

# **St Patrick's Missionary Society**

## **Policy And Procedures for Safeguarding Children in the Region of Ireland**

**June 2012 (amended July 2013, July 2014)**

## **Revision Note**

In May 2014 a safeguarding committee was established for the Irish Region/ District. The committee proposed to revise the Policy & Procedures for Safeguarding as noted in the action plan 2014-2016.

The NBSCCCI advised that the committee should postpone this review of the policy until such time as the NBSCCCI have completed their review of the Standards & Guidance (2009).

Additional guidance has been added to this interim document in line with the recommendations from the NBSCCCI review.

- Guidance on leave and restriction from Sacred Ministry & Apostolate for Clergy and Religious (NBSCCCI, May 2013).
- Safeguarding Roles.
- Code of Behaviour for Members, Staff & Volunteers.
- Complaints Procedure.

July 2014.

*For private circulation only*

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## **A. Introduction**

Each child is cherished and affirmed as a gift from God with an inherent right to dignity of life and bodily integrity which shall be respected, nurtured and protected by all. We have a duty of care and must ensure that we create safe and positive environments for children. We have an obligation to ensure that the fundamental rights of children are respected and defended. These rights are enshrined in Gospel values, in international law and domestic law.

St Patrick's Missionary Society is committed to protecting and promoting children's rights. It is the responsibility of every member of the Society to uphold the law and adhere to Gospel values by respecting the dignity and rights of all children, young people and vulnerable adults, and to work together to ensure their safety and well being.

The abuse of children is reprehensible behaviour directed at the most vulnerable members of society. When abuse is perpetrated by anyone, but especially by a priest, it has to be viewed with the gravest concern and demands immediate action. St Patrick's Missionary Society regards any incidence of child abuse perpetrated by one of its members as criminal behaviour and a betrayal of trust of the gravest kind. Every decision and action taken in response to suspicions or allegations of child abuse must give paramount priority to the welfare of children.

The following is the Society policy to be implemented in all regions and the Directives for responding effectively to complaints of child sexual abuse against a member of the Society resident in the Region of Ireland on a temporary or permanent basis. All members of the Society, our employees, volunteers and those working in association with the Society are required to comply with this policy. A review of the policy and its implementation will be conducted at regular intervals no more than three years apart.

## **B. Policy**

1. The safety and welfare of children should be the first and paramount consideration following an allegation of child abuse.
2. The Society commits itself to the pastoral care of victims and other persons harmed, including the member who has offended.
3. The policy commits St. Patrick's Missionary Society to make every effort to prevent such abuse by any of its members. Regional directives prescribe the norms to be followed in each Region for the prevention of child abuse, for the investigation of allegations, and the action to be taken to provide pastoral care and justice to the victim, the accused, and any other persons or entities damaged by a member's misconduct or abuse.
4. A prompt response will be given to all allegations of child abuse.
5. The investigation will be conducted with respect for as much confidentiality as is possible under the law.
6. The complainant will be reassured that the Society must act in accordance with the law and not in a way which will prejudice the process of the law.
7. Allegations of abuse by members will be investigated independently and there will be no cover-up or shielding of offenders.
8. The Society will comply with all civil and ecclesiastical reporting requirements related to child abuse.
9. A member who admits abuse of a minor or who has been found to have abused will be removed from ministries where he might come into contact with minors and will not be returned to such ministries.
10. While these directives are designed to respond to allegations of child abuse against members of the Society the same or similar procedures will be followed in the case of an allegation against a Society employee, volunteer or person working in association with the Society.
11. The Society will ensure that all child protection personnel in the Society have adequate training.
12. The principles and policies of child protection will be an essential part of the curriculum in our houses of Student Formation.

## **C. General Guidelines for the Region of Ireland**

- C.1 Non-Society Members
- C.2 Society Members
- C.3 The Investigation
- C.4 Pastoral care of those who have been harmed
- C.5 Removal from ministries
- C.6 Information to all members of the Region.

The Region of Ireland has signed up to the Standards and Guidance Document for the Catholic Church in Ireland, “Safeguarding Children” and considers itself bound by all its norms and recommendations with regard to its members and activities on the island of Ireland.

### **C.1 Non-Society Members**

When a member of the Society resident permanently or temporarily in Ireland receives a complaint or allegation of child abuse against a non-Society member, he must report this to the relevant authorities. When the member has reasonable grounds to believe that abuse is taking place or has taken place he must also report this.

### **C.2 Society Members**

When the allegation or suspicion is against a Society member, the “Policy and Procedures for Safeguarding Children in the Region of Ireland” prescribes the norms to be followed for the prevention of further abuse, for the investigation of allegations, and the action to be taken to provide pastoral care and justice to the victim, the accused, and any other persons or entities damaged. A prompt response will be given to all allegations of child abuse and an immediate investigation undertaken.

### **C.3 The Investigation**

The Society will comply with all civil reporting requirements related to child abuse. The complaint will be reported as soon as possible after it is received so that any investigation by the authorities of the State can be undertaken without delay. Meanwhile, the Society investigation will endeavour to uncover the truth of the allegations of abuse made against the member and there will be no shielding of offenders. The investigation will be conducted with appropriate

confidentiality. The complainant will be reassured that the Society must act in accordance with the law and avoid anything which will prejudice the process of the law.

#### **C.4 Pastoral care of those who have been harmed**

The Society commits itself to the pastoral care of victims and other persons harmed and will ensure that every effort is made to bring healing to those who are harmed by the abuse committed by a member of the Society.

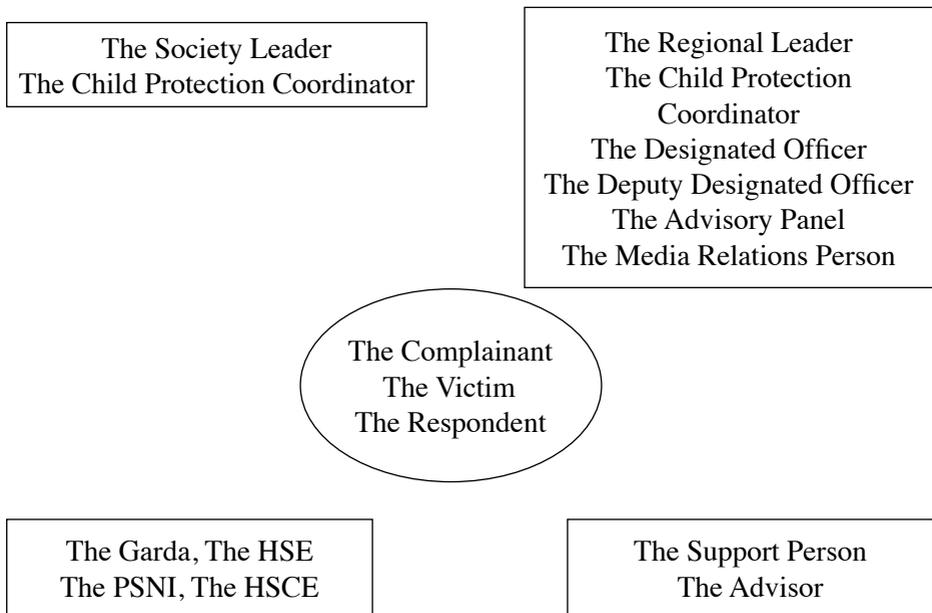
#### **C.5 Removal from ministries**

When a member admits the abuse of a child or when there are sufficient grounds to believe that he has engaged in such abuse, he will be removed from all ministries where he might come into contact with children or young people and will not be returned to them. The Society will ensure that the member who has abused will receive the necessary therapeutic help.

#### **C.6 Information to all members of the Region**

While Society members are encouraged to inform themselves adequately on all aspects of safeguarding children, it is essential that all members in Ireland are fully aware of the “Policy and Procedures for Safeguarding Children in the Region of Ireland”. The policy and related issues will be highlighted at Regional assemblies and other such meetings.

## D. Structures of Implementation – Region of Ireland



### D.1 The Society Leader

The Society Leader has ultimate responsibility for Society policy and procedures and their implementation and is assisted by a Child Protection Coordinator who is usually a member of his Council.

### D.2 The Regional Leader

The Regional Leader is responsible for the implementation of Society policy within the Region of Ireland. To assist him in discharging this responsibility he appoints a Designated Officer, a Deputy Designated Officer, an Advisory Committee, a Support Person, an Advisor and a Media Relations Person.

### D.3 The Designated Officer

The Designated Officer will ensure the implementation throughout the Region of Ireland of the “Policy and Procedures for Safeguarding Children in the Region of Ireland”. He will be fully informed of all allegations of child abuse in the Region and will work closely with Regional Leadership, when it emerges that there are substantial grounds to believe that abuse has taken place.

#### **D.4 The Designated Officer**

The Designated Officer is responsible for overseeing and implementing the “Policy and Procedures for Safeguarding Children in the Region of Ireland” and having such additional responsibilities as may be required. In particular he will:

- Respond as soon as possible whenever a complaint of child abuse against a member of the Society is received;
- Ensure that the child protection policy and procedures are implemented when a complaint of child abuse is made against a member of the Society or is disclosed by the member who has abused;
- Be responsible for ensuring that every complaint is recorded and carefully examined so that all civil, pastoral, legal and canonical obligations may be identified and acted upon at the earliest opportunity;
- Be responsible for the co-ordination of the response of the Society to the complaint;
- Liaise with the civil authorities in the local area and be familiar with their working arrangements in the investigation of complaints of child abuse;
- Be familiar with “Safeguarding Children” and with other documents issuing from the National Board for Safeguarding Children.
- Be conversant with the counselling and therapeutic facilities available to victims of child abuse;
- Be familiar with the assessment and treatment facilities available to people accused of child abuse;
- Be aware of the consequences of the disclosure of abuse on the families of the victim and those of the accused;
- Promote awareness and understanding of child abuse among the members of the Society in the Region of Ireland.

#### **D.5 The Deputy Designated Officer**

The Deputy Designated Officer is appointed by the Regional Leader. He assists the Designated Officer but he assumes the duties and functions of the Officer in the latter’s absence or incapacity or for any other sufficient reason.

#### **D.6 The Advisory Panel**

The Advisory Panel is available to offer advice on a confidential basis. The members may do this collectively and/or in their respective disciplines, when required. The Advisory Panel includes lay people with qualities and expertise relevant to the issue of child abuse. The members of the panel include a child-

care professional, a canon lawyer and a civil lawyer. The Advisory Panel meets at the request of the Regional Leader as often as is necessary. The Designated Officer may ask the Regional Leader to convene a meeting if he needs the advice of the panel.

### **D.7 Support Persons**

Support Persons are appointed by the Regional leader to be available to those who allege that they have suffered abuse and to their families. The person making the allegation will be offered a choice between a male or female Support Person. He/She is available to assist the adult or child who has made the allegation of child abuse; to facilitate them in gaining access to information and to represent their concerns on an ongoing basis.

### **D.8 The Advisor**

The Advisor is available to the accused Society member. The Advisor will have regard to all pastoral, legal and therapeutic issues arising for the accused.

### **D.9 The Media Relations Person**

The Media Relations Person will be the only person to respond on behalf of the Region of Ireland to media enquiries. The media response must take fully into account the protection of the right of victims to privacy and the protection of the rights of the accused. Relations with the media will be based on the following principles: the public has a right to information of a general nature; the accused has a right to a presumption of innocence; the alleged victim and his/her family have a right to maximum privacy; the State may institute proceedings which must not be jeopardised by prejudicial disclosure.

All of the above appointments will be for a three year period. Those involved in this work will be given the necessary training and assistance appropriate to their roles.

## **E. Regional Procedures for Responding to an Allegation of Child Abuse**

- E.1 How a complaint is received
- E.2 Meeting between the Designated Officer and the Complainant
- E.3 The Designated Officer
- E.4 The Regional Leader
- E.5 The Advisor
- E.6 Meeting between the Designated Officer and the Accused
- E.7 The Report of the Designated Officer
- E.8 Response of the Regional Leader to the Report
- E.9 Subsequent Action
- E.10 Appropriate restrictions on the ministry of the respondent

### **Summary**

1. The intention to make a complaint is communicated to the Society.
2. The Designated Officer is notified of the complaint.
3. The Regional Leader appoints a Support Person to the alleged victim and an Advisor to the respondent
4. The Designated Officer (accompanied) meets the complainant and records the complaint.
5. The Designated Officer informs various parties of the outcome.
6. The Regional Leader meets the respondent in the company of the Advisor and informs him that a complaint has been received relating to him. The respondent is then invited to meet with the Designated Officer who will outline the details of the complaint.
7. The Advisor meets with the respondent.
8. The Designated Officer meets the respondent.
9. The Designated Officer gives his report to the Regional Leader.
10. The Regional Leader in consultation with the Society Leader decides on subsequent action relating to the safeguarding of children and appropriate restrictions of the ministry of the respondent.

The following procedures which apply to the Region of Ireland are in harmony with the Society policy as set out in “Policies and Procedures for Safeguarding Children” and with the policy of the National Board for Safeguarding Children as contained in the document “Safeguarding Children”.

Allegations of child abuse perpetrated by a member of St. Patrick's Missionary Society resident in the Region either permanently or on a temporary basis will be referred immediately to the Designated Officer, who will implement the Regional procedures. In the event that the Regional Leader is not already aware of the allegation, he will be informed immediately by the Designated Officer. The latter will also inform the Society Child Protection Coordinator.

If the allegation is against the Regional Leader or the Designated Officer, the person accused will stand aside and his immediate subordinate will assume the responsibilities of his office until the matter is resolved.

### **E.1. How a complaint is received**

The responsibility for dealing with allegations of child abuse rests with the Designated Officer. All persons who wish to bring such a complaint should be directed to him or to the Regional Leader.

When a Society member (other than the Designated Officer) is first contacted by a person making a complaint of child sexual abuse against a member of the Society he should:

- listen carefully to the complainant;
- explain the procedure the Society has put in place for dealing with complaints, including the Society policy of complying with all civil reporting requirements;
- offer to accompany the person in bringing the complaint to the Designated Officer;
- avoid totally making any negative comments about the accused person;
- make a written record of what the complainant has alleged, ensure that the name and contact details of the complainant are correct. Give this report to the Designated Officer.

It should be borne in mind that the complainant may feel he/she has taken a huge risk in disclosing the abuse. Complaints should be received in a manner that demonstrates both compassion and concern for justice.

The Designated Officer will not interview a child unless he is trained to do so. If he lacks the necessary training, he will liaise with Health and Social Services/ An Garda Siochana / PSNI. The child should be accompanied at the interview by one or both parents or by another responsible adult.

## **E.2 Meeting between the Designated Officer and the Complainant**

The Designated Officer should be accompanied to the meeting with the complainant by his Deputy or by another person nominated by the Regional Leader. The complainant should be invited to bring someone to the meeting.

The Designated Officer will:

- assure the person making the complaint that the Society has a policy on child abuse and that the policy is being implemented;
- listen carefully to the complainant and inform the complainant of the seriousness with which the Society views any allegation of child abuse perpetrated by one of its members;
- assure the complainant of the sadness and regret of the Society for the alleged abuse and our desire to do what we can to support him/her at this time;
- inform the complainant of the Society policy to comply with all civil reporting requirements and encourage him/her to report the complaint to the statutory authorities.
- encourage confidentiality so that only those people who need to know will receive information about the complaint. Assure the complainant that the Society will observe confidentiality while making it clear that no guarantee of absolute confidentiality can be given;
- request the permission of the complainant to take notes during the meeting;
- ask the complainant to give an account of the wrongful acts alleged and their background and circumstances;
- record, carefully, what is said. It may be necessary to check some details with the complainant but as a general rule such interventions by the Designated Officer should be kept to a minimum;
- offer the complainant the opportunity to avail of professional counselling;
- inform the complainant that the Society is required by Canon Law to conduct an inquiry into the complaint.

If the complainant raises the matter of compensation he/she will be advised to seek legal advice and to request his/her solicitor to contact the Society solicitor. The future co-operation of the complainant will be sought in so far as it may be necessary. Care will be taken that such an enquiry will not interfere with or be prejudicial to the administration of justice in any criminal investigation or civil suit.

### **E.3 The Designated Officer will**

- inform the Regional Leader of the complaint (if he is not already aware);
- identify the present and previous appointments of the accused member;
- inform the Support Person, so that he/she can be on stand-by;
- inform the Advisor, so that he/she can be on stand-by;
- ensure that the Society reports the complaint to the relevant State bodies without delay;
- inform the Society Child Protection Coordinator of the complaint.
- inform the parents or guardians, in the event that the complainant is a child or young person, unless this would place the child at further risk.

In a situation where the complainant is not the victim, the Designated Officer may contact the victim, if he deems this appropriate. He may also contact relevant witnesses, to request as much information as possible, including names, addresses, dates, location, time and the nature of the alleged abuse.

### **E.4 The Regional Leader will**

- meet the respondent and inform him that a complaint has been received and that it is being dealt with in accordance with Society procedures;
- request the respondent to meet the Designated Officer.
- explain the role of the Advisor, who is available to him.
- offer the respondent, the services of a Lawyer and a Canon Lawyer;
- offer counselling and spiritual support to the respondent.

A person against whom an allegation has been made should in natural justice be informed of the allegation as soon as possible. However, if there is any reason to believe that there is a risk of harm or intimidation to a child or undue interference with a police investigation, the passing-on of information may be delayed. In that case, the timing should be guided by the recommendation of the Designated Officer, who will be familiar with any criminal investigation that may be underway or planned.

### **E.5 The Advisor will**

- be available when the respondent has met with the Regional Leader, to accompany him, if so requested, to the meeting with the Designated Officer

- inform the respondent of his rights both in civil and canon law;
- assist the respondent in whatever way may be necessary.

## **E.6 Meeting between the Designated Officer and the Accused**

If it is deemed appropriate the Designated Officer may be accompanied at this meeting. The Advisor will normally be present. The Designated Officer will inform the accused of the nature and detail of the complaint and the name of the complainant. He will go on to point out that:

- the matter is being enquired into in accordance with canon law;
- the respondent is not obliged, in law, to respond or to furnish evidence;
- any information given may be subject to the scrutiny of the civil authorities;
- the respondent is entitled to the assistance of civil and canonical legal advisers.

If the respondent wishes to speak freely with the Designated Officer, a careful note of the conversation should be taken by the Officer and checked with the respondent for accuracy.

If the respondent wishes to consult with civil and canonical advisors before responding, arrangements should be made for a further meeting that may be attended by such advisors.

The Designated Officer will discuss with the respondent the question of obtaining spiritual and therapeutic support. He may also discuss this with the Advisor.

## **E.7 The Report of the Designated Officer**

The Designated Officer will, as soon as possible, make a report to the Regional Leader of the complaint made and the response of the accused member.

## **E.8 Response of the Regional Leader to the Report**

The Regional Leader will consult the Support Person and the Advisor in order to afford an opportunity for any representation on behalf of either the complainant or the respondent to be made.

The Regional Leader will then consider carefully:

- a. the complaint;
- b. whether a specialist professional evaluation of the respondent should be sought, including a risk assessment;
- c. the appropriateness of the accused priest/deacon/member continuing in his present pastoral assignment, while the complaint is being investigated, having regard to the paramount need to protect children. Leaving intact the right of an accused member to be in ministry, the Regional Leader can ask him to voluntarily refrain from the exercise of a particular ministry and from public ministry including the celebration of the mass and sacraments. If the accused member cannot be persuaded to step aside and there is a risk that he will abuse children or young people, his ministry will be immediately limited. Care will be taken that a decision by a priest or religious to take leave of absence from a ministry will not be construed as denoting guilt on his part.

The Regional Leader will also consider

- the appropriateness of providing help, if needed, to the person making a complaint and to his/her family;
- the needs of a parish or other community where the respondent has served;
- the needs of the wider community including the appropriateness and timing of any public statement.

The Regional Leader will consult with the Advisory Panel, either individually or collectively as he deems appropriate, in relation to all of the above matters. He will also liaise with the Society Child Protection Coordinator.

## **E.9 Subsequent Action**

The Regional Leader, if there are substantial grounds to believe that the abuse has taken place, will

- immediately notify the Society Leader, detailing all information and giving his recommendations for seeking justice, healing the damage done and for preventing any recurrence;
- in consultation with the Society Leader, decide on subsequent action and inform the complainant, the alleged victim (if other than the complainant) and the respondent;
- notify the Church authorities concerned, the Bishop of the diocese where the abuse is alleged to have taken place and the Bishop of the diocese where the respondent resides and/or works;

- comply with all civil reporting requirements relating to child abuse;
- seek legal advice, where necessary.

The complainant (or her/his representative) and the respondent may each request, within a specified time of learning of the determination that the Regional Leader reconsider the determination that the allegation has or has not been substantiated. The party requesting reconsideration shall specify in detail the basis on which the request for reconsideration is made.

### **E.10 Appropriate restrictions on the ministry of the respondent**

Once it is clear that a complaint, allegation or report is of sufficient concern that it requires investigation and notification to the relevant statutory authorities, the Regional Leader will ask the respondent to step aside from ministry.

When it is established that a member has offended, Canon Law indicates that before imposing ecclesiastical penalties, fraternal correction or reproof or other methods of pastoral care should first be attempted. (cf. Canon 1341)

The Society member found guilty of sexual misconduct with a child or young person will be permanently removed from all ecclesiastical ministries involving children or young people. The Regional Leader, in consultation with the Society Leader and his Council, will employ procedures to restrict his contact with children or young people.

Procedures restricting a member's contact with young people will be regularly reviewed. Reports on the review and signed agreements will be copied to the Designated Officer. If these means prove ineffective, Canon Law provides the Society Leader with a range of options which may ultimately result in the penalty of dismissal from the clerical state and from the Society.

## **F. Restoring the reputation of a member wrongly accused**

If the civil authorities decide not to prosecute and the Regional Leader, in consultation with the Society Child Protection Coordinator, is satisfied after consideration of the facts and circumstances of the complaint that the member has been wrongly accused, appropriate steps will be taken to restore the good name of the member with those among whom it has been called into question, and to repair such harm and scandal as has been caused.

## **G. Review of cases and Reports**

Where a member has been accused of child sexual abuse and it has not been established that the accusation is false, the Regional Leader in consultation with the Society Leader will review this case on a regular basis, to ensure that all necessary action is being taken by the Society.

If the allegation is substantiated, a written report to that effect will be placed in the case file and in the personal file of the respondent. If the allegation is unsubstantiated, a written report to that effect will be placed in the case file and in the respondent's personal file.

## **H. Healing Process for Victims, their families and the Parish Community**

- H.1 Psychological and Spiritual Help
- H.2 Assistance to family and parish
- H.3 Out of court settlement

Throughout his ministry, Jesus reached out to those who were hurt or wounded in any way. We as a Society are called to continue this vital ministry. We must strive to ensure that those affected by child abuse are supported on the journey towards healing and reconciliation. The ultimate goal is healing for all. Members of the Society ought to show respect, compassion and openness to every person harmed by child abuse especially when this abuse is perpetrated by a member of the Society.

## **H.1 Psychological and Spiritual Help**

Child abuse committed by a minister of the Gospel usually causes significant psychological harm. The damage done can also be spiritual, sometimes rupturing the victim's relationship with God and with others. The Society will do its utmost to assist the victim in finding the necessary help through counselling, therapy or pastoral support.

## **H.2 Assistance to family and parish**

Child abuse by a minister can also have strong repercussions on the family, the parish, or other entities. The Society recognises that the resulting grieving process is complex and that the process of healing can be a long one. The Society will collaborate with the appropriate authorities in the advancement of these processes.

## **H.3 Out of court settlement**

In the event of litigation for financial compensation, every effort will be made to settle this in a fair and just way. In order not to cause further trauma to victims or their families, efforts will be made to settle out of court. No final financial settlement will be agreed without the approval of the Central Leadership Team.

# **I. Healing Process for Offenders**

- I.1 Therapy and Monitoring
- I.2 Diagnostic Information
- I.3 Disclosure of offender's past
- I.4 Pastoral support for families

## **I.1 Therapy and monitoring.**

The Society will provide the necessary therapy for a member who has engaged in child sexual abuse. The Regional Leader or the Designated Officer will monitor the therapeutic process.

## **I.2 Diagnostic Information**

The Society will provide the therapist or therapy centre with any information acquired in the course of the investigation that is deemed useful for the

therapeutic process. The Society member will provide the Regional Leader or the Designated Officer with authorisation for the release of necessary diagnostic information in his possession. The information released is limited to that which might be helpful for his healing. The authorisation is not a waiver of any statutory privilege of confidentiality. If the Society member undergoing therapy is doing so on an out-patient basis, the Regional Leader will make sufficient disclosure of his past behaviour to persons who need to know in order to ensure the safeguarding of children.

### **I.3 Disclosure of offender's past**

The Regional Leader is responsible for making sure that sufficient disclosure of the member's past behaviour is made to the persons who need to know. Wherever the member is assigned in the future he must accept that the Society will have to provide a proper level of disclosure of his history on a need to know basis.

### **I.4 Pastoral Support for Families**

Families of those accused or found guilty may feel isolated and stigmatised. They may be concerned for the wellbeing of their relative and unsure as to where to turn for help. The Society will endeavour to reach out to them and offer the necessary pastoral support.

## **J. Recognising Child Abuse**

- J.1 General Introduction
- J.2 Physical Abuse
- J.3 Emotional Abuse
- J.4 Neglect
- J.5 Sexual Abuse

### **J.1 General Introduction**

Child abuse occurs when the behaviour of someone in a position of greater power than a child or young person abuses that power and causes significant harm to the child or young person. It is a problem that knows no class or ethnic boundaries. The common denominator of all forms of child abuse is that it makes the children and young people feel diminished or threatened, and that it causes them harm. If any person reasonably suspects that a child is being, has

been or is likely to be abused, they must take action. To do nothing is never an option.

It is useful to note that a child who was or is being abused may show some of the following symptoms: bruises or other signs of physical abuse, malnourishment, mood changes, being withdrawn and fearful, lack of concentration, isolation and loss of appetite or other eating disorders. However, it should be noted that no one indicator is conclusive of abuse.

Particular attention must be paid to children who for one reason or another may be more vulnerable to abuse than others. These could include children with disabilities, children who are separated from their families, etc.

## **J.2. Physical Abuse**

The physical abuse of a child may include hitting, shaking, throwing, poisoning, burning, scalding, drowning or suffocating. Physical harm may also be caused when a parent or carer misrepresents the symptoms of or deliberately causes ill-health to a child whom they are looking after. Physical abuse, as well as being a result of an act of commission can also be caused through omission or the failure to act to protect.

## **J.3. Emotional Abuse**

Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may mean unrealistic or inappropriate expectations of the child's capacity to understand something or to behave or control himself/herself in a particular way. Overprotection and limitation of exploration and learning or preventing the child from participating in normal social interaction may also constitute emotional abuse. Such abuse may involve causing children to feel frightened or in danger and may also entail the exploitation or corruption of children.

## **J.4. Neglect**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs. This failure is likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing

to provide adequate food, shelter or clothing. It may entail failure to protect a child from physical harm or danger, or failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

## **J.5. Child Sexual Abuse**

*(The following examples of child sexual abuse are taken from Children First – National Guidelines for the Protection and Welfare of Children – Ireland.)*

- i. Exposure of the sexual organs or any other sexual act intentionally performed in the presence of a child;
- ii. Intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- iii. Masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- iv. Sexual intercourse with the child whether oral, vaginal or anal;
- v. Sexual exploitation of a child includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual acts, including its recording (on film, video tape or other media) or the manipulation for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children which is often a feature of the 'grooming' process of the perpetrators of abuse. Boys and girls can be abused by males and/or females, by adults and by other young people.

In Irish National Guidelines 'child' means a person under the age of 18 years, excluding a person who is or has been married. Criminal law perceives the age of consent to sexual intercourse as 17 years.

## **K. Confidentiality\***

The relationship of Church personnel with children and young people in their care is based on trust and confidentiality. There may be times, however, when a child or a young person – or indeed an adult – confides in a person who works for the Church information which indicates that child abuse may have occurred or that the safety of children or young people is at risk, and they may ask that the matter be treated as completely confidential. In this situation, the person working for the Church should carefully explain that, although they respect the sensitive nature of the information, they are unable to give an assurance of complete confidentiality: they will need to inform the relevant authorities so that action may be taken to protect children and young people from potential harm.

Important points for Church personnel to note in this regard are:

- All information regarding concerns about child abuse should be shared on a ‘need to know’ basis in the best interests of children.
- No undertakings regarding secrecy can be given. This should be made clear to all parties involved. Giving information to others for the protection of a child is not a breach of confidentiality.
- Information obtained for one purpose must not be used for another without consulting the person who provided that information.

The Seal of Confession guarantees that anything a person reveals in the reception of the Sacrament of Penance is guaranteed absolute confidentiality. The confessor should encourage the penitent to disclose the abuse.

The maintenance of trust in the Sacrament of Reconciliation requires the guarantee of absolute confidentiality, allowing for no exceptions. This is known as the Seal of Confession and guarantees to the penitent that anything revealed to the confessor will not be divulged to anyone else (canon 983). It is not desirable for the confessor to undertake to divulge matters revealed in confession even when the penitent gives consent.

Pastoral wisdom would advise that in the event of a child or young person disclosing in confession that they have been abused, the confessor should sensitively reassure the child or young person that they are not at fault. The confessor should encourage the child or young person to disclose the abuse to an adult they trust (for example, a relative, teacher, friend) and to have that person report the abuse. The confessor must at no time act in any manner that

might violate the seal or compromise the Sacrament of Reconciliation in the eyes of the faithful.

When an abuser confesses to a priest previously undisclosed child abuse, the priest should advise the penitent to seek the professional help they require immediately, for their own well-being and in order to prevent any recurrence of abuse.

*\* Section K is taken directly from Our Children: Our Church–Child Protection Policies and Procedures for the Catholic Church in Ireland. 6.7; pages 39-40*

## **L. Best Practice**

- L.1 Youth Activities
- L.2 Use of computers

### **L.1 Youth Activities**

The majority of members within the Irish Region do not have any direct pastoral involvement with youth. However, for the minority who do and for those who may become involved occasionally, e.g. while on holiday or on supply, it is important to bear in mind that the participation of young people in the life and activities of the Church must be encouraged. We must listen to children and young people and value and respect them as individuals. We must observe transparent and best practice in all of our activities, particularly in the organisation of pilgrimages, receiving young people in our homes, retreats and trips away from home. Other adults must be involved in such events, including parents/guardians. We must respect the privacy and physical integrity of children and young people at all times. If the pastoral care of a child or young person necessitates the arrangement of a meeting alone with them, care should be taken that this does not take place in an isolated environment.

### **L.2 Use of Computers**

If a member is aware or reasonably suspects that a computer has been used by another Society member or by an employee of the Society to view or send pornographic images of children or young people, this should be regarded as a child protection issue requiring immediate action and the member will inform the Designated Officer or the Regional Leader. Where the Designated Officer

is in doubt about the significance of the images concerned, he will seek expert advice.

If a member is aware or reasonably suspects that a computer which is the property of the Society or has been assigned for use by the Society has been used by an employee to view or send pornographic images of children or young people, this should be regarded as a child protection issue and he will inform the Designated Officer or the Regional Leader. Where the Designated Officer is in doubt about the significance of the images concerned, he will seek expert advice.

## **M. Storage of Safeguarding Data**

In accordance with the policy of St Patrick's Missionary Society, the Regional Leader will undertake to create a record that is accurate and fair, in respect of any Safeguarding incident, allegation or suspicion. This record will be stored securely for whatever period it is thought necessary, updated regularly and accessed only by those who need to view it to ensure the safety of a child. The subject of the file may correct any inaccuracies and review the content on request. Care will be taken to adhere to data protection legislation.

The file will include:

1. A content index sheet
2. Agreement form signed by the respondent
3. An initial case summary information sheet
4. Data Protection Log recording when the file was accessed
5. Case record narratives which detail all contacts made, including telephone, email, by letter and in person.
6. Recording Form sent to Statutory Authorities
7. Chronology of when allegations were made and responded to
8. Assessment Reports
9. Minutes of Meetings
10. Third Party information
11. Correspondence in chronological order

Safeguarding files will be kept in a locked fire-proof cabinet.

Access will be by the Regional Leader and Assistant Regional Leader.

A file will be opened for every respondent and for every individual case where more than one allegation is involved.

Items on file will be signed, dated, timed and kept in chronological order.

## **N. Society Employees and Volunteers in the Region of Ireland**

- N.1 Safe Recruitment and Vetting
- N.2 Interviewing
- N.3 Explanation and Display of Policy
- N.4 Computers

The Society's "Policies and Procedures for Safeguarding Children" and its "Policy and Procedures for Safeguarding Children in the Region of Ireland" apply to employees of the Society and to those who work voluntarily with it. The Society will not knowingly engage, directly or indirectly, anyone who poses a risk to children.

### **N.1 Safe recruitment and vetting**

To this end the Society is committed to employing safe recruitment and vetting practices which seek to prevent those who pose a known risk to children from gaining employment or being taken on as volunteers. All positions will be advertised and the more suitable candidates will be interviewed. This will apply to all positions within the Region and all reasonable steps will be taken to eliminate from the recruitment process applicants who might pose a risk to children.

### **N.2 Interviewing**

Interview boards will be composed of experienced and qualified personnel with a proven ability to extract and explore the information that the candidate has included in the application form. Candidates will be required to give the names of three referees who will provide verbal and written references including a considered view on the candidate's suitability to be in contact with children. Referees must include the applicant's most recent employer.

### **N.3 Explanation of Policy and Display**

The safeguarding policy of the Region of Ireland will be explained to employees and each will be given a copy of the relevant document or where more appropriate a summary of the policy. A copy of this summary will be displayed in a prominent position in all Society houses for callers to view.

### **N.4 Use of Computers**

Employees who do office work or who work in proximity to computers belonging to the Society will be made aware that the viewing of pornographic images of children or young people is a crime against children and should be reported to the relevant manager and to the civil authorities.

## **O. Summary of Procedures for Safeguarding Children**

### **What to do when approached by a complainant:**

- Be welcoming;
- Be supportive;
- Listen carefully;
- Explain the initial procedures;
- Offer to accompany the complainant to meet the Designated Officer;
- Do not make any negative comment about the respondent;
- Be mindful of the rights of the priest against whom the allegations are being made.

If the complainant is a minor, the Society member should accompany the child to meet his/her parents or guardian, (unless there is a grave reason for not involving the parents or guardian at this stage) and then accompany the child to a meeting with the Designated Officer.

A Society member cannot guarantee absolute confidentiality to anybody who wishes to speak about a situation of abuse. This does not apply to situations

involving the Sacrament of Penance where the seal of confession is inviolable. It is essential that the complainant be put in contact with the Designated Officer as soon as possible.

### **What happens next?**

The Designated Officer meets with the complainant and when the person is ready he receives the complaint which he takes down carefully and later shows to the complainant for approval. The issue of notifying the civil authorities is taken care of at this stage. A Support Person is offered and also counselling

The Regional Leader is briefed by the Designated Officer. As soon as possible afterwards the Regional Leader informs the respondent that a complaint has been received and requests him to meet the Designated Officer. The Regional Leader offers him the services of an Advisor and also offers him counselling and professional legal assistance. Then the accused, with his Advisor meets, the Designated Officer. The Regional Leader receives a report of this meeting.

Further investigation follows and appropriate action is taken, including the formulation of a safeguarding plan.

The services of the Support Person and Advisor are made available on an ongoing basis. Counselling, too, is ongoing. Each case is reviewed on a regular basis to ensure the safeguarding of children and to make appropriate amendments to the safeguarding plan.

### **P. Guidance on Leave and Restriction from Sacred Ministry and Apostolate for Clergy and Religious**

This document may be accessed at the website of the NBSCCCI by clicking on the following link.

[www.safeguarding.ie/wp-content/uploads/2013/05/Leave\\_Sacred\\_Ministry.pdf](http://www.safeguarding.ie/wp-content/uploads/2013/05/Leave_Sacred_Ministry.pdf)

## **Q. Safeguarding Roles**

### **Irish Region/District Leadership Team**

The leadership team has overall responsibility to ensure that the safeguarding policy and procedures are implemented within the Region/District. The team also has a role in assisting the Designated Liaison Person with case management.

### **Safeguarding Committee**

The role of the committee is supportive and developmental, it is not related in any way to the management of cases of suspected or alleged abuse.

Has responsibility for:

- Creating, maintaining and monitoring a safe environment for children in all aspects of Irish Region Society life and activity.
- The provision of training.
- The safe recruitment of staff and volunteers within the Society.
- Advising on the human resources required for implementing best safeguarding practices.

### **Local Safeguarding Representative**

Their role will be to promote the safeguarding within St. Patrick's Missionary Society by:

- Raising awareness of what safeguarding is
- Disseminating information of Safeguarding Children - the Standards and Guidelines Document for the Catholic Church, and circulating information widely.
- Ensuring that any activities run within the Society are provided in a manner which ensures the safety and well-being of the children involved (e.g. appropriate level of supervision is in place for the activity, or that insurance has been provided, and so on)
- Ensuring that the contact details of the relevant designated liaison person are widely publicised.

## **Designated Liaison Person**

The role of the designated liaison person will be:

- To hear any concerns relating to safeguarding, including any disclosures or allegations of abuse, and take responsibility for managing the response to that concern from start to finish. This would include the preliminary internal inquiry and referral to the civil authorities, and any subsequent internal investigations
- To ensure that the person raising a concern, disclosing abuse, or making an allegation and anyone who is implicated by that are regularly informed about the progress of the inquiry process
- To liaise with the National Office and have an overview of all matters dealt with under these procedures within the Society.
- To carefully record all steps undertaken as part of these procedures.

## **Safeguarding Committee**

The role of the committee is supportive and developmental, it is not related in any way to the management of cases of suspected or alleged abuse.

Has responsibility for:

- The primary role is to create, maintain and monitor a safe environment for children in all aspects of Irish Region Society life and activity.
- The provision of training.
- The safe recruitment of staff and volunteers within the Society.
- To advise on the human resources required for implementing best safeguarding practices.

## **Support Persons for Complainants:**

*Complainant* is a term used to describe a person who has made a complaint of abuse. Support Persons for complainants have been appointed for St. Patrick's Society.

The support person is not a counselor to the child or adult, and must not

be or act as their therapist.

(Support Persons will receive appropriate training. The full role and responsibilities of the Support Person are outlined in the National Board for Safeguarding Children's Standard and Guidance Document - 2009)

The role of the support person is:

- To consider any wishes of the child or adult disclosing abuse, in regard to a pastoral response by the Society to his or her family.
- To assist, where appropriate, with communication between the child or adult making an allegation or disclosure and the Designated Liaison Person.
- To arrange, if considered helpful, a meeting between the child or adult and the Society such as the priest or Society Leader.
- To facilitate the complainant in gaining access to information and help, and to representing their concerns during the inquiry process.

### **Advisers for Respondents:**

The *Respondent* is the person about whom a child protection concern, suspicion, disclosure or allegation has been made. Advisers for Respondents have been appointed for the St. Patrick's Missionary Society.

Advisers should be particularly alert to the sense of isolation and vulnerability, which a respondent may experience following an allegation of this nature.

(Advisers will receive appropriate training. The full role and responsibilities of the Adviser for Respondents are outlined in the National Board for Safeguarding Children's Standard and Guidance Document – 2009)

The role of the adviser is to:

- Accompany, if so requested, and be available after the respondent's meeting with the Irish Region Leader and the Designated Liaison Person.
- Inform the respondent of his right to obtain advice in both civil and Canon Law.
- Identify any therapeutic or other needs of the respondent and suggest how these may be met.
- Consider the wishes of the respondent in regard to a pastoral response by the Society to his family.
- Be available to the respondent throughout the inquiry process, and thereafter as required
- Ensure the respondent is kept informed of developments in regard to the inquiry
- Represent the needs and wishes of the respondent to the Designated Liaison Person, as required.

The role of the advisers will be to represent the needs of the respondent to the Irish Region Leader / Designated Liaison Person and to assist with communication between them. Where appropriate the adviser will assist also with the care of the respondent and should be alert to the sense of isolation and vulnerability that a respondent may experience following an allegation of this nature. (The full role and responsibilities of the Adviser for Respondents are outlined in the National Board for Safeguarding Children's Standard and Guidance Document – 2009)

**\*Under no circumstances should the same Support person be provides for the child or adult making the allegation/disclosure of abuse and for the respondent.**

**National Case Management Reference Group; NCMRG:**

The NCMRG was set up to offer advice to the Ordinary on the management of allegations and case safety plans.

The role of the NCMRG is set out in its Term of Reference. In particular, members offer advice on:

- The initial complaint.
- Fitness to Ministry
- Management of Risk

### **R. Code of Behaviour for Members, Staff & Volunteers.**

The standards of good behaviour outlined within this document apply to all members, staff and volunteers working with children/young people or vulnerable adults within the Irish Region of St. Patrick's Missionary Society. This code of behaviour outlines what is acceptable and non-acceptable behaviour. This policy exists for the protection of both children and adults.

#### **General Guidelines:**

- Always try to provide an example of good conduct you would wish others to follow.
- Always treat each child with dignity and respect.
- Maintain appropriate boundaries when dealing with young people entrusted to your care.
- Never use language, make suggestions or offer advice which is inappropriate, offensive or abusive.
- Never allow children/young people/adults or other leaders to use inappropriate language unchallenged.
- Always challenge and report potentially abusive behaviour.
- Never act in ways intended to shame, humiliate, belittle or degrade.
- Never let allegations a child/adult makes go without being addressed and recorded
- Favouritism is not acceptable so be sensitive to the possibility of becoming overly involved or spending a disproportionate amount of time with any particular individual or group. Make sure that all children/young people and adults feel equally valued.
- Under no circumstances give alcohol, tobacco or drugs to children/young people or vulnerable adults.

- Do not use alcohol, tobacco or drugs in the company of children or young people.
- Use only age appropriate media products and activities in working with children and young people.
- Sexually explicit or pornographic material is never appropriate and should not be shown to children/young people/vulnerable adults.
- Comments and jokes of a sexual nature which may give offence or which could be interpreted as inappropriate are to be avoided.
- Never hit or otherwise physically assault or abuse a child or vulnerable adult.
- Never behave in a manner which could be seen as inappropriate or sexually exploitative.
- Never do things of a personal nature for children/young people and vulnerable adults, which they can do themselves.
- Develop a culture where children/vulnerable adult can talk openly with staff and others and ensure they know what they can do if they feel that there is a problem.
- Never develop a relationship with a child/vulnerable adult which could in any way be deemed exploitative or abusive.

Do not take children to your own home.

- Never act in ways that may be abusive or may place a child/vulnerable adult at risk of abuse.
- Do not engage in or tolerate any behaviour- verbal, emotional, psychological or physical- that could be construed as bullying.
- Never discriminate against or treat children/young people/vulnerable adults differently. Discriminatory behaviour and or expressed views on the grounds of gender, marital status, family status, age, race, religion, disability, sexual orientation, membership of Traveller community, culture, political affiliation and/or views, will not be tolerated.
- Parents have the sole rights to discipline a child and must always be informed of behaviour issues.

### **Physical Activities**

- Respecting the physical integrity of children and young people should not prevent appropriate contact where it is necessary to comfort a child and ensure their safety and well-being; neither should it preclude

normal expressions of warmth or happiness provided that they are acceptable to all parties concerned and are in response to the needs of the child not the adult.

- In certain activities, physical contact may be necessary however in normal activities, never touch a child without his/her consent and always explain to the child the reason why contact is necessary.
- Accept that all physical contact may be open to scrutiny, and be prepared to report it and explain it.
- Horseplay is not acceptable.

### **Comforting Issues**

- Never assume that all children seek physical comfort if they are distressed and always ask the child what comforting they want.
- Try to ensure that physical comfort is given only if there are other adults present.
- Physical comfort should only be offered in response to the needs of the child.
- Be circumspect in offering reassurance in one-to-one situations.
- Never comfort a child in a way that could be considered indecent or in any way sexual.
- Be aware that a child unused to physical comforting may not have appropriate boundaries for this activity.
- Always report when a child becomes distressed or angry.

### **Intimacy Issues**

- Avoid any physical contact when child/vulnerable adult is in a state of undress.
- Avoid visually intrusive behaviour, including photographs.
- Do not change your clothes, sleep with or shower around children/vulnerable adults.
- Never develop a sexual relationship with a child/vulnerable adult.
- Do not disclose your personal confidences or information to a child/vulnerable.
- Do not give your personal address, telephone or social networking details to a child/vulnerable adult that you did not know before you started work on the programme.

- Do not arrange to afterwards meet a child/vulnerable adult that you did not meet before the programme.
- Do not initiate correspondence with a child/vulnerable adult.
- If a child/vulnerable adult makes contact with you, inform the leader in charge of the group.
- If you do not wish to receive such correspondence, the leader in charge of the group will manage the contact with the child/vulnerable adult thereafter.

## **Meetings**

- Being alone with a child/young person/vulnerable adult is not appropriate practice. Should circumstances arise where it is unavoidable
  - (a) ensure that the door remains open
  - (b) immediately inform another responsible adult,
  - (c) make a written note that the meeting with the young person/vulnerable adult took place.
- If the pastoral care of a young person/vulnerable adult necessitates the arrangement of an individual meeting, do not meet in isolated environments. Schedule meetings at times and locations that allow for transparency and accountability. Limit both the length and number of sessions. Make necessary referrals and appropriate contact with parents.
- Do not conduct meetings in, or encourage visits to, private homes or personal living quarters.
- When the need for a visit to the home of a child/young person/vulnerable adult arises professional boundaries must be observed at all times.

## **S. Complaints Procedure**

This complaints procedure deals with complaints made in relation to:

- A. The handling of an allegation/concern/issue;
- B. Unacceptable behaviour towards a child/vulnerable adult.

It does not deal with the reporting of a child safeguarding concern, this is dealt with through the process outlined *in the Policy document*.

**A. Where the complaint relates to how a complaint of abuse was handled, the person making the complaint can contact the:**

- Safeguarding Office;
- Irish Region/district Leadership Team;
- National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI);

A written request for a review should be forwarded to one of the previously mentioned bodies within three calendar months of the conclusion of the investigation of the initial concern.

**B. If the complaint concerns unacceptable behaviour of a Member, staff or volunteer towards a child/vulnerable adult:**

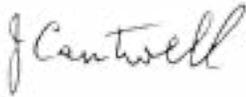
Cases of minor misconduct or unsatisfactory performance are usually best dealt with informally. Sometimes additional training and advice is what is needed. Where an informal approach is not working then the formal process may be invoked.

- If the issue is not resolved it may be brought to the attention of the Community Leader or Safeguarding Office to be dealt with promptly and fairly;
- If the issue is still not resolved at that level it may be referred to the Regional/District Leadership Team;
- If a satisfactory resolution cannot be arrived at within a further month, the complainant is invited to put the complaint in writing for consideration by a mutually agreed mediator, who will be invited to dialogue with all concerned;
- The determination of the mediator will be final.

## **T. Approval**

I hereby issue this revised “Policy and Procedures for Safeguarding Children in the Region of Ireland” in the Region of Ireland. It is to be distributed to all members of the Society in the Region. Members are asked to familiarise themselves with the Policy and Procedures and implement them when necessary.

Signed:

A handwritten signature in cursive script that reads "J Cantwell".

Fr. Joseph Cantwell  
Regional Leader

Date: June 1st, 2012, July 3rd, 2013, July 8th 2014

St Patrick’s Missionary Society,  
Kiltegan,  
Co Wicklow,  
Ireland

## Glossary

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**Advisor** is a person appointed to offer support to a person who has an allegation or concern raised against them.

**Advisory Panel** is a consultative panel of no less than five people appointed by the Regional Leader, to advise and assist during a child protection process.

**Abuser, offender, perpetrator** are all words used to describe a person who poses a risk to children or young people. While it mostly refers to sexual abuse, the terms cover all forms of deliberate harm to children. Offender is used of someone who has been found guilty of a criminal offence by a court of law.

**Child** “*A child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.*” (United Nations Convention on the Rights of the Child, Article 1, 1989)

**Child Abuse** is a form of maltreatment of a child as outlined in Section J above.

**Complaint** is a generic term used to describe a report or account of actual or suspected abuse or inappropriate behaviour.

**Complainant** is a term used to describe a person who has made a complaint of abuse. In some cases the complainant will also be the person who claims to have been abused.

**Designated Officer** (formerly called the Delegate) is a person who has specific responsibility for ensuring effective safeguarding procedures are followed within the Region. He manages the response to allegations from start to finish.

**District Director** governs a district within a region. The United States of America is the only District within the Region of Ireland.

**Society Leader** refers to the Superior General of St Patrick’s Missionary Society who “with the help of his council governs the Society when the General Chapter is not in session”. Constitutions Art 65

**Support Person** refers to the person offered by the Society to provide support for the person who is alleged to have been abused.

## Glossary

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**Regional Leader** refers to the Regional Superior who governs the Region of Ireland comprising the island of Ireland, England, Wales, Scotland, Rome and the United States of America.

**Respondent** is the person about whom a child protection concern, suspicion, disclosure or allegation has been made.

**Safeguarding Children Guidance** is the document entitled Safeguarding Children – Standards and Guidance Document for the Catholic Church in Ireland, published by the National Board

**Victim** is the term used for the person who has been abused.