them. If such data is store on a computer it must be password protected.

6. Following the triennial elective Provincial Chapter, the Designated Liaison Person shall ensure that the newly-elected Provincial Minister is thoroughly briefed as to the status of child abuse allegations, both historical and current.

**Note:** Further guidance on the proper maintenance of records is to be found on the website of the NBSCCCI:

<https://www.safeguarding.ie/images/Pdfs/Standards/Appendix B.pdf>

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<sup>57</sup> See the *Data Protection Acts* of 1988, §§4 and 5, especially §5 (1), a), g) & h).

<sup>58</sup> See *Templates*: The following are particularly important:

2.1A Template 1- Child Protection Referral Form-2.doc

2.2B Template 1- File Index.doc

2.2B Template 2- Case Summary Information Sheet

2.2B Template 3- Case Record Narrative

2.2B Template 4- Chronology of when Allegations were made and Responses Given.doc

## Code of Behaviour for Adults in dealing with Children

(Sample)

### 1. Gospel Values

**1.1.** It is important for those who work with children to keep in mind the Gospel values which should inspire all our relationships, and particularly those with children. It may be useful to have the following displayed prominently where children gather:

Let the little children come to me; do not hinder them; for it is such as these that the kingdom of God belongs (*Mark 10:14*)

**1.2.** It is also recommended that those who work with children prepare themselves, by calling to mind children's dignity in God's sight, e.g. by a prayer such as the following:

Loving Father, your Son Jesus entered our world as a helpless infant, completely dependent on the love, protection and support of Mary, Joseph, his relatives and the local community. Help us to recognise the image of Jesus in the children of our own community, our own neighbourhood and our Church. Give us the wisdom and courage to do all in our power to safeguard them from harm, so that they may grow up in the knowledge that they are loved, respected and cherished, and so come to know you, the God of Love. We ask this through Christ our Lord. AMEN.

### 2. Children's Rights in Law

**2.1.** The United Nations Convention on the Rights of the Child (1989) recognises children as people with several rights which must be respected by the laws of individual countries. Ireland including the Holy See, Ireland and the United Kingdom. These include the following:

- **Survival rights** include the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.
- **Development rights** include the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.
- **Protection rights:** ensure children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

## Appendix B: Codes of Behaviour for Adults

- **Participation rights:** include children's freedom to express opinions, to have a say in matters affecting their own lives. The child's view must be considered and taken into account in all matters affecting him or her.
- **Non-discrimination:** the rights guaranteed by the UNCRC must be available to all children without discrimination of any kind.
- **The Paramourncy Principle:** the best interests of the child must be a primary consideration in all actions concerning children.

### 3. General Conduct

#### 3.1. Respect for Physical Integrity

- The physical integrity of children and young people must be respected at all times.
- Physical punishment of children is not permissible under any circumstances.
- Personnel must not engage in inappropriate physical contact of any kind – including rough physical play, physical reprimand and horseplay (tickling, wrestling). This should not prevent appropriate contact in situations where it is necessary to ensure the safety and well-being of a child (for example, where a child is distressed).
- Verbal abuse of children or telling jokes of a sexual nature in the presence of children is never acceptable. Great care should be taken if it is necessary to have a conversation regarding sexual matters with a child or young person.
- Personnel should not engage in or tolerate any behaviour – verbal, psychological or physical – that could be construed as bullying or abusive.
- Under no circumstances should Church personnel give alcohol, tobacco or drugs to children or young people.
- Alcohol, tobacco or drugs must not be used by personnel who are supervising or working with children or young people.
- Only age-appropriate language, material on media products (such as camera phones, internet, video) and activities should be used when working with children and young people. Sexually explicit or pornographic material is never acceptable.

#### 3.2. Respect for Privacy

- The right to privacy of children and young people must be respected at all times.
- Particular care regarding privacy must be taken when young people are in locations such as changing areas, swimming pools, showers and toilets.
- Photographs of children or young people must never be taken while they are in changing areas (for example, in a locker room or bathing facility)

## Appendix B: Codes of Behaviour for Adults

- Written consent from parents or guardians should always be sought before taking photographs.<sup>59</sup>
- Tasks of a personal nature (for example, helping with toileting, washing or changing clothing) should not be carried out for children or young people if they can undertake these tasks themselves.
- Being alone with a child or young person may not always be wise or appropriate practice. If a situation arises where it is necessary to be alone with a child, another responsible adult should be informed immediately, by telephone if necessary. A diary note that the meeting with the young person took place, including the reasons for it, should be made.
- Best practice in relation to travel with children and young people should be observed:
  - Personnel should not undertake any car or minibus journey alone with a child or young person. If, in certain circumstances, only one adult is available, there should be a minimum of two children or young people present for the entire journey.
  - In the event of an emergency, where it is necessary to make a journey alone with a child, a record of this should be made and the child's parent or guardian should be informed as soon as possible.
- Children and young people should not be permitted to work or remain in Churches, parish or friary property or schools unless there are at least two adults present.
- All children and young people must be treated with equal respect; favouritism is not acceptable.
- A disproportionate amount of time should not be spent with any particular child or group of children.

### 3.3. Meeting with a Child or Young Person

- If the pastoral care of a child or young person necessitates meeting alone with them, such meetings should not be held in an isolated environment. The times and designated locations for meetings should allow for transparency and accountability (for example, they should be held in rooms with a clear glass panel or window, in buildings where other people are present, and with the door of the room left open).
- Both the length and number of meetings should be limited.
- Parents or guardians should be informed that the meeting(s) took place, except in circumstances where to do so might place the child in danger.
- Visits to the child's home or private living quarters of the friars or of Church personnel should not be encouraged, nor should meetings be conducted in such locations.

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<sup>59</sup> See *Templates*: 1.9A Template 1: Media Permission Form

## Appendix B: Codes of Behaviour for Adults

- When the need for a visit to the home of a child or young person arises, professional boundaries must be observed at all times.

### 3.4. Children with Special Needs or Disabilities

- Children with special needs or disability may depend on adults more than other children for their care and safety, and so sensitivity and clear communication are particularly important.
- Where it is necessary to carry out tasks of a personal nature for a child with special needs, this should be done with the full understanding and consent of parents or guardians.
- In carrying out such personal care tasks, sensitivity must be shown to the child and the tasks should be undertaken with the utmost discretion.
- Any care task of a personal nature which a child or young person can do for themselves should not be undertaken by a worker.
- In an emergency situation where this type of help is required, parents should be fully informed as soon as is reasonably possible.

### 3.5. Vulnerable Children

- Since especially vulnerable children may depend on adults more than other children for their care and safety, sensitivity and clear communication are of utmost importance.
- Workers should be aware that vulnerable children may be more likely than other children to be bullied or subjected to other forms of abuse, and may also be less clear about physical and emotional boundaries.
- It is particularly important that vulnerable children should be carefully listened to, in recognition of the fact that they may have difficulty in expressing their concerns and in order that the importance of what they say is not underestimated.

### 3.6. 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.
- Written consent by a parent or guardian specifically for each trip and related activities must be obtained well in advance.<sup>60</sup>
- A copy of the itinerary and contact telephone numbers should be made available to parents and guardians.
- There must be adequate, gender-appropriate, supervision for boys and girls.

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<sup>60</sup> See *Templates: 1.4A Template 3- Child and Guardian Joint Consent.doc*

## Appendix B: Codes of Behaviour for Adults

- Arrangements and procedures must be put in place to ensure that rules and appropriate boundaries are maintained in the relaxed environment of trips away.
- Particular attention should be given to ensuring that the privacy of young people is respected when they are away on trips.
- The provision of appropriate and adequate sleeping arrangements should be ensured in advance of the trip.
- Sleeping areas for boys and girls should be separate and supervised by two adults of the same sex as the group being supervised.
- At least two adults should be present in dormitories in which children or young people are sleeping. Under no circumstances should an adult share a bedroom with a young person.
- If, in an emergency situation, an adult considers it necessary to be in a children's dormitory or bedroom without another adult being present they should
  - (a) immediately inform another adult in a position of responsibility and
  - (b) make a diary note of the circumstances.

### Summary of Code of Behaviour for Adults<sup>61</sup>

It is important for all Church personnel to —

- Treat all children with respect and dignity;
- Treat all children equally;
- Model positive, appropriate behaviour to all children we come into contact with;
- Be aware of the church's child protection and child safeguarding policy;
- Challenge and report abusive and potentially abusive behaviour;
- Develop a culture of openness, honesty and safety;
- Develop a culture where children have permission to tell and to talk about any concerns or worries that they may have;
- Respect each child's boundaries and support them to develop their own understanding and sense of their rights;
- Be responsible for the safety of all children in their care;
- Be visible to other adults when working with children;
- Help children to know what they can do if they have a problem.

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<sup>61</sup> See *Templates*: 1.3A Template 14. It may be useful to give a copy of this summary to those who are involved with children as an *aide memoire*.

## Appendix B: Codes of Behaviour for Adults

### **Adults must never —**

- Hit or otherwise physically assault or physically abuse children;
- Develop sexual relationships with children;
- Develop relationships with children which could in any way be deemed exploitative or abusive;
- Act in any way that may be abusive or may place a child at risk of abuse;
- Use language, make suggestions or offer advice which is inappropriate, offensive or abusive;
- Do things for a child of a personal nature that they can do themselves;
- Condone or participate in, behaviour that is illegal, unsafe or abusive;
- Act in any way that is intended to intimidate, shame, humiliate, belittle or degrade;
- Discriminate against, show different treatment or favour particular children to the exclusion of others.

### **In general it is inappropriate to —**

- Spend excessive time alone with children away from others;
- Take children away or to your own home, especially where they will be alone with you.

### Code of Conduct for Children *(Sample)*

It is important that children themselves have input in drawing up codes of behaviour to be followed by themselves. They should therefore be invited and encouraged to discuss and agree upon such codes. A guide for conducting a workshop is available on the website of the National Board <sup>62</sup>

The code should include the following general points:

- Treat all other children with respect, and do not use bullying tactics.
- Be fair and do not tell lies about other children or adults.
- Abide by the rules as set out in the Church policy on Child Safeguarding.
- Respect the Church facilities and promote good behaviour.
- Do not spread rumours or malicious gossip.
- Do not harm any other children, or damage Church property.
- Do not shout or argue in Church.
- Children must not keep secrets, especially if they have caused harm.
- Do not use violence or physical contact with others.
- Never cheat.
- Talk to the person in charge if you have a problem of any kind.
- Behave in a manner that shows respect for the Church.
- Do not use or bring unwarranted or dangerous substances into the Church.
- The use of mobile phones is prohibited within the Church.

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<sup>62</sup> See *Templates: 1.3A* Template 1: Example of Workshop on Creating a Code of Behaviour with Children.



### Anti-Bullying Policy

Bullying may be defined as the repeated intentional hurting, humiliating, embarrassing or otherwise demeaning of one person by another. (Isolated acts of aggression, while not to be countenanced, do not qualify as “bullying”, unless they are so intense as to create a lasting abusive relationship between the persons concerned.) When a group targets an individual, it is commonly referred to as “mobbing”; but the forms are similar to those of bullying. Bullying in any form – whether of one child by another, or of a child by an adult, or of one adult by another – is totally unacceptable.

#### Forms of Bullying:

- a) Emotional: excluding a person from an activity, or from conversation, being unfriendly towards him/her, ...
- b) Physical: hitting, kicking, extorting money, sweets, ...
- c) Racist: using racial taunts, graffiti, gestures ...
- d) Sexual: unwanted physical contact or sexually abusive comments ...
- e) Targeting an individual with a disability: discriminatory, oppressive or abusive behaviour, or taunts, arising from the belief that disabled people are inferior to others.
- f) Homophobic: focusing on the issue of sexual orientation ...
- g) Cyberbullying: via mobile phones, email, websites ...

#### Note:

Bullying behaviour should never be ignored, either among staff or among those who use our facilities. Both the perpetrator and the target of the bullying may need professional intervention and support. Bullying behaviour may be an indication that the perpetrator himself or herself has been, or is being, subject to abusive behaviour. Serious cases of bullying should be referred to Tusla (the Child and Family Agency.)

If a group of young people regularly meet at a Friary or Church facility, it is important to have an anti-bullying strategy in place.<sup>63</sup>

The following guidelines may be helpful.<sup>64</sup>

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<sup>63</sup> Much helpful material and resources are available to help in raising awareness of bullying, and in devising strategies for dealing with it, e.g.: Beat The Bully Ireland: [www.antibullyingireland.com](http://www.antibullyingireland.com)

<sup>64</sup> It should not need emphasizing that what applies to children and their relations with one another applies *a fortiori* to adults. Bullying behaviour of any sort should be reported to the relevant authorities.

## Appendix D: Anti-Bullying Policy

1. Each person should be asked to commit to the Code of Behaviour
2. Find an opportunity to discuss aspects of bullying and the appropriate way to behave towards one another. (Note: Bullies thrive on secrecy; bring the issue into the light of day may prevent incidents.)
3. Insist on the importance of treating everyone with respect, irrespective of ethnic grouping, gender, background, etc.
4. Treat bullying as a serious offence and have in place appropriate sanctions — including suspension from the group.
5. The accompanying responsible adult should model good behaviour, by avoiding aggressive language, attitudes or actions.
6. Get clarification on reported incidents:
  - Question individuals concerned and any witnesses (separately)
  - Note the details of allegations, recording the nature of the incident, the time and the date.
  - Give support and reassurance to the victim
7. Inform parents or guardians as necessary.
8. Serious cases of bullying should be referred to *Túsla* (the Child and Family Agency).

## Appendix E: Templates

Useful templates may be downloaded from the website of the National Board for the Safeguarding of Children in the Catholic Church in Ireland <http://www.safeguarding.ie/guidance>. These templates may be supplemented from time to time. They include the following:

### **Standard 1: Creating and Maintaining Safe Environments**

- 1.1A Template 1- Recruitment and Selection Checklist.doc
- 1.1A Template 2- Application Form.doc
- 1.1A Template 3- Confidential Declaration Form.doc
- 1.1A Template 4- Character and Personal Reference Request.doc
- 1.1A Template 5- Confidentiality Declaration.doc
- 1.1C Template 1- Acknowledgement Letter for Request for ministry.doc
- 1.1C Template 2- Declaration Form of Good Standing.doc
- 1.1C Template 3- Confirmation of Good Standing.doc
- 1.1C Template 4- Acknowledgement Letter for Request for Ministry.doc
- 1.1C Template 5- Confirmation of Good Standing for Non Ordained Religious.doc
- 1.1E Template 1-Form to be completed by the Leader of the Church authority of a visiting lay minister.doc
- 1.2A Template 1 – Sample Code of Behaviour for Adults.doc
- 1.3A Template 1- Example Workshop on Creating a Code of Behaviour with Children.doc
- 1.4A Template 1-Attendance Register for Large Groups.doc
- 1.4A Template 2- Attendance Register for Sacristy.doc
- 1.4A Template 3- Child and Guardian Joint Consent.doc
- 1.4B Template 1- Form for Dealing with Accidents : Incidents.doc
- 1.4E Template 1- Pope John Paul II Award Permission Form.doc
- 1.4E Template 3- Pope John Paul II Award Safeguarding Agreement Form.doc
- 1.4E Template 3- Pope John Paul II Award Safeguarding Agreement Form.doc
- 1.5A Template 1- Form for Use of Church Property by External Groups.doc
- 1.7A Template 1- Complaints Form.doc
- 1.8A Template 1- Hazard Assessment Form.doc
- 1.9A Template 1- Media Permission Form.doc
- 1.10A Template 1-Form for Clerics or Religious who have Ministry With Children in an External Organisation or Church Body

## Appendix E: Templates

### Standard 2:

- 2.1A Template 1- Child Protection Referral Form.doc
- 2.2B Template 1- File Index.doc
- 2.2B Template 2- Case Summary Information Sheet.doc
- 2.2B Template 3- Case Record Narrative.doc
- 2.2B Template 4- Chronology of when Allegations were made and Responses Given.doc

### Standard 4:

- 4.2B Template 1- Example of Risk Assessment Framework.doc
- 4.2B Template 2- Example of Risk Management Update Tool.doc
- 4.2B Template 3- Example of Interim Management Plan.doc
- 4.2B Template 4- Example of Notification to Follow Child Safeguarding Policy and Procedures.doc
- 4.3C Template 1- CDF Form.doc
- 4.3E Template 1- Example Notification Letter to Complainants on the Death of a Respondent.doc

### Standard 5:

- 5.1A Template 1- Induction Agreement for All Church Personnel.doc
- 5.2B Template 1- Training Plan.doc
- 5.3B Template 1- Attendance List.doc
- 5.3B Template 2- Evaluation Form.doc
- 5.3B Template 3- Training Returns Form.doc

### Standard 6:

- 6.1A Template 1- Example of a Communications Plan for One Target Group.doc
- 6.2A Template 1- Example Public Poster for Adults.doc
- 6.2A Template 2- Example Safeguarding Leaflet for Parents/Guardians.doc
- 6.2A Template 3- Example Safeguarding Leaflets for Children.doc
- 6.2A Template 4- Example Safeguarding Poster for Children.doc
- 6.2B Template 1- Example of a Concise Version of the Child Safeguarding Policy.doc
- 6.3A Template 1- Example Child Safeguarding Poster in Polish.doc
- 6.3A Template 2- Example Child Safeguarding Poster in Irish.doc

## Appendix E: Templates

### Standard 7:

7.1C Template 1- Local Safeguarding Audit (Indicators contained in Table 1 of the Child Safeguarding Policy).doc

7.1C Template 2- Local Safeguarding Audit (Indicators contained in Table 2 of the Child Safeguarding Policy).doc

7.1C Template 3- Local Safeguarding Audit (Indicators contained in Table 3 of the Child Safeguarding Policy).doc

7.1C Template 4- Notification to NBSCCCI (Indicators Contained in Table 1 and 2 of the Child Safeguarding Policy).doc

7.1C Template 5- Notification to NBSCCCI (Indicators Contained in Table 3 of the Child Safeguarding Policy).doc

7.1D Template 1-Guide on Completing a Review of Allegations and Case Files for the Annual Report to the Church Authority (Indicators Contained in Table 1 and 2 of the Child Safeguarding Policy).doc

7.2A Template 1- Example of a Three Year Child Safeguarding Plan.doc

**Contact Details For Relevant Statutory Authorities**

**An Garda Síochána**

For allegations that relate to clerics or religious the following office should be contacted:  
Gardaí National Protective Services Bureau: 01 6663430 / 01 6663435.

For allegations relating to others it is recommended to contact the local Garda station. In cases of emergency, or when a child is thought to be in imminent danger, the number to use is 999 or 112.

**Local Garda Stations:**

<b>Dublin</b>	Bridewell Garda Station	(01) 6668200
	Raheny Garda Station	(01) 6664300
	Coolock Garda Station	(01) 6664200
	Blanchardstown Garda Station	(01)6667000
<b>Carlow</b>	Carlow Garda Station, Athy Road	(059) 9136620
<b>Kilkenny</b>	Kilkenny Garda Station, Dominic Street	(056) 7775000
<b>Cork</b>	Anglesea Street Garda Station	(021) 4522000
	Passage West Garda Station	(021) 4841001
	Douglas Garda Station	(021) 4857670
<b>Donegal</b>	Milford Garda Station	(074) 9153060
	Letterkenny Garda Station	(074) 9167100
	Creelagh Garda Station	(074) 9138002

**Tusla (Child and Family Agency)**

<b>Area</b>	<b>Office</b>	<b>Phone number</b>
Dublin North (incl. Raheny, Priorswood & Blanchardstown)	Child and Family Agency, 80-189 Lakeshore Drive, Airside Business Park, Swords, Co. Dublin	(01) 8708000
Dublin North City	Duty Social Worker, Child and Family Agency, Wellmount Health Centre, Wellmount Park, Finglas, Dublin 11	(01) 8567704
Dublin South Central	Bridge House, Cherry Orchard Hospital, Dublin 10	076 6955749
Carlow & Kilkenny	Duty Social Worker, Child and Family Agency , Yellow House, Western Road, Clonmel, Co Tipperary. E91 PR83	(052) 6177302
Cork	Child and Family Agency ,Referrals Section, Floor 2, Blackpool, Cork.	(021) 4927190
Donegal	Tusla - Child and Family Agency, Millennium Court, Pearse Road, Letterkenny, Co Donegal.	(074) 9123672