



**misean cara**  
Mission Support from Ireland

# **Child & Vulnerable Adults Safeguarding Policy**

November 2021

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## 1. POLICY MANAGEMENT

<b>Audience:</b>	All Mísean Cara Employees and Related Personnel (Staff, Board of Directors, Committee Members, Mentors, Interns, Volunteers, Consultants, and Contractors).
<b>Title:</b>	Mísean Cara Child & Vulnerable Adult Safeguarding Policy
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<https://www.miseancara.ie/safeguarding/>

## 2. FOREWARD

This policy document amalgamates Misesan Cara's previous Safeguarding Policy (2009) and Safeguarding Vulnerable Adults Interim Guidelines for Staff, Consultants, Volunteers and Board Members (2015). It builds on these previous publications and enhances our efforts to ensure all children and vulnerable adults are safeguarded.

Whilst Misesan Cara does not work directly with children and vulnerable adults we have a duty to ensure that all children and vulnerable adults who come into contact with the organisation, its activities, Employees and Related Personnel<sup>1</sup> are safe and treated with care and respect.

The work of safeguarding is a continuous task to which we must apply ourselves and we attach the utmost importance to ensuring the safety of children and vulnerable adults within the organisation and Misesan Cara commit's our Employees and Related Personnel to the implementation of this policy.

## 3. INTRODUCTION

Misesan Cara is a faith-based member organisation of Irish religious congregations and lay missionary organisations working in over 50 countries. Our Members live and work long-term with marginalised and vulnerable local communities in some of the world's most impoverished and disadvantaged regions in the areas of education, healthcare including HIV/AIDS, income generation, environmental sustainability, and human rights.

Misesan Cara provides a range of supports for the international development work of our Members. We access and distribute funding for high quality development initiatives, providing effective oversight through monitoring, evaluation, and audit. We support the enhancement of our Members capacity to deliver significant results through mentorship, research, learning and development activities and quality support.

Our Members' holistic approach to eliminating poverty targets the root causes of social inequalities through locally appropriate responses. In partnership with local communities, and other international and national agencies, this work continues to make a difference to the lives of the poorest.

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<sup>1</sup> See [Annex A](#) for list of definitions.

Misean Cara is governed by a Board of Directors elected by our Members and is committed to implementing sector best practices to ensure that our processes and work are safe, effective, robust, and transparent.

Misean Cara adheres to the Principles of Good Governance under the national Governance Code for the Community, Voluntary and Charitable (CVC) sector. Misean Cara is a signatory to the Dochas Safeguarding Code and Dochas Code of Conduct for Non-Governmental Development Organisations on Images and Messages.

## 4. PURPOSE

The purpose of the policy is to protect children and vulnerable adults from any harm that may be caused due to their coming into contact with Misean Cara, its activities or our Employees and Related Personnel. The policy lays out the commitments made by Misean Cara and informs Employees and Related Personnel of their responsibilities in relation to the protection of children and vulnerable adults.

### Definition of a Child

A person under the age of 18, regardless of the age of majority or age of consent locally.

### Definition of a Vulnerable Adult

An adult who may be restricted in capacity to guard himself or herself against harm or exploitation or to report such harm or exploitation for any reason, where restriction of capacity arises as a result of physical or intellectual impairment, where such vulnerability may be influenced by context and individual circumstances and including but not limited to circumstances where the adult: -

- (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—
  - (i) as to restrict the capacity of the person to guard himself or herself against harm by another person, or
  - (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

A list of further definitions relating to safeguarding is provided in [Annex A](#).

## What is safeguarding?

Safeguarding means taking all reasonable steps to prevent harm, to protect people, especially children and vulnerable adults from that harm; and to respond appropriately when harm does occur. In the

development and humanitarian sector, this term often applies to the safety and welfare of people involved in the delivery or receipt of development assistance or humanitarian aid.

## 5. SCOPE

This policy is applicable to all Misesan Cara Employees and Related Personnel. Failure to adhere to this policy may result in disciplinary action being taken, up to and including dismissal, and may lead to criminal prosecution. This policy document will be updated annually and formally reviewed every two years or sooner in line with developments and changes to legislation, policy, and best practice.

### Members & Member Partners

Misesan Cara acknowledges the challenges facing Members to make their organisations safe and the need for a safeguarding policy and procedures, guidelines, tools and support materials to assist them in tackling child and vulnerable adult protection issues. However, despite these challenges, there is a need to develop good practice and increase accountability across diverse and complex areas.

Misesan Cara requires the following from all organisations who apply for funding:

- That they demonstrate the development of a culture of safety by having a *Safeguarding Policy & Procedures* that are promoted, communicated, and implemented.
- That they undertake to review, monitor, and evaluate practice in respect of safeguarding and child and vulnerable adult protection.

Equally important, Misesan Cara requires that Member organisations ensure they have in place and/or work urgently to put in place a Safeguarding Policy & Procedures that meet recognised minimum standards<sup>2</sup>. Misesan Cara is committed to providing guidance and support to its Members to enhance safeguarding practices and as such, Misesan Cara will support Member organisations to introduce and implement such policies and procedures.

It is a minimum requirement of funding that Member organisations and their partners share a commitment to implement robust child and vulnerable adult safeguarding practices and develop their own policies and procedures to prevent and respond to the risk of abuse and exploitation of children and vulnerable adults in all their activities. In all Misesan Cara funding agreements (whether referred to as a 'contract', 'agreement', 'subgrant' 'Memorandum of Understanding', or any other term) with

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<sup>2</sup> <https://www.safeguarding.ie/our-services/policy-and-guidance> & <https://www.keepingchildrensafe.global/accountability/>

Members or between Members and their partners it is required that a Safeguarding Policy is in place that reflects all applicable legal requirements and best practice for children and vulnerable adults. Member organisations also certify compliance periodically through project reporting and monitoring and evaluation activities. Failure to adhere to this requirement and/or breach of agreement terms may result in the suspension or withdrawal of Mísean Cara funding.

## 6. STATEMENT OF COMMITMENT

Mísean Cara has a **zero-tolerance**<sup>3</sup> policy towards all forms of abuse and exploitation. Our priority is to ensure the welfare and safety of every child and vulnerable adult who comes into contact with our organisation, its activities and our Employees and Related Personnel. We believe that all persons have an inherent right to live their lives free from abuse and exploitation regardless of age, sex or gender, sexual orientation, disability, religion, or ethnic origin. We are committed to acting ethically and with integrity to safeguard children and vulnerable adults and we have put in place and enforce measures and controls that demonstrate that commitment. We are committed to ensuring effective action is taken when issues occur, referring all concerns, allegations and incidents to the relevant statutory authorities e.g., Tusla, HSE Safeguarding & Protection, and, An Garda Síochána.

This includes:

1. Mísean Cara's commitment to preventing harm to children and vulnerable adults and to ensure effective action is taken when issues occur.
2. Principles and standards upon which we will base our decision making and actions.
3. Expectations of Mísean Cara Employees and Related Personnel both during and outside normal working hours.
4. Expectations and minimum requirements for Members and their partners consistent with this policy.

## 7. ASSOCIATED POLICIES

This Policy forms part of a suite of internal policies and procedures which make up Mísean Cara's overall safeguarding framework. Therefore, it is complementary to the following:

- Prevention of Sexual Exploitation, Abuse and Harassment Policy
- Mísean Cara Employee Handbook which includes:
  - ⇒ Standards of Conduct

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<sup>3</sup> See [Annex A](#) for definition.

- ⇒ Protected Disclosure (Whistleblowing) Policy
- ⇒ Complaints, Grievance & Disputes Policy
- ⇒ Disciplinary Policy
- ⇒ Information Technology, Internet, & Email Policy which forms part of the Employee Handbook
- ⇒ Data Protection Policy for Employees
- Data Protection Policy for the Organisation

Misean Cara is a signatory to the Dochas Safeguarding Code<sup>4</sup> and the Dochas Code of Conduct on Images and Messages<sup>5</sup>.

## 8. GENERAL PRINCIPLES

The following general principles inform Misean Cara's approach to safeguarding:

1. The safety and wellbeing of children and vulnerable adults is paramount, and all children and vulnerable adults have equal rights to protection from harm.
2. Safeguarding is everybody's responsibility, and we all have a duty to support the care and protection of children and vulnerable adults.
3. All children and vulnerable adults should be encouraged to fulfil their potential regardless of their background, age, sex or gender, sexual orientation, disability, religion or ethnic origin and inequalities should be challenged.
4. Organisations should support their partners to meet safeguarding minimum requirements.

Our guiding principles apply to all Misean Cara Employees and Related Personnel who must conduct themselves in a way that reflects these principles and Misean Cara's organisational values.

## 9. LEGISLATION, POLICY & BEST PRACTICE CONTEXT

The Policy has been developed in accordance with national and international legislation, policy & best practice guidance. This includes:

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<sup>4</sup> [https://www.dochas.ie/assets/Files/Dochas\\_Safeguarding\\_Code.pdf](https://www.dochas.ie/assets/Files/Dochas_Safeguarding_Code.pdf)

<sup>5</sup> <https://www.dochas.ie/resources/communications-pe/code-of-conduct-on-images-and-messages/>



## International

- UN Convention on the Rights of the Child (CRC) was adopted by the UN in 1989 and ratified by Ireland in 1992.
- Keeping Children Safe, International Child Safeguarding Standards<sup>6</sup>

## Republic of Ireland

- Criminal Justice Act 2006
- National Vetting Bureau (Children and Vulnerable Persons Act) 2012
- Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012
- Children First Act 2015
- Assisted Decision Making (Capacity) Act 2015.
- Our Duty to Care: The Principles of Good Practice for the Protection of Children and Young People (2002)<sup>7</sup>.
- Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures (2014)<sup>8</sup>
- Better Outcomes Better Futures. The National Policy Framework for Children and Young People, 2014-2020 (2019)<sup>9</sup>
- Safeguarding Children Policy And Standards For The Catholic Church In Ireland (2016)<sup>10</sup>
- Children First: National Guidance for the Protection and Welfare of Children (2017)<sup>11</sup>

## Northern Ireland

- Criminal Law Act (Northern Ireland) 1967
- The Children (Northern Ireland) Order 1995
- Co-Operating to Safeguard Children and Young People in Northern Ireland (2017)
- Children and Young People's Strategy 2020-2030 (2021)
- Our Duty to Care (Volunteer Now) (2011)<sup>12</sup>
- Safeguarding Vulnerable Adults, A Shared Responsibility: Standards & Guidance for Good Practice in Safeguarding Vulnerable Adults (2010)<sup>13</sup>

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<sup>6</sup> <https://www.keepingchildrensafe.global/accountability/>

<sup>7</sup> [https://www.tusla.ie/uploads/content/our\\_duty\\_to\\_care.pdf](https://www.tusla.ie/uploads/content/our_duty_to_care.pdf)

<sup>8</sup> <https://www.hse.ie/eng/services/publications/corporate/personsatriskofabuse.pdf>

<sup>9</sup> <https://www.gov.ie/en/publication/775847-better-outcomes-brighter-futures/>

<sup>10</sup> <http://www.safeguarding.ie/images/Pdfs/Standards/Safeguarding%20Children%20Policy.pdf>

<sup>11</sup> <https://www.tusla.ie/children-first/children-first-guidance-and-legislation/>

<sup>12</sup> <https://www.volunteernow.co.uk/app/uploads/2019/04/Keeping-Children-Safe-Our-Duty-to-Care.pdf>

<sup>13</sup> [http://www.northerntrust.hscni.net/site/wp-content/uploads/2017/07/Safeguarding\\_Vulnerable\\_Adults\\_-\\_A\\_Shared\\_Responsibility.pdf](http://www.northerntrust.hscni.net/site/wp-content/uploads/2017/07/Safeguarding_Vulnerable_Adults_-_A_Shared_Responsibility.pdf)

- Adult Safeguarding Prevention and Protection in Partnership (2015)<sup>14</sup>

## 10. DEVELOPING & MAINTAINING A SAFER CULTURE

This sets out our approach to putting structures in place for safeguarding children and vulnerable adults. Valuing children and vulnerable adults means valuing personnel as well: insisting on safe practices, eliminating the necessity for people to take risks and providing them with support makes for a healthier and safer environment.

Developing and maintaining a culture of safeguarding is a continuous process and Misesan Cara is committed to implementing and maintaining the following:

1. A visible Policy Statement and Safeguarding Policy.
2. Clear written Standards of Conduct and the boundaries of appropriate behaviour expected of Employees and Related Personnel.
3. Appropriate recruitment, induction, and training procedures.
4. Regular briefing and discussion of relevant safeguarding issues.
5. Effective supervision and appraisal processes with an appropriate level of support aligned with role responsibilities.
6. A clear reporting and response system to raise concerns about the safety and well-being of children and vulnerable adults.

### Standards of Conduct

It is important for all Employees and Related Personnel working with Misesan Cara to:

- Treat all children and vulnerable adults with respect and dignity.
- Treat all children and vulnerable adults equally.
- Model positive & appropriate behaviour to all children and vulnerable adults with whom they come into contact.
- Challenge & report potentially abusive behaviour.
- Develop a culture of openness, honesty & safety.
- Respect personal boundaries and support children and vulnerable adults to exercise age-appropriate autonomy and a sense of rights.

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<sup>14</sup> <https://www.health-ni.gov.uk/publications/adult-safeguarding-prevention-and-protection-partnership-key-documents>

### You must never:

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

### In general, it is inappropriate to:

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

## Safer Recruitment

Safer recruitment is central to the safeguarding of children and vulnerable adults. Mísean Cara follows legislative requirements and best practice guidance in the recruitment and selection of all Employees and Related Personnel and in assessing suitability to work with children and vulnerable adults. This includes embedding safeguarding measures throughout the recruitment process including planning and advertising, job description, interview, pre-appointment checks and references, declaration of suitability to work with children and vulnerable adults and criminal record checks (Garda vetting/Police Clearance) where relevant to the role.

## Induction & Training

All Employees and Related Personnel will receive a safeguarding induction within 14 days of commencing in their role.

Employees will attend mandatory safeguarding training annually. In addition, those with specific responsibilities will receive additional training commensurate with their role.

All Mísean Cara employees are required to sign an acknowledgement that they have read and understand the contents of Mísean Cara's Employee Handbook which includes the requirement to familiarise themselves with Mísean Cara's Safeguarding Policy. Signed copies of this acknowledgment are kept on file by the Human Resources Manager.

## Key Roles & Responsibilities

Creating a safe working environment at Misesan Cara is **everyone's responsibility** and failure to act on concerns is not an option. The following sets out the responsibilities for Employees and Related Personnel:

**Misesan Cara CEO and Board of Directors** hold overall accountability for this policy and its implementation. The CEO will provide necessary budget lines for safeguarding activities.

**Safeguarding Advisor** is the **Designated Liaison Person** for safeguarding in Misesan Cara and a 'Mandated Person' as defined within the Children First Act 2015. The position holds lead responsibility for the development and delivery of the organisational safeguarding framework which includes all safeguarding activities. This involves the promotion of safeguarding and protection standards across the organisation, risk assessment, prevention and improvement activities, compliance, monitoring and evaluation, research, and response to safeguarding reports. The Safeguarding Advisor is also responsible for reviewing and updating this policy in line with legislative and organisational developments, feedback, and lessons learned.

**Managers** hold responsibility for promoting awareness of this policy with their teams across the organisation and for supporting the systems that create and maintain a positive and proactive safeguarding culture throughout the organisation. Managers will offer support to the Safeguarding Advisor to help implement this policy and prioritise safeguarding awareness raising for themselves and their team.

**All Employees and Related Personnel** who work on behalf of Misesan Cara are required to report any suspicions of harm or incidences of abuse or exploitation of a child or vulnerable adult. Failure to report to a relevant person is a breach of this policy and could lead to disciplinary action being taken against employees and the termination of Misesan Cara's relationship with non-employees.

## 11. IMPLEMENTING THE POLICY

This section sets out Misesan Cara's approach to raising awareness about the abuse of children and vulnerable adults and how to respond to and report concerns raised. We have clear procedures and guidance on what to do when concerns arise regarding a child or vulnerable adults' safety or welfare that will ensure there is a prompt and thorough response.

### Risk Assessment & Management

Risk assessment is an important part of working with children and vulnerable adults. It assists with managing both health and safety issues, and the welfare of children and vulnerable adults. It is

important to consider potential risks and understanding how to control, manage and mitigate risk is critical. Not all risks can be avoided but with proper risk management the likelihood of harm can be significantly reduced.

Misean Cara will review its safeguarding operations annually to ensure our Child and Adult Safeguarding Policy is being adequately implemented in 4 key areas:

- 1. Policy:** The Misean Cara Child and Adult Safeguarding Policy is applied across the organisation and is easily accessible and fully understood by all Employees and Related Personnel.
- 2. Procedures:** Systems are in place to reduce the possibility of harm and risk of abuse.
- 3. People:** Employees and Related Personnel are recruited, managed and work in an environment that addresses safeguarding through support, training, information, and response.
- 4. Accountability:** Systems are in place to receive and respond to concerns, and to recognise and limit risks.

## Recognising & Responding to Concerns

This section sets out our approach to raising awareness about the potential for the abuse of children and vulnerable adults and ensuring that all Employees and Related Personnel know how to respond to concerns raised.

Abuse can take many forms and a child or vulnerable adult may be subjected to one or more forms of abuse at any given time. Abuse can occur within the family, in the community or in an institutional setting. The perpetrator may be someone known to the child or vulnerable adult or could be a stranger albeit most cases of abuse are perpetrated by someone known to the victim/survivor e.g., family members and caregivers. The main types of abuse are neglect, physical, emotional/psychological, and sexual. A detailed categorisation with definitions and examples is provided in [Annex B](#) to support Employees and Related Personnel in making a judgment about whether or not a concern may constitute abuse.

We have clear procedures and guidance on what to do when concerns or allegations arise regarding a child or vulnerable adults' safety or welfare that will ensure there is a prompt response.

### Responding to a child or vulnerable adult who discloses abuse

A child or vulnerable adult may disclose abuse to you as a trusted adult at any time. It is important that you are aware and prepared for this:

- Be as calm and natural as possible.
- Remember that you have been approached because you are trusted and possibly liked. Do not panic.

- Be aware that making a disclosure can be very difficult for a child or vulnerable adult.
- Remember, the child or vulnerable adult may initially be testing your reactions and may only fully open up over a period of time.
- Listen to what the child or vulnerable adult has to say. Give them the time and opportunity to tell as much as they are able and wish to.
- Do not pressurise the child or vulnerable adult. Allow him or her to disclose at their own pace and in their own language.
- Conceal any signs of disgust, anger, or disbelief.
- Accept what the child or vulnerable adult has to say – false disclosures are very rare.
- It is important to differentiate between the person who carried out the abuse and the act of abuse itself. It is possible that the child or vulnerable adult may love or strongly like the alleged abuser while also disliking what has been done to them. It is important therefore to avoid expressing any judgement on, or anger towards the alleged perpetrator while talking with the child or vulnerable adult.
- It may be necessary to reassure the child or vulnerable adult that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed to you.
- Reassure the child or vulnerable adult that they have taken the right action in talking to you.

### **When asking questions**

- Questions should be supportive and for the purpose of clarification only.
- Avoid leading questions, such as asking whether a specific person carried out the abuse. Also, avoid asking about intimate details or suggesting that something else may have happened other than what you have been told. Such questions and suggestions could complicate the official investigation.

### **Confidentiality – Do not promise to keep secrets!**

- Acknowledge that they have come to you because they trust you.
- Outline that you will be sharing the information only with people who understand this area and who can help. There are secrets which are not helpful and should not be kept because they make matters worse. Such secrets hide things that need to be known if people are to be protected from further on-going harm. By refusing to make a commitment to secrecy to the child or vulnerable adult, you do run the risk that they may not tell you everything (or, indeed, anything) there and then. However, it is better to do this than tell a lie and ruin the child or vulnerable adults' confidence. By being honest, it is more likely they will return to you another time.
- At the earliest possible opportunity:

- ⇒ Record in writing in a factual manner, what the child or vulnerable adult has said including, as far as possible, the exact words used by the child or vulnerable adult.
- ⇒ Inform the Safeguarding Advisor at the earliest opportunity and agree measures to protect the child or vulnerable adult e.g., reporting the matter directly to statutory authorities.
- ⇒ Maintain appropriate confidentiality.

### Overseas Visits to Misesan Cara Projects

If during the course of your visit an allegation is made against any project Employee or Related Personnel on a Misesan Cara funded project you will need to report this to the person responsible for safeguarding on the project, unless the allegation relates to them, in which case a person with sufficient authority to take the required action such as the Project Manager. They can then follow the reporting procedure as per their Safeguarding Policy.

Record the details of the disclosure or concern giving an accurate account of the facts. This record should be signed and dated by you. If available, you should use the project reporting form as per the Project Safeguarding Policy. This recording form/report form should be furnished to the person with safeguarding responsibility on the project or as outlined above.

Inform Misesan Cara's Safeguarding Advisor at the earliest opportunity to seek guidance and support. The Misesan Cara Safeguarding Advisor will liaise with the Mission Development Officer in relation to following up on the report. Ensure you keep a copy of the reporting form for your own records and include a summary of the incident in your monitoring report.

**Please ensure you uphold confidentiality; ensure you do not identify the complainant or respondent in your monitoring report or when reporting to Misesan Cara's Safeguarding Advisor.**

### If an allegation is made against a religious/cleric

Inform the Designated Liaison Person (DLP) of the Congregation/Member as soon as possible. You should furnish them with your report. The DLP will follow the reporting procedures as per their Safeguarding Policy.

### If an allegation is made against Misesan Cara Employees or Related Personnel

If an allegation is made against an Employee or Related Personnel, we must ensure that everyone involved is dealt with appropriately and in accordance with the guiding principles of this policy, the

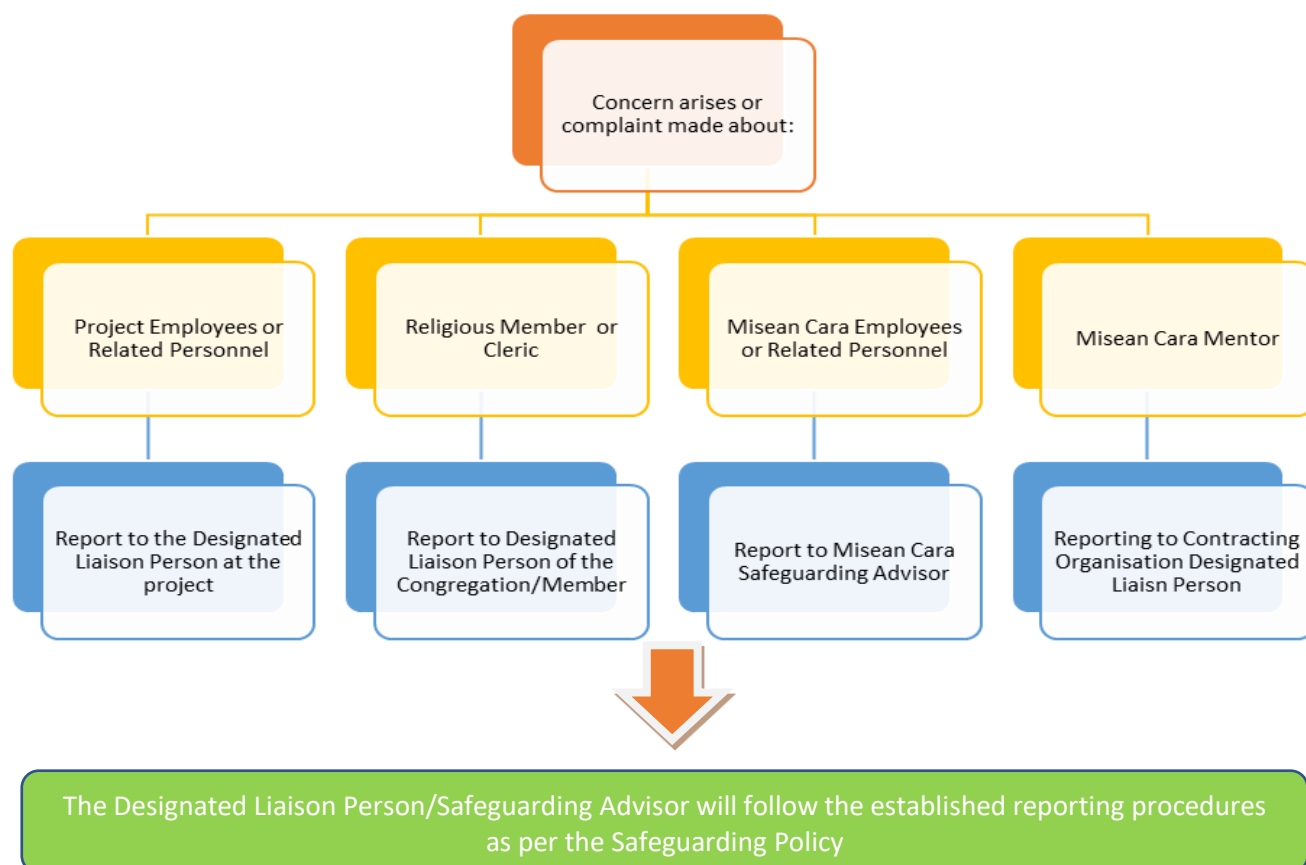
rules of natural justice and any relevant employment law. There are two separate procedures to be followed:

1. The reporting procedure to the statutory authorities e.g., Tusla, HSE Safeguarding & Protection, An Garda Siochana;
2. The internal employment & disciplinary procedure for dealing with the Employee or Related Personnel.

The priority is to protect the child or vulnerable adult while taking account of the right to due process for Employees or Related Personnel. Responsibilities for both aspects will be managed separately with the Safeguarding Advisor managing the protection reporting procedure (No.1) and the Human Resources Manager, CEO, & Chairperson of the Board managing the internal employment & disciplinary procedure (including the internal investigation) (No.2).

All stages of both processes will be recorded with care taken to ensure that any action or investigation within the organisation does not prejudice or compromise the statutory investigation or assessment. Close liaison will be maintained between the organisation and the statutory authorities (where appropriate).

## Reporting Flowchart





## Procedure

The Safeguarding Advisor and the CEO/Board Chairperson will work in close co-operation with each other and with Tusla, HSE Safeguarding & Protection and An Garda Síochána.

- a) If a formal report is being made, the CEO/Board Chairperson will notify the Employee or Related Personnel that an allegation has been made and the nature of the allegation. The Employee or Related Personnel have the right to respond to this and this response should be documented and retained.
- b) The Employee or Related Personnel will be made aware of Mísean Cara's Child and Vulnerable Adult Safeguarding Policy. Furthermore, Mísean Cara will ensure that the principle of 'natural justice' will apply whereby a person is considered innocent until proven otherwise.
- c) The CEO/Board Chairperson will suspend the Employee or Related Personnel with pay (where relevant and appropriate). In the case where the Employee is not suspended the level of supervision of the Employee will be increased.
- d) The Safeguarding Advisor in conjunction with the CEO will liaise closely with Tusla, HSE Safeguarding & Protection and An Garda Síochána to ensure that the actions taken by Mísean Cara will not undermine or frustrate any investigations.
- e) The protective measures which can be taken to ensure the safety of child or vulnerable adult can include the following:
  - suspension of duties of the person accused.
  - re-assignment of duties where the accused will not have contact with children or vulnerable adults.
  - working under increased supervision during the period of the investigation.
  - and other measures as deemed appropriate.

In all cases the Safeguarding Advisor will follow up to ensure the matter has been dealt with appropriately. Further information is set out in Mísean Cara's Grievance & Disciplinary Policy within the Mísean Cara Employee Handbook.

## Reporting

Personnel who have concerns about child or vulnerable adult abuse or who have received a disclosure of abuse should bring this to the attention of the Safeguarding Advisor at the **earliest opportunity**.

Under no circumstances should a child or vulnerable adult be left in a situation that exposes them to harm or risk of harm pending the intervention of the statutory authorities. In the event of an

emergency where you think a child or vulnerable adult is in immediate danger and you cannot get in contact with Tusla (Child & Family Agency) or HSE Safeguarding & Protection, you should contact An Garda Síochána. This can be done by calling the emergency services on 999 or 112.

Where the Safeguarding Advisor considers that a protection or welfare concern meets reasonable grounds for concern, then a report will be made to Tusla (Child & Family Agency) or the HSE Safeguarding & Protection Department for Vulnerable Adults. The Safeguarding Advisor will seek informal advice from Tusla or HSE Safeguarding & Protection if there are any uncertainties around the threshold for reporting.

The Safeguarding Advisor will ensure that the parents/carers/guardians/those with power of attorney are informed (following consultation and advice from the statutory authorities) that a report/referral had been made, unless to do so would be likely to endanger the child or vulnerable adult.

In cases where the Safeguarding Advisor decides not to report concerns, the person who raised the concern will be given a clear written statement of the reasons why the Safeguarding Advisor is not taking such action. The person will be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to the statutory authorities.

In making a report on suspected or actual child or vulnerable adult abuse, the Safeguarding Advisor will ensure that the first priority is always for the safety and welfare of the child or vulnerable adult and that no child or vulnerable adult is ever left in a situation that could place them in **immediate danger**. The Safeguarding Advisor will report all suspicions, concerns, allegations received to the CEO.

## Reporting Flowchart



## Record Keeping & Information Sharing

Misean Cara will record all reports and actions taken in compliance with data protection legislation and statutory guidance. This information will only be shared on a need-to-know basis and in the best interests of the child or vulnerable adult. Refer to [Annex C](#) and Misean Cara's Data Protection Policies for further information.

## Complaints

Misean Cara has in place a Protected Disclosure (Whistleblowing) Policy with written procedures to support and assist personnel in raising concerns about possible harmful or unethical conduct by others towards children and vulnerable adults involved in our activities. Any employees reporting concerns or complaints through the formal whistleblowing channel will be protected. Employees can also refer to Misean Cara's Grievance & Disciplinary Policy within the Misean Cara Employee Handbook.

Misean Cara will also accept complaints from external sources such as Members of the public and official bodies. These can be made by contacting the Safeguarding Advisor (see details on page 3).

## Support

Those who have suffered harm as a result of Misean Cara activities will receive a compassionate and supportive response. They and their families will be offered appropriate support and advice such as counselling and we will work in cooperation with relevant organisations and seek specialist advice from the statutory protection services where necessary.

We have a fair process for investigating and managing safeguarding concerns and this includes informing a respondent<sup>15</sup> that an allegation has been received about them and how their job/role within the organisation will be managed.

## Information Technology & Use of Images

Misean Cara is committed to implementing effective practice for the appropriate use of information technology, including social media and has in place an Information Technology, Internet, and Email Policy with Misean Cara's Employee Handbook

Misean Cara is a signatory to the 'Dochas Code of Conduct on Images and Messages' which sets out a framework including guiding principles on which organisations can build when designing and implementing their public communications strategy.

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<sup>15</sup> See [Annex A](#) for definition.

When photographing or filming a child or vulnerable adult or using their images for work-related purposes, the following applies:

- Assess and endeavour to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child or vulnerable adult.
- Obtain informed consent before photographing or filming a child or vulnerable adult. This involves seeking permission from a parent/guardian/carer/person with power of attorney. As part of this explain how the photograph or film will be used.
- Ensure photographs, films, videos and DVDs present children and vulnerable adults in a dignified and respectful manner and not in a vulnerable or submissive manner. Children and vulnerable adults should be adequately dressed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and facts.
- Ensure file labels, meta-data or text descriptions do not reveal identifying information about a child or vulnerable adult when sending images electronically or publishing images in any form.
- Use common-sense and avoid actions or behaviours that could be construed as abuse and/or exploitation.

### **Responding to concerns regarding the use of images**

Parents/guardians/carers/persons with power of attorney should be informed that if they have any concerns regarding inappropriate or intrusive photography, these can and should be reported to Misesan Cara to ensure that any reported concerns are dealt with in the same way as any other safeguarding issue.

## ANNEX A

### Definition of Terms

<b>Complainant</b>	A person who brings an allegation to the attention of Misesan Cara in accordance with established procedures. This person may be a victim, survivor or another person who is aware of the wrongdoing.
<b>Members and Member Partners</b>	Members (as set out in Misesan Cara's Constitution). In addition, their Associates which includes all employees, Board of Directors, volunteers, interns, consultants and contractors and any entities who have entered into partnership agreement (sub-granting) with a Member.
<b>Misesan Cara Employees and Related Personnel</b>	This includes all employees of Misesan Cara, Board of Directors, committee members, mentors, volunteers, interns, consultants, and contractors.
<b>Perpetrator</b>	A person (or group of persons) who commits an act of abuse or exploitation or other type of crime or offence.
<b>Respondent</b>	A person who is the subject of an allegation.
<b>Survivor</b>	Reference is made to the term "victim" above. 'Victim' is a term often used in the legal and medical sectors, while the term 'survivor' is generally preferred in the psychological and social support sectors Used in reference to a person who has experienced sexual or gender-based violence because it implies resilience.
<b>Victim</b>	Commonly understood as a person who is or has been harmed.
<b>Zero Tolerance</b>	At Misesan Cara we are committed to creating and nurturing an organisational culture of zero tolerance for abuse and exploitation. This culture is based upon accountability, where rights are recognised, promoted, and protected and where violations are actively prevented. We will hold all Employees and Related Personnel to account against the same standards and subject them to the same processes, as everyone else regardless of their position or reputation.

## ANNEX B

### Categories of Abuse

TYPE	DEFINITION	EXAMPLES (Children)	EXAMPLES (Vulnerable Adults)
<b>Neglect</b>	Occurs when a person withholds or fails 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.	<ul style="list-style-type: none"> <li>• Children being left alone without adequate care and supervision.</li> <li>• Malnourishment, lacking food, unsuitable food, or erratic feeding.</li> <li>• Non-organic failure to thrive, i.e., a child not gaining weight due not only to malnutrition but also emotional deprivation.</li> <li>• Failure to provide adequate care for the child’s medical and developmental needs, including intellectual stimulation.</li> <li>• Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture.</li> <li>• Lack of adequate clothing</li> <li>• Inattention to basic hygiene</li> <li>• Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child’s age.</li> <li>• Persistent failure to attend school.</li> <li>• Abandonment or desertion.</li> </ul>	<ul style="list-style-type: none"> <li>• Acts of omission including 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, social activities, leisure/ educational opportunities, adequate nutrition, and heating.</li> <li>• Ignoring need, either physical or medical, knowing that a need exists, but choosing to not address that need, thereby leaving the person at risk of deterioration in health and wellbeing.</li> <li>• Withdrawing or not giving help that a vulnerable adult 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.</li> <li>• Not meeting the social, psychological, or spiritual needs.</li> <li>• Not addressing required environmental factors/adaptations to adequately meet the needs of the adult.</li> </ul>
<b>Physical</b>	The use of physical force, threat of physical force or	<ul style="list-style-type: none"> <li>• Physical punishment</li> <li>• Beating, slapping, hitting or kicking</li> </ul>	<ul style="list-style-type: none"> <li>• Hitting, slapping, pushing, shaking, burning, scalding, pulling hair, kicking,</li> </ul>

	<p>mistreatment of a person by another which may or may not result in actual physical harm or injury.</p>	<ul style="list-style-type: none"> <li>• Pushing, shaking or throwing</li> <li>• Pinching, biting, choking or hair-pulling.</li> <li>• Use of excessive force in handling.</li> <li>• Deliberate poisoning</li> <li>• Suffocation</li> <li>• Fabricated/induced illness.</li> <li>• Female genital mutilation</li> </ul>	<p>exposure to heat or cold, force feeding, misuse of medication, inappropriate restraint, or sanctions.</p> <ul style="list-style-type: none"> <li>• All forms of physical force contact which results in harm to another person including excessive force in the delivery of personal care, forced feeding, rough handling, unwarranted physical pressure (gripping, squeezing) shaking, misuse of incontinence wear, hitting with a weapon or implement, misuse of medication, failing to give medication, poisoning, restricting activities or forcing activities.</li> <li>• Inappropriate deprivation of liberty (e.g., being locked in /forced confinement in an area), denied treatment or experiencing threat of physical violence.</li> </ul>
<p><b>Sexual</b></p>	<p>Any behaviour (physical, psychological, verbal, virtual/online) perceived to be of a sexual nature which is controlling; coercive, exploitative, harmful, or unwanted.</p>	<ul style="list-style-type: none"> <li>• Any sexual act intentionally performed in the presence of a child.</li> <li>• An invitation to sexual touching or intentional touching or molesting of a child’s body whether by a person or object for the purpose of sexual arousal or gratification.</li> <li>• Masturbation in the presence of a child or the involvement of a child in an act of masturbation.</li> <li>• Sexual intercourse with a child, whether oral, vaginal, or anal.</li> <li>• Sexual exploitation of a child, which includes:</li> </ul>	<ul style="list-style-type: none"> <li>• Non-contact sexual activities, such as indecent exposure, stalking, grooming.</li> <li>• Physical contact, including but not limited to non-consensual penetrative sexual activities or non-penetrative sexual activities, such as intentional touching (known as groping).</li> <li>• Exposure of the sexual organs and any sexual act intentionally performed in the presence of a person.</li> <li>• Inappropriate touch anywhere.</li> <li>• Masturbation of either or both persons, penetration or attempted penetration of the vagina, anus or mouth, with or by penis, fingers or other objects.</li> </ul>

		<ul style="list-style-type: none"> <li>- Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means).</li> <li>- Inviting, coercing, or inducing a child to participate in, or to observe, any sexual, indecent, or obscene act.</li> <li>- Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse.</li> <li>- Exposing a child to inappropriate or abusive material through information and communication technology.</li> </ul>	<ul style="list-style-type: none"> <li>• Exposure to pornography or other sexually explicit and inappropriate material including enforced witnessing of sexual acts or sexual media harassment.</li> <li>• Inappropriate and sexually explicit conversations, remarks, threats, intimidation.</li> <li>• Inappropriate looking or touching, sexual teasing or innuendo, taking sexual photographs or video footage, making someone watch sexual acts or pornography, making someone participate in sexual acts or being included in the production of sexual images/videos, or grooming.</li> </ul>
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		<ul style="list-style-type: none"> <li>• Consensual sexual activity involving an adult and an underage person.</li> </ul>	
<p><b>Emotional/Psychological (including Bullying and Harassment)</b></p>	<p>Behaviour that is emotionally/psychologically harmful to another person and which inflicts anxiety or mental distress by threat, humiliation, or other verbal/non-verbal conduct.</p>	<ul style="list-style-type: none"> <li>• Rejection</li> <li>• Lack of comfort and love</li> <li>• Lack of attachment</li> <li>• Lack of proper stimulation (e.g., fun and play).</li> <li>• Lack of continuity of care (e.g., frequent moves, particularly unplanned).</li> <li>• Continuous lack of praise and encouragement.</li> <li>• Persistent criticism, sarcasm, hostility or blaming of the child.</li> <li>• Bullying</li> <li>• Conditional parenting in which care or affection of a child depends on his or her behaviours or actions.</li> <li>• Extreme overprotectiveness.</li> <li>• Inappropriate non-physical punishment (e.g., locking child in bedroom).</li> <li>• Ongoing family conflicts and family violence</li> <li>• Seriously inappropriate expectations of a child relative to his/her age and stage of development.</li> </ul>	<ul style="list-style-type: none"> <li>• Failing to value the individual.</li> <li>• Abuse of power in which the perpetrator places their opinion/view/judgement as superior to the individual.</li> <li>• Harsh value judgements</li> <li>• Conveying to the individual that they are worthless, unloved, inadequate, or a nuisance</li> </ul>

<p><b>Financial or Material</b></p>	<p>Involves an act or acts where a person is deprived of control of their finances or personal possessions or exploited financially by another person or persons.</p>	<ul style="list-style-type: none"> <li>• Theft, coercion, fraud of a child’s financial or material resources e.g., misappropriation of Trusts.</li> </ul>	<ul style="list-style-type: none"> <li>• Theft, coercion, fraud.</li> <li>• Pressure in connection with wills, property, inheritance, or financial transactions.</li> <li>• Misuse or misappropriation of property possessions or benefits.</li> <li>• Misuse of power of attorney, and not contributing to household costs where this was previously agreed.</li> </ul>
<p><b>Online/Digital Abuse</b></p>	<p>Any type of abuse that happens on the internet. It can happen across any device that is connected to the web, such as computers, tablets and mobile phones.</p>	<ul style="list-style-type: none"> <li>• Cyberbullying</li> <li>• Emotional Abuse via online channels e.g., social media.</li> <li>• Grooming</li> <li>• Sexting</li> <li>• Sexual Abuse and Exploitation via online channels.</li> </ul>	<ul style="list-style-type: none"> <li>• Exposure and uploading of inappropriate abusive material without consent.</li> <li>• Digital/social media and online sexual abuse/ production of sexual images.</li> <li>• Online financial abuse.</li> <li>• Theft of personal information.</li> </ul>
<p><b>Organisational/Institutional</b></p>	<p>The mistreatment of a person (often children and vulnerable adults) brought about by the poor or inadequate care or support or systemic poor practices that affect the whole care setting.</p> <p>Can be one-off incident or repeated incidents.</p>	<ul style="list-style-type: none"> <li>• Inappropriate use of power or control.</li> <li>• Inappropriate confinement, restraint, or restriction.</li> <li>• Lack of choice – in food, in decoration, in lighting and heating, and in other environmental aspects.</li> <li>• Lack of personal clothing or possessions.</li> <li>• No flexibility of schedule, particularly with bedtimes.</li> <li>• Failure to afford a person the opportunity to engage socially and be involved in hobbies/activities that are meaningful to them.</li> </ul>	<ul style="list-style-type: none"> <li>• Inappropriate use of power or control.</li> <li>• Inappropriate confinement, restraint, or restriction.</li> <li>• Lack of choice – in food, in decoration, in lighting and heating, and in other environmental aspects.</li> <li>• Lack of personal clothing or possessions.</li> <li>• No flexibility of schedule, particularly with bedtimes.</li> <li>• Failure to afford a person the opportunity to engage socially and be involved in hobbies/activities that are meaningful to them.</li> <li>• Poor standards of professional practice.</li> </ul>

		<ul style="list-style-type: none"> <li>• Poor standards of professional practice.</li> </ul>	
<b>Discriminatory</b>	Unequal treatment, harassment or abuse of a person based on age, disability, race, ethnic group, gender, gender identity, sexual orientation, religion.	<ul style="list-style-type: none"> <li>• Being treated differently by individuals, family, organisations or society because of age, race, or disability.</li> <li>• Verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic.</li> <li>• Assumptions about a child's abilities or inabilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Being treated differently by individuals, family, organisations or society because of age, race, or disability.</li> <li>• Verbal abuse, derogatory remarks or inappropriate use of language related to a protected characteristic.</li> <li>• Assumptions about a person's abilities or inabilities.</li> <li>• Not speaking directly to the person but instead addressing the person they are with.</li> </ul>
<b>Human Trafficking/Modern Slavery</b>	Illegally procuring and relocating persons, typically for the purposes of forced labour or sexual exploitation.	<ul style="list-style-type: none"> <li>• Domestic servitude, forced criminality, forced labour, sexual exploitation and organ harvesting.</li> </ul>	<ul style="list-style-type: none"> <li>• Domestic servitude, forced criminality, forced labour, sexual exploitation and organ harvesting.</li> </ul>

# ANNEX C

## Data Protection in relation to Safeguarding

### Record Keeping

Good record-keeping is an integral part of safeguarding children and vulnerable adults, and it should not be considered to be an optional extra. There are many reasons why all those involved in safeguarding children and vulnerable adults should keep good records. These include:

- Helping to improve accountability.
- Demonstrating how decisions relating to safeguarding children and vulnerable adults are made.
- Supporting effective assessments.
- Providing documentary evidence of actions taken.
- Helping to identify risks and demonstrating how those risks have been managed.

Good record-keeping also helps to safeguard the rights of all concerned. Below are the primary reasons for record-keeping, as well as the processes necessary to write and maintain accurate records. Also detailed are recommendations regarding information sharing, and retention and storage of sensitive data.

### Why is record-keeping important?

1. Doing so ensures accuracy of reporting information. This can be for internal use, or it can be done in circumstances where there is the necessity to report and to be accountable to external stakeholders, e.g., courts, tribunals of inquiry, Gardaí, PSNI, Tusla, HSE Safeguarding & Protection, HSCT (Health and Social Care Trust). Creating written records as soon as practicable after the event avoids the possibilities of memory loss and the distortion of the information.
2. Doing so assists with decision-making and case management. Accurately recording factual information facilitates an evaluation of the information and aids decision-making.
3. Doing so protects both the subjects of recording and the recorder by having an agreed and accurate record. As far as possible, recorded information should be agreed, with the subject of the recording, as constituting an accurate record of what took place.
4. Doing so enables accountability. All those who have responsibilities for safeguarding children should be and will be held accountable for their actions. Good recording is required as evidence that the safeguarding of children and vulnerable adults is treated as a priority, and that all steps have been taken to prevent and minimise risk and to manage allegations appropriately.

5. Doing so enables the proper tracking of complaints. It is important that we demonstrate through our records that complainants have been listened to and responded to in a compassionate and caring way. It is therefore vital that accurate records are kept of all complaints received and of how these have been responded to.
6. Doing so allows for continuity where there are changes in personnel managing the case. Safeguarding children and vulnerable adults can involve a number of people, including the CEO and safeguarding Advisor. Personnel can also change over the course of managing a child or vulnerable adult abuse allegation. It is therefore important that good, factual details are maintained in writing to allow for a consistent and fair approach, a continuity of care for complainants, and the proper management of respondents, when required.

#### **Principles of good record-keeping:**

- All records should be legible – preferably typed or word-processed.
- All entries should be signed, and the person’s name and job title should be printed alongside the entry.
- All records should be dated and timed in real time. These records should be generated in correct chronological order.
- A narrative should be constructed that sets out a chronology of events and references any correspondence.
- Records should be accurate and presented in such a way that the meaning is clear.
- Records should be factual and should not include unnecessary abbreviations, jargon, opinion or irrelevant speculation.
- Judgement should be used to decide what is recorded. Is it relevant? Is it as objective as possible? Are facts and any necessary opinions clearly distinguished?
- Records should identify any risks and should show the action taken to manage these.
- Records must not be altered or destroyed without proper authorisation. If the need for alteration arises, both the fact of such authorisation and the alteration made to any original record or documentation should be signed and dated.

#### **Data Protection Legislation**

The European Union-wide framework for the protection of personal data known as the General Data Protection Regulation (GDPR) became law on 25 May 2018. This provides a more uniform interpretation and application of data protection standards across the EU. The GDPR will apply by default to the majority of personal data processing, but in Ireland further rules on certain issues (for example the reasons for, and extent

to which, data subject rights may be restricted) are set out in the Data Protection Act 2018 which changes the previous data protection framework, established under the Data Protection Acts 1988 and 2003.

In Northern Ireland the national law is the Data Protection Act 1998.

The General Data Protection Regulation (GDPR) sets out seven principles that define the conditions under which processing (including recording, storage, manipulation and transmission) of personal data can be determined to be legally acceptable, or otherwise.

The *seven principles* state that the data should be:

1. Fair, Transparent and Lawful Processing
2. Purpose Limitation
3. Minimisation of Processing
4. Data Accuracy/Data Quality
5. Retention, Storage Limitation
6. Security and Confidentiality
7. Liability and Accountability

### **Access to information by data subject**

Article 15 of the GDPR and Section 91 of the Data Protection Act 2018 entitles any individual (data subject) to obtain a copy, of any information relating to them, be it kept on computer or in a structured manual filing system or intended for such a system by an organisation (data controller).

The following can be requested:

1. The purpose(s) of the processing
2. The categories of data being held
3. The identity of any recipient(s) who may see this data
4. The period for which it will be stored
5. The right to rectification, erasure, restriction of processing, right to object and information on how to request data.
6. The right to lodge a complaint with a supervisory authority
7. Where the information was not collected from the individual, any information as to the source.
8. The existence of automated decision making, including profiling and meaningful information about how decisions are made, the significance and the consequences of processing.

These rights will not apply where the data can no longer identify you.

An individual's data can be provided to them in writing, electronically or verbally as per Article 12(1) sentences 2 and 3 of the GDPR, depending on the circumstance. According to Article 12(3) GDPR information must be provided without undue delay but at the latest within one month.

If an individual seeks access to their data, the following should take place:

- a) Confirm with the individual the means with which they would like their personal data provided. This should be in permanent form e.g., in writing, electronically or verbally (dependent on individual circumstances).
- b) The contents of the file should be reviewed and assessed so that data belonging to third parties is redacted in written documents and not disclosed in verbal or written correspondence.
- c) Data will be provided to the individual in the manner agreed, no later than one month from date of request.
- d) Upon receipt of the file the individual can make further requests as per Article 15 of the GDPR and Section 91 of the Data Protection Act 2018 set out above. The file manager should keep a signed and dated written record of any actions arising from such requests e.g., amendments. A signed written statement should also be obtained from the individual outlining consent to any actions.
- e) If there is a disagreement concerning the amendment of any file, the details of the disagreement should be recorded, signed and dated by the file manager and the data subject informed of their right to lodge a complaint with the Data Protection Commissioner.

### **Storage of data**

Data controllers and processors have an obligation to keep personal data secure. All sensitive or confidential materials should be retained in a case file and stored securely in a place designated by the data controller, i.e., CEO/H.R. Manager/Safeguarding Advisor. Files containing sensitive or confidential data should be locked away, and access to the relevant fireproof safe(s) or filing cabinet(s) and keys should be strictly controlled. Access to the files needs to be limited to people in named roles – i.e., the CEO/H.R. Manager/Safeguarding Advisor, who either need to know about the information in those records, and/or who have a responsibility to manage those records.

Any information of a sensitive and confidential nature – if stored electronically – must always be encrypted and password protected. Arrangements need to be made for the contents of the relevant files, as well as their location and storage arrangements, to be passed on from outgoing data controllers to their successors.

Other records with identifying personal information – e.g., records on recruitment and vetting, accident forms, etc. – must be stored in a secure locked cabinet in the H. R. office.

### Retention and destruction of data

Article 5 (e) of the GDPR states personal data shall be kept for no longer than is necessary for the purposes for which it is being processed.

Recital 39 of the GDPR states that the period for which the personal data is stored should be limited to a strict minimum and that time limits should be established by the data controller for deletion of the records (referred to as erasure in the GDPR) or for a periodic review.

Organisations must therefore ensure personal data is securely disposed of when no longer needed. This will reduce the risk that it will become inaccurate, out of date or irrelevant.

### Guidance

- The organisation must appoint a data protection officer (Art. 37 GDPR) who will hold responsibility for data protection within the organisation.
- The appointed data protection officer should ensure that all records associated with these standards and guidance are reviewed on a periodic basis for the purposes of determining whether such records, in whole or in part, should be kept for a further period, or whether the purpose for which such records are kept has now ceased.
- Accordingly, each file should contain a checklist that provides for such periodic reviews. The checklist should be signed and dated after completion of those reviews, with confirmation as to whether the records will be kept for a further period and the reason for same.
- In making the decision to keep such records for a further period, the reviewer should consider the assessment of danger or harm to children arising out of the destruction of the relevant records.

### Further support

For more advice and guidance on data retention and destruction in the Republic of Ireland:

- Data Protection Commissioner: <https://www.dataprotection.ie>
- Citizens Information: [http://www.citizensinformation.ie/en/government\\_in\\_ireland/data\\_protection/rights\\_under\\_general\\_data\\_protection\\_regulation.html](http://www.citizensinformation.ie/en/government_in_ireland/data_protection/rights_under_general_data_protection_regulation.html)



For information relating to the retention and destruction of data pertaining to the safety and welfare of a child or vulnerable adult this can be sought from Tusla who have dedicated Children First Information and Advice Officers: <https://www.tusla.ie/get-in-touch/children-first-information-and-advice-officers/>

### **For Vulnerable Adults:**

Local HSE Safeguarding & Protection team, contact details available at:

<https://www.hse.ie/eng/services/list/4/olderpeople/elderabuse/protect-yourself/safeguarprotectteams.html>

### **Confidentiality**

The effective protection of a child or vulnerable adult often depends on the willingness of the personnel in project/organisations involved with children and vulnerable adults to share and exchange relevant information. It is therefore critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information.

All information regarding concerns (current or historical) or allegations of child or vulnerable adult abuse or neglect should be shared on 'a need to know' basis in the interests of the child or vulnerable adult with the relevant statutory authorities.

No undertakings regarding secrecy can be given. Those working with a child or vulnerable adult and family should make this clear to all parties involved, although they can be assured that all information will be handled taking full account of legal requirements.

Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different professional staff with a responsibility for ensuring the protection and welfare of children. The provision of information to the statutory agencies for the protection of a child or vulnerable adult is not a breach of confidentiality or data protection.

It must be clearly understood that information gathered for one purpose must not be used for another without consulting the person who provided that information.

The issue of confidentiality should be part of the training for all personnel.

Interagency cooperation is as important in the later stages of child or vulnerable adult protection work as it is at the outset. Therefore, personnel involved in a suspected, alleged or confirmed child or vulnerable adult abuse case should consistently make efforts to remain in contact with the statutory services, and to communicate all relevant information expediently.

#### **Situations when information must be shared:**

**Sharing information with the statutory authorities:** All allegations, suspicions concerns or knowledge regarding child or vulnerable adult abuse that meet the threshold for reporting must be passed to the statutory authorities. Disclosure should include names, addresses, details of the allegations, and if the respondent has made an admission, where this information is available.

#### **Situations when information can be shared:**

**As part of an investigation by the statutory authorities:** Sharing information with statutory agencies for child or vulnerable adult protection purposes, and in particular to assist investigation of potential offences, is permitted under Data Protection legislation. Additionally, the *Protection for Persons Reporting Child Abuse Act 1998* affords protection from civil liability to such persons reporting child protection concerns to statutory authority agencies in good faith.

During the course of an investigation, if the Gardaí/PSNI request information from a file, every effort should be made to cooperate. However, careful consideration should be given to the following when sharing without consent:

- Legal advice obtained may be privileged and may not be shared without the consent of the CEO; and
- Sharing information with statutory agencies attracts the protections cited above only insofar as it relates to child protection. Therefore, if the information goes beyond this area, it will not benefit from these exceptions.

### **Legislation & Guidance**

#### **Key legislation:**

- The EU General Data Protection Regulation (GDPR)
- Data Protection Act 2018 (ROI)

All data pertaining to the safety and wellbeing of children residing in Ireland should be reported to the statutory authorities Tusla, HSE Safeguarding & Protection and An Garda Síochána. The conditions when considering the sharing of such data are set out in section 36 of the Data Protection Act 2018:

36(1)(e) having regard to the state of the art, the context, nature, scope and purposes of data processing and the likelihood of risk to, and the severity of any risk to, the rights and freedoms of data subjects.

36(2) Regulations may be made for either or both of the following purposes—

(a) to identify additional suitable and specific measures (to those referred to in paragraphs (a) to (e) of subsection (1) that may be taken to safeguard the fundamental rights and freedoms of data subjects in the processing of personal data of those subjects for the purposes of the requirement referred to in subsection (1).

The investigation of allegations of abuse should be deemed to be a most legitimate interest of the relevant organisation in question and Mísean Cara should determine whether it is in their legitimate interest to disclose the information to a third party.

A key determinate is, if the disclosure were made, whether or not the processing is necessary to prevent injury or other damage to the health of the data subject or another person, or serious loss in respect of, or damage to, property or otherwise to protect the vital interests of the data subject or of another person.

There is no requirement in this context for consent by the data subject or a person on behalf of the data subject to be obtained prior to informing the third party.

### **Children First Act 2015**

Section 17 of the *Children First Act (2015)* effectively prevents the disclosure of details of child sexual abuse against a person to a third party, in circumstances where details of that child sexual abuse allegation have been made known to Mísean Cara by Tusla in the course of carrying out an assessment arising from a mandatory report to that agency, without the explicit permission of Tusla to share that information.

### **Protection of Persons Reporting Abuse Act 1998**

This affords protection from civil liability to persons who report allegations of child abuse in good faith to an ‘appropriate person’, namely the designated officer of Tusla or a Member of An Garda Síochána, thereby exempting them from liability for defamation as a result of such reportage.

### **Guidance**

In the Republic of Ireland, the relevant guidance is ‘Children First: National Guidance for the Protection and Welfare of Children (2017)’. The Children First guidance in the Republic of Ireland devotes Chapter 4 to Interagency Cooperation.

At Section 4.3: Benefits of Interagency Cooperation and Exchange of Information in Relation to Child Protection and Welfare, the following two paragraphs outline the positives of interagency cooperation and information sharing:

**4.3.1** Effective interagency cooperation has a number of benefits, including:

- I. Ensuring provision of a comprehensive response to all concerns about children. This includes the pooling of resources and skills at all stages of intervention, from initial enquiry to assessment and case management, including early identification and prevention.
- II. Avoiding gaps in the service response, especially in cases where information might otherwise remain concealed or unknown; and
- III. Providing mutual support for professionals in complex cases.

**4.3.2** The effectiveness and usefulness of interagency and inter-professional cooperation and coordination is influenced by certain conditions that should be addressed specifically in training programmes. These conditions include:

- I. Dissemination on a regular basis of procedures, guidelines, and policies.
- II. Clear contractual arrangements between statutory and non-statutory bodies.
- III. An understanding and acceptance by all professionals working with children of their responsibilities and roles in the promotion of child welfare; and
- IV. Mutual trust in the sharing of information.
- V. Agreement on common goals with regard to a child's safety and welfare.
- VI. Willingness of professionals to respect the contributions made by each other, irrespective of status and position within agencies and organisations; and
- VII. Awareness of the potential for inter-professional tensions, defensiveness, prejudices, rivalries, and polarity of views, which may, from time to time, prevent the needs of children from taking precedence.

Misean Cara is expected to embrace best practice standards in child safeguarding, including those on information management, information sharing and interagency cooperation as it functions.

## ANNEX D

### Contact list for Statutory Authorities & Support Services



#### **Tusla (Children)**

Duty Social Work Department  
Carnegie Centre  
21-25 Lord Edward Street  
Dublin 2  
Telephone (01) 6486500



#### **HSE Vulnerable Adults Safeguarding & Protection** **Safeguarding & Protection Teams**

Location specific contacts available at:

<https://www.hse.ie/eng/services/list/4/olderpeople/elderabuse/protect-yourself/safeguarprotectteams.html#Dublin%20North,%20Dublin%20North%20City,%20Dublin%20North%20West>

#### **Vulnerable Adults in the care of the HSE or HSE Funded Agency**

Ms. Leigh Gath  
The Office of the Confidential Recipient for Vulnerable Persons,  
Training Services Centre,  
Dooradoyle,  
Limerick.  
Email: [leigh.gath@crhealth.ie](mailto:leigh.gath@crhealth.ie)  
LoCall 1890 100 014



#### **National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI)**

New House, St. Patrick's College  
Maynooth  
Co. Kildare  
Telephone: (01) 505 3124.  
Website: <https://www.safeguarding.ie/>



#### **Towards Healing**

This is an independent organisation providing professional support for people who have experienced institutional, clerical or religious abuse in Ireland.  
Freephone: 1800 303 416 (Republic of Ireland)  
0800 096 3315 (Northern Ireland & United Kingdom)



#### **The HSE National Counselling Service (NCS)**

This is a professional, confidential counselling and psychotherapy service available free of charge in all regions of the Health Services Executive. Location based contact details available at: <https://www.hse.ie/eng/services/list/4/mental-health-services/national-counselling-service/contact-us/>



### **Connect Counselling**

This is a free telephone counselling and support service for any adult who has experienced abuse, trauma or neglect in childhood. You can talk in confidence with a trained counsellor who can listen or help with questions you have.

Freephone: 1800 477 477 (Republic of Ireland)

UK and Northern Ireland: 0800 477 477 77 (Northern Ireland & United Kingdom)



### **Childline (Provided by the ISPCC)**

Childline is open every day and is for all children and young people up to the age of 18 in Ireland who would like to talk. There are a number of ways you can make contact:

Freephone 1800 666 666

Free text: 50101

Live Message: <https://www.childline.ie/login/>



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