



**misean cara**  
Mission Support from Ireland

# **Child & Vulnerable Adults Safeguarding Policy**

July 2024

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# 1. POLICY MANAGEMENT

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

## 2. FOREWORD

This policy document amalgamates Mísean 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.

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

## 3. INTRODUCTION

Mísean Cara is a faith-based member organisation of Irish religious congregations and lay missionary organisations working in over 50 countries. Member organisations and their personnel ("**Member Organisations**") 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.

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

Our Member Organisations' 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.

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

Misean Cara's operations are based in Ireland. In addition to its staff of full-time and part-time employees, Misean Cara benefits from the contribution of volunteers and interns in Ireland who assist, amongst other things, with administration, fundraising and research activities.

Misean Cara also engages consultants and contractors to work closely with Member Organisations and their partners locally as part of supporting their international development work, initiatives and projects. For the purposes of this Policy, Misean Cara management, staff, Board, volunteers, interns, and the consultants and contractors it engages, are collectively referred to as the "**Misean Cara Employees and Related Personnel**".

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 Dóchas Safeguarding Code<sup>1</sup> and Dóchas Guide to Ethical Communications 2023<sup>2</sup>

## 4. PURPOSE

The purpose of the policy is two-fold:

1. Misean Cara acknowledges that Misean Cara Employees and Related Personnel rarely come into direct contact with children and vulnerable adults as part of their functions. Nonetheless, Misean Cara recognises the critical importance of robust safeguarding policies and procedures to protect children and vulnerable adults from any harm that may be caused due to their coming into contact with Misean Cara, its activities and Misean Cara Employees and Related Personnel. The Policy lays out the commitments made by Misean Cara and informs Misean Cara Employees and Related Personnel of their responsibilities in relation to the protection of children and vulnerable adults. In addition, Annex A seeks to give practical guidance and support to Misean Cara Employees and Related Personnel in the event that a child or vulnerable adult makes a disclosure of abuse.
2. As a pre-requisite to receiving Misean Cara's support, Member Organisations are contractually obliged to have adequate safeguarding policies and procedures, such as safeguarding reporting and recording mechanisms. This Safeguarding Policy seeks to reinforce the minimum standards expected.

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<sup>1</sup> Available at: [https://www.dochas.ie/assets/Files/Dochas\\_Safeguarding\\_Code-v2.pdf](https://www.dochas.ie/assets/Files/Dochas_Safeguarding_Code-v2.pdf)

<sup>2</sup> Available at: <https://www.dochas.ie/resources/ethical-communications/>

## 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 the restriction of capacity arises as a result of physical or intellectual impairment. 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.

## 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

Misean Cara Employees and Related Personnel

This policy is applicable to all Misean Cara Employees and Related Personnel. Failure to adhere to the requirements of this policy, or to have regard to the guidance it offers to Misean Cara Employees and Related Personnel when responding to disclosures of abuse (Annex A), may result in disciplinary action being taken, up to and including dismissal. It may lead to referral to the Child and Family Agency, and / or to the HSE Safeguarding Team and also lead to criminal prosecution.

## Member Organisations

Misean Cara requires the following from all Member Organisations who apply for funding:

- That they have in place a Safeguarding Policy and Safeguarding Procedures that meet recognised minimum standards<sup>3</sup> for children and vulnerable adults;
- That they demonstrate the development of a culture of safety by promoting, communicating and implementing their Safeguarding Policy and Safeguarding Procedures;
- That they undertake to review, monitor, and evaluate practice in respect of safeguarding and child and vulnerable adult protection on an ongoing basis.

It is a minimum requirement of funding that Member Organisations and their partners 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 whether in Ireland or in the country of the funded project. For the avoidance of doubt, nothing in this Policy shall act to displace or vary the contractual obligations on Member Organisations in relation to safeguarding. It shall be the responsibility of the Member Organisations, not Mísean Cara, to ensure compliance with the laws and appropriate safeguarding and reporting procedures in Ireland or in the country of the funded project.

In all Mísean Cara funding agreements (whether referred to as a ‘contract’, ‘agreement’, ‘subgrant’, ‘Memorandum of Understanding’, or any other term) with Member Organisations or between Member Organisations and their partners it is required that a Safeguarding Policy is in place that reflects all applicable legal requirements in Ireland and in the country of the funded project and best practice for children and vulnerable adults. Member Organisations must ensure that they have adequate appointment, recruitment, selection and induction procedures and to ensure safeguarding policies and procedures include a commitment to preventing a person from working with children and/or vulnerable persons if they pose an unacceptable risk. Member Organisations must have adequate reporting and recording mechanisms in place to make them aware of any concern, allegation or incident relating to safeguarding concerning any personnel or member of the Member Organisation working on a project funded by Mísean Cara. Member Organisations must ensure that all Safeguarding concerns, allegations and incidents are referred without delay where legally required, either in Ireland and/or in the country of the funded project and as appropriate to the specific context and circumstances to (a) the relevant authorities; and (b) Mísean Cara.

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<sup>3</sup> See: <https://www.safeguarding.ie/our-services/policy-and-guidance> & <https://www.keepingchildrensafe.global/accountability/>

A failure to adhere to these contractual requirements and/or breach of agreement terms may result in the suspension or withdrawal of Mísean Cara funding.

Mísean Cara acknowledges the challenges facing Member Organisations 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. Mísean Cara is committed to providing guidance and support to Member Organisations to enhance safeguarding practices and as such, support is available from Mísean Cara to provide advice and training to Member Organisations. As stated above, however, it is the responsibility of the Member Organisation, not Mísean Cara, to ensure it has adequate safeguarding measures in place in accordance with the contractual obligations.

## 6. STATEMENT OF COMMITMENT

Mísean Cara has a **zero-tolerance<sup>4</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 Mísean Cara, and Mísean Cara 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 ("the Child and Family Agency"), HSE Safeguarding & Protection Teams (for vulnerable adults), 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;

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<sup>4</sup> Mísean Cara is 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.



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. Monitoring and auditing the contractual obligations made by Member Organisations in respect of safeguarding.

## 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
  - ⇒ Dignity at Work – Anti-Harassment and Sexual Harassment Policy 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

Mísean Cara is a signatory to the Dóchas Safeguarding Code and the Dóchas Guide to Ethical Communications 2023.

## 8. GENERAL PRINCIPLES

The following general principles inform Mísean 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. Member Organisations take responsibility for ensuring they have a robust Safeguarding Policy and Procedures in place in accordance with its contractual obligations.

Our guiding principles apply to all Mísean Cara Employees and Related Personnel who must conduct themselves in a way that reflects these principles and Mísean 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:

### International

- Universal Declaration of Human Rights (UDHR)
- UN Convention on the Rights of the Child (UNCRC)
- United Nations Convention on the Rights of Persons with Disabilities (UNCPRD)
- Keeping Children Safe, International Child Safeguarding Standards<sup>5</sup>

### Republic of Ireland

- Irish Constitution
- Criminal Justice Act 2006
- National Vetting Bureau (Children and Vulnerable Persons Act) 2012 (as amended)
- Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 (as amended)
- Protected Disclosures (Amendment) Act 2014 (as amended)
- Children First Act 2015
- Assisted Decision Making (Capacity) Act 2015 (as amended)
- Criminal Law (Extraterritorial Jurisdiction) Act 2019
- Our Duty to Care: The Principles of Good Practice for the Protection of Children and Young People (2002)<sup>6</sup>
- Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures (2014)<sup>7</sup>

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<sup>5</sup> <https://www.keepingchildrensafe.global/accountability/>

<sup>6</sup> [https://www.tusla.ie/uploads/content/our\\_duty\\_to\\_care.pdf](https://www.tusla.ie/uploads/content/our_duty_to_care.pdf)

<sup>7</sup> <https://www.hse.ie/eng/services/publications/corporate/personsatriskofabuse.pdf>

- Safeguarding Children Policy and Standards for the Catholic Church in Ireland (2016)<sup>8</sup>
- Children First: National Guidance for the Protection and Welfare of Children (2017)<sup>9</sup>
- Young Ireland: The National Policy Framework for Children and Young People 2023-2028.<sup>10</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, reducing 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 Mísean Cara is committed to implementing and maintaining the following:

1. A Safeguarding Policy.
2. Clear written Standards of Conduct and the boundaries of appropriate behaviour expected of Mísean Cara Employees and Related Personnel.
3. Appropriate recruitment, induction, and training procedures.
4. Regular briefing and discussion of relevant safeguarding issues to Mísean Cara Employees and Related Personnel.
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

Mísean Cara's Code of Conduct (see Annex C) expressly outlines the behavioural expectations upon which Mísean Cara's Employees and Related Personnel must abide, including with regards to safeguarding and the prevention of sexual exploitation, abuse and harassment (PSEAH). The Code of Conduct is an integral component of Mísean Cara's safeguarding framework and forms part of the contractual terms and conditions of all Mísean Cara Employees and Related Personnel. All Mísean Cara Employees and Related Personnel are required to sign an acknowledgement that they have read and understand its contents.

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<sup>8</sup> <http://www.safeguarding.ie/images/Pdfs/Standards/Safeguarding%20Children%20Policy.pdf>

<sup>9</sup> <https://www.tusla.ie/children-first/children-first-guidance-and-legislation/>

<sup>10</sup> <https://www.gov.ie/en/publication/80ac4-young-ireland-the-national-policy-framework-for-children-and-young-people-0-24-2023-2028/>

## 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 Mísean Cara Employees and Related Personnel and in assessing suitability to work with children and vulnerable adults. Mísean Cara acknowledges that Mísean Cara Employees and Related Personnel will rarely come into direct contact with children and vulnerable adults as part of their functions. Nonetheless, safeguarding measures are applied throughout the recruitment process including at the planning and advertisement stage, in formulating the job description, at interview and specifically in obtaining pre-appointment checks and references, a declaration of suitability to work with children and vulnerable adults and a criminal record check and Police Certificate from An Garda Síochána (which is necessary prior to travelling overseas and visiting projects).

## Induction & Training

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

Mísean Cara Employees and Related Personnel 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 the employees' human resources file.

## Key Roles & Responsibilities

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

**Mísean 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.

**The Safeguarding Advisor 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 policy developments, feedback, and organisational lessons learned.

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

**Misean Cara Employees and Related Personnel** 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 Misean Cara's relationship with non-employees. It may also lead to referral to the Child and Family Agency, the HSE Safeguarding Team and An Garda Síochána.

## 11. IMPLEMENTING THE POLICY

This section sets out Misean 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 Vulnerable Adult Safeguarding Policy is being adequately implemented in four key areas:

- 1. Policy:** The Misean Cara Child and Vulnerable Adult Safeguarding Policy is applied across the organisation and is easily accessible and fully understood by all Misean Cara Employees and Related Personnel.
- 2. Procedures:** Systems are in place to reduce the likelihood of harm and risk of abuse.

3. **People:** Misesan Cara 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 mitigate against 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 Misesan Cara 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 Misesan Cara 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.

## Overseas Visits to Misesan Cara Funded Projects

If during the course of a visit to a Misesan Cara funded project, the Misesan Cara Employee or Related Personnel becomes aware of an allegation against any project employee or related personnel on the project, the Misesan Cara Employee or Related Personnel must 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).

The Misesan Cara Employee or Related Personnel must record the details of the disclosure or concern giving an accurate account of the facts. This record should be signed and dated. If available, the project reporting form as per the projects own Safeguarding Policy should be used. This recording form/report form should be furnished to the person with safeguarding responsibility at the project or as outlined above. Misesan Cara Employees and Related Personnel should keep a copy of the reporting form for their own records.

In addition, Mísean Cara's Safeguarding Advisor must be informed at the earliest opportunity to provide guidance and support. The Mísean Cara Employee or Related Personnel must provide a monitoring report to the Mísean Cara Safeguarding Advisor who will then liaise with the Mission Development Office (i.e. the nominated contact person in the project with whom Mísean Cara communicates), in relation to following up on the report. This monitoring report to the Safeguarding Advisor must provide a summary of the incident, but anonymised in respect of the identities of persons, including the identity of the alleged perpetrator and the alleged victim.

**⚠ Mísean Cara Employees and Related Personnel must ensure they uphold confidentiality; they ensure they do not identify by name the complainant or respondent in their monitoring report or when reporting to Mísean Cara's Safeguarding Advisor.**

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

Mísean Cara's Safeguarding Advisor must be informed at the earliest opportunity to ensure appropriate and timely follow up with the Member Organisation. The Safeguarding Advisor will furnish a report to the leadership of the Member Organisation.

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

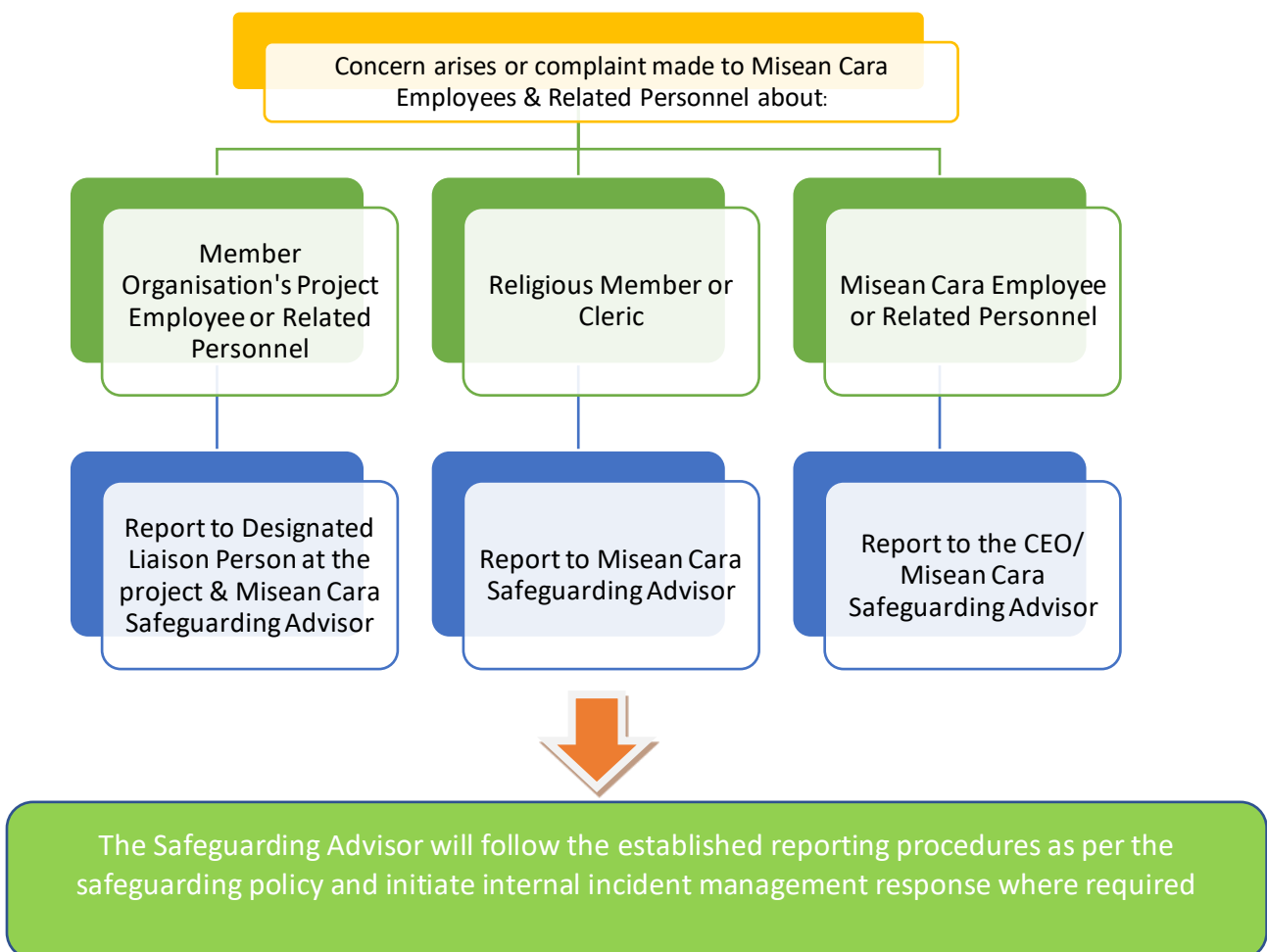
If an allegation is made against Mísean Cara Employee or Related Personnel, Mísean Cara must ensure that everyone involved is dealt with appropriately and in accordance with the guiding principles of this policy, the rules of natural justice and any relevant employment law. There are two separate procedures to be followed:

- 1.** The reporting procedure to the statutory authorities e.g., Tusla, HSE Safeguarding & Protection, An Garda Síochána;
- 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 Mísean Cara Employees or Related Personnel. Responsibilities for both aspects will be managed separately with the Safeguarding Advisor managing the protection reporting procedure; and the CEO and Chairperson of the Board managing the internal employment & disciplinary procedure (including the internal investigation).

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 Requirements



### Procedure where Misean Cara Employee or Related Personnel are the Respondent to a Complaint / Allegation of Abuse

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 Mísean Cara Employee or Related Personnel that an allegation has been made and the nature of the allegation. The Mísean Cara Employee or Related Personnel have the right to respond to this and this response should be documented and retained.
- b) The Mísean Cara 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 may suspend the Mísean Cara 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 may 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 e.g. postponement or cancellation of a scheduled monitoring visit.
  - 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

Mísean Cara Employees and Related 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 relevant person as outlined above 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 Mísean Cara Employee & Related Personnel believe a child or vulnerable adult is in immediate danger and cannot get in contact with local statutory services e.g., Child Protection, they

should consider reporting to the local Police unless there is a possibility of further harm in a particular context. It may also be appropriate to call emergency services where available.

Where the Safeguarding Advisor considers that a protection or welfare concern in Ireland meets reasonable grounds for concern, then a report will be made to Tusla 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 legal responsibility 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.

## **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 D** 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 Misean Cara and Misean Cara Employees and Related Personnel 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.

## **Support**

Those who have suffered harm as a result of Misean Cara Employees and Related Personnel 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 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 of and adheres to the Dóchas Guide to Ethical Communications which sets out a framework including guiding principles on which organisations can build when designing and implementing their public communications strategy.

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

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

# ANNEX A

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

A child or vulnerable adult may disclose abuse to you as a Misesan Cara Employees or Related Personnel 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 they are trusted and possibly liked.
- 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 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 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 making the disclosure.

### 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
  - ⇒ Maintain appropriate confidentiality.

## ANNEX B

### Categories of Abuse

TYPE	DEFINITION	EXAMPLES (Children)	EXAMPLES (Vulnerable Adults)
<p><b>Neglect</b></p>	<p>Occurs when a person withholds or fails to provide appropriate and adequate care and support which is required by another person. It may through a lack of knowledge or awareness, or through a failure to take reasonable action given the information and facts available to them at the time.</p>	<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, and 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> </ul>

			<ul style="list-style-type: none"> <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 mistreatment of a person by another which may or may not result in actual physical harm or injury.	<ul style="list-style-type: none"> <li>• Physical punishment</li> <li>• Beating, slapping, hitting or kicking</li> <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>	<ul style="list-style-type: none"> <li>• Hitting, slapping, pushing, shaking, burning, scalding, pulling hair, kicking, exposure to heat or cold, force feeding, misuse of medication, inappropriate restraint, or sanctions.</li> <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>
<b>Sexual</b>	Any behaviour (physical, psychological, verbal,	<ul style="list-style-type: none"> <li>• Any sexual act intentionally performed in the presence of a child.</li> </ul>	<ul style="list-style-type: none"> <li>• Non-contact sexual activities, such as indecent exposure, stalking, grooming.</li> </ul>

	<p>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>• 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: <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</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <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> <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</li> </ul>
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		<p>computer or other means).</p> <ul style="list-style-type: none"> <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>• Consensual sexual activity involving an adult and an underage person.</li> </ul>	<p>in sexual acts or being included in the production of sexual images/videos, or grooming.</p>
<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</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</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> </ul>

	distress by threat, humiliation, or other verbal/non-verbal conduct.	<p>moves, particularly unplanned).</p> <ul style="list-style-type: none"> <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>• Conveying to the individual that they are worthless, unloved, inadequate, or a nuisance</li> </ul>
<b>Financial or Material</b>	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.	<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>
<b>Online/Digital Abuse</b>	Any type of abuse that happens on the internet.	<ul style="list-style-type: none"> <li>• Cyberbullying</li> <li>• Emotional Abuse via online channels e.g., social media.</li> </ul>	<ul style="list-style-type: none"> <li>• Exposure and uploading of inappropriate abusive</li> </ul>

	It can happen across any device that is connected to the web, such as computers, tablets and mobile phones.	<ul style="list-style-type: none"> <li>• Grooming</li> <li>• Sexting</li> <li>• Sexual Abuse and Exploitation via online channels.</li> </ul>	<p>material without consent.</p> <ul style="list-style-type: none"> <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>
<b>Organisational/Institutional</b>	<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> <li>• Poor standards of professional practice.</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>
<b>Discriminatory</b>	Unequal treatment, harassment or abuse of a person based on age, disability, race, ethnic group, gender, gender	<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</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</li> </ul>

	identity, sexual orientation, religion.	<p>of language related to a protected characteristic.</p> <ul style="list-style-type: none"> <li>• Assumptions about a child's abilities or inabilities.</li> </ul>	<p>a protected characteristic.</p> <ul style="list-style-type: none"> <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

## STAFF CODE OF CONDUCT

### Purpose and scope of this Code of Conduct

In all our work we remain true to the values, mission and aims of Misesan Cara, and furthermore to uphold and promote the missionary approach to development and the work of Misesan Cara’s member organisations. This Code of Conduct is designed **to guide all who work for Misesan Cara on the standards of behaviour expected**, as well as providing examples of behaviours that are unacceptable. It describes what Misesan Cara expects from its staff and what staff can expect from Misesan Cara. It contains six principles and forty standards.

This Code **applies to all staff**. This Code applies inside and outside of work. Misesan Cara expects its staff to carry out their activities according to its values of respect, justice, integrity, compassion, commitment, and trust and in accordance with this Code and all related policies and procedures (see overleaf).

All staff are responsible for promoting and upholding this Code. Managers are responsible for ensuring that all staff for whom they have responsibility understand and are compliant with the Code.

The Code will be attached to and forms part of the terms and conditions of employment. The Code applies to staff for the duration of their employment. Misesan Cara will **provide training and updates to the Code** as appropriate.

Where the Code does not address a specific issue or ethical dilemma **advice and support** should be sought from the line manager or CEO.

**In everything you do, ask yourself:**

Do my actions reflect the values and behaviours of Misesan Cara?

Are my actions fully in line with this Code of Conduct and its related policies and procedures?

Would I feel comfortable if all my colleagues knew about my actions?

**Not sure? Ask a colleague or seek advice from your manager, point of contact, or the CEO.**

Any **breach of this code** may result in disciplinary action up to and including dismissal, and where applicable, may result in civil or criminal proceedings. The examples outlined in this Code of Conduct are not exhaustive and staff may be disciplined for inappropriate behaviour that is not addressed in the code.

### Related Policies and Procedures

Employee Handbook & Contract of Employment	Data Protection Policy for Employees
Protected Disclosure (Whistle-blowing) Policy	Governance Manual
Finance Manual	Child & Vulnerable Adults Policy
The Prevention of Sexual Exploitation, Abuse and Harassment Policy (PSEAH)	Values and Behaviours framework document

Missionary Approach to Development Interventions	Communications Policy
Conflict of Interest & Loyalty Policy	Data Protection Policy for the Organisation
Anti-fraud and Corruption Policy	Risk Policy
Safety & Security Policy	Right to Disconnect Policy

### Code of Conduct

As staff, I agree to carry out all activities for Misesan Cara in line with the following principles and standards:

**1. To uphold the highest standards of personal/professional conduct and ethics in alignment with Misesan Cara’s values, mission and aims**

- I will ensure that my personal and professional conduct is, and is seen to be, of the highest professional standard.
- I will treat everyone with dignity and respect.
- I will uphold rights as the foundation for how commitments are set in Misesan Cara.
- I will not bully, harass, victimise, discriminate against, abuse, intimidate, exploit or in any other way infringe the rights of others.
- I will be sensitive to, and respectful of all local customs and culture.
- I will ensure my actions and conduct, both inside and outside of work, do not intentionally cause offence to another person and do not bring the organisation’s name and good standing into disrepute, or that of any of Misesan Cara’s member organisations or project partners.
- I will ensure my behaviour does not impact or undermine my ability to discharge my duties.
- I will not attend work under the influence of alcohol, drugs or illegal substances.
- I will not abuse any power that is inherent in my role in or for Misesan Cara.
- I will comply with all applicable laws in any country in which I work with or for Misesan Cara.

**2. To perform my duties inside and outside work in a manner that avoids corruption and conflicts of interest and loyalty**

- I will declare any financial, personal, family (or close intimate relationship) interest in matters of official business which may impact on or conflict with the work of Misesan Cara.<sup>11</sup>
- I will declare any conflict of interest and remove myself from decision making in which my personal interests may conflict, or appear to conflict, with the position or interests of Misesan Cara or its member organisations.
- I will act in accordance with the Anti-fraud and Corruption Policy including reporting any suspicious incidents to the relevant parties.
- I will be loyal and committed to Misesan Cara and will not engage in, or support an outside activity or organisation, whose interests may be inconsistent with, damaging to or competing with the interest of Misesan Cara
- I will not seek or accept, directly or indirectly, any payments, fees, services, discounts, goods, benefits in kind, any other benefits, or loans from any person or business entity that does or seeks to do business with Misesan Cara. To avoid both the reality and the appearance of improper relations with suppliers or potential suppliers, the following standards apply to the receipt of gifts and entertainment, when:
  - To do so would not affect or appear to affect a person’s ability to make independent judgment on business transactions;
  - To do so would be consistent with good business practice within the relevant industries;
  - Public disclosure of the transaction would not embarrass Misesan Cara;

<sup>11</sup> For example, contract for goods/services, employment or promotion within Misesan Cara, member organisations, civil authorities, or project participants groups in accordance with the Conflict of Interest Policy.

- To do so will impose no obligation on either a representative of Misesan Cara or the organisation;
- They are items of nominal intrinsic value and not more than one gift from a single source is accepted in any year; or
- They are advertising and promotional materials, not of substantial value, and clearly marked with the company or brand name.

**3. To treat all people with respect and dignity and promote good practice in safeguarding and the prevention of sexual exploitation, abuse and harassment (PSEAH)**

- I will in all my activities seek to ensure that the best interests of children and vulnerable adults are promoted and will not engage in behaviour that is likely to cause harm, including physical, sexual, emotional abuse, neglect and exploitation.
- I will uphold Misesan Cara's safeguarding and PSEAH commitments in both my professional and personal life.
- I understand that Misesan Cara has a zero tolerance policy on exploitation and abuse.
- I will work actively to promote the best interests of children and vulnerable adults.
- I will report any safeguarding concerns at the earliest opportunity in accordance with Misesan Cara's Child and Vulnerable Adults Policy and the PSEAH Policy.
- I will not enter into a sexual relationship with a project participant, or exchange money, employment, goods, or services for sex including, sexual favours or other forms of humiliating, degrading or exploitative behaviour.
- I will not engage in any form of people trafficking.
- I will not use or condone language that is inappropriate, demeaning, or offensive towards others.

**4. To be responsible for my own security, health and safety, and welfare**

- I will take personal responsibility for my own health, safety and welfare.
- I will not negligently or wilfully engage in any unreasonable activity that could endanger myself or another person's health, safety and wellbeing or that of any member of a member organisation, project partner or member of the community.
- I will take all necessary steps to make myself aware of situations which may present health, safety and security risks and manage these appropriately.
- I will comply with all security guidance provided by Misesan Cara and its member organisations in a manner consistent with Misesan Cara's Safety & Security Policy and Health & Safety Policy.

**5. To be responsible for the use of information, equipment, money and resources to which I have access**

- I will not release any unauthorised private, sensitive or confidential information relating to Misesan Cara and its member organisations to any person outside the organisation.
- I will process any personal or sensitive data in line with Misesan Cara's Data Protection Policy.
- I will not process any personal data managed by Misesan Cara for my personal benefit.
- I will take particular care to inform myself about the data protection policies and procedures that are relevant for my position and day to day work and will complete all required data protection and information security training.
- I will report immediately any suspected data breach or information security breach.
- I will abide by Misesan Cara's IT Usage Policy, and other applicable policies concerning the use of Misesan Cara's IT assets, its infrastructure, and information and communications systems.
- I will not use the organisation's computer equipment or other technology, equipment or services to engage in any activity that is illegal under local, state or international law or that encourages conduct that would constitute a criminal offence. This includes any material that victimises, harasses, degrades, or intimidates an individual.
- I will ensure that I use Misesan Cara property, funds and resources to which I have access in a responsible and careful manner.

**6. To speak up – Duty to report any incident, concern or suspicion regarding any breaches to this Code**

- I will report any concern, suspicion and/or incident which breaches the standards within this Code and any other Misesan Cara policy to the relevant party as outlined in the policy.
- I will report any concern, suspicion and/or incident, which breaches the standards within this Code, regardless of whether I feel it is current, recent, or historical. There is no timeframe on reporting alleged breaches of this policy.
- I will not intentionally make false accusations in relation to this Code against any individual.
- I will not penalise or permit penalisation, retaliation or intimidation against anyone who reports risks or incidents of wrongdoing.

The above is **not** an exhaustive list of examples of how Misesan Cara staff should conduct themselves. Misesan Cara staff have a responsibility to use their own initiative and give careful consideration about the choices they make and the impact they may have on Misesan Cara, its member organisations and project participants.

**Declaration and Signature:** By signing this Code of Conduct, I declare I have read it in full and understand its contents. I understand that it is my responsibility to seek clarity or raise concerns, with my line manager or HR, prior to engaging in, or abstaining from, any action that is, or reasonably may be determined, as contrary to the Code of Conduct. I understand that a failure to comply with this Code of Conduct can lead to disciplinary action up to and including dismissal, and if appropriate civil or criminal proceedings against me.

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Staff are to return this page to HR.



# ANNEX D

## 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, Tusla, and HSE Safeguarding & Protection Teams, 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.

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) of the GDPR, depending on the circumstances. GDPR information must also 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 (dependant 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. 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 with the Human Resources department.

## 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 as per Article 37 of the GDPR.
- 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 Teams, contact details available through web address outlined on page 42.

### **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 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 of the guidance: 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 E

## Contact list for Statutory Authorities & Support Services



### **Tusla (Children)**

Location specific reporting contact details available at:

<https://www.tusla.ie/children-first/contact-a-social-worker3/>



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

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

Location specific reporting contact details available at:

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



### **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**

Independent organisation providing professional support for people who have experienced institutional, clerical or religious abuse in Ireland.

Freephone: 1800 303 416

Hearing-impaired Text Line Number: 085 8022859

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

Website: <https://towardshealing.ie/>



### **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)



**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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Misean Cara has signed the Dóchas Safeguarding Code and the Dóchas Guide to Ethical Communications. .

Misean Cara adheres to the Principles of Good Governance under the national Governance Code for the Community, Voluntary and Charitable sector.

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