

May 2018



# Child Safeguarding Policy and Procedures

Franciscan Province of Ireland



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franciscan province of ireland

provincial office – 4, merchants' quay – dublin 8 – ireland

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## Forward

The Franciscan Province of Ireland recognises that the welfare of the child is paramount and that every child has a right to be protected, treated with respect, listened to and have their views taken into consideration. Respect for the innate dignity of every person is a fundamental principle emanating from the Gospel and in particular Jesus' respect for Children.

The Irish Franciscans are determined to provide the highest level of protection for all children who are involved in any way in activities with the Irish Franciscan Province. This document forms part of a series of policies intended to guide and direct friars and their co-workers, in safeguarding children with whom they interact.

A further and important aim in developing these policies and procedures is to create a secure and supportive atmosphere in which those who have suffered abuse in the past can be assured of a sensitive, caring and compassionate response, and be offered appropriate pastoral care for themselves and their families.

These policies and procedures also include measures to ensure that the rights, in natural justice, of a person against whom an accusation of abuse is made, are respected and that appropriate pastoral care is provided for them and their families.

Friars and their co-workers are bound to adhere to and engage with this document in a concerted effort to protect children and to cherish the gift that they are for our future.

AIDAN McGRATH, OFM  
MINISTER PROVINCIAL

DATE: May 2018



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## Franciscan Safeguarding Statement

The Franciscan Province of Ireland undertakes to do everything possible to create safe environments where the welfare of children and young people is paramount.

In partnership with their primary carers the Province encourages and values the involvement of children and young people in liturgies and activities that enhance their spiritual, social, emotional and intellectual development.

This Safeguarding Policy adheres to the principles and guidelines set out in *Safeguarding Children Policy and Standards for the Catholic Church in Ireland 2016* as well as the civil laws and guidelines of the two jurisdictions on the island of Ireland.

The Province is Committed to:

- Best practice to ensure that children are listened to and treated with respect, and have both their rights protected and their welfare promoted;
- Minimizing risks in order to safeguard the interests of children;
- Ensuring that all Franciscans and their co-workers are carefully recruited, selected, trained, supported and supervised;
- Providing appropriate support for survivors of child sexual abuse;
- Providing appropriate training for members and co-workers;
- Working in partnership with statutory authorities (Tusla, HSE, An Garda Síochana) for the prompt, just and professional management of complaints;
- Making this safeguarding policy widely known, accessible and understood, and implementing procedures and protocols that contribute to keeping safe children who participate in its services.

The Franciscan Province of Ireland have appointed a Safeguarding Committee who will advise the Minister Provincial on further developments in, and approaches to, safeguarding and child protection and, in particular, on how to best convey to children and their parents information about the safeguards already in place. Local Safeguarding Representatives have been appointed in each Franciscan Friary and are responsible for the promotion of best practice and compliance with safeguarding standards.



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## Definitions

- **Child:** A person under the age of eighteen years.
- **Abuse:** A violation of a person's fundamental right to respect and to bodily integrity. Abuse may consist of a single act or repeated acts. Child abuse is generally categorised into four broad groups: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subject to more than one form of abuse.
- **Neglect:** The persistent failure to meet a child's physical, emotional and/or psychological needs. It is a form of omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, medical care, supervision and safety, or attachment to and affection from adults.
- **Physical Abuse:** Physical abuse of a child is that which results in actual or physical harm from an interaction or lack of interaction which is reasonably within the control of a person in a position of responsibility or power. There may be single or multiple incidents.
- **Emotional Abuse:** Occurs when a child's developmental need for affection, approval consistency of care and security are not met.
- **Sexual Abuse:** Occurs when a child is used by another person for his or her own sexual gratification or sexual arousal, or for that of others.
- **Child Pornography:** The viewing, use, trade, transmittal or transference of abuse sexual images of children engaged in real or simulated explicit sexual activity or showing their private parts including genitals, for the purpose of sexual gratification.
- **Whistleblowing:** The term used to describe the action of someone who reveals/discloses wrongdoing within an organisation to the public or to those in positions of authority.
- **Bullying:** Repeated aggression conducted by an individual or a group against another or others; such aggressive behaviour may be verbal, psychological or physical, including racist or sexist remarks or emotional intimidation such as isolating or excluding.



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## Recognising Child Abuse

### **Recognising Physical Abuse:**

Cuts and bruises on the bony parts of a child's body, like elbows, knees and shins are common occurrences. Unexplained bruises or injuries, injuries in unusual places like the cheek or thighs, unlikely explanations that do not fit the injury and delays in seeking medical treatment are a cause of concern.

Physical signs of abuse may include:

- Unexplained bruising, marks or injuries on any part of the body;
- Bruises that reflect hand marks or finger tips;
- Cigarette burns;
- Bite marks;
- Broken bones;
- Scalds.

Changes in behaviour which can indicate physical abuse may include:

- Fear of parents being approached for an explanation;
- Aggressive behaviour or severe temper outbursts;
- Flinching when approached or touched;
- Reluctance to get changed, for example in hot weather;
- Depression;
- Withdrawn behaviour;
- Running away from home.

### **Recognising emotional abuse:**

Emotional abuse can be difficult to measure, and often children who appear well cared for may be emotionally abused by being taunted, put down or belittled. They may receive little or no love, affection or attention from their parents or carers. Emotional abuse can also take the form of children not being allowed to mix / play with other children.

The physical signs of emotional abuse may include:

- A failure to thrive or grow, particularly if the child puts on weight in other circumstances e.g. in hospital or away from the primary care-takers;



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- Sudden speech disorders;
- Developmental delay, either in terms of physical or emotional progress.

Changes in behaviour which can indicate emotional abuse may include:

- Being unable to play;
- Fear of making mistakes;
- Neurotic behaviour e.g. sulking, hair-twisting, rocking;
- Self-harm;
- Fear of parent being approached regarding their behaviour.

### **Recognising sexual abuse**

Adults, who use children to meet their own sexual needs, might abuse both girls and boys of all ages, including infants and toddlers. Usually, in cases of sexual abuse it is the child's behaviour which may cause you to become concerned, although physical signs can also be present. In all cases, children who tell about sexual abuse do so because they want it to stop. It is important, therefore, that they are listened to, taken seriously and that their concern/allegation is acted on.

The physical signs of sexual abuse may include:

- Pain or itching in the genital area;
- Bruising or bleeding near genital area;
- Sexually transmitted disease; | Vaginal discharge or infection; | Stomach pains;
- Discomfort when walking or sitting down;
- Pregnancy.

Changes in behaviour which can also indicate sexual abuse include:

- Sudden or unexplained changes in behaviour e.g. becoming aggressive or withdrawn;
- Fear of being left with a specific person or group of people;
- Having nightmares;
- Running away from home;
- Sexual knowledge which is beyond their age or developmental level;
- Sexual drawings or language beyond their age or developmental level;
- Bedwetting;
- Eating problems such as overeating or anorexia;
- Self-harm or mutilation, sometimes leading to suicide attempts;



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- Saying they have secrets they cannot tell anyone about;
- Substance or drug abuse;
- Suddenly having unexplained sources of money;
- Not allowed to have friends (particularly in adolescence);
- Acting in a sexually explicit way towards adults.

### **Recognising neglect:**

Neglect can be a difficult form of abuse to recognise.

The physical signs of neglect may include:

- Constant hunger, sometimes stealing food from other children;
- Constantly dirty or 'smelly';
- Loss of weight, or being constantly underweight;
- Inappropriate dress for the conditions.

Changes in behaviour which can also indicate neglect may include;

- Complaining of being tired all the time;
- Not requesting medical assistance and/or failing to attend appointments;
- Having few friends;
- Mentioning their being left alone or unsupervised.



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## Roles & Responsibilities

### **The Role of the Franciscan Safeguarding Committee and Franciscan Safeguarding Office.**

- It will be the responsibility of the Franciscan Safeguarding Committee (FSC) and the Franciscan Safeguarding Office to ensure that the Franciscan Safeguarding Policy and Procedures are implemented.
- The FSC will support implementation by offering support and guidance as required. They will also ensure that the principles of best practice in recruitment and vetting form part of its various communications and training initiatives.
- This policy will be reviewed annually and updated in line with new legislation.
- The FSC and Audit Committee will carry out an annual internal audit and provide the NBSCCCI with a report to demonstrate compliance with standards.

### **The Role of the Franciscan Safeguarding Representative**

Every community shall have a trained Franciscan Safeguarding Representative, who is the Guardian or his delegate (i.e. a suitable lay person). The role of the Franciscan Safeguarding Representative is to:

- Raise awareness of what safeguarding involves;
- Ensure that key safeguarding information is disseminated;
- Co-operate with the Franciscan Safeguarding Office in relation to the monitoring of safeguarding practices, including the annual safeguarding audit;
- Assist Franciscans/co-workers, if required, to contact the DLP or the Support Person;

The Franciscan Safeguarding Representative is responsible for:

- Ensuring that any activity taking place in his/her community operates in a manner which facilitates the safety and wellbeing of the children involved;
- Briefing the community on best practice principles;
- Publicising the contact details of the child safeguarding services and the relevant civil authorities;
- The overall responsibility for safeguarding children in each Franciscan Community remains with the person in charge, i.e. the Guardian.



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### **The Role of the DLP**

The Designated Liaison Person's role is: to receive information about a concern, allegation or disclosure of abuse relating to a Franciscan or co-worker, and to report all child-safeguarding concerns, allegations and disclosures to the civil and ecclesial authorities without delay.

The DLP is required to:

- Receive allegations/concerns of child abuse;
- Report the concern to the statutory authority without delay regardless of whether the respondent is alive or not;
- Create a child protection case file for every referral that includes a log of actions, events and information. Entries should be made as soon as possible after the event but before the end of the day. They must be timed and dated by the author;
- Take possession of any written records made by any person in connection with the case and place them on the Child Protection Case File;
- Explain the procedures for addressing the concern, allegation or disclosure to the person who has raised the concern;
- Contact emergency or appropriate service where a child appears to be at immediate and serious risk of harm;
- Seek appropriate advice from Tusla/An Garda Síochána/NBSCCCI. The DLP must keep a written record of the outcome in the Franciscan Safeguarding Case File. Decisions not to report a matter must be made by Tusla;
- Inform the Provincial and the NBSCCCI that a complaint has been made and make a recommendation about any immediate action that needs to be taken in order to ensure the safety of children;
- Make enquiries to identify the present and previous appointments of the respondent in order to establish whether there are any previous concerns about his/her practice, or any current grounds for concern in relation to the safety and well-being of children;
- Consult the Provincial regarding the appointment of an Adviser;



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- Conduct an initial interview with the respondent as soon as possible, if the Health and Social Services / An Garda Síochána / PSNI have agreed that the interview can take place. The respondent shall be given information about his or her entitlement to seek legal advice (both civil and, where appropriate, canonical) and about the child protection process. The respondent should be informed that he/she is not obliged, in law, to respond or to furnish evidence but that anything he/she says will be taken into account in the investigation. The DLP and the Provincial (or his delegate) should then inform the respondent of the nature and detail of the allegation/concern and the name of the person raising it. The purpose of the interview is to inform the respondent of the existence of the allegation and of the process being followed. The respondent needs to be given enough detail about the disclosure/allegation/concern, and the person raising it, to be able to offer a response. The respondent is told not to contact the complainant. The respondent shall be offered the services of an Adviser. A written record of the interview must be prepared, agreed with the respondent, signed and dated;
- Implement the Reporting Policy as outlined in Sections 5 of this document
- Ensure the availability of the Advisory Panel, if required, and convene the Advisory Panel at an appropriate time;
- Allow Tusla/HSC / An Garda Síochána / PSNI to conduct their enquiries unimpeded;
- Maintain a dialogue with the Investigating Officer or Social Worker to monitor the progress of the case and act on any advice given. Details of contacts made should be recorded chronologically on the Child Protection Case File;
- Ask for an update from Tusla/HSC / An Garda Síochána / PSNI about the outcome of their investigations; this request should be made in writing;
- Conduct an internal investigation at the conclusion of any police investigation or where no such civil investigation takes place. Any internal investigation will be initiated in cases where child protection concerns remain or where disciplinary action needs to be considered. Such an investigation will gather and assess available information from all sources and witnesses. Every effort should be made, in consultation with Tusla/HSC / An Garda Síochána / PSNI, to avoid the necessity to interview child witnesses for the purposes of disciplinary inquiries;



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- This investigation (which takes place after the statutory enquiries have been completed) should be conducted expeditiously. In cases where there is a delay, and where a Franciscan has been temporarily removed from active ministry or a lay person suspended from duties, it is important to keep everyone informed of the progress of the investigation and to maintain records of such communications;
- Where an investigation concerns a Franciscan, the requirements of Canon Law will be observed. A Canonical investigation of a Franciscan will be carried out by the Province after the statutory investigation is completed. Where an allegation or suspicion is made against the DLP, the information must be passed to the Deputy DLP and the process as outlined should be carried out by him/her.

### **Role of Support Person**

- The Support Person is to be available to those who make an allegation/disclose sex abuse under these procedures. The role of the Support Person is to:
- Assist, where appropriate, with communication between the child or adult making an allegation/disclosure and the DLP and the Province;
- Facilitate the child or adult in gaining access to information and help;
- Represent the concerns of the survivor during the inquiry process.
- The Support Person will also extend appropriate pastoral support to family members of survivors;
- The Support Person will be clear about his/her role and should receive appropriate training;
- The Support Person is not a counsellor to the child or adult, and must not be or act as their therapist;
- Support Persons must be particularly attentive to the expressed needs and objectives of the child or adult, and the fact that some may be reluctant to seek help;
- Support Persons should, therefore, consider how any therapeutic or spiritual needs of a child or adult who has made an allegation/ disclosed abuse may



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be met, and will be mindful of his/her on-going vulnerability during this process.

*In addition, the Support Person should:*

- Consider any wishes of the child or adult disclosing abuse, in regard to a pastoral response by the Franciscan to his or her family;
- Be available to the child or adult throughout the course of the inquiry process, and thereafter as required;
- Ensure the child or adult is kept informed of developments in relation to them;
- Arrange, if considered helpful, a meeting between the child or adult and the Minister Provincial or member of the Safeguarding team.
  
- When in place, the Support Person will be chosen from a panel of suitable candidates provided by the NBSCCCI

### **Role of the Adviser**

The Provincial, in consultation with the person to whom the complaint is made Against, appoints an Adviser to be available to any Franciscan against whom an allegation of sexual abuse has been made. The Adviser shall represent the needs of the respondent to the Provincial Definitory and assist, where appropriate, with communication between respondent, the Designated Liaison Person and the Definitory. The respondent's adviser cannot act as the respondent's therapist or spiritual adviser.

**Under no circumstances should the same Support Person be provided for both the child or adult making the allegation / disclosure of abuse and for the respondent.**



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## Responding to an Allegation/Concern of Child Abuse

The following steps are taken in relation to all child protection concerns that relate to Franciscan personnel in the context of Church activities.

- All child protection concerns are reported to the HSE and An Garda Siochana as soon as possible.
- Appropriate interim protective measures are taken, pending the outcome of any Garda investigation and HSE assessment. Such measures typically involve the person against whom an allegation of child abuse has been made having no contact with children.
- Final determination of the person's future role within the Order is informed by the outcome of any Garda investigation, HSE assessment and internal disciplinary processes.
- No person against whom an allegation of child sexual abuse has been substantiated is permitted to work with children or exercise ministry on behalf of the Order.



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## Reporting Process

At all times action must be taken in instances where child abuse is observed, disclosed or suspected.

Franciscans receive a child protection concern, allegation or suspicion that a child is being abused or is at risk of abuse



Franciscans inform the Designated Liaison Person (DLP) who investigates

If a complaint is made in relation to a Friar, the OFM activates the Canonical Process

DLP reports to Civil Authorities and Minister Provincial

DLP and Minister Provincial send report to NBSCCCI (National Board for Safeguarding Children in the Catholic Church in Ireland)

OFM implements the recommendations of the NBSCCCI

- All safeguarding concerns and allegations concerning Franciscans or co-workers should be passed on to the Franciscans DLP;
- The DLP will report the concern/allegation to the Tusla/HSE or An Garda Siochana/PSNI without delay;
- If the concern/allegation relates to a Franciscan, the Canonical Process is activated. (the Canonical Process is the legal process in line with Canon Law which places restrictions on the ministerial activity of the Friar while the complaint is being investigated).



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- If the DLP or person reporting is unsure if there are reasonable grounds for concern, the DLP will seek the advice of Tusla/HSE;
- A complete written record is kept in relation to the concern including the subsequent action and all communication with the civil authorities;
- The DLP will inform the Provincial Leader of all reports and contacts with the civil authorities. If a child is in *immediate danger* contact Tusla directly or the Gardaí out of hours, then inform the DLP;
- If the concern relates to a Franciscan, the DLP will inform the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI);
- Care must be taken to protect a person's right to confidentiality. Information will be given to others on a 'need to know' basis.
- Any person may report directly to the civil authorities. If such a report concerning a Franciscan or co-worker is made, the DLP should be informed as soon as possible;
- It is not the role of the DLP or the person reporting to investigate the concern/allegation;
- Any allegation of child sexual abuse made against a former Franciscan will be reported to the relevant civil and church authorities as per this policy.

### Contact Details:

Name	Email	Phone
Minister Provincial	<a href="mailto:info@franciscans.ie">info@franciscans.ie</a>	01-6742500
Mary Tallon Designated Liaison Person	<a href="mailto:dlp@franciscans.ie">dlp@franciscans.ie</a>	01-6742510
An Garda Siochana, Sexual Assault Unit, Harcourt Sq., D.2	A list of all Garda Stations in the country is available on <a href="http://www.garda.ie/stations">www.garda.ie/stations</a>	01-6663435
Police Service of Northern Ireland (PSNI)	<a href="http://www.psni.police.uk">www.psni.police.uk</a>	0044 0 845 600 8000



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Tusla Child and Family Agency	Block D, Park Gate Business Centre, Dublin 8. Email: <a href="mailto:info@tusla.ie">info@tusla.ie</a> <a href="http://www.tusla.ie">www.tusla.ie</a>	01-6352854
Health Service Executive (HSE)	<a href="http://www.hse.ie/eng/services">www.hse.ie/eng/services</a>	1850 24 1850
Dept. of Health & Social Services & Public Safety	<a href="http://www.dhsspsni.gov.uk/child">www.dhsspsni.gov.uk/child</a> protection guidance	
National Board for Safeguarding Children in the Catholic Church in Ireland	<a href="http://www.safeguarding.ie">www.safeguarding.ie</a>	01-5053018

The management of child protection concerns that arise in relation to activities outside the Order and are not related to Franciscan personnel is a matter for the civil authorities: the HSE, An Garda Síochána.



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## Complaints Procedure

This complaints procedure does not deal with the reporting of a child safeguarding concern; it deals with complaints made in relation to:

- The handing of an allegation/concern/issue;
- Unacceptable behaviour towards a child
- Where the complaint relates to how a complaint of abuse was handled, the person making the complaint can contact the:
  - a) Franciscan Provincial Office (see table pg. 6 for contact details)
  - b) National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) (see table pg. 7 for contact details)

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

If the complaint concerns unacceptable behaviour of a Franciscan or co-worker towards a child:

- Speak directly to the person responsible;
- If the issue is not resolved, it may be brought to the attention of the Guardian or DLP to be dealt with promptly and fairly;
- If the issue is still not resolved at that level it may be referred to the Provincial Definitory;
- If a satisfactory resolution cannot be arrived at within a further month, the complainant is invited to put the complaint in writing for consideration by a mutually agreed mediator who will be invited to dialogue with all concerned;
- The determination of the mediator will be final.



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## Franciscan Safeguarding Structures:

### **Franciscan Safeguarding Representative:**

In every Franciscan Community there is a named Local Safeguarding Representative who promotes and monitors safeguarding in the community.

### **Support Person for Survivors and their Families:**

The support person for survivors and their families is appointed by the Provincial to assist those who make an allegation or disclose abuse. The Support Person will assist, where appropriate with communication with the DLP to facilitate access to information and to represent the needs and concerns of those who make the allegation. When in place, the Support Person will be chosen from a panel of suitable candidates provided by the NBSCCCI.

### **Designated Liaison Person:**

The Designated Liaison Person (DLP) and Deputy Designated Liaison Person (DDLDP) for the Franciscan Province of Ireland is appointed by the Provincial to receive allegations of Child sexual abuse by Franciscans or their co-workers and record and report them to the relevant Church and state authorities.

### **Advisor/Support Person:**

The Provincial, in consultation with the person to whom the complaint is made against appoints an Adviser/Support Person to be available to any Franciscan against whom an allegation of sexual abuse has been made. The Adviser/Support Person shall assist the respondent with communications between the relevant authorities.

### **Monitoring Group:**

Due to an allegation/conviction of child sexual abuse having been made against him, a Franciscan may be placed under precept (restriction guidelines) and supervision in a Franciscan Community. A Health Care and Safety Plan is drawn up for each respondent in consultation with the Franciscan monitoring panel, Tusla/HSE and An Garda Siochana/PSNI to ensure that the respondent does not pose a risk to children. The number and severity of the restrictions placed on a respondent will be commensurate with the nature of the accusation. The purpose of the Monitor (Therese Gaynor) is to monitor the adherence of the respondent to the precept placed on him



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### **Franciscan Safeguarding Committee:**

The Franciscan Safeguarding Committee is both supportive and developmental. It supports the work of the DLP on a range of matters including...

- Creating, maintaining and monitoring a safe environment for children in all aspects of Franciscan life and activity
- The safe recruitment of volunteers and staff
- The provision of training for all Franciscans in ministry and their co-workers;
- Human resources required for implementing best safeguarding practice across the Province.
- The development implementation and review of policies

### **Advisory Panel:**

The Advisory Panel is a consultative panel, set up to advise and assist the Provincial at all stages of the investigative process into alleged child sexual abuse by members of the Province.

The OFM uses the NCMRG as its Advisory Panel.

- Assisting in identifying emerging needs and priorities
- The development of audits to ensure adherence to policies and procedures;

### **Audit Committee:**

The Franciscan Audit Committee meet annually to review policies and procedures and ensure that the Order is compliant with all.



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## Access to Advice and Pastoral Support

The Franciscan Province of Ireland wants to reach out to survivors of sexual abuse, and their families, who are seeking pathways of recovery.

### **For those who have been abused:**

Anyone who has been abused should be assisted and supported in seeking help and reporting the crime:

- The Franciscan Safeguarding Office will provide information about what to do and where to go for help.
- The Support Person for survivors and their families will be available to provide pastoral support to those who have been abused and who make an allegation or raise a concern. When in place, the Support Person will be chosen from a panel of persons provided by the NBSCCCI.

### **For those who have abused:**

Franciscans or co-workers who have sexually abused children should be helped to face up to the reality of the harm they have caused, as well as being assisted in a manner which does not compromise the safety of children.

An Adviser will be appointed to be available to the Franciscan against whom a child safeguarding concern/allegation has been made.

### **For Franciscan Personnel:**

Child abuse, both current and historical, is distressing and can be difficult to deal with. The Province recognises that it has a duty to ensure that advice and support is available to assist Franciscans and co-workers to play their part in protecting children and assisting adults who have been abused.

For Franciscan Safeguarding Support Contact...

Email: [dlp@franciscans.ie](mailto:dlp@franciscans.ie)

Phone: 01-6742500



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## Confidentiality / Data Protection

### **Confidentiality:**

The Province recognises the importance of protecting an individual's right to confidentiality and is committed to keeping confidential all personal information about complainants and respondents. When there is a safeguarding of children issue, or welfare concerns arise in relation to a child, the information will be shared on a “need to know” basis in the best interest of the child. Providing such information to a Designated Liaison Person (DLP) or relevant Church/Statutory authority for the protection of a child is **not a breach of confidentiality**.

The Protections for Persons Reporting Child Abuse Act (1998), provides immunity from civil liability to persons who report child abuse to the relevant authorities “reasonably and in good faith”. Even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted “reasonably and in good faith” in making the report. The main provisions of the Act are...

- The Provision of immunity from civil liability to any person who reports child abuse “reasonably and in good faith” to designated officers of Tusla or any member of An Garda Síochána.
- The provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to and including, dismissal;
- The creation of a new offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities “knowing that statement to be false”. This is a new criminal offence designed to protect innocent persons from malicious reports.

### **Data Protection:**

The Province is required under the Data Protection Acts of 1988 & 2003 and GDPR 2018 to ensure the security and confidentiality of all personal data it collects and processes. All Franciscan records/data are kept in accordance with the eight rules of data protection and EU GDPR.



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1. Obtain and process information fairly
2. Keep it for only one or more specified, explicit and lawful purposes.
3. Use and disclose it only in ways compatible with these purposes.
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date.
6. Ensure that it is adequate, relevant and not excessive.
7. The Franciscan Province of Ireland will have a policy on retention periods for personal data.
8. Give a copy of his/her personal data to that individual on request.

(For more detailed information please see our Franciscan Privacy Notice and Data Protection Policy on our website [www.franciscans.ie](http://www.franciscans.ie) )



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## Vetting

All Franciscans in ministry, their co-workers, and volunteers who work directly with children are required to complete the vetting process before they take up their position.

1. All friars/staff/volunteers who are **working directly with children**, are required to complete an online Garda Vetting Application Form.
2. An Invitation for Vetting Form is given to the applicant and when completed it is forwarded to The Franciscan Vetting Office, 4, Merchants' Quay, Dublin 8, along with a copy of Photographic ID such as Drivers Licence, Passport, other. (As of 2016 the Gardaí require that organisations retain **Photographic ID** on all vetting applicants).
3. The National Vetting Bureau will forward to the applicant an online link to a Garda Vetting Application Form. The Vetting Form must be completed in one sitting and submitted.
4. The form is reviewed and signed by the Franciscan Designated Signatory and forwarded to the National Vetting Bureau for processing.
5. If the Vetting Application returned to the Franciscans by the Gardaí contains information relevant to the role applied for by the applicant, the Provincial must consider whether or not to review the applicant's suitability for that role.

For vetting queries please contact [fvo@franciscans.ie](mailto:fvo@franciscans.ie) or phone 01-6742500 –

As can be seen from this Policy Document, Garda Vetting is one of a range of safeguards and not necessarily the most important one. However, it acts as a deterrent to those who are a danger to children and intend using the Church to get access to them. It is now a legal requirement for everyone working with children to be vetted **before** they start work.

(For more information please see the Franciscan Garda Vetting Policy on our website [www.franciscans.ie](http://www.franciscans.ie) )



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## Training & Education

It is essential that all Franciscans and co-workers are provided with appropriate child-safeguarding training along with regular opportunities to update their skills and knowledge. Maintaining a high standard of training and education protects...

- Children, by ensuring that they are in a safe environment.
- Franciscans, their co-workers and volunteers, by outlining best practices and procedures.
- The integrity of the Franciscan Province and its mission, by making clear its commitment to keeping children safe and modelling best practice.

### **The Province requires:**

- All Franciscans in any form of ministry to undertake a recognised programme of child safeguarding training approved by the NBSCCCI
- All Franciscans and co-workers to receive induction into the Franciscan Safeguarding policy and procedures.
- As part of the Staff Handbook, all Franciscan employees to sign a form stating they have read the Franciscan Child Safeguarding Policy inclusive of supporting policies.

### **The Franciscan Safeguarding Committee will:**

- Identify the training needs of Franciscans and co-workers
- Ensure that all training is evaluated and presented by suitably qualified trainers
- Monitor the training of all Franciscans and co-workers
- Provide training for interested parties in Franciscan communities throughout Ireland.



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## Code of Behaviour

### Interaction with Children

Adults should:

- Avoid spending time alone with a child or young person. Should circumstances arise where this is unavoidable, inform another responsible adult and keep a note of what took place and why.
- Treat children and young people in a manner that fully respects their dignity and rights.
- Provide an example of good conduct at all times.
- Respect each child's boundaries, avoid unnecessary physical contact
- Help children develop an awareness and understanding of their own right to protection and a respect for the rights of others
- Provide children with information on how, and from whom, they can seek help if they have a concern.
- Be visible to others if working alone with a child
- Challenge and report behaviour that is abusive or potentially abusive
- Develop a culture where children are encouraged to talk openly about their contacts with staff and others
- Unless there are at least two adults present, avoid permitting children and young people to work or remain on Franciscan property.
- Encourage children's positive behaviour.

### Franciscans or their co-workers must never

- Hit or otherwise physically assault or abuse a child
- Develop sexual relationships with a child
- Engage in inappropriate conversations with children
- Develop relationships with children that could in any way be deemed exploitative/abusive
- Act in ways that may place a child at risk of abuse
- Take children to their bedrooms
- Use alcohol, tobacco or non-prescriptive drugs when in the company of children
- Offer alcohol, tobacco or non-prescriptive drugs to minors



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Franciscans and their co-workers must avoid actions and behaviour that could be construed as poor practice or potentially abusive. They should never...

- Use language, make suggestions or offer advice which is inappropriate, offensive or abusive
- Behave physically in a manner which is inappropriate or sexually provocative
- Have a child or children stay overnight at their place of residence unsupervised
- Sleep in the same room or bed as a child
- Do things of a personal nature for children that they can do themselves
- Condone or participate in behaviour by children which is illegal, unsafe or abusive
- Act in ways intended to shame, humiliate, belittle or degrade children
- Exclude or discriminate against particular children or show favour towards particular children

Any member of the Province or co-worker who becomes aware of a breach of this Code of Conduct should bring the matter to the attention of the Guardian, Designated Liaison Person or Minister Provincial. If there is a risk to a child please refer to the Reporting Procedure in this policy document.



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## Working Safely with Children

### Planning

- Franciscans and co-workers should be fully aware of their roles and responsibilities
- External groups using Franciscan facilities must have their own insurance and Child Safeguarding Policy and be made aware of and comply with effective child safeguarding practice.
- Leaders should be aware of children's relevant medical conditions including allergies
- There should be a clearly designated Group Leader for all activities
- Parents/Guardians must complete Consent Form that includes any relevant medical details, any special needs and emergency contact numbers.
- Accident/Incident Report Forms should always be completed whenever an incident occurs (see appendix)
- All children are checked in to an activity via a Registration Form
- All activities must be planned and managed in a way that minimises risk
- An initial safety check for hazards should be done on each occasion before premises are used
- Games and icebreakers should be structured to take into consideration the age of participants, risk of physical injury and personal space issues
- Adequate insurance cover must be in place
- Ensure proper safety standards and bear in mind that extra insurance may be necessary for some activities
- Prescribed medication may only be administered to a child with the written consent of parent/carer.

### Supervision of Children

Having clearly identified supervision arrangements minimises the risk of accidents occurring and also protects children from intentional harm. When planning activities for children and young people, there should always be a minimum of two adults to accompany the group. The recommended ratios for children of 8 years and over are...

- Two adult supervisors for every 20 children (15 children for outdoor activity)
- There should be one additional adult supervisor for every extra 10 children
- For residential retreats and pilgrimages this ratio should be lower to allow for adequate free time for leaders
- For children under six years the ratio is 1:5.
- See [www.hse.ie](http://www.hse.ie) for adult/child ratios.



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## Franciscans out of Ministry

Franciscans who are prohibited from ministry because of allegations made against them are to abide by the policies and procedures of this document and must also abide by the Covenant of Care placed on them by the Provincial.

Franciscans do not have responsibility for monitoring respondents who are no longer members of the order.

## Franciscans Working in Schools, Parishes and other Ministries

Franciscans contracted by schools, dioceses or other institutes are governed and regulated by the safeguarding policies, procedures and codes of practice of the institutes and organisations that contracted them. Franciscans so contracted must familiarise themselves with the policies and procedures of those institutes.



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## Friars from other Provinces

### **Friars appointed to the Irish Province**

Any Franciscan from another Province appointed to Ireland must be in possession of a letter of good standing and a completed reference form from his Provincial, explicitly stating that there is nothing in the Franciscan's background that would indicate unsuitability to work with or interact with minors nor has any continuing alcohol/substance abuse issues. Ordained members must also be in possession of a valid celebret. Documentation is to be presented to the local Guardian for processing in the Province.

### **Friars temporarily residing in the Irish Province**

Any Franciscan arriving in the Irish Province whether for a study program or temporary ministry who is temporarily resident in a Franciscan Community must be in possession of a letter from his Provincial. This letter must explicitly state that there is nothing in the Franciscan's background that would indicate unsuitability to work with or interact with minors nor has he any continuing alcohol/substance abuse issues. In the case of ordained members, the letter must confirm that he has a valid celebret. Documentation is to be presented to the local Guardian for processing in the Province.



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## Communicating the Franciscan Safeguarding Message

Contact details of Franciscan Safeguarding Personnel, civil authorities and support services are recorded in this document under the Reporting Process section. They are also available on Safeguarding Notices posted in every Friary and on the Franciscan website and will be circulated by every means possible. The latest edition of the Franciscan Child Safeguarding Policy will also be available in English and Irish on the website [www.franciscans.ie](http://www.franciscans.ie).

### **Franciscan Child Safeguarding Policy**

All members of the Province and their co-workers will be given a copy of this Franciscan Child Safeguarding Policy and will be asked to sign a Declaration Form confirming that they have read the policy and agree to abide by it.

### **Safeguarding Notices**

Every Franciscan Community in Ireland will clearly display a copy of the latest “Franciscan Safeguarding Children Notice” in all its properties to which the public have access. This Safeguarding Notice will detail...

- The Franciscan Child Safeguarding Policy Statement, clearly stating the Province's commitment to safeguarding children, specifically indicating that the welfare of the child is of paramount importance
- The names and contact details of the Designated Liaison Person and Support Person for the Province
- Contact numbers of Tusla in the surrounding region
- Contact numbers of An Garda Síochána in the surrounding region

Each Franciscan Community will be notified when there are changes to the detail on this Notice and each Community will be immediately issued with an updated Safeguarding Children Notice by the Franciscan Safeguarding Office to replace those already in existence.

### **External Groups**

External groups using Franciscan facilities will be made aware of the Safeguarding Notices and must show evidence of appropriate insurance prior to using Franciscan facilities. External groups must also have and abide by their own Child Safeguarding Policy.



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### **Contact Details**

All who work with children and/or young people in or on behalf of the Province will be made aware of contact numbers for Tusla, An Garda Síochána, the Designated Liaison Person, the Support Person and all other pertinent information in terms of advice, help and support.

### **Updates and Information**

The Franciscan Safeguarding Office will give updates of developments in safeguarding children by means such as the annual Safeguarding Sunday Newsletter and the Provincial Website. The website will contain the contact details of the Designated Liaison Person and the Support Person for Survivors and their families.



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## Implementation of Policy

The Franciscan Province of Ireland is committed to the implementation of all policies, procedures and protocols that contribute to keeping safe children who avail of its services. To this end checks will be put in place at Provincial and Community level to ensure full policy implementation.

### **Implementation by the Franciscan Communities**

- The Franciscan Safeguarding Office will maintain regular contact with each Franciscan Community in terms of monitoring and implementation of best practice in safeguarding children. This will be done collaboratively with the Community Leader and the Franciscan Safeguarding Representative.
- Each Community is recommended to have an annual meeting to discuss safeguarding issues.
- An annual Safeguarding Audit will be undertaken by each Franciscan Community.
- The views of agencies involved inside and outside of Church organisations will be sought to help improve the effectiveness of measures taken.
- An annual meeting of Franciscan Safeguarding Representatives will be convened by the Franciscan Safeguarding Office.
- The Province will co-operate fully with any review/audit by civil authorities and the National Board for Safeguarding Children in the Catholic Church in Ireland.

### **Franciscan Safeguarding Committee and Franciscan Safeguarding Office**

- It will be the responsibility of the Franciscan Safeguarding Committee (FSC) and the Franciscan Safeguarding Office to ensure that the Franciscan Safeguarding Policy and Procedures are implemented.
- The FSC will support implementation by offering support and guidance as required. They will also ensure that the principles of best practice in recruitment and vetting form part of its various communications and training initiatives.
- This policy will be reviewed annually and updated in line with new legislation.



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- The FSC & Audit Committee will carry out an annual internal audit and provide the NBSCCCI with a report to demonstrate compliance with standards.

2017

# Appendices

## Child Protection Policy & Procedures

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## Contents:

Appendix A	Guidance on photographing Children & Young People
Appendix B	Safeguarding Structure (Graphic)
Appendix C	Reporting Process (Graphic)



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## Guidance on Photographing Children and Young People

### Appendix A

#### **Care must be taken to avoid:**

- The identification of individual children;
- The identification of children in vulnerable circumstances which may cause embarrassment / distress;

#### **Reason and purpose:**

Photographs should only be taken by an authorised person who has a suitable reason relating to the child or organisation i.e. is a parent, a relative, a leader of an activity or a member of staff. Unless photographs are taken as part of activities such as sporting events, plays and concerts, they should not be used for a public purpose e.g. not posted on the internet and not passed on to others unconnected to the child.

#### **Appropriateness of images**

- No images of children are to be taken, which capture them in what are commonly understood as non-public activities like toileting or changing clothes, or which show body parts not usually visible in public settings;
- Children should be fully clothed;
- Images involving groups should be about that activity and not the individual child;
- Photographs of children should not show them in breach of rules, or behaving in a reckless or dangerous fashion.

#### **Identification of subjects**

A photograph should not allow an unauthorised person to identify a child or their whereabouts. If the full name of a child or young person is used, there should be no photograph; if a photograph is being used, the full name should not be given.



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**Photography for public display;**

Parents and children must consent to the use of an image and this consent is recorded.

**Use of mobile phones**

Permission to use mobile phones will vary according to the nature of the activity that is being organised/conducted. It is the responsibility of the event organiser to make it clear to the participants what level of use is deemed appropriate in the context of the activity being organised. Because mobile phones can be used for taking photographs the guidelines outlined above also applies.

**Communication and Data Technology**

Leaders will not share their phone numbers with children. When necessary for organisational purposes, permission is sought from the parent asking if the leaders can send messages by text to participants about future meetings; it is best practice to copy all texts to parents. Franciscans and co-workers who receive a 'Friend Request' from a child in their activity should always click 'NO'.



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## Appendix B

### Safeguarding Structure





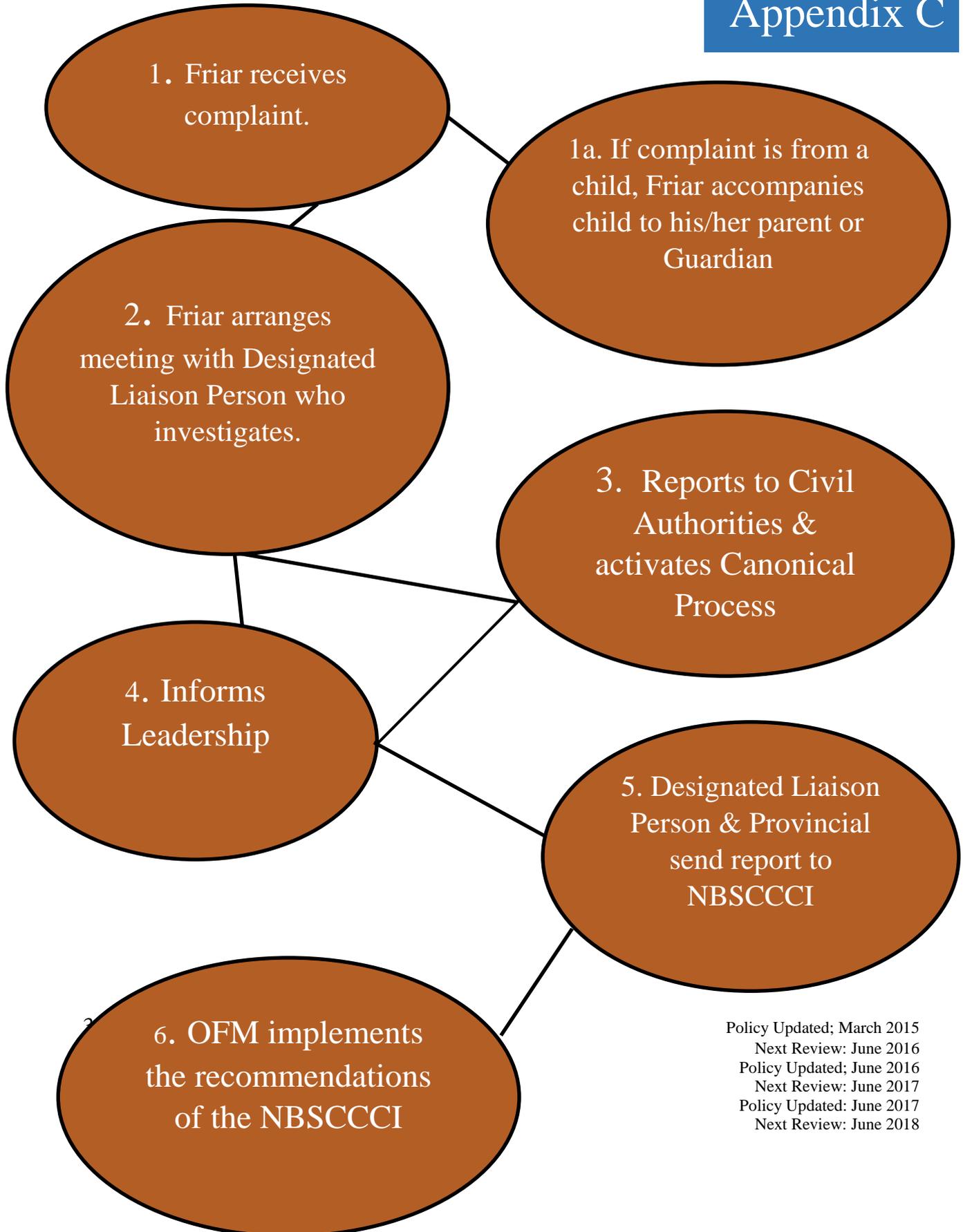
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## Reporting Process

### Appendix C



Policy Updated; March 2015  
Next Review: June 2016  
Policy Updated; June 2016  
Next Review: June 2017  
Policy Updated; June 2017  
Next Review: June 2018



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Note:

Franciscan Policies and Procedures are available in pdf format on the Franciscan website...

[www.franciscans.ie](http://www.franciscans.ie)