

# **Safeguarding Adults at Risk of Abuse**



**Missionary Sisters of Our Lady of Apostles  
Irish District  
July 2024**



## Table of Contents

|  |    |
|--|----|
| Foreword .....   | 4  |
| Introduction .....   | 5  |
| Understanding Vulnerability .....  | 7  |
| Recognising and Responding .....   | 8  |
| Reporting .....  | 10 |
| <b>OLA Reporting Policy</b> .....  | 10 |
| <b>Confidentiality</b> .....   | 11 |
| <b>Historical Abuse</b> .....  | 11 |
| <b>Anonymous Concerns</b> .....  | 12 |
| <b>Whistleblowing</b> .....  | 12 |
| <b>Complaints</b> .....  | 12 |
| Procedure Summary .....  | 12 |
| Code of Conduct .....  | 14 |
| Safe Recruitment .....   | 15 |
| Advice & Support .....   | 17 |
| <b>HSE Safeguarding &amp; Protection Teams</b> .....                         | 17 |
| <b>HSE Information Line</b> .....  | 17 |
| <b>Sisters of Our Lady of Apostles Designated Liaison Person (DLP)</b> ..... | 17 |
| Appendix 1: Definition of abuse .....  | 18 |
| Appendix 2: Checklist of Policies and Procedures .....                       | 20 |
| Appendix 3 - An Garda Síochána .....   | 21 |

## Foreword

Inspired by gospel values, Pope Francis's commitment, and compliance with the law, we will strive to ensure the participation and welfare of all vulnerable adults in the Church's life.

We are committed to fostering a safeguarding culture characterised by empowerment, collaboration, and zero tolerance of abuse.

This policy guides all OLA Sisters, staff, volunteers, and all who use OLA property to prevent harm to vulnerable adults and interact with them safely.

All the above must adhere to this policy and make safeguarding an integral part of their lifestyle while ministering to the elderly and vulnerable on OLA premises.

This policy will be reviewed and amended as required and supported by training.

We are grateful to those whose knowledge and experience guided us in producing this very important document.

May our God of Love direct and help us to live by the principles of dignity and respect, empowering all to reach their full potential.



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District Leader

## Introduction

The Sisters of Our Lady of Apostles, Irish District, are committed to safeguarding as an integral component of the life and ministry of the Catholic Church, and recognise a particular responsibility for the protection of adults from harm who may be at risk of abuse because of their vulnerability.

All those who work in OLA ministries—Sisters, staff, or volunteers (from now on referred to as OLA personnel)—are required to behave towards all persons, especially those who may be vulnerable, in a manner that upholds their value and dignity as human persons. They must commit to:

- ensuring that safe arrangements are in place in all areas,
- ensuring that all involved with adults who may be vulnerable are safely selected and trained,
- avoiding any behaviour that constitutes abuse or could reasonably be interpreted as abuse, and complying with the code of behaviour,
- ensuring that appropriate boundaries are maintained in relationships with those we care for,
- contributing to a culture of safeguarding by being transparent and accountable in our practices, and calling others to account for their actions constructively and respectfully.

This adult safeguarding policy informs our relationships with people we interact with during activities for or on behalf of the Sisters of Our Lady of Apostles. It describes how to recognise and respond to concerns that an adult who may be vulnerable has been abused, is being abused, or is at risk of abuse.

All personnel must also adhere to the policies of the organisations within which we minister.

The civil authorities referred to in this document are the Health Service Executive (HSE), and An Garda Síochána. The HSE assesses risk and appropriate protective measures. An Garda Síochána investigates alleged crime. It is noted that there is a considerable body of legislation and policy relevant to the issue of adults who may be vulnerable.



## Understanding Vulnerability

For this policy document, a vulnerable adult is 'a person other than a child who:'

- a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia,
- b) who has an intellectual disability,
- c) who is suffering from a physical impairment, whether as a result of injury, illness, or age, or
- d) who has a physical disability,

and whose condition is of such a nature or degree (i) as to restrict the person's capacity to guard themselves against harm by another person, or (ii) that results in the person requiring assistance with daily living activities, including dressing, eating, walking, washing, and bathing

Adults may feel vulnerable during times of adversity. However, in the context of this policy, an adult may be vulnerable if she/he lacks or has seriously impaired capacity to make informed decisions or defend themselves from harm. An adult's risk of abuse through, for example, exploitation or neglect, may be increased by their characteristics or their life circumstances.

### **How will I know whether a person is an adult who may be vulnerable?**

In some cases, it will be very straightforward. In other cases, it may not be clear. If there is any concern an adult may be vulnerable, is at risk of abuse, or is currently experiencing abuse, it is important to seek advice from the Designated Liaison Person or the HSE Safeguarding & Protection Team. While the HSE has explicit responsibility for people availing of services it provides or funds, individuals may also report or discuss other adult safeguarding concerns with the HSE Safeguarding & Protection Teams.

### **Consent & Capacity**

The issues of consent and capacity are complex and may vary depending on the nature of the issues or decisions arising. Adults have a right to self-determination, and this must be respected. An adult's will and preference must be heard. The absence of capacity to consent cannot be assumed unless a lawful process has determined this.

It is essential to provide sufficient information to an adult who may be vulnerable, so that the person can understand and weigh up the information and consequences. Consent must be voluntary and free from coercion or negative influence. OLA personnel may be concerned about a person's capacity to consent being compromised, but they are not qualified to make this determination. Advice from the Designated Liaison Person (DLP) or the HSE Safeguarding & Protection Team should be sought.

Reporting to an appropriate person may require disclosing information without consent in situations involving a safety risk or to prevent a crime.

## **Recognising and Responding**

### **Recognising Abuse**

Abuse can occur in a variety of situations and may, on occasion, involve people in positions of trust. It is everyone's responsibility to remain vigilant to the possibility of abuse occurring.

Responding to concerns about abuse can be anxiety-provoking. OLA personnel are not responsible for investigating or deciding if abuse has occurred. They should report concerns and disclosures to the OLA Designated Liaison Person (DLP).

A concern that abuse may be occurring may arise, for example, in the following situations:

- The adult discloses to you.
- Someone else tells you of their concerns.
- You see something that causes you concern, such as:
  - The adult shows signs of physical injury for which there is no satisfactory or credible explanation.
  - The adult's demeanour or behaviour leads you to suspect abuse or neglect.
  - The behaviour of someone close to the adult makes you feel uncomfortable.

### **Responding to Disclosures**

When a disclosure is made, it can raise anxiety and confusion for those receiving the information. However, you must know how to respond appropriately. Such information is sensitive, and it may have taken a lot of courage for the person to reach the stage of disclosing.



Your role is to pass it on to the DLP, who will make a report if appropriate. You always have the right to contact the statutory authorities directly yourself.

The following are guidelines for dealing with disclosures, which all OLA personnel should follow:

**Do:**

- Stay calm
- Listen to what the vulnerable adult is telling you
- Express concern and regret about what has happened
- Reassure the adult that they have done the right thing in telling you
- Record the information disclosed as it is told to you
- Tell them you will seek advice from the DLP and will talk to them again

**Don't:**

- Panic
- Stop someone from disclosing to you
- Ignore: concerns regarding abuse must never be ignored
- Ask the person leading questions or press for more details; you should allow the person to recall events freely
- Investigate: you must never try to investigate incidents of abuse yourself, or confront the person you think is responsible for the abuse
- Promise to keep secrets; however, you should reassure the person that any issue will be dealt with sensitively and discussed only with those who need to know
- Gossip about the disclosure or speak with people who have no legitimate need to know
- Decide not to report, from fear of getting it wrong or damaging the reputation of a colleague

## Reporting

### **OLA Reporting Policy**

It is the policy of the OLAs that all disclosures and concerns of the abuse of an adult who may be vulnerable, involving OLA personnel, must be reported to the Designated Liaison Person.

#### **The Designated Liaison Person (DLP)**

The DLP is the person who has specific responsibility from the Irish OLA Leader regarding concerns or reports of abuse involving adults who may be vulnerable. All concerns or reports regarding adults who may be vulnerable and relate to OLA personnel and activities on OLA property, must be reported to the DLP. The DLP has the overall responsibility, entrusted to them by the District Leader, to ensure that each concern is appropriately addressed and to liaise with the relevant statutory authorities.

#### **Obligation to Report Abuse of an Adult Who May Be Vulnerable**

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 makes it an offence to withhold information from the Gardaí about certain types of offences against ‘vulnerable persons’ (as well as children). These offences include assault causing harm, sexual assault, rape, incest, and trafficking.

#### **Statutory Agencies**

Nothing in this policy prevents a person with reasonable grounds for concern from making a direct report to the statutory agencies.

#### **Health Service Executive (HSE)**

The HSE has established regional safeguarding and protection teams to provide advice and receive reports of abuse (see Advice and Support).

#### **An Garda Síochána**

An Garda Síochána must be contacted when there is a concern that a criminal act may have occurred or may be about to occur. The DLP will advise a person disclosing the option of

making a statement of complaint to An Garda Síochána and inform them that it may be preferable to do so before giving an account to OLA (see Appendix 3).

### **Tusla: The Child and Family Agency**

A notification to Tusla is required where the alleged victim was a child at the time of the historical concern, or in circumstances where a child may be at risk. Failure to make such reports will be addressed within the policy context.

### **When the Person Who May Be Vulnerable Does Not Want to Make a Complaint**

Adults who may be vulnerable should be assured that their wishes concerning the reporting of a complaint will only be overridden if it is considered essential for their safety or the safety of others, or arising from legal responsibilities. Situations can arise where an adult does not wish to make a formal complaint to a statutory agency, but a reasonable concern exists regarding abuse or a possible crime. When an adult with decision-making capacity does not wish to make a statement of complaint or to have a report made, advice should be obtained from the OLA DLP and the HSE Safeguarding and Protection Team. Decisions not to report should never be made by a person acting alone. OLA personnel are not qualified to make assessments and decisions about the capacity to consent in significant matters. The HSE can arrange a meeting of key people and agencies with legal advice to inform the necessary decision-making.

### **Confidentiality**

OLA personnel must understand the importance of confidentiality. Confidentiality is not secrecy. All information relating to safeguarding concerns, suspicions, disclosures, or allegations needs to be shared with the DLP, who, in turn, shares it on a need-to-know basis with the relevant statutory authorities and professionals. This is not a breach of confidentiality, even without the person's consent. This information should not be shared with anyone, inside or outside of OLA, unless they are involved in the case. The DLP will advise on who needs to know and who should have access to the records.

### **Historical Abuse**

In receiving information that abuse has occurred in the past, this information should be reported to the DLP, as there could be a continuing risk.

## **Anonymous Concerns**

Allegations made anonymously can be challenging to address. However, all anonymous abuse concerns must be assessed as thoroughly as possible. Issues to be considered in responding to anonymous concerns will include the following:

- Possibility of establishing any independent information
- Significance of the concern
- Potential for ongoing risk

## **Whistleblowing**

Whistleblowing is a term used to describe the action of someone who reveals or discloses wrongdoing within an organisation to the public or those in positions of authority. There is legal protection for whistleblowers. The Protected Disclosures Act 2014 provides legal safeguards for employees, contract and agency workers, and people on work experience schemes (but not volunteers) to report illegal practices or other specified wrongdoings such as abuse. This applies where the disclosure is made in good faith and on reasonable grounds and relates to any conduct or action which raises a significant danger to public health or safety. OLA is committed to ensuring that any person who raises a concern for the safety or welfare of any person arising from their involvement will not be victimised, harassed, or disadvantaged, provided that the person has reasonable grounds for the concern. Any person who is concerned about poor or inappropriate practice or behaviour should report it to the department head or line manager. However, the person may decide to make the concern directly to the OLA DLP and/or the statutory agencies. The OLA DLP is available to provide advice and support to any person who is concerned about the protection and welfare of an adult who may be vulnerable.

## **Complaints**

General complaints will be addressed according to the Complaints Procedures.

## **Procedure Summary**

### **Disclosure or Concern Arises**

- If in doubt, discuss with the DLP and/or the HSE Safeguarding and Protection Team.

- If the disclosure/concern relates to OLA personnel, it must be reported to the DLP, who will inform the OLA District Leader.
- If the disclosure/concern relates to residents of the OLA communities, it must be reported to the OLA DLP.
- If the disclosure/concern does not relate to OLA personnel, the DLP can provide advice and support, but the person who receives the disclosure or has the concern may report it to the statutory agencies.

**Matters to be considered with the DLP will include the need:**

- To provide support to all persons affected by the disclosure or concern
- For further information and/or advice from the statutory agencies
- To establish if the threshold for reporting has been reached (reasonable grounds for concern exist)
- To identify all responsibilities and ensure that these are met.

**If immediate and serious risk exists,  
contact the HSE or Gardai or phone 999**

## Code of Conduct

OLA personnel working with vulnerable adults must always act honestly, ethically, and lawfully and comply with this code of conduct. This code of conduct aims to minimise opportunities for harm and reassure those involved with vulnerable adults that their behaviour is appropriate.

OLA personnel who work for or on behalf of OLA are often invited into people's lives at sensitive and important moments when people may be more vulnerable than usual. They are obliged to always act in the interests of those they serve, take responsibility for managing boundary issues, be accountable for any violations of boundary issues that may occur, and be transparent in their dealings with others.

If OLA personnel are involved in ministry with a vulnerable person, this should be their primary relationship. Subsequent relationships with vulnerable persons that could impair judgment or have the potential to exploit, or appear to exploit, should be avoided.

### **OLA personnel must always ensure that:**

- People are treated with dignity and respect
- Physical contact is minimised and not secretive
- Communication difficulties and diversity of beliefs and practices are respected
- Appropriate boundaries are maintained
- The right to personal privacy is respected
- Prolonged one-to-one contact, particularly in closed settings, is avoided

### **OLA personnel must never:**

- Behave in a disrespectful manner
- Abuse or exploit in behaviour or communication
- Shame, humiliate, or belittle
- Discriminate
- Involve themselves in financial affairs or make or accept loans or gifts of more than token value

- Engage in sexually exploitative behaviour
- Provide intimate or personal care, except for those working with elderly Sisters
- Ignore or fail to report disclosures or evidence of abuse
- Arrange activities without assessing the risk of harm and ensuring such risk is mitigated
- Inappropriately use social media
- Gossip about personal or sensitive information
- Involve themselves in matters that are beyond their competence

### **Breaches of Code of Conduct**

- Anyone concerned about a possible breach of this code of conduct should discuss the matter with the OLA DLP or District Leader. Breaches of this Code of Conduct will be addressed by the District Leader, with the welfare of vulnerable adults being the paramount consideration.

## **Safe Recruitment**

### **Recruitment & Appointment**

The Sisters of Our Lady of Apostles, Irish District, will apply lawful and good practice in appointing all staff personnel and will be based on clearly specified procedures and safeguarding requirements. Prospective volunteers should be recruited in line with the OLA recruitment procedures. All personnel involved in relevant work or activities with adults who may be vulnerable on behalf of OLA must be vetted.

### **Vetting**

Garda vetting is required for all Sisters who minister to or have a role with children or adults at risk of abuse, as defined in this policy and by the National Garda Vetting Bureau. Staff must complete Garda vetting if they work with or support a Sister deemed vulnerable under this policy and by the National Garda Vetting Bureau.

### **Training**

All OLA personnel who minister to vulnerable adults will receive training to respond appropriately to concerns or allegations of abuse, as part of the OLA Safeguarding Training Plan.

## **Safe Arrangements when Organising Activities & Outings**

OLA personnel may engage extensively with vulnerable adults. Very careful consideration must be given to ensuring that all risks to the welfare and safeguarding of participants are considered appropriately. In line with OLA policy, an appropriate risk assessment and management plan must be undertaken.

## **Information Sharing, Confidentiality and Data Protection**

Information sharing to protect adults who may be vulnerable is not considered a breach of confidentiality, provided it is: a) Shared only with those who need to know it, and b) In compliance with data protection laws.

The OLA recognises the importance of ensuring every person's right to confidentiality and is committed to keeping all personal information confidential, as far as possible and lawful. When a concern arises regarding the protection of an adult who may be vulnerable, information is shared on a 'need to know' basis. This means it is shared only with those who need to know it to ensure the protection of the adult from harm. The information is shared in accordance with this policy and as required by law. Those who work for or on behalf of OLA cannot guarantee confidentiality concerning protection concerns regarding adults who may be vulnerable.

Data protection legislation ensures that an individual's privacy and dignity are respected, particularly with regard to the use and sharing of personal data, whether electronically or in manual form.



## **Advice & Support**

### **HSE Safeguarding & Protection Teams**

#### **Cork**

Kathleen O'Mahony, Unit 24/25 Doughcloyne Industrial Estate, Wilton, Cork. T12 Y821

Tel: 021 4927550      Email: [safeguarding.cho4@hse.ie](mailto:safeguarding.cho4@hse.ie)

#### **Dublin**

##### **Dublin North, Dublin North City, Dublin Northwest**

Mary McNutt, St Mary's Hospital, Phoenix Park, Dublin 20

Tel: 076-6959528      Email: [safeguarding.cho9@hse.ie](mailto:safeguarding.cho9@hse.ie)

##### **Kildare, West Wicklow, Dublin West, Dublin South City, Dublin Southwest**

Siobhan Nunn, Beech House, 101-102 Naas Business Park, Naas, Co. Kildare

Tel: 045 920410 Email: [safeguarding.CHO7@hse.ie](mailto:safeguarding.CHO7@hse.ie)

### **HSE Information Line**

Monday to Saturday, 8 am-8 pm

Call Save: [1850 24 1850](tel:1850241850)

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

### **Sisters of Our Lady of Apostles Designated Liaison Person (DLP)**

Gabrielle Farrell, Safeguarding Manager

Tel: 087 7865024      Email: [olasafeguarding@ardfoyle.com](mailto:olasafeguarding@ardfoyle.com)

## Appendix 1: Definition of abuse

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

| Type of Abuse   | Examples of Indicators  |
|---|---|
| <b>Physical</b><br><br>The use of physical force, the threat of physical force or mistreatment of one person by another which may or may not result in actual physical harm or injury.  | Unexplained injuries-bruises/cuts/burns; unexplained or long absences from a residential placement/home; appearing frightened/avoiding a particular person; asking not to be hurt.  |
| <b>Sexual</b><br><br>Any behaviour (physical, psychological, verbal, virtual/ online) perceived to be of a sexual nature which is controlling, coercive, exploitative, harmful or unwanted towards another person.  | Trauma to genitals, breast, rectum, mouth, injuries to face, neck abdomen, thighs, buttocks, STIs and human bite marks.<br><br>Behaviours which are unusual for that person e.g. disturbed sleep/incontinence/aggression/changes to eating patterns/unusual sexual behaviour/anxiety attacks. |
| <b>Emotional/Psychological (incl. bullying/harassment)</b><br><br>Behaviour that is psychologically harmful to another person and which inflicts anxiety or mental distress by threat, humiliation or other verbal/ non-verbal conduct.   | Mood swings, incontinence, obvious deterioration in health, sleeplessness, feelings of helplessness/hopelessness, extreme low self-esteem, tearfulness, self-abuse or self-destructive behaviour.<br><br>Challenging or extreme behaviour.  |
| <b>Financial/Material</b><br><br>The unauthorised and improper use of funds, property or any resources including pensions, or others' statutory entitlements or benefits. Financial abuse involves an act or acts where a person is deprived of control of their finances or personal possessions or is exploited financially by another person or person | Lack of control over personal funds or bank accounts; misappropriation of money, valuables or property; lack of records or records incomplete regarding spending; forced changes to wills; not paying bills; refusal to spend money; insufficient money for day-to-day expenses.              |

| Type of Abuse  | Examples of Indicators   |
|--|--|
| <p><b>Institutional</b></p> <p>The mistreatment of people brought about by poor or inadequate care or support or systemic poor practices that affect a whole care setting.</p>   | <p>Lack of or poor-quality staff supervision and management. High staff turnover. Lack of training of staff and volunteers. Poor staff morale. Poor record keeping. Poor communication with other service providers. Lack of personal possessions and clothing, being spoken to inappropriately.</p> |
| <p><b>Neglect</b></p> <p>The withholding of or failure to provide appropriate and adequate care and support which is required by another person. It may be through a lack of knowledge or awareness, or through failure to take reasonable action given the information and facts available to them at the time.</p> | <p>Poor personal hygiene, dirty and dishevelled in appearance e.g. unkempt hair and nails. Poor state of clothing; non-attendance at routine health appointments; socially isolated.</p>   |
| <p><b>Discriminatory</b></p> <p>Unequal treatment, harassment or abuse of a person based on age, disability, race, ethnic group, gender, gender identity, sexual orientation, religion, family status, or membership of the travelling community.</p>  | <p>Isolation from family or social networks. Indicators of psychological abuse may also be present.</p>  |
| <p><b>Online or digital abuse</b></p> <p>An abusive or exploitative interaction occurring online or in a social media context.</p>   | <p>Becoming withdrawn, anxious, clingy, depressed, aggressive, changes in behaviour, problems sleeping and eating disorders.</p>   |
| <p><b>Human Trafficking/ Modern Slavery</b></p> <p>The acquisition and movement of people by improper means, such as force, threat or deception, for the purposes of exploiting them. It can take the form of domestic servitude, forced criminality, forced labour, sexual exploitation and organ harvesting.</p>   | <p>People believing that they must work against their will, unable to leave their work environment or showing signs that their movements are being controlled. Fear, anxiety, signs of injuries that appear to be the result of assault</p>  |

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

## Appendix 2: Checklist of Policies and Procedures

- Procedures to ensure that all personnel of the OLA (Organisation of Lay Associates) are appointed in a manner that meets legal and church requirements and is consistent with safeguarding standards. This includes completing an application form and committing to comply with the OLA Code of Conduct.
- Procedures for conducting risk assessments of all programmes and services, along with arrangements to mitigate identified risks.
- A training plan that provides appropriate training and information for all individuals involved with vulnerable adults.
- A Complaints Policy and Procedures, detailing how complaints are managed and addressed.
- The appointment of a Designated Liaison Person, who is accountable to the OLA Leader in Ireland and authorised to take lead responsibility for safeguarding vulnerable adults.

## **Appendix 3 - An Garda Síochána**

### **Dublin**

Garda National Protective Services Bureau

Harcourt Square, Harcourt Street, Dublin 2

Phone: 01 666 3230

Email: [nbc\\_i\\_scmu@garda.ie](mailto:nbc_i_scmu@garda.ie)

### **Cork**

Blackrock Garda Station

Ringmahon Rd., Mahon Cork City

Tel: 021 453 6690