



Child Safeguarding Office

# **Interim Safeguarding Vulnerable Adults Policy and Procedures**

**July 2020**

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## **Foreword**

On behalf of the Irish Province of Carmelites I am very pleased to launch the **Interim Safeguarding Vulnerable Adult Policy**. This policy is another very important part of our commitment to safeguarding in the Carmelite Order in Ireland.

This policy was written in light of ‘Vos estis lux mundi’ the motu proprio by Pope Francis, which was promulgated on 9 May 2019. Vos estis lux mundi establishes new procedural norms to combat sexual abuse and to ensure that bishops and religious superiors are held accountable for their actions. It establishes universal norms, which apply to the whole church.

In its preamble, Pope Francis affirms that:

*The crimes of sexual abuse offend Our Lord, cause physical, psychological, and spiritual damage to the victims, and harm the community of the faithful. In order that these phenomena, in all their forms, never happen again, a continuous and profound conversion of hearts is needed, attested by concrete and effective actions that involve everyone in the Church, ... Therefore, it is good that procedures be universally adopted to prevent and combat these crimes that betray the trust of the faithful.*

This **Interim Safeguarding Vulnerable Adult Policy** adopted by our Province will assist all of us in our roles and responsibilities in creating and maintaining safe environments for all who visit our churches and communities and to whom we minister.

I would like to thank Jan and Mary from our Safeguarding Office and all who work with us in the very important area of safeguarding. I acknowledge the important contributions to this policy by Tony McCluster, Principal Social Worker, HSE Adult Safeguarding Team and Mary Buckley, Nurse Manager, Irish Province of Carmelites. The area of Safeguarding Children and Vulnerable Adults continues to develop and grow, it would not be possible for us to carry out our ministries without your work and generous support in this area.

This is an Interim Safeguarding Vulnerable Adult Policy and will be reviewed and updated in a year.

Michael Troy O.Carm.,

Prior Provincial

## Section 1 - Introduction

The Order of Carmelites recognises that Church personnel (friars, staff and volunteers) may have contact with adults, who may require special care and attention. The Order values and encourages the participation of vulnerable adults in all our liturgies and activities that enhance their spiritual, physical, emotional, intellectual and social development. We believe that all Church personnel, including friars, staff and volunteers must carry out their ministry respecting the rights of the individual in line with gospel values and human rights legislation. The Order recognises and upholds the dignity and rights of vulnerable adults and is committed to safeguarding all our members. The guidance set out in this document provides a framework of how Church personnel within the Carmelite Order minister and interact with vulnerable adults. It identifies what we mean by the term and highlights values and principles which should underpin such necessary work.

These guidelines apply to all Carmelite friars, staff and volunteers and their work and interaction with vulnerable adults within Carmelite communities. This policy adheres to current practice and guidance in the Republic of Ireland. ***It should be read in conjunction with the Carmelite Child Safeguarding Handbook.***

The Carmelite Order, through these procedures, sets out to protect vulnerable adults from harm and exploitation and to uphold their rights by acting in their best interests and with their consent.

This Interim policy and procedures will be reviewed and amended by the Order following the first year of operation, and subsequently at least every three years, to take account of any changes in safeguarding legislation and policy.

## **Section 2 Safeguarding Vulnerable Adults Statement, Guiding Principles, Consent and Capacity**

The Carmelite Order is committed to safeguarding as an integral component of the life and ministry of the Church. We recognise that everyone has a fundamental right to be safe, and that we have a special responsibility towards all vulnerable people who are members of our faith community.

### **What is vulnerable adult safeguarding?**

Vulnerable adult safeguarding in the Carmelite Order consists of a set of principles and practice guidelines that inform the contact of all Church Personnel with adults at risk of harm and adults in need of protection. It describes how we respect the rights of vulnerable adults and the steps taken to safeguard them from abuse. These procedures also provide guidance to recognise and respond to concerns if a vulnerable adult has been abused, is being abused or is at risk of abuse.

### **Aim of the Policy**

- To outline the commitment to adult safeguarding.
- To ensure that safeguarding procedures for adults who are at risk of harm and/or in need of protection are in place.
- To ensure that all church personnel working within the Carmelite Order understand their role and responsibilities to safeguarding vulnerable adults.

### **Scope of the Policy**

Within this policy the term “safeguarding” is used in its widest sense, that is to encompass both activity which **prevents** harm from occurring in the first place and activity which **protects** adults at risk where harm has occurred or is likely to occur without intervention.

This policy relates to vulnerable adults and this term will be used throughout this document. However, this term does not imply weakness on the part of the adult and the concept of ‘adult at risk of harm’ and an ‘adult in need of protection’ must be considered.

### **Underpinning Principles**

The Principles which underpin our work with vulnerable people are based on gospel values and are rooted in respect for the rights of vulnerable adults who are entitled to:

- To live in safety and be free from abuse or fear of abuse by others
- Be treated with respect, dignity, kindness and understanding.
- To be provided with information and to support them to make informed choices.
- To confidentiality and their information managed with sensitivity and discretion.
- Be supported to be independent and make their own decisions.
- Be supported in receiving the sacraments and spiritual direction
- Be protected from all forms of harm and exploitation.
- Have their emotional, physical and sexual integrity respected.
- Have their ethnicity and gender respected

- Have allegations of abuse investigated
- Have their consent sought and taken into consideration in notifying civil authorities
- Be offered guidance in seeking help and counselling

### **What is a vulnerable adult?**

The HSE National Policy and Procedures (2014) considers a vulnerable person as an adult who may be restricted in capacity to guard himself/herself against harm or exploitation or to report such harm or exploitation.

This may arise as a result of physical or intellectual impairment and risk of abuse may be influenced by both context and individual circumstances.

An adult can be vulnerable at one time in his or her life but not at another time, for example a person can find him/herself in a situation where they feel vulnerable following a bereavement or an accident. However, provided that they retain capacity to make decisions and defend themselves, they do not fit the definition of a vulnerable adult.

Church personnel could encounter vulnerable adults in a range of situations and locations. A vulnerable person could be a parishioner, someone who has once off contact with Church personnel, a member of the Province or a lay person working in a paid or voluntary capacity.

### **How does one know if a person “fits” the definition of a vulnerable adult?**

In some instances, it may be clear, for example, people whose capacity is limited due to living with dementia or an intellectual disability will always be considered as a “vulnerable adult”. However, in other situations it is not as clear. A frail older person living alone may be considered vulnerable but still retain their capacity to make decisions. It is important to protect people from harm whilst respecting their personal autonomy.

### **Consent and Capacity**

Consent is a process; it results from understanding through dialogue and the provision of information. It may be expressly given (ie requesting assistance) or, alternatively, it may be signalled by a person’s conduct (ie participation or engagement in an activity or event) Generally, the method of gaining consent is likely to be influenced by the seriousness of what is being proposed. More serious decisions and the consequences of making decisions, might require that the vulnerable adult is asked to sign a consent form.

### **Assisted Decision Making (Capacity) Act 2015**

The Assisted Decision Making (Capacity) Act 2015 has not fully commenced, however it outlines a number of guiding principles. These are principles that the Carmelite Order endeavour to uphold.

- It is presumed that the person has capacity to make their own decisions, unless it is proved otherwise.
- Everyone has the right to be supported to make decisions.
- An unwise decision does not indicate a lack of capacity.
- A person has the right to have accessible information in relation to a particular decision.

- A person has the right to have more time to understand the information.
- Information should be provided in a range of different formats to maximise understanding.

### **What is Capacity?**

Capacity is defined as the person's ability to understand, at the time that a decision has to be made, the nature and consequences of the decision to be made by him or her in the context of the available choices at that time.

### **Functional Assessment of Capacity**

The functional test states that a person is unable to make a decision for himself if he is unable:

- To **understand** the information relevant to the decision;
- To **retain** that information for long enough to make a choice;
- To **use or weigh** that information as part of the process of making the decision; or
- To **communicate** their decision (whether by talking, sign language, using technology or any other means).

### **Gaining Consent from an Adult**

It is important that Church personnel understand the issues of consent and capacity in order to establish an individual's ability to give meaningful consent. Consent is a clear indication of a willingness to participate in an activity or to accept a service. The vulnerable adult may signal consent verbally, by gesture, by willing participation or in writing. In certain situations, the need for consent may be overridden e.g. to meet a legal responsibility to report or prevent immediate or significant harm either to the adult or the general public. As far as possible, adults should be supported to communicate their concerns to relevant agencies.

Church personnel should remember that no one can give, or withhold consent on behalf of another adult, unless special provision has been made for this, usually in law (ie power of attorney/ward of court)

The type of Carmelite services and activities availed of by vulnerable adults would be **unlikely** to require written consent. However, there may be occasions when written consent is required and if Church personnel have concerns about consent, e.g. as to its validity, they should always seek advice from their Prior/Provincial, the Designated Liaison Person (DLP)/Assistant DLP in the Safeguarding Office or from the local HSE, Adult Safeguarding Team. In such cases the DLP/Assistant DLP will, in turn, seek professional advice on the matter from the relevant Statutory Authorities, notably the HSE, Adult Safeguarding Teams. Individuals always have the right to consult directly with statutory agencies. The important issue is to ensure that the consent given is valid. The consent of a vulnerable adult is considered valid **ONLY** if:

1. He/she has the capacity to consent, i.e. he/she can understand and weigh up the information needed to make the decision.
2. Sufficient information has been given to him/her, in an appropriate way, on which to base the decision.

3. Consent has been given on a voluntary basis that is free from coercion or negative influence.

If any of these three factors are absent, consent cannot be considered to be valid. Circumstances may arise where the vulnerable adult is unable to make decisions for themselves, for example, a learning disability, a severe mental health issue, impaired functioning as a result of a stroke or some form of dementia or any brain injury or trauma which could severely affect his/her intellectual functioning. In some situations, mental capacity, in terms of decision making in respect of treatment, care, care provision, welfare and/or financial assets affairs may be impaired. In other situations, it may be that additional supports ie. additional time, accessible information in a range of formats, or an advocate are available to support a vulnerable adult in the decision-making process and provision of consent.

Legal protections may need to be put in place if someone such as a family member, an advocate or health professional has to make decisions for a vulnerable adult who has been deemed to lack capacity.

If Church personnel have any doubts or concerns about whether the consent of a vulnerable adult is valid, or whether he/she has the capacity to do so, they should bring this to the attention of the Carmelite DLP/Assistant DLP in the Safeguarding Office who will consult with the relevant statutory authorities.

The Carmelite Order is committed to safeguarding vulnerable adults by:

- Making the welfare of the vulnerable adult the first and paramount consideration.
- Ensuring that this policy is supported by robust procedures
- Ensuring adequate care plans are in place for Vulnerable Adults who are residents in Carmelite property.
- Implementing the existing procedures for safe recruitment and selection of Church personnel to work with vulnerable adults.
- Ensuring that a robust code of behaviour for all Church personnel is in place and is adhered to.
- Have clear procedures for recognising and reporting vulnerable adult concerns and allegations of abuse.
- Managing personal information and sensitive data, confidentiality and the sharing of information in line with legal requirements.
- Providing information/training for all Church personnel on Safeguarding Vulnerable Adults
- Establishing and maintaining links with statutory and voluntary agencies/organisations to ensure "best practice" throughout the province.



## Section 3 – Safeguarding Vulnerable Adults Legal and Policy Framework

Vulnerable adults are protected against criminal acts in the same way as any other person. Where there is reasonable suspicion that a criminal offence may have occurred, it is the responsibility of An Garda Síochána to investigate and make decisions about what action should be taken. An Garda Síochána should always be consulted about criminal matters.

Key relevant adult safeguarding legislation within the **Republic of Ireland** is as follows:

- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.
- Assisted Decision Making (Capacity) Act 2015 (as referred to previously)

### Definition of a Vulnerable Adult

**The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016, (Republic of Ireland) defines a vulnerable adult as follows:**

"Vulnerable Person" means a person, other than a child, who

- a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- b) has an intellectual disability,
- c) is suffering from a physical impairment, whether as a result of injury, illness or age, or
- d) has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person, or that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

In addition, the **Criminal Justice (Withholding of Information of Offences against Children and Vulnerable Persons) Act 2012** provides a similar definition of Vulnerable Person in the following terms:

"Vulnerable Person" means a person (including, insofar as the offences specified at paragraph 8 of Schedule 2 are concerned, a child aged 17 years old)

- a) who is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or
- b) has an intellectual disability which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person, or
- c) who is suffering from an enduring physical impairment or injury which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both.

**Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person.**

The rights of vulnerable adults to live a life free from neglect, exploitation and abuse are protected under the Human Rights Act 1998. Specifically, a vulnerable adult's right to life is protected under Article 1; their right to be protected from inhuman and degrading treatment under Article 3; and their right to liberty and security under Article 5.

HSE Safeguarding Vulnerable Persons at Risk of Abuse, National Policy and Procedures 2014 provides for reporting of concerns and the protection of vulnerable adults to regionally based Safeguarding and Protection Teams. The Draft HSE Adult Safeguarding Policy 2019 uses the term “adult at risk of abuse” in preference to “vulnerable adults”.

## **Section 4 – Recruitment and Selection, Training, Support & Supervision**

The Order have a responsibility to create a safe environment for vulnerable adults and they do this by ensuring;

- Only suitable people are recruited to work or volunteer with vulnerable adults.
- All Church personnel have knowledge of their roles and responsibilities to safeguard vulnerable adults and to respond to adult safeguarding concerns in line with the Carmelite Interim safeguarding vulnerable adult policy
- Line management structures are in place to ensure support and supervision is available to ensure codes of behaviour are being adhered to and Church personnel are supported and protected to report adult safeguarding concerns.

### **Recruitment and Selection**

The Carmelite Order applies a thorough and clearly defined method of recruiting staff and volunteers, in line with legislative requirements and best practice. The requirements listed apply to all friars, staff, students and volunteers who through their ministry have regular and necessary contact with children and vulnerable adults.

A core element of adult safeguarding in the Carmelite Order is the recruitment, selection and management of personnel. The recruitment procedure requires that:

- Positions are advertised widely
- There is a job description outlining the key skills and abilities required for the role.
- There is an application form that covers past experience /work /volunteering.
- There is a declaration form requesting information on previous convictions and investigations. Applicants are also asked to declare any reasons if they may be considered unsuitable to work with vulnerable adults.
- There is a formal interview process appropriate to the role and tasks, involving a set criteria and scoring process
- There are written references sought from two people (not relatives, which are followed up verbally).
- There is an identification check.
- Garda/Access NI Vetting, where appropriate.
- Selected candidates are required to have read and sign to state they agree to adhere to the Carmelite Order Interim Safeguarding Vulnerable Adult policy.

## Training & Information Provision

### ➤ Induction

The Carmelite Order recognises that a thorough induction process is integral to good organisational practice. Induction should take place when personnel take up a new role and should include:

- Information on Carmelite policies, procedures, guidelines, activities and ethos of the Carmelite Order
- Expectations and boundaries within which they should operate.
- Awareness-raising and training on the recognition, recording and reporting of abuse.

A timeframe should be set within which induction should be completed. New personnel should be provided with the opportunity to read relevant safeguarding documentation, know where to access the documents for reference purposes and where they can access appropriate supports

### ➤ Adult Safeguarding Training

Personnel should receive training appropriate to the nature of their work and the type and level of contact they may have with vulnerable adults. As there is a responsibility on all Church personnel to protect vulnerable adults from harm and respond to concerns, all personnel should receive **basic information** on the Interim Safeguarding Vulnerable Adult Policy.

Those personnel that have direct contact with vulnerable adults should engage in face to face **training** in order to ensure that these procedures are understood, followed and principles embedded in day to day practice. Adult safeguarding training should include a basic awareness and understanding of the factors, which contribute to vulnerability, the possible signs of abuse, responding when abuse is disclosed or suspected, the meaning of confidentiality in the context of adult safeguarding, recording and reporting procedures. The training should also be reviewed and updated in line with changing legislation and practice.

- Information and ongoing developments will be provided to Church Personnel through the safeguarding section on the Carmelite website, the Safeguarding newsletter and a Safeguarding Vulnerable Adults leaflet.

## Line Management Structure and Support

Good practice indicates that support and supervision are beneficial to enable personnel to feel supported in the work which they do and to ensure that they are carrying out their duties to the required standard. These mechanisms can also be used to support personnel to discuss concerns that may arise through their work and to follow the appropriate procedures.

## **Section 5 – Code of Behaviour for all Church Personnel and is implemented.**

The code of behaviour outlines the expected behaviour for all Church Personnel, in order to respect the rights of vulnerable adults and protect them from harm.

**It is the responsibility of all Church personnel to ensure that the code of behaviour is adhered to and to report breaches of the code.**

For all Church personnel coming in contact directly or indirectly with vulnerable adults, it is critical that boundaries are respected and that appropriate work practices are established which always place the needs and well-being of the vulnerable adult as the primary concern. Those carrying out ministries should have clearly defined codes of behaviour.

A balance needs to be struck between the right to protection and the need to allow appropriate interaction between an individual and the friar, staff or volunteer.

All Church personnel must:

- Adhere to the protocols and guidelines of any organisation whose premises they are ministering within.
- Be accountable for their actions, for example, willing to give an account and explanation for their actions.
- Work in a manner that is open and transparent.
- Treat all vulnerable persons equally and fairly.
- Respecting the rights and wishes of vulnerable adults.
- Be patient and listen.
- Demonstrate respect for the views and wishes of all individuals.
- Value vulnerable adults as individuals and adopt a person-centred approach.
- Encourage vulnerable adults to participate and fulfil their potential.
- Promote independence and choice of vulnerable adult while protecting them as far as possible from danger and harm.
- Develop a culture where people can speak openly about anything that may be worrying them.
- Be aware of the difficulties posed by language barriers and other communication difficulties.
- Respect the dignity of each individual and their right to personal privacy.
- Recognise that particular care is required when you may be discussing sensitive issues with vulnerable adults.
- Avoid situations that might compromise your ministry with vulnerable adults, and which are unacceptable within a relationship of trust. This rule should apply to all such behaviours including those which would constitute an illegal act.
- Challenge and report abusive or potentially abusive behaviour.

- Respect the religious, cultural, racial and sexual orientation of the vulnerable adult and be open to and aware of diversity in their beliefs and practices and those of their families.
- Where appropriate, understand and implement a vulnerable adult care plan.
- Only engage in personal care of a vulnerable adult, if qualified to do so and in line with their personal care plan.
- Provide an example of good conduct you wish others to follow.
- Use social media appropriately and in line with the Carmelites social media policy. Report any concerns regarding the misuse of social media.
- Operate within the Carmelite Order policies and procedures.

Church personnel should avoid:

- Spending excessive amounts of time alone and away from others with vulnerable adults.
- Taking vulnerable adults to their home.
- Taking vulnerable adults alone in their car, when to do so may pose a risk to either party.

Church personnel must never:

- Physically or emotionally abuse or exploit a vulnerable adult.
- Have a sexual or exploitative relationship with a vulnerable adult.
- Be under the influence of alcohol or drugs while engaging in Carmelite activities.
- Become involved in either using the vulnerable adult's money on his/her behalf or in giving the vulnerable adult advice in use of his/her money.
- Use language, make suggestions or offer advice, which is inappropriate, offensive or abusive.
- Do things of a personal nature for a vulnerable adult that he/she is capable of doing for his/herself or are the responsibility of their family or carer.
- Act in ways intended to shame, humiliate, belittle or degrade.
- Discriminate against the person on the basis of religion, race, culture, gender or sexual orientation.
- Form inappropriate relationships with vulnerable adults.
- Gossip about personal details of vulnerable adults and their families.
- Photograph or video a vulnerable adult.

**All Church personnel must abide by the code of behaviour. Any person who is concerned about a possible breach of this code of behaviour must discuss the matter with their line manager, Provincial or the Designated Liaison Person (DLP)/Assistant DLP in the Safeguarding Office. Breaching the code of behaviour is a serious issue which will be investigated and may result in disciplinary action and possibly dismissal.**

**External Groups**

External/independent groups/organisations, seeking to hire or lease Carmelite Order property to deliver their own service/activity involving vulnerable adults are solely responsible for ensuring they have their own Safeguarding Vulnerable Adults procedure in place. All external groups must meet certain requirements before an agreement of lease or rental of property is made. These include proof of appropriate insurance and if relevant, confirmation that they have a child safeguarding statement. It is recommended that a safeguarding vulnerable adults' policy and procedures are in place for groups providing service to vulnerable adults. Information and support can be obtained from the HSE Adult Safeguarding Teams in relation to this.

## Section 6 – Recognising Harm of Vulnerable Adults

### What is abuse?

Abuse is defined as the physical, psychological, emotional, financial or sexual maltreatment or neglect of a vulnerable adult by another person. The abuse may be a single act or repeated over a period of time. It may take one form or a multiple of forms. The lack of appropriate action can also be a form of abuse.

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

Abuse can take many forms including the following:

<b><i>TYPE OF ABUSE</i></b>	<b><i>INDICATORS</i></b>
<p><b><i>Physical</i></b> – The use of physical force, the threat of physical force or mistreatment of one person by another which may or may not result in actual physical harm or injury. For example; slapping, hitting, pushing, kicking and the misuse of medication or restraints.</p>	<p>Unexplained injuries, bruises/cuts/burns: unexplained or long absences from a residential placement /home: appearing frightened; avoiding a particular person: asking not to be hurt.</p>
<p><b><i>Sexual</i></b> – Any behaviour (physical, psychological verbal, virtual/online) perceived to be of a sexual nature which is controlling, coercive, exploitative harmful or unwanted towards another person. Any sexual contact with a vulnerable adult that they have not or cannot consent to.</p>	<p>Trauma to genitals, breasts, rectum, mouth, injuries to face, neck abdomen, thighs, buttocks, STI’s and human bite marks. Behaviours which are unusual for that person, e.g. disturbed sleep / incontinence / aggression / changes to eating patterns / unusual sexual behaviour/anxiety attacks.</p>
<p><b><i>Emotional/Psychological (including bullying/harassment)</i></b> Behaviour that is psychologically harmful to another person and which inflicts anxiety or mental distress by threat, humiliation or other verbal/non-verbal conduct. For example; threats of harm or abandonment, humiliation, depriving of contact, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or support networks. Including spiritual abuse; denying a person to access sacraments and to practice their faith.</p>	<p>Mood swings, incontinence, obvious deterioration in health, sleeplessness, feelings of helplessness/hopelessness, extreme low self-esteem, tearfulness self-abuse or self-destructive behaviour.  Challenging or extreme behaviour.</p>



<p><b><i>Neglect or Acts of Omission</i></b></p> <p>The withholding of or the failure to provide appropriate and adequate care and support which is required by another person. It may be through a lack of knowledge or awareness, or through a failure to take reasonable action given the information and facts available to them at the time.</p>	<p>Poor personal hygiene, dirty and dishevelled in appearance e.g. unkempt hair and nails. Poor state of clothing: non-attendance at routine health appointments socially isolated.</p>
<p><b><i>Financial/Material</i></b></p> <p>The unauthorised and improper use of funds, property or any resources including pensions, or others statutory entitlement or benefits. Financial abuse involves an act or acts where a person is deprived of control of their finances or personal possession or is exploited financially by another person or persons. For example; theft, fraud, exploitation, exerting pressure in relation to wills, property inheritance or financial transactions or the misuse or misappropriation of property, possessions or benefits.</p>	<p>Lack of control over personal funds or bank accounts; misappropriation of money, valuables or property; lack of records or records incomplete regarding spending; forced changes to wills; not paying bills; refusal to spend money; insufficient money for day to day expense.</p>
<p><b><i>Discriminatory Abuse</i></b></p> <p>Unequal treatment, harassment or abuse of a person based on age, disability race ethnic groups gender, gender identify sexual orientation, religion, family status or membership of the travelling community.</p>	<p>Isolation form family or social networks, indicator of psychological abuse may also be present. Denying a person access to sacraments and to practice their faith.</p>
<p><b><i>Online/digital abuse</i></b></p> <p>An abusive or exploitative interaction occurring online or in a social media context.</p>	<p>Becoming withdrawn, anxious, clingy, depressed, aggressive, changes in behaviour, problems sleeping and eating disorders.</p>
<p><b><i>Organisational Abuse</i></b></p> <p>The mistreatment of people brought about by poor or inadequate care or support or systemic poor practices that affect a whole care setting. Inadequate response to complex needs.</p>	<p>Lack of or poor-quality staff supervision and management. High staff turnover. Lack of training of staff and volunteers poor staff morale. Poor record keeping. Poor communication with other service providers. Lack of personal possessions and clothing being spoken to inappropriately,</p>
<p><b><i>Professional Abuse</i></b></p> <p>This is the misuse of power and trust by professionals and a failure to act on suspected abuse, poor care practice or neglect, resource shortfalls or service</p>	<p>Misuse of power, poor care practice or neglect in services, not attending to the needs of all fairly and with respect, entering into inappropriate relationships with a vulnerable adult, failure to support a vulnerable adults to</p>

pressures that lead to service failure and culpability as a result of poor management systems.	access healthcare/treatment, inappropriate response to challenging behaviours, failure to report disclosure of abuse, denying a vulnerable adult access to professional support and services such as advocacy
<b><i>Human Trafficking/Modern Slavery</i></b> The acquisition and movement of people by improper means, such as force threat or deception, for the purposes of exploiting them. It can take the form of domestic servitude forced criminality, forced labour, sexual exploitation and organ harvesting.	People believing that they must work against their will, unable to leave their work environment or showing signs that their movements are being controlled. Fear, anxiety, signs of injuries that appear to be the result of assault.

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

Abuse can be difficult to identify and many present in many forms. No one indicator should be seen as conclusive in itself of abuse. All signs and symptoms must be examined in the context of the person’s situation and family circumstances.

**Who might abuse?**

This could be anyone who has contact with the vulnerable person. It could be a partner, spouse, child, relative, friend, advocate, informal carer, a member of the Order, a healthcare, social care or other worker, a peer or, less commonly, a stranger.

It is also possible for a vulnerable adult to abuse or harm another vulnerable adult within a care or residential setting.

**Where might abuse take place?**

Abuse can happen anywhere, some examples are as follows:

- In someone's own home
- In a carers home
- Within day care, residential care, nursing care or other institutional settings
- At work or in educational settings
- In our communities and residences
- In our ministry settings
- In public places

**How may concerns come to your attention?**

- A vulnerable adult may disclose abuse to you
- Someone else may tell you of their concerns or something that causes you concern
- Some incident/situation you witness causes you concern
- A vulnerable adult may show some signs of physical injury for which there does not appear to be a satisfactory or credible explanation
- A vulnerable adult’s demeanour/behaviour may lead you to suspect abuse or neglect
- The behaviour of a person close to the vulnerable adult makes you feel uncomfortable. (This may include another staff member, volunteer, peer or family member).

Being alert to possible abuse plays a major role in ensuring that vulnerable adults are safeguarded and it is important that all concerns about possible abuse are reported

## **Section 7 – Responding to concerns of harm to vulnerable adults**

### **Responding to Disclosures of Abuse**

If a vulnerable adult makes a disclosure of abuse, it is important that Church Personnel respond appropriately to ensure the vulnerable adult is supported and receives the correct response through this process.

#### **DO:**

- Stay calm
- Listen carefully, expressing concern and sympathy
- Allow the person to tell the story in their own words and at their own pace
- Ask open ended questions for the purposes of clarification only
- Reassure the person - tell him/her they did the right thing in telling you
- Consider the immediate health and safety of the person
- Let them know that the information will be taken seriously and give them information about what will happen next
- Explain that information relating to the person's protection and welfare must be shared but only with those who need to know it to protect the person and/or other vulnerable adults.
- Let the person know that they will be kept informed at every stage
- Be aware that forensic evidence might be needed

Following your conversation with the person;

- If urgent help is needed, call the emergency services – medical/Gardaí
- Ensure the safety of the person
- Record in writing (date and sign your record) and report to the Carmelite Designated Liaison Person (DLP)/Assistant DLP
- Act without delay in line with the reporting procedure

#### **DO NOT**

- Stop someone disclosing to you
- Appear shocked or display negative emotions
- Make judgements
- Give reassurances that you cannot keep
- Promise to keep secret what they tell you
- Press the person for more details or make them repeat the story
- Gossip about the disclosure or pass any information about this to anyone who does not have a legitimate need to know
- Under any circumstances, contact the alleged abuser
- Attempt to initiate an investigation yourself
- Leave details of your concern on a voicemail or by e-mail
- Delay in responding

### **Seeking Basic Information to Check Out Initial Concerns or Suspicion of Harm**

If you see a worrying mark/physical indicator or are concerned about the presentation of a vulnerable person or witness something that concerns you, you may need to seek further information from the vulnerable adult. It may be appropriate for you (the friar, staff or volunteer) to ask the vulnerable adult what happened or whether anything was wrong. Listen carefully to their response and express concern appropriately. **It is important not to start investigating.**

### **Reporting Procedure:**

All concerns, allegations and disclosures must be taken seriously and dealt with appropriately. In relation to safeguarding concerns, disclosures or allegations, someone may ask themselves ‘What if I am wrong’ and feel anxious about passing on the information to someone else. It is important for all Church Personnel to know that they are not responsible for deciding whether or not abuse has occurred, and neither are they responsible for conducting an assessment/investigation. This is the role of appropriate safeguarding personnel and statutory authorities. Church personnel must report all safeguarding vulnerable adult concerns in line with this policy.

- 1) All Church personnel who have a concern or suspicion of harm to a vulnerable person must record in writing the factual details of this concern, including the date, time, names, details of the concern, including what the vulnerable adult said and any action taken.
- 2) If the concern arises within a public setting and does not involve Church Personnel, the line manager/Prior should be informed and a report made directly to the local HSE Adult Safeguarding Team. (See Appendix 1 for HSE report form).
- 3) If the concern relates to Church personnel, either as a vulnerable adult or person allegedly causing harm to a vulnerable person, then this must be then reported without delay to the Designated Liaison Person (DLP)/Assistant DLP in the Safeguarding Office, who will then inform the Provincial.
- 4) The DLP/Assistant DLP will establish if the concern relates to a safeguarding issue and whether there are reasonable grounds for concern. The DLP/Assistant DLP may need to consult with a member of the HSE Adult Safeguarding Team for advice and support.
- 5) If required a Carmelite Case Management Team will be established. This team may consist of the Nurse Manager, Prior and /or Provincial, Safeguarding personnel and external personnel (ie from HSE Safeguarding Team, Sage Advocacy) as deemed appropriate. The function of this team will be to discuss, advise and make decisions in safeguarding vulnerable adult cases, including whether someone meets the definition of a vulnerable adult.
- 6) If there are reasonable grounds for concern, the DLP/Assistant DLP will report the concern to the HSE Adult Safeguarding Team. The DLP/Assistant DLP will also seek the advice of the HSE as to how to proceed, making sure that any action taken by the Order will not prejudice the investigation of statutory authorities. (see Appendix 1 for the HSE Report Form)
- 7) If it is deemed that a crime has been committed the DLP/Assistant DLP will also report to An Garda Síochána.

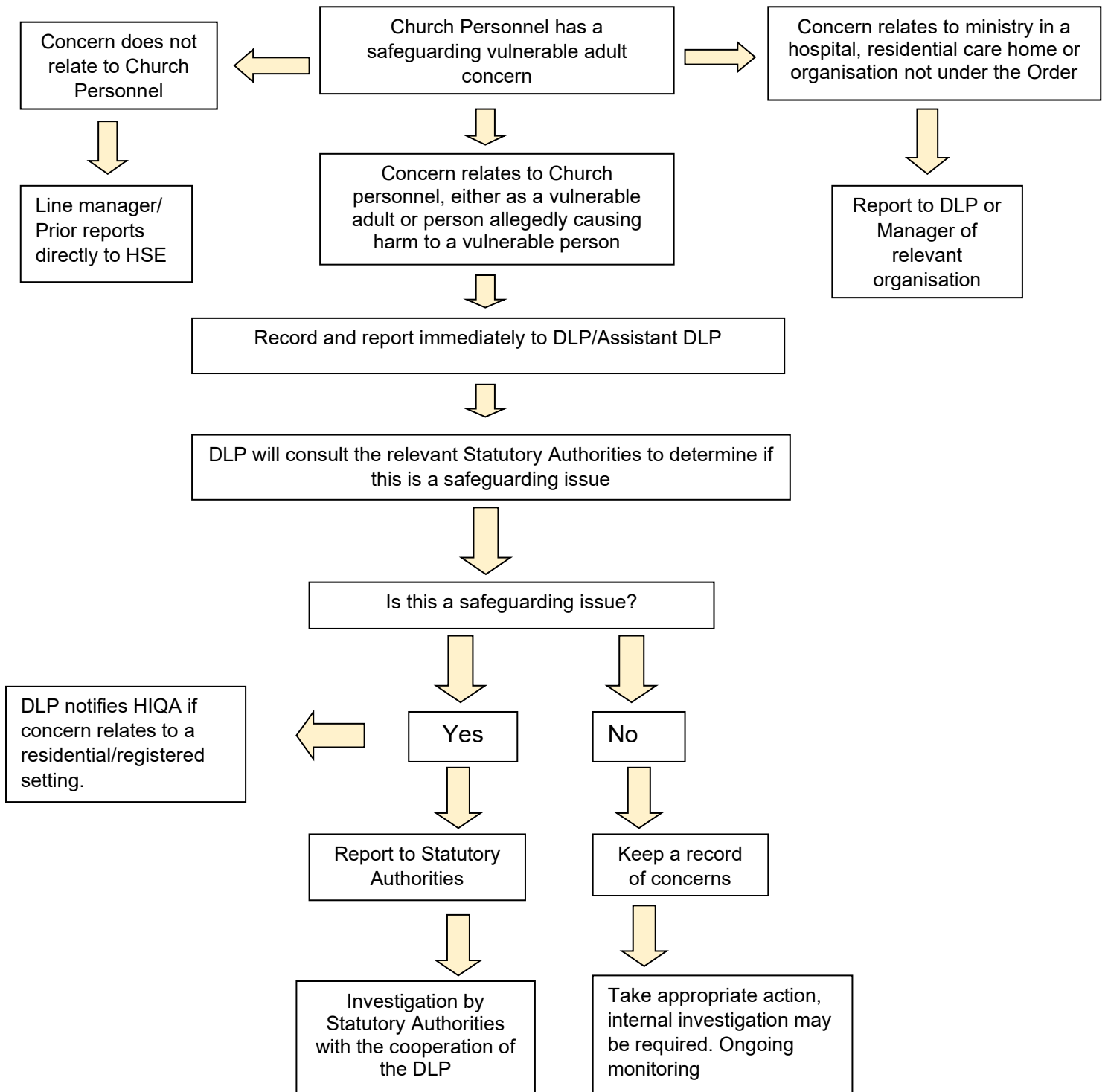
- 8) The DLP/Assistant DLP in conjunction with other appropriate people, will take steps to ensure the safety of the alleged vulnerable adult and other parties who may be at risk of harm in order to prevent risk of further potential harm/abuse.
- 9) Following advice from the HSE, the DLP/Assistant DLP may inform the person whom the allegation has been made against of the concerns and their right to respond.
- 10) It may be necessary to take protective measures to ensure the safety vulnerable adults while the investigation is conducted. These safety measures may include suspension (or in the case of religious, to stand aside from ministry), increased supervision or assignation of other duties not involving contact with vulnerable adults. The protective measures should be proportionate to the level of risk. Suspension must not be used to imply guilt, rather a neutral act to allow the investigation to proceed, minimise further risk and to remove Church personnel from the possibility of any further allegation.
- 11) Following the outcome of the statutory investigation, the case will be reviewed internally and all actions taken in respect of Church personnel will be in accordance with disciplinary policy.
- 12) A written record of meetings, actions and consultations will be compiled by the DLP/Assistant DLP and a confidential case file will be opened and stored securely in the Safeguarding Office.
- 13) If ministry involves visiting adults in hospitals, residential care homes or other settings independent of the Order, the reporting procedure is through the Designated Liaison Person (DLP) /Manager of the relevant institution.

**The role of the DLP/Assistant DLP is;**

- to support and advise Church personnel on adult safeguarding matters,
- to liaise with the statutory authorities
- to co-ordinate action within the Order to ensure no adult is exposed to ongoing harm
- to ensure that the reporting procedure is followed
- to keep relevant people informed of action taken/required
- to ensure the individual case records are maintained

The Designated Liaison Person is Mary Tallon and the Assistant Designated Liaison Person is Jan Perrin. Contact details can be found at the end of this policy.

## Reporting Procedure Flowchart



For allegations/concerns/suspicions against non-Church personnel (eg. abuse of a vulnerable person by a relative or non-Church carer) the person who is worried about possible harm to a vulnerable adult should report the concerns directly to the statutory authorities; HSE Safeguarding Teams and An Garda Síochána.

Note: If Church Personnel have **Child Safeguarding Concern** this must also be reported to the DLP/Assistant DLP in line with the Carmelite Child Safeguarding Reporting Procedure.



## **Section 8 - Recording, Sharing Information and Confidentiality**

### **Recording**

It is a responsibility of all Church personnel to record in writing all safeguarding concerns, suspicions, disclosures and allegations. Records should include dates, times, action taken, observations and direct quotes used by individuals. Note, only the names of Church personnel should be recorded. Names of parishioners, family members, people attending a church activity, members of external groups etc. do not need to be recorded. Information should be factual and any opinions offered should be supported by facts. Records should avoid using generalised terms, such as often and frequently, instead state definite timelines, for example, 3 times a week.

All written records relating to concerns or allegations of suspected or actual adult abuse involving Church Personnel must be maintained by the DLP/Assistant DLP, in the Safeguarding Office.

The Carmelite Order is responsible for ensuring that the gathering, storage, usage and sharing of personal information is in line with the requirements of the Data Protection Act 2018.

### **Confidentiality**

It is important that Church personnel understand the importance of confidentiality. All information relating to concern/suspicions/allegations about safeguarding should be treated as confidential and should only be communicated on a “need to know” basis with relevant personnel. Information should NOT be shared with anyone, inside or outside the Order, unless they are involved in the case. The DLP/Assistant DLP will advise on “who needs to know” and who should have access to records. Depending on the involvement of the vulnerable adult’s family and subject to consent where appropriate, information will be shared with family members.

While information about vulnerable adults is confidential, it may be disclosed to external agencies to ensure the care and safety of an individual or others or where a crime is suspected. This includes the disclosure of information to An Garda Síochána and the local HSE Adult Safeguarding Team.

### **Sharing of Information**

All adults at risk of harm or in need of protection and, where appropriate, their carers or advocates, need to be made aware that information may be shared on a multi-disciplinary and inter-agency basis in order to protect, or to investigate an alleged suspected criminal offence.

In general circumstances, observing the principle of confidentiality will mean that the information is passed on to others with the consent of the person concerned. However, it should be recognised that in order to safeguard vulnerable adults, it may be necessary, in some circumstances, to share information that might normally be regarded as confidential.

The duty to protect takes precedence over individual confidentiality if a person or others are at serious risk of harm or have been seriously harmed. However, information sharing will be proportional and on a "need to know" basis. Where possible, the person will be advised before the information is shared and with whom it will be shared.

### **Interagency Co-Operation and Communication**

The Order recognises the knowledge and expertise of external organisations, particularly the HSE, Adult Safeguarding Teams, in this area and therefore are committed to working in co-operation and communication with them, in order to promote the welfare of all vulnerable adults. It is intended that all organisations;

- Work together to protect the rights of vulnerable adults.
- Actively promote the empowerment and well-being of vulnerable adults through the services they provide.
- Work together with the aim of improving the quality of safeguarding work.
- Ensure that best practice in keeping vulnerable adults safe from harm is achieved.

The purpose of inter-agency cooperation in relation to the protection and safeguarding of vulnerable adults is to ensure that by working cooperatively, a consistent response will be made when concerns are raised, or allegations of harm are made.

## Section 9 - Roles and Responsibilities

A summary of the roles and responsibilities within the Carmelite Safeguarding Structure are listed below.

The **Prior Provincial** has overall responsibility for;

- ensuring that the safeguarding mechanisms for protecting all vulnerable people and groups are firmly established and working across the Order
- the implementation of this policy and procedures are regularly monitored and reviewed.
- liaising with DLP/Assistant DLP in relation to the operation of this policy.

The **Designated Liaison Person/Assistant Designated Liaison Person** has responsibility for;

- managing and coordinating all allegations, suspicions and concerns of child and vulnerable adult abuse within the Order
- reporting adult safeguarding concerns to the statutory services
- setting up multi-disciplinary strategy discussion meetings, when appropriate
- ensuring the internal management of cases

The **Carmelite Safeguarding Committee** is established to oversee;

- the implementation of a safeguarding strategy
- the safe recruitment of Church personnel, in line with this policy
- to ensure that adult safeguarding training is delivered within the Order
- the creation, maintenance and monitoring of a safe environment for vulnerable adults

The **Carmelite Case Management Team** may consist of the Nurse Manager, Prior and /or Provincial, Safeguarding personnel and external personnel (ie from HSE Safeguarding Team, Sage Advocacy) as deemed appropriate. This team will discuss, advise and make decisions in safeguarding vulnerable adult cases, including whether someone meets the definition of a vulnerable adult.

## **Section 11 - Access to Advice and Support**

### **The Carmelite Order Safeguarding Office**

Designated Liaison Person Contact Detail:

Ms Julie McCullough

Mobile 087 1947212

### **HSE Safeguarding Contact Details**

There are HSE Adult Safeguarding Teams in all Community Healthcare Organisations (CHOs).

<https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/>

### **HSE Confidential Recipient**

The HSE has also appointed a confidential recipient who will receive and report concerns of abuse or neglect in complete confidence. The [confidential recipient](#) is Ms. Leigh Gath and she can be contacted by email on [leigh.gath@crhealth.ie](mailto:leigh.gath@crhealth.ie) or LoCall 1890 1000 14.

### **An Garda Síochána:**

You can contact your local Garda Station

**The Samaritans Tel: 1850 609090**



## Appendix 1 – Report form for Safeguarding Vulnerable Adults

### REFERRAL FORM FOR COMMUNITY BASED REFERRALS

### SAFEGUARDING VULNERABLE PERSONS AT RISK OF ABUSE NATIONAL POLICY & PROCEDURES

There is duty of care to report allegations or concerns regardless of whether client has given consent

Referrer should take any immediate actions necessary as per policy in relation to seeking An Garda Síochana or medical assistance

#### Vulnerable Person's Details:

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_

Marital Status: \_\_\_\_\_ Contact Phone Number  
:/Mobile: \_\_\_\_\_

Does anyone live with client: Yes  No  If yes, who?: \_\_\_\_\_

#### Medical history and any communication support needs (as understood by referrer):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### Details of the person's vulnerability (as understood by referrer):

\_\_\_\_\_  
\_\_\_\_\_

Is client aware this referral is being made? Yes  No

Has client given consent? Yes  No

#### Is there another nominated person they want us to contact, if so please give details?

Name: \_\_\_\_\_ Contact Details: \_\_\_\_\_

Relationship to vulnerable person: \_\_\_\_\_

#### GP Contact Details:

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

#### Primary care team details i.e. social worker, PHN, etc.

\_\_\_\_\_

#### Any other key services/agencies involved with client (Please include Name and Contact):

Details: \_\_\_\_\_

\_\_\_\_\_

**Details of allegation/ concern: Please tick as many as relevant:**

Physical abuse

Financial/material abuse

Psychological/Emotional abuse

Neglect/acts of omission

Sexual abuse

Discriminatory abuse

Extreme Self Neglect\*

Institutional abuse

(extra sheet/report can be included if you wish)

**Details of concern:**

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(\*If self neglect is being referred please complete the attached presence of indicators of extreme self-neglect)

**Details of Person Allegedly Causing Concern (if applicable)**

Name: \_\_\_\_\_ Relationship to vulnerable person: \_\_\_\_\_

Address: \_\_\_\_\_

Is this person aware of this referral being made:      Yes                   No

**Details of person making referral:**

Name: \_\_\_\_\_ Job Title (if applicable): \_\_\_\_\_

Agency/Address: \_\_\_\_\_

Landline \_\_\_\_\_ Mobile: \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Data Protection Advice: If the person allegedly causing concern is a staff member, please use initials & work address only**

## **Appendix 2 – Intimate Care for Vulnerable Adults**

If you are working directly with a vulnerable adult, it is important to establish if they have intimate care needs, and who should provide or assist with this if it is necessary. Intimate care is, to some extent, individually defined and varies according to personal experience, cultural expectations and gender. It may be described as help with anything of a personal or private nature that the individual is unable to do themselves.

It is particularly important that vulnerable adults with specific needs are carefully listened to, in recognition of the fact that they may have difficulty expressing their concerns, and so that the importance of what they say is not underestimated.

Generally, Church personnel are not expected to be involved in the provision of intimate care of vulnerable adults. This should be undertaken by suitably qualified people. Most importantly, it should be agreed in advance who will carry out intimate care and how it should be done. Guidelines to be borne in mind when providing intimate care include: the sensitive nature of such tasks; the need to treat every vulnerable adult with dignity and respect; the need to ensure an appropriate degree of privacy; the need to involve the vulnerable adult as much as possible in their own care; and trying to ensure consistency in who provides care.

If a vulnerable adult appears distressed or unhappy, this should be discussed with manager/Prior. Any concerns or allegations should be reported following the procedures outlined in this Safeguarding Vulnerable Adults Policy.

## Appendix 3 -Protected Disclosures Policy (Whistleblowing Policy)

Whistleblowing is a term used to describe the action of someone who reveals/discloses wrongdoing within an organisation to the public or to those in positions of authority. All Church personnel within the Carmelite Order must acknowledge their individual responsibility to bring matters of concern to the attention of their manager/Superior. The purpose of this policy is to support those who have concerns for the welfare and safety of children or vulnerable adults to express their concerns without that fear that they will be victimised or harassed for doing so.

Church Personnel can report their concerns to the Prior, Provincial, manager or DLP/Assistant DLP. Although this can be difficult to do, it is particularly important where the welfare of children or vulnerable adults may be at risk.

You may be the first to recognise that something is wrong, but you may not feel able to express your concerns due to loyalty to colleagues, or you may fear harassment or victimisation. These feelings, however natural, **must never result in a child or vulnerable adult continuing to be unnecessarily at risk**. Remember, it is often the most vulnerable children or vulnerable adults who are targeted. These individuals need an advocate to safeguard their welfare.

### Reasons for whistle-blowing

- Each individual has a responsibility to raise concerns about unacceptable practice or behaviour.
- To prevent the problem worsening or widening.
- To protect or reduce risks to others.
- To prevent you from becoming implicated.

### What stops people from whistle-blowing

- Fear of starting a chain of events that spirals out of control.
- Disrupting the work or project.
- Fear of getting it wrong.
- Fear of repercussions or damaging careers.
- Fear of not being believed.

### Legal Basis

In the Republic of Ireland the legislation is the Protected Disclosures Act 2014, a guide to which can be accessed electronically at [www.raiseaconcern.com/legislation/raiseaconcern-easy-guide-to-pdpia#accept](http://www.raiseaconcern.com/legislation/raiseaconcern-easy-guide-to-pdpia#accept)

This legislation provides legal safeguards to employees of Church bodies, as well as to agency workers in certain circumstances; to contractors and consultants contracted by the Church body; and to trainees, temporary workers and those on work experience with the Church body to report illegal practices or other specified wrongdoings such as abuse. **It does not apply to volunteers**. The safeguards apply where the disclosure is made in good faith and on reasonable grounds and related to any conduct or action which raises a significant danger to public health or safety.



The Carmelite Order is committed to ensuring that any person who raises a concern for the safety or welfare of a person will not be victimised, harassed or in any way disadvantaged provided that the person has reasonable grounds for the concern. Any person who is concerned about poor or inappropriate practice or behaviour in a Carmelite community or activity should discuss this with their manager, Prior or DLP/Assistant DLP.