



Interim Cloyne Diocesan Policy  
for  
Safeguarding Vulnerable Adults

## Foreword

Each person created in the likeness of God is unique. It is with this belief that I wish to welcome this interim Policy on Safeguarding Vulnerable Adults.

We have done a lot of work on Safeguarding Children in the Diocese and from this we have been able to learn about putting in place Procedures and structures that people can follow to help keep children safe while at the same time ensuring that they take an active role in the parish and in the life of the Church. It is therefore important for us to put in place procedures and structures to ensure that Vulnerable Adults can be cared for, kept safe and take an active part in the Church.

Pope Benedict XVI said a most beautiful thing in 2005 which I would like to repeat here: *“Each of us is willed, each of us is loved, each of us is necessary”* (24/4/2005). How important it is for all of us to remember this in our ministry, life and interaction with one another. I am loved, I am necessary, if I can say this about myself, then I ought to say it likewise of everyone I meet in life.

This is a working Policy and it will be supported by training and formation to the relevant people during the year. It should be read in union with the Safeguarding Children Policy 2016.

I thank all who are involved in the Diocese in ministering to Vulnerable Adults whose presence and life is a gift to us all.

Bishop Crean.

November 2016

<b>Contents</b>	<b>Page</b>	
Section 1	Introduction	3
Section 2	Guiding Principles	4
Section 3	Legal Framework	5
Section 4	Recruitment and Selection	7
Section 5	Recognising Abuse	8
Section 6	Recording and Reporting	11
Section 7	Role of the D L P	12
Section 8	Record Keeping	13
Section 9	Confidentiality	14
Section 10	Code of Conduct for Those who Minister to Vulnerable Adults	15
Section 11	External Groups	17
Section 12	Access to Advice and Support	17
Section 13	Roles and Responsibilities	18
Section 14	Whistleblowing Policy	19
Appendix 1	Consent and Capacity	21
Appendix 2	Ways Abuse is disclosed	23
Appendix 3	Types of Abuse	25
Appendix 4	What a parish must do	29

## Section 1 - Introduction

The Diocese recognises that there are many people with whom Church personnel have contact who require special care and attention. The Diocese values and encourages the participation of vulnerable adults in parish activities. We believe that all Church personnel must carry out their ministry respecting the rights of the individual in line with gospel values and human rights legislation.

The Diocese 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 it is recommended that the Diocese ministers to 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 clergy (both Diocesan and visiting), staff, volunteers, and religious and adhere to current practice and guidance in the Republic of Ireland. They should be read in conjunction with the Safeguarding Children Policy and Standards for the Catholic Church in Ireland both of which are available on the Diocesan website ([www.cloynediocese.ie](http://www.cloynediocese.ie)).

The Diocese, through these guidelines, 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 is an Interim document. It will be reviewed and amended by the Diocese during its first year of operation. It will then be reviewed and amended, as required, but at least every three years, to take account of any major changes including legislative or policy changes in safeguarding. (*see Diocesan Website for updates: [www.cloynediocese.ie](http://www.cloynediocese.ie)*)

## Section 2 - Guiding Principles

The Diocese is committed to creating a safe, caring and compassionate environment for all but especially those parishioners defined as "vulnerable".

### 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, kindness and understanding
- 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
- Be supported in making their own decisions
- 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

In order to ensure that these principles are embedded in ministry with vulnerable adults, each Church authority will induct, train and support those who minister to vulnerable adults. The training must include knowledge around abuse and exploitation of vulnerable adults and how to work safely, ensuring that any potential risks to both the vulnerable adult and the worker are recognised and managed.

### **Section 3 - Legal 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 the Gardaí to investigate and consult with the Director of Public Prosecutions on what action should be taken. The Gardaí must always be consulted about criminal matters.

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

National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

Criminal Justice (Withholding of Information of Offences against Children and Vulnerable Persons) Act 2012.

#### *Definition of a Vulnerable Adult*

The current definition of a vulnerable adult within the Republic of Ireland is taken from “*The National Vetting Bureau (Children and Vulnerable Persons) Act 2012*” which states:

"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 for a very similar (but not exactly the same) 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.

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.

## **Section 4 - Recruitment and Selection**

The Diocese consistently applies a thorough and clearly defined method of recruiting staff and volunteers, in line with legislative requirements and best practice.

The Safe Recruitment and Vetting Procedure in the Diocesan Safeguarding Children Policy and Procedures document which is in line with legislative requirements, Church guidelines and best practice, must be adhered to. The requirements listed apply to all clergy, staff, and volunteers who through their ministry have regular and necessary contact with children and vulnerable adults.

Under the law, any person whose work or activity involves access to children or vulnerable adults must be vetted. Workers include staff, volunteers and those on student placements working for a relevant organisation through which they have unsupervised access to children and/or vulnerable adults.

The Diocese consistently applies a thorough and clearly defined method of recruiting staff and volunteers, involved in a regulated activity, in line with legislative requirements and best practice.

To achieve this the following criteria is used

- ❖ There is an application form that includes information about past work and volunteering
- ❖ Two written references are sought
- ❖ There is a role description and a code of conduct
- ❖ A Confidential Declaration Form requesting information on previous convictions and investigations must be completed
- ❖ A Verification of Identity Form must be completed
- ❖ Garda Vetting is carried out
- ❖ All staff and volunteers must attend a safeguarding awareness session



## Section 5 - Recognising Abuse

*What is abuse?*

Abuse is a violation of an individual's human and civil rights by any other person or persons.

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 can occur in a relationship where there is a breach of that trust, who have influence over the life of a dependant, whether they be formal or informal carers, staff or family members or others. It can also occur outside such a relationship'*. (Department of Health and Social Services Guidance 2006)

Abuse can take many forms including the following:

**Physical Abuse** - Including hitting, slapping, pushing, burning, giving a person medicine that may harm them, restraining or disciplining a person in an inappropriate way.

**Psychological Abuse** - Including emotional abuse, verbal abuse, humiliation, bullying and the use of threats.

**Financial or Material Abuse** – Including misusing or stealing the person's property, possessions or benefits, cheating them, using them for financial gain, putting pressure on them about wills, property, inheritance or financial transactions.

**Sexual Abuse** - Including direct or indirect sexual activity where the vulnerable adult cannot or does not consent to it.

**Neglect or Acts of Omission** - Including withdrawing or not giving the help that a vulnerable adult needs, so causing them to suffer.

**Discriminatory Abuse** - Including the abuse of a person because of their ethnic origin, religion, language, age, sexuality, gender or disability.

**Institutional Abuse** - This can happen when an organisation, where the person is living or receiving care from, fails to ensure that the necessary processes and systems are in place to safeguard vulnerable adults and maintain good standards of care and service. Including - lack of training of staff and volunteers, lack of or poor quality supervision and management, poor record keeping and liaison with other agencies, low staff morale and high staff turnover.

***Initial concerns:***

There may be a need for initial “checking out” with the vulnerable adult if there are concerns, for example, if a member of staff or volunteer notices any of the signs of abuse, it may be appropriate to ask what happened or what is wrong. Care needs to be taken not to investigate; this should be avoided by not asking questions beyond initial checking out and listening to the words of the alleged victim for factual accuracy.

***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 rented accommodation or commercial premises
- In public places

***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 clergy or religious order, a healthcare, social care or other worker, a peer or, less commonly, a stranger.

***Domestic/Familial Abuse*** - This is the abuse of a vulnerable adult by a family member such as partner, son, daughter, sibling or extended family member.

***Professional Abuse*** - The misuse of power and abuse of trust by professionals, the failure of professionals to act on suspected abuse/crimes, poor care practice or neglect in services, resource shortfalls or service pressures that lead to service failure and culpability as a result of poor management systems.

Possible forms of professional abuse include:

- Entering into inappropriate relationships with a vulnerable adult
- Failure to refer disclosure of abuse
- Poor, ill- informed or outmoded care practice
- Failure to support a vulnerable adult to access health/care treatment
- Denying a vulnerable adult access to professional support and services such as advocacy
- Inappropriate response to challenging behaviours
- Failure to whistleblow on issues when internal procedures to highlight issues are exhausted

***Peer Abuse*** - This is the abuse of one vulnerable adult by another vulnerable adult within a care setting. It can occur in group or communal settings, such as day care centres, clubs, residential care homes, nursing homes or other institutional settings.

***Stranger Abuse*** - A vulnerable adult may be abused by someone who they do not know such as a stranger, a member of the public or a person who deliberately targets vulnerable people.

## Section 6 - Recording and Reporting

Everyone is entitled to have their civil and human rights upheld and to live a life free from abuse and neglect. All concerns, allegations and disclosures must be taken seriously and dealt with appropriately.

It is important for clergy, staff and volunteers to know that they are not responsible for deciding whether or not abuse has occurred and neither are they responsible for conducting an investigation. This is the role of the appropriate authorities. However, clergy, staff and volunteers do need to pass on any concerns they have.

If there are concerns about a vulnerable adult's wellbeing which are not dealt with under vulnerable adult safeguarding procedures they should be reported to the local HSE Department. A record of this referral should be retained.

### *How to Report*

All allegations/concerns/suspicions/knowledge against **Church personnel** (clergy, staff or volunteers) must be reported without delay to the Diocesan Designated Liaison Persons. The contact details are as follows:

### **Fr. Patrick Winkle 086 0368999 - Interim**

If your ministry involves visiting vulnerable adults in hospitals, residential care homes or other institutional settings, the reporting procedure is through the Designated Person/Manager of the relevant institution.

For allegations/concerns/suspicions against **non-Church personnel**, the person who is worried about possible harm to a vulnerable adult should report the concerns directly to the civil authorities (e.g. abuse of a vulnerable person by a relative or non-Church carer and/or peer abuse).

## **Section 7 - Role of the Designated Liaison Person**

The Diocese has appointed Designated Liaison Persons who are responsible for managing all concerns, allegations and complaints regarding actual or potential harm or abuse which come to the attention of the diocese.

The Designated Liaison Person(s) are responsible for acting as a source of advice on vulnerable adult safeguarding matters, for co-ordinating action within the Diocese and for liaising with the relevant statutory authorities and other agencies, as appropriate, about suspected or actual cases of vulnerable adult harm or abuse.

When you contact the Designated Liaison Person, he/she will undertake the following steps:

- They will establish contact with the Designated Officer in the relevant HSE department and the Gardaí.
- Provide information and advice on safeguarding vulnerable adults.
- Ensure that the vulnerable adult guidelines are followed, particularly in relation to informing the appropriate statutory agencies.
- Ensure that appropriate information is available at the time of the referral to the statutory agencies and that the referral is confirmed in writing, under confidential cover.
- Liaise with the relevant statutory authorities and other agencies as appropriate.
- Keep relevant people within the Diocese informed about any action taken and any further action required.
- Ensure that an individual case record is maintained of concerns about the abuse and the action taken by the Diocese, the liaison with other agencies and the outcome.

## **Section 8 - Record Keeping**

All concerns, allegations and disclosures must be taken seriously and dealt with appropriately. When there are concerns or where a disclosure or allegation is made, people often feel anxious about passing on the information to someone else. Concerned individuals may ask themselves, “What if I am wrong?” and this may hold them back from taking action. It is important for clergy, staff and volunteers to know that they are not responsible for deciding whether or not abuse has occurred and neither are they responsible for conducting an investigation. This is the role of the appropriate authorities. However, clergy, staff and volunteers do need to pass on any concerns they have.

However, if your ministry involves visiting vulnerable adults in hospitals, residential care homes or other institutional settings, the reporting procedure is through the Designated Person/Manager of the relevant institution.

All recorded information should be typed, accurate, factual and concise. It is important to state opinion, assessment or judgement, as distinct from facts. The records in relation to a member of Church personnel against whom a suspicion, concern or allegation has been reported should be catalogued as such. An account of all actions taken and contact made with all relevant personnel and detail all contacts in relation to the case. Copy of the completed referral form that was sent to the statutory authorities. Chronology of when allegations were made and responses. What was shared with Statutory authorities and third-party information

All record-keeping will be compliant with data protection legislation, and must be stored confidentially.

## **Section 9 - Confidentiality**

It is important that clergy, staff and volunteers understand the importance of confidentiality. All information relating to concerns/suspicious/allegations about a vulnerable adult should be treated as confidential and should only be communicated on a "need to know" basis. This information should NOT be shared with anyone, inside or outside the Diocese, unless they are involved in the case. Only the relevant personnel need to be involved. The Designated Liaison Person will advise on "who needs to know" and who should have access to records.

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 relevant HSE Department for such purposes.

In normal 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.

All vulnerable adults, and where appropriate, their carers or representatives need to be made aware that the operation of inter-agency procedures will, on occasion, require the sharing of information in order to safeguard a vulnerable adult or others, or to investigate an alleged or suspected criminal offence.

## **Section 10 - Code of Conduct for Those who Minister to Vulnerable Adults**

When ministering to 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 conduct. A balance needs to be struck between the right to protection and the need to allow appropriate interaction between an individual and his/her priest, lay minister or volunteer. It is important for all Church Personnel to:

- Adhere to the protocols and guidelines of any organisation whose premises they are ministering within.
- Treat everyone equally with respect.
- Engage and interact appropriately with vulnerable adults.
- 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 in moments 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.
- 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.
- Provide an example of good conduct you wish others to follow.
- Operate within Diocesan Guidelines.



The Code outlines unacceptable behaviours as follows.

Church Personnel must never:

- Physically or emotionally abuse or exploit a vulnerable adult.
- 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.

Clergy, staff and volunteers must be made aware of the Code in the expectation that they will act in accordance with it when exercising ministry to the vulnerable.

*Chaplains:* Diocesan Personnel who provide a chaplaincy service in services caring for vulnerable persons will also need to abide by the safeguarding vulnerable persons policy which applies within that service. All services provided directly by the H.S.E. or funded by them are required to have a safeguarding Policy and designated person for the service.

## **Section 11 -External Groups**

External/independent groups/organisations, seeking to hire or lease Diocesan/parish property to deliver their own service/activity involving vulnerable adults must have their own insurance and Policy on vulnerable adults and complete, as appropriate, the relevant 'Form for use of Church property' as required at 1.5 of the Diocesan Safeguarding Children Policy and Procedures document.

## **Section 12 - Access to Advice and Support**

Designated Liaison Person(s) Contact Detail: **086 0368999** - Interim

*HSE Contact Details for the Region:*

The HSE has a dedicated Elder Abuse Service, with Senior Case Workers now working in most Local Health Office Areas. You can also seek advice from the HSE Information Line:

Monday to Saturday 8am - 8pm Call Save: 1850 24 1850 or

Email: [info@hse.ie](mailto:info@hse.ie)

*An Garda Síochána:* Any local Garda Station

Or for allegations against Priests and religious Domestic Violence and Sexual Assault Investigation Unit

Harcourt Square Dublin: Tel: 00353 1 666 3430.

*The Samaritans Tel: 1850 609090*

*Towards Healing Freephone: 1800 303416*

“Towards Healing” is a private and confidential counselling and support service for survivors of institutional, clerical and religious abuse, funded by the Catholic Church in Ireland. The operational hours of the helpline are: Monday and Wednesday (11.00a.m.- 8.00p.m.) and Friday (11.00a.m.-4.00p.m.). An answering machine service is available at all other times.

*Towards Peace: Phone: 00353 1 5053028*

"Towards Peace" offers spiritual support to victims/survivors of clerical abuse whose faith in God may have been affected by their experience. Following initial telephone contact, "Towards Peace" offers an opportunity to talk to a trained spiritual companion in a one-to-one setting and to explore questions and concerns about God, and to get in touch with God's presence in their lives.

### **Section 13 - Roles and Responsibilities**

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

#### **Bishop of the Diocese.**

Overall responsibility for ensuring that the safeguarding procedures for protecting all vulnerable adults are firmly established and working across the Diocese.

#### **Diocesan Safeguarding Committee:**

A resource to the Bishop and DLP to advise on implementation of Policy.

#### **Designated Liaison Persons:**

They are responsible for managing and coordinating all allegations, suspicions and concerns of vulnerable adult abuse within the Diocese. This involves referral to the statutory services, setting up multi-disciplinary strategy discussion meetings and the internal management of cases.

#### **Diocesan Vetting Liaison Person**

Rosarie O'Riordan                      022 21009

## **Section 14 - Whistleblowing Policy**

Whistle blowing is a term used to describe the action of someone who reveals/discloses wrongdoing within an organization to the public or to those in positions of authority. It enables them to report concerns in a way that will not be seen as disloyal to their settings and colleagues.

Principles:

- The Diocese of Cloyne is committed to the highest possible standards of openness and accountability.
- Employees and volunteers are expected and encouraged to voice any concerns about activities involving vulnerable adults to the appropriate person i.e. activity leader, parish priest or to the diocesan designated person.
- All people have the right to raise concerns about perceived unacceptable practice or behaviour.
- All concerns will be treated as far as possible in the strictest confidence and every effort will be made not to reveal the identity of the complainant, if requested.
- However if the concerns require further action, the complainant may at some future date have to act as a witness and/or provide evidence.
- It is recognized that whistle blowing can be difficult and stressful. Advice and support will be made available by the Designated Person
- No action will be taken against the complainant if the concern proves to be unfounded and was raised in good faith. This is in line with the Protection For Persons Reporting Child Abuse Act 1998.
- Malicious allegations will also be treated in line with the Protection For Persons Reporting Child Abuse Act 1998.

How to raise a concern:

- Discuss your concerns with your immediate leader or superior.
- For guidance and support contact the D L P.
- If your concern is about your leader, superior or manager, contact the Designated Liaison Person.
- You should put your concerns in writing outlining the background and history, giving names, dates and any other relevant details.
- Persons reporting concerns should persist until they get a satisfactory response.
- Those who report concerns will be kept informed on the nature and progress of any enquiries by the Designated Liaison Person.
- Your supervisor has a responsibility to protect you from harassment or victimisation.
- If a reported concern proves to be unfounded but was made in good faith and on reasonable grounds no action will be taken against you. You are protected by law under ‘The Protection for Persons Disclosures Act’ 2014. The Act provides legal safeguards to employees, contractors, agency workers and people on work experience schemes if they report illegal practices or other specified wrong doings or abuse.
- People who make malicious or knowingly false allegations will be reported to the authorities and may be subject to prosecution under the above Act.

### Self-Reporting:

There may be occasions where a member of staff, paid or volunteer has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence. That person has a responsibility to discuss such a situation with their group leader or parish priest so that professional and personal support can be offered. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about welfare or safety of vulnerable adults.

## Appendix 1

### Consent and Capacity

It is important that clergy, staff and volunteers 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. Decisions with more serious consequences will require more formal consideration of consent and appropriate steps should always be taken to ensure that consent is valid.

Clergy, staff and volunteers 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. In certain situations the need for consent may be overridden. This is generally in the interests of the public to do so, for example, the disclosure of information to prevent a crime or risk to health or life.

#### *Gaining consent from a vulnerable adult*

Consent is a process - it results from understanding through dialogue and the provision of information. It may be expressly given or, alternatively, it may be signalled by a person's conduct. For example, an individual may signal his/her consent to participate in informal situations such as staff party or party in residential home or the weekly parish luncheon club, or by willingly asking a volunteer to assist them in accessing toilet facilities.

As a general rule, the method of gaining consent is likely to be influenced by the seriousness of what is being proposed. The more serious the proposal and the consequences of agreeing to it might require that the vulnerable adult is asked to sign a form. The type of

services and activities offered by parishes in the Diocese to vulnerable adults would be unlikely to require written consent. There may, however, be occasions when written consent is required.

The important issue is to ensure that the consent given is valid. The consent of a vulnerable adult is considered valid **ONLY** if:

- He/she has the capacity to consent, i.e. he/she can understand and weigh up the information needed to make the decision.
- Sufficient information has been given to him/her, in an appropriate way, on which to base the decision.
- Consent has been given on a voluntary basis that is free from coercion or negative influence.

If any of these three factors is 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.

If clergy, staff or volunteers 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 DLP who will consult with the relevant statutory authorities.

## **Appendix 2 Ways abuse is disclosed**

### **Ways you may become aware that abuse is happening?**

There are a number of ways in which you might become concerned or suspicious that a vulnerable adult is suffering or, has suffered abuse.

- The vulnerable adult may tell you directly.
- Someone else may tell you of their concerns.
- Some incident that causes you concern.
- A vulnerable adult may show some signs of physical injury for which there appears to be no credible or satisfactory explanation.
- A vulnerable adult's demeanour/behaviour may cause you to suspect that something may not be right, or that possible abuse has taken place.
- The behaviour of another individual close to the vulnerable adult makes you feel uncomfortable (this may be another staff member, volunteer, or leader of an activity or family member).
- Being alert to possible abuse plays a significant role in ensuring that vulnerable adults are safeguarded and it is important that all concerns about possible abuse are reported.

### **What if a vulnerable adult discloses abuse?**

Where this happens, it is important that clergy, staff and volunteers know how to respond and do so in accordance with the following guidelines:

#### **DO**

- Stay calm
- Listen
- Reassure the person - tell him/her they did the right thing in telling you
- Let them know that the information will be taken seriously and give them information about what will happen next



- If urgent help is needed, call the emergency services – medical/Gardaí
- Ensure the safety of the person
- Be aware that forensic evidence might be needed
- Let the person know that they will be kept informed at every stage
- Record in writing (date and sign your record) and report to one of the Designated Liaison Persons for the Diocese
- Act without delay

#### DO NOT

- Stop someone disclosing to you
- 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

## Appendix 3 Types of Abuse

The following table provides definitions, examples and indicators of abuse

---

### Physical

*Definition Physical abuse:* includes hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.

*Examples:* Hitting, slapping, pushing, burning, inappropriate restraint of adult or confinement, use of excessive force in the delivery of personal care, dressing, bathing, inappropriate use of medication.

*Indicators:* Unexplained signs of physical injury – bruises, cuts, scratches, burns, sprains, fractures, dislocations, hair loss, missing teeth. Unexplained/long absences at regular placement. Service user appears frightened, avoids a particular person, demonstrates new atypical behaviour; asks not to be hurt.

---

### Sexual

*Definition:* Sexual abuse includes rape and sexual assault, or sexual acts to which the vulnerable person has not consented, or could not consent, or into which he or she was compelled to consent.

*Examples:* Intentional Touching, fondling, molesting, sexual assault rape. Inappropriate and sexually explicit conversations or remarks. Exposure of the sexual organs and any sexual act intentionally performed in the presence of a service user. Exposure to pornography or other sexually explicit and inappropriate material.

*Indicators:* Trauma to genitals, breast, rectum, mouth, injuries to face, neck, abdomen, thighs, buttocks, STD's and human bite marks. Service user demonstrates atypical behaviour patterns such as sleep

disturbance, incontinence, aggression, changes to eating patterns, inappropriate or unusual sexual behaviour, anxiety attacks.

---

## **Emotional/Psychological** (including Bullying and Harassment)

*Definition:* Psychological abuse includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

*Examples:* Persistent criticism, sarcasm, humiliation, hostility, intimidation or blaming, shouting, cursing, invading someone personal space. Unresponsiveness, not responding to calls for assistance or deliberately responding slowly to a call for assistance. Failure to show interest in, or provide opportunities for a person's emotional development or need for social interaction. Disrespect for social, racial, physical, religious, cultural, sexual or other differences. Unreasonable disciplinary measures/ restraint. Outpacing – where information/choices are provided too fast for the vulnerable person to understand, putting them in a position to do things or make choices more rapidly than they can tolerate.

*Indicators:* 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 behaviours– anxious/aggressive/passive/withdrawn.

---

## **Financial**

*Definition:* Financial or material abuse includes theft, fraud, exploitation, pressure in connection with wills property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

*Examples:* Misusing or stealing the person's property, possessions or benefits, mismanagement of bank accounts, cheating the service user, manipulating the service user for financial gain, putting pressure on the service user in relation to wills property, inheritance and financial transactions.

*Indicators:* No control over personal funds or bank accounts, Misappropriation of money, valuables or property, No records or incomplete records of spending, Discrepancies in the service users internal money book, forced changes to wills, Not paying bills, Refusal to spend money, Insufficient monies to meet normal budget expenses etc.

-----

## **Institutional**

*Definition:* Institutional abuse may occur within residential care and acute settings including nursing homes, acute hospitals and any other in-patient settings, and may involve poor standards of care, rigid routines and inadequate responses to complex needs.

*Examples:* Service users are treated collectively rather than as individuals. Service user's right to privacy and choice not respected. Staff talking about the service users personal or intimate details in a manner that does not respect a person's right to privacy.

*Indicators:* 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 others. Lack of personal possessions and clothing, being spoken to inappropriately etc.

-----

## **Neglect**

*Definition:* Neglect and acts of omission include ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life such as medication, adequate nutrition and heating.

*Examples:* Withdrawing or not giving help that a vulnerable person needs so causing them to suffer e.g. Malnourishment, Untreated medical conditions, Unclean physical appearance, Improper administration of medication or other drugs, Being left alone for long periods when the person requires supervision or assistance.

*Indicators:* Poor personal hygiene, dirty and dishevelled in appearance e.g. – unkempt hair and nails. Poor state of clothing. Non attendance at routine health appointments e.g. dental, optical, chiropody etc. Socially isolated i.e. has no social relationships.

-----

## **Discriminatory**

*Definition:* Discriminatory abuse includes ageism, racism, sexism, that is based on a person's disability, and other forms of harassment, slurs or similar treatment.

*Examples:* Shunned by individuals, family or society because of age, race or disability. Assumptions about a person's abilities or inabilities.

*Indicators:* Isolation from family or social networks.

-----

## **Appendix 4: Parish requirements**

### **What is required in a Parish for those who act on behalf of the parish to vulnerable adults?**

- Ensure declaration forms and Garda vetting are completed.
- Policy Document given to all ministers.
- Ensure that external groups who use Parish property have their own policy and insurance and complete the relevant form.

Personnel will:

- Attend information sessions on vulnerable adults when given in parishes
- Adhere to code of conduct
- Report abuse to DLP and or to the Gardaí, HSE, directly.

Who needs Garda vetting?

- Those who bring Holy Communion to Sick/ house bound / nursing homes, hospitals.
- Those who on behalf of parish lead prayer/ or minister in the name of the parish to people in hospitals / institutions/ nursing homes/ private homes to vulnerable adults.

## **Gardaí Contact Numbers**

For allegations that do not relate to clerics/religious the appropriate local Gardaí station should be used from the list below

Cork North Ballycotton	0214646712
Cork North Ballynoe	05859100
Cork North Buttevant	02241740
Cork North Carrigtwohill	0214883222
Cork North Castletownroche	02226161
Cork North Charleville	06321770
Cork North Cloyne	0214652515
Cork North Cobh	0214908530
Cork North Doneraile	02224182
Cork North Fermoy	02582100
Cork North Glantane	02247154
Cork North Kanturk	02920680
Cork North Kildorrery	02225162
Cork North Killeagh	02495112
Cork North Kilworth	02527101
Cork North Liscarroll	02248163
Cork North Mallow	02231450
Cork North Midleton	0214621550
Cork North Milford	06380002
Cork North Mitchelstown	02584833
Cork North Rathcormac	02536102
Cork North Whitegate	0214661212
Cork North Youghal	02492200
Cork West Coachford	0217334002
Cork West Macroom	02620590
Cork West Newmarket	02922160

For allegations that relate to clerics/religious the following number should be used Gardaí National Protective Services Bureau 01 6663430 / 016663435





