


BROTHERS OF CHARITY SERVICES IRELAND

NATIONAL POLICY FOR THE SAFEGUARDING OF VULNERABLE ADULTS AT RISK OF ABUSE

Document reference number	2015/NP06(a)	Revision No.	2
Approved by	Brothers of Charity Services Ireland		
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Approval date	8th January 2020	Next Revision Date	8th January 2023

This National Policy is to be read in conjunction with the Brothers of Charity Services Ireland National Procedures for the Safeguarding of Vulnerable Adults at Risk of Abuse 2015NP06(b) Revision 3

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Ethos

'We are committed to working with people with an intellectual disability to claim their rightful place as valued citizens. Inclusion is a fundamental principle that underlies all aspects of our work. We believe in the intrinsic value of every person and we aim to further the dignity of all associated with our services.'

'We continue the Brothers of Charity Services' tradition of being open to the best contemporary influences. We want to be inspired by the most creative ideas ...and to ask how we give them concrete expression.'

The Brothers of Charity Services Ethos (2001), Going Forward Together

Introduction

The Brothers of Charity Services Ireland have a responsibility to protect and promote the welfare of those they provide support to and to provide a safe environment. This responsibility also extends to ensuring that all individuals are treated with dignity and respect at all times.

The aim of this policy is to provide guidance to the Brothers of Charity Services Ireland on its duties and responsibilities in relation to the protection and welfare of vulnerable adults supported by our Services. The Brother of Charity Services Ireland must make available to all personnel working with or associated with the Brothers of Charity Services, the procedures to be followed in the event of them suspecting, witnessing, having a concern, or it being made known to them that abuse has taken place, or is currently taking place involving any adults in our service. This may include physical, sexual, psychological /emotional abuse, neglect, financial or institutional and discriminatory abuse.

It is the duty of all those working within the Brothers of Charity Services Ireland to be fully aware of the policy and procedures and to understand their own professional responsibilities. This policy and procedures will be reviewed and amended as necessary in the light of emerging good practice and changes in the law in relation to issues of abuse.

The Brothers of Charity Services Ireland National Policy for the Safeguarding of Vulnerable Adults at Risk of Abuse addresses

- Steps that need to be taken for the prevention of abuse and the protection of people supported by the Services, and
- Procedures to be adhered to when it is suspected, observed, alleged, or disclosed that a person supported by the Services may have been abused, or where there are abuse concerns.

1.0 Principles on which the National Policy is based

Good Practice means a commitment to keeping adults with a disability safe from harm and exploitation and to upholding their rights. This commitment is underpinned by the acknowledgement that all Brothers of Charity Services have a duty of care to intervene in circumstances where a person is being abused or is suspected of being abused.

This policy is underpinned by a number of guiding principles relevant to the safeguarding of adults with a disability:

- People supported by our Services are treated with dignity and respect at all times.
- This policy is derived from and in compliance with the Safeguarding Vulnerable Persons at Risk of Abuse, National Policy and Procedures, Incorporating Services for Elder Abuse and for Persons with a Disability (HSE 2014).
- The Brothers of Charity Services Ireland have a **zero tolerance approach** to all forms of abuse.
- Each person in our Services is supported using a person centred approach to live a full and valued life in a safe environment; having opportunities for choice; personal development; fulfilling relationships, and is protected from exploitation and abuse.
- Staff adhere to high standards of care and behaviour in their interaction with people supported by the Services.
- Staff are made aware and understand their duty and professional responsibility to report any suspicion or allegation of abuse, or concern in relation to abuse, in accordance with the policies and procedures of the Services.
- Staff adhere to best practice guidelines where there is a risk to vulnerable adults and respond appropriately.
- Each person's autonomy and right to privacy and confidentiality is respected. All adults with a disability should feel safe and live without fear of violence, neglect or abuse in any form.
- The Brothers of Charity Services Ireland adheres to the principle of empowerment recognising the right of the individual to self-determination in so far as is possible, even if this entails some degree of risk. Abiding by this principle means ensuring that risks are recognised and understood and minimised as far as possible, while supporting the person to pursue their goals and preferences.
- The right of people supported by the Services to autonomy or self-determination must be considered in the context of his/her corresponding right not to be abused.
- Staff assume an important advocacy role in enabling people to know their rights and voice their concerns. It will not be the role of an advocate to make decisions for adults with a disability but rather to ensure that individuals have access to all the relevant and accurate information to allow them to be able to make informed choices.
- Staff will promote safeguarding and recognise the vulnerability of the adult with a disability where they are unable to make their own decisions; and/or protect themselves, their own assets, bodily integrity and to ensure adequate protection from exploitation.

2.0 Scope of Policy

This Policy outlines the responsibilities and the necessary procedures for the management of allegations and suspicions of abuse. This includes concerns against:

- Staff
- Volunteers
- Third Parties and Families
- People supported by the Brothers of Charity Services Ireland
- Host Carers
- Students

This policy/ procedures will take account of all forms of abuse

3.0 Responsibility of the Brothers of Charity Services Ireland

The Brothers of Charity Services Ireland have clear and explicit procedures in place which are consistent with this policy document and which must be followed in the event of concerns, in relation to physical abuse, sexual abuse, emotional abuse, neglect, financial or institutional and discriminatory abuse involving any persons in the Services. These procedures will be made available to all staff working with, or associated with the Brothers of Charity Services Ireland. The procedures will be explained during the induction of all new staff or volunteers.

It is the duty of the Brothers of Charity Services Ireland to ensure that their staff are fully aware of this National Policy document and that staff understand their own legal and professional responsibilities.

4.0 Definitions

4.1 What Constitutes Abuse?

Abuse may be defined as “As any act, or failure to act, which results in a breach of a vulnerable persons human rights, civil liberties, physical and mental integrity, dignity or general well being, whether intended or through negligence, including sexual relationships or financial transactions to which the person does not or cannot validly consent, or which are deliberately exploitative¹

There are seven broad categories of abuse which can be used to illustrate the type of behaviour which may constitute abuse:

- Physical
- Sexual
- Psychological/Emotional
- Financial
- Institutional
- Neglect.
- Discriminatory

¹ Department of Health and Social Services (Management Executive). Guidance on Abuse of Vulnerable Adults (1996)

While these categories give an indication of the different forms of abuse, it does not comprise an exhaustive list. A more detailed definition of abuse is given in Appendix 1.

4.2 Vulnerable Person

A Vulnerable person means a person:

a) who—

(i) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or

(ii) has an intellectual disability, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person,

or

(b) who is suffering from an enduring physical impairment or injury which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both².

4.3 Staff

For the purpose of this document the term “staff” includes all staff that are paid and unpaid.

4.4 Zero Tolerance

Zero tolerance implies that any form of abuse is unacceptable and should never be normalised or ignored even if the impact and intent appears not to be significant. The focus of a zero tolerance approach is to ensure all concerns raised are considered and assessed appropriately which is separate to any oversight or reporting relationship with a statutory body. (Final Draft HSE Adult Safeguarding Policy (2019, page 16)).

5.0 Purpose and Objectives of this Policy

This Policy recognises that people with an intellectual disability may be more vulnerable to abuse by others. In recognition of this fact it is the intention of this policy to set out the responsibilities and procedures of the Brothers of Charity Services to reduce the likelihood of abuse occurring, and to ensure that effective action is taken in response to suspicions, concerns or allegations of abuse.

Staff need to be aware of circumstances that may leave an adult with a disability vulnerable to abuse and they must be able to recognise the possible signs of abuse. They need to be alert to the demeanour and behaviour of disabled adults who may become vulnerable and to the changes that may indicate that something is wrong.

It must not be assumed that an adult with a disability is necessarily vulnerable; however it is important to identify the added risk factors that may lead to vulnerability. People with disabilities are often in environments or circumstances in

² Criminal Justice (withholding information on offences against Children and Vulnerable Persons Act 2012)

which they require safeguards to be in place to mitigate against vulnerability which may arise.

Adults who become vulnerable have the right³ to-

- be accorded the same respect and dignity as any other adult, by recognising their uniqueness and personal needs;
- be given access to knowledge and information in a manner which they can understand in order to help them make informed choices;
- be provided with information on, and practical help in keeping themselves safe and protecting themselves from abuse;
- live safely without fear of any form of violence;
- have their money, goods and possessions treated with respect and to receive equal protection for themselves and their property through the law;
- be given guidance and assistance in seeking help as a consequence of abuse;
- be supported in making their own decisions about how they wish to proceed in the event of abuse and to know that their wishes will be considered paramount unless: it is considered necessary for their own safety or the safety of others to take an alternate course; or if required by the criminal law of the State to do so;
- be supported in bringing a complaint under any existing complaints procedures;
- have alleged, suspected or confirmed cases of abuse investigated promptly and appropriately;
- receive support, education and counselling following abuse.
- seek redress through appropriate agencies.

For additional risk factors please see appendix 2

6.0 Prevention of Abuse

Safeguarding must be built on empowerment: on listening very carefully to the voices of individuals who are at risk, and those who have been harmed. Without empowerment, without peoples voices, safeguarding did not work⁴

People supported by the Services are clear that effective prevention in safeguarding is not about over-protective paternalism or risk averse practice. Instead the prevention of abuse should occur in the context of person-centred support and personalisation with individuals empowered to make choices and supported to manage risks.

The Brothers of Charity are in agreement with the Commission for Social Care Inspection (CSCI) who identified some of the following building blocks for prevention and early intervention⁵:

³ HSE (Dublin North East). Guidelines on the Protection from Abuse of Vulnerable Adults with a Disability (2006)

⁴ Safeguarding Adults: Reports on the consultation on the review of "No Secrets". Department of Health 2009

⁵ Prevention in Adult Safeguarding, Social Care Institute for Excellence, UK May 2011

- People being informed of their rights to be free from abuse and supported to exercise these rights, including access to advocacy;
- A well trained workforce operating in a culture of zero tolerance to abuse;
- A framework for confidentiality and information sharing across Services;
- Needs and risk assessments to inform people's choices;
- A range of options for support to keep people safe from abuse tailored to people's individual needs;
- Services that prioritise both safeguarding and independence.

For the purposes of this policy, prevention is considered under the following headings:

- Organisational culture;
- Policies and procedures;
- Identifying people at risk of abuse;
- Recruitment and selection of staff;
- Induction
- Staff supervision
- Training and education of staff;
- People supported by the Services and their families

6.1 Organisational Culture

Culture manifests what is important, valued and accepted in an organisation. It's not easily changed nor is it susceptible to change merely by a pronouncement, command or declaration of a new vision. At its most basic it can be reduced to the observation the way things are done around here⁶

Key to the successful prevention of abuse is an open culture with a genuinely person-centred approach to care/support, underpinned by a zero-tolerance policy towards abuse and neglect. It is important that the Brothers of Charity Services create and nurture an open culture where people can feel safe to raise concerns. The importance of good leadership is essential in determining the culture of services and modelling good practice. All managers should be skilled, competent and confident. It is imperative for the safeguarding of adults with a disability that senior management create a culture of zero tolerance, inclusion, transparency and openness in the provision of services that permeates through all levels and grades of staff.

6.2 Policies and Procedures

All Staff must be aware of this policy, have a working knowledge of same, and a commitment to its aims. Staff should be encouraged to provide feedback on any areas of the safeguarding policy that need to be reviewed. Managers have a

⁶ Office of the Ombudsman, Complaints and Complaint Handling, Ombudsman.gov.ie

particular oversight and assurance role in relation to adherence to this policy by all involved with the organisation.

National Policies and Procedures which directly support this safeguarding policy are:

- National Procedures for the Safeguarding of Vulnerable Adults at Risk of Abuse
- National Procedures for the Investigation of Allegations against Staff Members of Abuse of Vulnerable Adults or Children

There are additional policies under the following headings that assist in the safeguarding of people supported by the Services from abuse:

- Recruitment and Selection of Staff;
- Staff Induction;
- Intimate Care;
- Communication;
- Safe Administration of Medication;
- Management of the personal assets of people supported by the Services
- Lone Working;
- Complaints
- Incident Reporting;
- Code of Practice for all persons who support adults using the Brothers of Charity Services Ireland.
- Confidentiality;
- Bullying and Harassment
- Personal Development to include Friendships and Relationships etc.
- Restrictive Practices/ Human Rights

This list is not exhaustive.

6.3 Identifying People at Risk of Abuse

Identifying risk factors can help to prevent abuse by raising awareness among staff and service managers of the people supported by the Services who may be most at risk of abuse. If staff are aware of risk factors, they can use these insights to develop effective risk assessments and prevention strategies.

Additional risk factors include diminished social skills / judgement, diminished capacity, physical dependence (for example need for help with personal hygiene and intimate body care) a lack of education about appropriate sexual behaviour, as well as lack of knowledge about how to protect against abuse.

The identification of risk factors associated with abuse can help point the way to developing appropriate prevention strategies. Some of the common risk factors include:

- Low staffing levels and / or high use of agency staff;
- Lack of Policy Awareness;
- Geographically isolated services;
- A neglected physical environment;
- Weak Management;
- Lack of Leadership.

6.4 Recruitment and Selection of Staff

The Brothers of Charity is guided by *Trust in Care* with regard to the Recruitment and Selection of Staff, Induction, Probation, Employee Feedback and Supervision and Training.

The Services are committed to promoting the well-being of people supported by the Services and providing a caring environment where they are treated with dignity and respect. We are also committed to providing staff with the necessary supervision, support and training to enable them to provide the highest standards of care.

6.4.1

The Brothers of Charity Services Ireland must have a comprehensive and defined process for the selection and recruiting of staff and volunteers, in line with legislative requirements and best practice.

6.4.2 Induction

All new staff are required to undergo an induction process to ensure that they are clear about the standards of care expected from them and any protocols/procedures to be followed when interacting with people supported by the Services (see induction policy).

The Human Resource Manager/ Line Manager will ensure that all new staff receive information on where to access the most up to date copy of this policy upon commencement of employment. New staff will be required to sign that they have read, understood and will adhere to the content of this policy. It is the responsibility of the line manager to go through the policy on the first day of employment. All new staff will receive mandatory training on Safeguarding, Welfare and Protection of Vulnerable Adults and the procedures as a matter of priority.

All staff members are obliged to read and understand the Safeguarding policies procedures within the Brothers of Charity Services Ireland. Employees are advised that all current Policies, Procedures and Guidelines are available on the Brothers of Charity Services Intranet site. Whilst Managers have a role in informing staff of changes the onus is on the employee to keep themselves apprised on Policy Amendment/Development during the course of their employment with the Brothers of Charity Services Ireland.

6.4.3 Staff supervision and employee feedback

Staff supervision, staff development and support is an important means of communicating policies and reinforcing awareness about abuse as well as supporting staff. The Brothers of Charity Services Ireland must:

- Have a structure and process in place for support and supervision appropriate to the post/role;
- Provide the support and supervision that is essential to ensure that staff feel supported in the work they do, and that the organisation is confident that individuals are carrying out the work to the required standard.

6.5 Safeguarding awareness training and education

6.5.1 Staff

The Brothers of Charity Services Ireland must:

- Identify the training needs of their staff;
- Have in place effective training arrangements for staff, ranging from awareness training for all front line staff and volunteers, to more specialised training for those members of staff with responsibility for the management of allegations of abuse;
- Develop and implement an organisational training plan. It must include regular revision sessions and ensure that training is up to date with new developments in the area of safeguarding adults with a disability from abuse i.e. change in care practices, legislation etc.
- Maintain comprehensive staff training records to ensure and demonstrate that all staff and volunteers have been appropriately trained in safeguarding adults with disabilities;
- Have in place systems to ensure that staff and volunteers are maintaining their training commitments.

6.5.2 People supported by the Services and their Families

Each new person supported by the Services and his/her family/carer will be made aware of this policy document on joining the Service and advised where they can access the document.

7.0 Complaints Procedure

The Brothers of Charity Services Ireland has in place a Complaints Policy and Procedure, which is readily available and accessible. A complaint is defined as, “an expression of dissatisfaction which needs a response”. A complaint may include concerns where standards of care, treatment and practice are perceived to fall short of what is acceptable

The Services endeavour to work in a spirit of partnership and openness, and wish to assure people supported by the Services and their families that if they have any concerns or complaints, the Services wish to be informed of these in detail, and will seek to resolve the issues involved. People supported by the Services and their families will be made aware of this policy on joining the Services. All staff are made aware of the complaints procedure and policies by their line manager at induction.

In all incidences related to the reporting of abuse allegations, the Procedures linked to this policy supersede the Complaints Procedure.

8.0 Protection, Treatment and Counselling

Treatment and counselling services should be available for individuals who may have been the victims of abuse or who may have been the person causing concern.

- The Services will provide adequate resources to ensure that therapeutic supports or links to appropriate therapeutic support are provided to the alleged victim and the alleged person causing concern (if also a person who uses services).
- In the event of a person who uses services wishing to return to a place where there is a significant risk of him or her being abused (such as a home setting) despite being strongly advised not to return, the Designated Officer will inform the Director of Services/Services Leader and senior management of this position.
- Any action plans and recommendations of the Management and Monitoring Group (Designated Team) will be implemented and monitored in conjunction with the appropriate manager;
- In some circumstances treatment and counselling may be more appropriately available from outside the Services. Each Regional Service should identify how the decision is made in regard to this and recognise and respect the individual's right to choose.

9.0 Designated Officer

Each Regional Service will appoint a Designated Officer who is responsible for dealing with any concerns about the protection of vulnerable adults, in accordance with the HSE, Safeguarding Vulnerable Persons at Risk of Abuse, (HSE 2014). Each Designated Officer must have a named deputy who assumes these responsibilities in the absence of the Designated Officer.

The Designated Officer (and named deputy) must ensure that he/she is knowledgeable about the protection of vulnerable adults and that he/she undertakes any training considered necessary to keep him/her updated on new developments.

The name of the Designated Officer must be included in the procedures document and be available and on display throughout the service.

The duties and responsibilities of the Designated Officer are outlined in Appendix 3

Each Director of Service/Service Leader is responsible for ensuring that the Designated Officer is assigned the necessary protected time to carry out the designated role.

The Designated Officer can act as Safeguarding Co-ordinator unless otherwise stated. This role will include the co-ordination of the gathering of information and formulating the intervention/ review of the safeguarding plan.

10.0 The Management of Abuse Allegations

All suspicions, allegations or disclosures, including any anonymous allegation of abuse should be brought to the attention of the relevant Line Manager and reported promptly to the relevant Designated Officer. In the absence of the named Designated Officer, the Deputy Designated Officer must be contacted.

10.1 Management and Monitoring Group (Designated Team)

Each Regional Service will have in place a Management and Monitoring Group whose role is to be a resource to the Designated Officer on all matters pertaining to reported abuse concerns.

This Group will be appointed by the Director of Service/Service Leader and comprise of the Designated Officer (who will be the chairperson of the Group) and at least two or more suitably qualified and skilled professional people from the Multidisciplinary team and/or Senior Management who are experienced in the area of abuse. The Group must give a commitment to be available to the Designated Officer formally or informally on request, on a regular basis, either as a Group or as individual members with particular expertise. Membership of the Management and Monitoring Group should be drawn from within the local services itself but should be free to include a professional from a local or neighbouring service.

The duties and responsibilities of the Management and Monitoring Group are outlined in Appendix 4.

10.2 Allegations against a Staff Member

The Trust in Care HSE Document 2005 states *“Where allegations of abuse of a person who uses services are made against a staff member, the welfare and safety of the person who uses services is of paramount importance. It is also acknowledged that staff members may be subjected to erroneous or vexatious allegations which can have a devastating effect on the person’s health, career and reputation and family”. Brothers of Charity Services “are therefore committed to safeguarding the rights of the staff member against whom allegations of abuse are made to a fair and impartial investigation of the complaint”*

The management of allegations of abuse against staff will involve two pathways one will follow the procedures outlined in Trust in Care (H.S.E Document 2005) and the Brothers of Charity National Procedures for the Investigation of Allegations against Staff of Abuse of Vulnerable Adults or Children 2016/NP20 which accompanies this policy document. These procedures will be made known to every staff member.

In conjunction with this the Designated Officer will conduct a preliminary screening in accordance with the Brothers of Charity National Procedures for the Safeguarding of Vulnerable Adults at Risk of Abuse (2015 NP06b).

Each Regional Service through the H.R. Department should identify personnel who are trained to undertake investigations in respect of abuse allegations or concerns.

10.3 Allegations against a person who is supported by the Brother of Charity Services Ireland

Where an allegation of abuse is reported against a person who has an intellectual disability, the Designated Officer will assess if the allegation/concern is either a community based or a service based referral.

If the referral is assessed as a community based referral the Designated Officer will refer the allegation/concern to the HSE Safeguarding Team using the appropriate form.

If the referral is assessed as a service setting the Designated Officer will arrange for a Preliminary Screening to be carried out. This preliminary screening will be in line with the National Procedures for the Safeguarding of Vulnerable Adults at Risk of Abuse. This may be followed by a fuller assessment in respect of any alleged victim, or person causing concern. The individual against whom the allegation is made has a right to access a support person and that they are made aware of the content of the allegation.

The safety of individuals is a priority and the Designated Officer must ensure that safety concerns are addressed.

The Designated Officer, following discussion with the other relevant people, will inform the Management and Monitoring Group. In considering whether sexual activity between people supported by the Services is abuse, the issue of capacity to consent is especially crucial.

Each Director of Service/Service Leader will ensure that multidisciplinary staff involved in formal assessments in relation to abuse investigations or capacity to consent will have appropriate and ongoing training.

The Management and Monitoring Group will ensure:

- The development of a safeguarding plan/behavioural support plan for the alleged person causing concern if supported by the Services. This may include an appropriate risk assessment.
- The implementation of such a plan
- The provision of the necessary support and advice to the person supported by the Services.

10.4 Allegations against a Family Member and Third Parties

As this is a community based allegation the Designated Officer will refer the allegation to the HSE Safeguarding Team.

10.5 Allegations against a Volunteer/Adult Host Carers

The input of volunteers/Adult Host Carers is welcomed in the Brothers of Charity Services Ireland. As part of their introduction to the Services, volunteers are given training and are required to sign a Code of Conduct as part of the Organisation's Policy. Where an allegation of abuse is reported against a volunteer/adult host carer, the Designated Officer will arrange for a preliminary screening to be carried out. The principles of fairness and impartiality will be adhered to in the process. If following the screening it is considered that abuse may have occurred, the Management and Monitoring Group will be informed and the relevant statutory bodies, namely the H.S.E. and the Gardaí will be notified if required.

In circumstances when concerns remain regarding the volunteer's conduct or where the volunteer has not adhered to the Code of Conduct for Volunteers as outlined in the Volunteer Policy, the volunteer's work within the Brothers of Charity Services Ireland may be terminated.

Where concerns remain regarding a host carer conduct and the host carer has not adhered to the good practice guidelines their contract with the Brothers of Charity Services Ireland may be terminated.

10.6 Communication with Family/Guardian

If appropriate:

- The family /guardian should be informed of the allegation as soon as is practicable and with consent of the person supported by the Services if deemed appropriate;
- It will be the discretion of the Services as to how this information is communicated to the family/guardian;
- The Designated Officer or a nominee is responsible for liaising with the family;
- The Designated Officer or their nominee may have in attendance with him/her another work colleague at the initial family meeting;
- The family/guardian will be advised that an investigation is being carried out;
- The family/guardian will be advised of the protective measures arranged by the services to address the safety issues of the alleged victim. The family/guardian of the person supported by the Services (alleged person causing concern) will be advised (with the consent of the person if appropriate) that the Services are providing the necessary supports to the person with regard to the allegation of abuse;
- The impact of the abuse on families should be evaluated. Where the evaluation indicates that there is a need for family support, relevant information in relation to support will be provided.

10.7 Communication with the HSE

Where it is necessary it will be the responsibility of the Services to:

- Refer any concerns/allegations to the HSE, Safeguarding Team if the concern/allegation occurred in either a community setting or a service setting.
- Report the outcome of the preliminary screening to the HSE Safeguarding and Protection Team and agree any actions with them if the concern/allegation occurred in a service setting.
- If necessary, request the assistance of the HSE with regard to the carrying out of formal investigations/assessments. At times the Services may not have the capacity to carry out certain investigations/assessments. In these cases the Director of Services/Services Leader and the relevant local HSE Disability Manager will make a decision as to how best to proceed;

10.8 Communication with an Garda Síochána

10.8.1 The Gardaí must be notified once it is suspected that the alleged abuse may be criminal in nature; this may become apparent at the time of disclosure or following the outcome of the screening process. It is important that the Brothers of Charity Services are familiar with the content and requirements of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and are clear with regard to their reporting obligations under the Act. Offences against vulnerable persons for purposes of offence under Section 3 of the Act are detailed in Schedule 2.

- 10.8.2 The obligation under this Act is to disclose information once there is knowledge or belief on the part of the employee that an offence has been committed and where there is no defence to withhold that information. It is up to the Gardaí and the Director of Public Prosecution's (DPP) office to determine the strength and relevance of the disclosure and determine whether in fact an offence has been committed and whether somebody should be charged and prosecuted with same.
- 10.8.3 Outside the requirements of the 2012 Act, the Services must also comply with any other reporting obligations they may have. In the event of the Services requiring clarity with regard to the criminality of an offence, the Brothers of Charity Services local area should contact the relevant Garda Superintendent's office to seek their advice and guidance. A note of this discussion should be made and kept on file.
- 10.8.4 It is important to note that any allegations pertaining to abuse must be reported to the Garda Superintendent's office with responsibility for the location where the abuse allegedly occurred. In the event of not knowing the location of where the alleged abuse occurred then the Garda Superintendent's office with responsibility for where the victim of the alleged abuse normally resides should be contacted.
- 10.8.5 It will be the responsibility of each Brothers of Charity local area to:
- Make formal communication with the Gardaí.
 - Use form CP4 to facilitate this contact.
 - Assist the Gardaí with the investigation if so requested;

10.9 Communication with the Health Information and Quality Authority (HIQA)

The person in charge of a Designated Centre must inform HIQA of any allegation, suspected or confirmed of abuse of any resident, any allegation of misconduct by the registered provider or by staff in accordance with the Health Act 2007 (Care and Support of Residents in designated centres for persons (Children and Adults) with Disabilities) Regulations 2013

Part 8 of the regulations, Notification of Incidents states in 31 (1) "*The person in charge shall give the chief inspector notice in writing within 3 working days of the following adverse incidents occurring in the designated centre*"

Adverse events identified includes: any allegation, suspected or confirmed of abuse of any resident, any allegation of misconduct by the registered provider or by staff

10.10 Management of a person supported by the Services wishing to return to an environment where there is a serious concern pertaining to abuse

In the event of an individual wishing to return to a place where there is a significant risk of them being abused, for example in the family home, the Brothers of Charity Services Ireland currently does not have the legal authority to prevent them returning to that environment if he or she so wishes.

In the event of this scenario occurring, every effort must be made by the Brothers of Charity Services to safeguard the person supported by the Services from abuse and have in place monitoring arrangements that will help minimise this risk.

The Services should provide appropriate supports to the frontline staff in situations where risk continues to exist. The Designated Officer must inform the Director of Services and senior management of this position.

It may be useful to engage the services of the National Advocacy Service (NAS) to work with and support the person supported by the Services with his/her decision making.

The right of the person supported by the Services to autonomy or self-determination must be considered in the context of his/her corresponding right not to be abused.

The H.S.E must be informed of these circumstances.

10.11 Cases of Self Neglect

In cases where there are concerns of self-neglect the Brother of Charity Services will use the relevant section of the HSE national policy for the Safeguarding Vulnerable Persons at Risk of Abuse.

10.12 Management of anonymous allegations

In the event of receipt of an anonymous allegation the Services must be satisfied in so far as is possible that no person supported by the Services is at risk.

All anonymous referrals, verbal or non-verbal should be reported to the Designated Officer on the standardised report form as soon as possible.

10.13 Retrospective Disclosures by Adults

Children First: National Guidance for the Protection and Welfare of Children (2017, p.23) specify how to deal with retrospective allegations of abuse as follows:

“Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light when an adult attends counselling, or is being treated for a psychiatric or health problem. If you are, for example, a counsellor or health professional, and you receive a disclosure from a client that they were abused as a child, you should report this information to Tusla, as the alleged abuser may pose a current risk to children.

If, as a mandated person, you provide counselling, it is recommended that you let your clients know, before the counselling starts, that if any child protection issues arise and the alleged perpetrator is identifiable, you must pass the information on to Tusla. If your client does not feel able to participate in any investigation, Tusla may be seriously constrained in their ability to respond to the retrospective allegation.

The reporting requirements under the Children First Act 2015 apply only to information that you, as a mandated person, received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, if you have a reasonable concern about past abuse, where information came to your attention before the Act and there is a possible continuing risk to children, you should report it to Tusla under this Guidance.”

10.14 Reports of concerns towards Children

Any concerns in relation to the protection and welfare of children should be reported in line with Children First: National Guidance for the Protection and Welfare of Children. 2017 and the Brothers of Charity National Policy and Procedure for the Welfare and Protection of Children.

10.15 Human Rights

The Brothers of Charity Services Ireland Ethos enshrines the belief that people with intellectual disabilities, as all other human beings, are born free and equal in dignity and rights. It commits all those working on behalf of the Brothers of Charity Services Ireland to support the people who use these services in protecting and exercising their civil, political, economic, personal, social and cultural rights and fundamental freedoms, in accordance with national laws and international human rights conventions, declarations and standards.

The Brothers of Charity Services Ireland has a human rights policy to assess if people who use their services rights are being impinged

10.16 Protected Disclosures

Section 103 of the Health Act 2007 and the Protected Disclosures Act 2014 provide for the making of protected disclosures by health services employees. If an employee reports a workplace concern in good faith and on reasonable grounds in accordance with the procedures outline in the legislation it will be treated as a protected disclosure. This means that if an employee feels that they have been subjected to detrimental treatment in relation to any aspect of their employment as a result of reporting their concern they may seek redress.

11.0 Support

Each Director of Service/Service Leader is responsible for ensuring that support is available for:

- (a) People who are or who have been subject to Safeguarding Concerns;
- (b) Alleged persons causing safeguarding concerns who are in receipt of a service;
- (c) Families affected by any allegation of abuse.

The Designated Officer will ensure that appropriate follow up support is offered to individuals/families supported by our Services.

The HR Department will have responsibility for ensuring staff members who have an involvement in any allegation are offered support.

12.0 Filing System for Records of Allegations and Investigations

Each Regional Service will have a Records Management policy with regard to individual and staff files in line with the National Records Management Policy. This Policy will outline the arrangements for the security of confidential or privileged files. A system of cross-referencing confidential files to main service delivery files should be in place.

The implementation of the Records Management policy and, in particular, provision for the maintenance of confidential files, will be adequately resourced so as to ensure that these records are maintained to an appropriate professional standard.

Files in relation to allegations against staff should be held in the Human Resources office.

12.1 A Register of all Allegations of Abuse

The Services will maintain a Register of all allegations.

The register should record the following:

- Pin Number
- Gender
- Date of Birth
- Initials
- Has safety been ensured
- Date of allegation
- Abuse type
- Abuse Settings
- Gender of alleged person causing concern
- Relationship of person causing concern to person subject to safeguarding concern
- Initial screening
- Formal Investigation
- Garda notification
- HSE notification
- Status of case
- Outcome/actions taken

13.0 The National Designated Officers Group

The National Designated Officers Group of the Brothers of Charity Services Ireland will meet at least quarterly.

The National Designated Officers Group will meet with the National Chief Executive as required to raise any pertinent issues such as training needs, gaps in service provision, development of policies, and to ensure a consistent approach to the welfare and protection of vulnerable adults.

14.0 Annual Statistics

In line with good practice, each Designated Officer will submit annual statistics to their Director of Service/Service Leader.

The Director of Service/Service Leaders will forward an annual report to the National Chief Executive.

15.0 Evaluation and Audit

At the direction of the National Chief Executive, an audit of adherence to the Policy and Procedures for the Safeguarding of Adults with a Disability from Abuse, and

the management of allegations and will be carried out in two areas of the Brothers of Charity Services Ireland every second year.

16.0 Review

This policy document will be reviewed at intervals not exceeding three year or more regularly as required in the light of experience of its operation and in response to changing legislation or guidance from appropriate Agencies.

The responsibility for the review of this policy document rests with the National Chief Executive and the Chief Executive Forum.

17.0 Bibliography

- Going Forward Together Brothers of Charity Services 2001
- Department of Health and Social Services (Management Executive). Guidance on Abuse of Vulnerable Adults (1996)
- The Withholding information on offences against Children and Vulnerable Persons Act 2012
- Health Information and Quality Authority (HIQA). The National Standards for Residential Services for Children and Adults with Disabilities. Dublin 2013
- HSE (Dublin North East). Guidelines on the Protection from Abuse of Vulnerable Adults with a Disability (2006)
- Safeguarding Adults: Report on the consultation on the review of “No Secrets”. Department of Health 2009
- Prevention in adult safeguarding, Social Care Institute for Excellence, UK May 2011
- Office of the Ombudsman, Complaints and Complaint Handling, ombudsman.gov.ie
- Safeguarding Vulnerable Persons at Risk of Abuse National Policy and Procedures, Social Care Division, (HSE 2014)
- Policy on Human Rights Brothers of Charity Services South East 2010

Appendix 1 Types of Abuse

The following table provides definitions, examples and indicators of abuse with which all staff members must be familiar.

Type of Abuse: Physical	
Definition	Physical abuse includes hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.
Examples	Hitting, slapping, pushing, burning, inappropriate restraint of adult or confinement, use of excessive force in the delivery of personal care, dressing, bathing, inappropriate use of medication.
Indicators	Unexplained signs of physical injury – bruises, cuts, scratches, burns, sprains, fractures, dislocations, hair loss, missing teeth. Unexplained / long absences at regular placement. Person Supported appears frightened, avoids a particular person, demonstrates new atypical behaviour, asks not to be hurt.

Type of Abuse: Sexual	
Definition	Sexual abuse includes rape and sexual assault, or sexual acts to which the vulnerable person has not consented, or could not consent, or into which he or she was compelled to consent.
Examples	Intentional touching, fondling, molesting, sexual assault, rape. Inappropriate and sexually explicit conversations or remarks. Exposure of the sexual organs and any sexual act intentionally performed in the presence of a Person Supported. Exposure to pornography or other sexually explicit and inappropriate material.
Indicators	Trauma to genitals, breast, rectum, mouth, injuries to face, neck, abdomen, thighs, buttocks, STDs and human bite marks. Person Supported demonstrates atypical behaviour patterns such as sleep disturbance, incontinence, aggression, changes to eating patterns, inappropriate or unusual sexual behaviour, anxiety attacks.

Type of Abuse: Emotional / Psychological (including Bullying and Harassment)	
Definition	Psychological abuse includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

contd...

Type of Abuse: Emotional / Psychological (including Bullying and Harassment) contd...	
Examples	Persistent criticism, sarcasm, humiliation, hostility, intimidation or blaming, shouting, cursing, invading someone's personal space. Unresponsiveness, not responding to calls for assistance or deliberately responding slowly to a call for assistance. Failure to show interest in, or provide opportunities for a person's emotional development or need for social interaction. Disrespect for social, racial, physical, religious, cultural, sexual or other differences. Unreasonable disciplinary measures / restraint. Outpacing – where information / choices are provided too fast for the vulnerable person to understand, putting them in a position to do things or make choices more rapidly than they can tolerate.
Indicators	Mood swings, incontinence, obvious deterioration in health, sleeplessness, feelings of helplessness / hopelessness, extreme low self-esteem, tearfulness, self-abuse or self destructive behaviour. Challenging or extreme behaviours – anxious / aggressive / passive / withdrawn.

Type of Abuse: Financial	
Definition	Financial or material abuse includes theft, fraud, exploitation, pressure in connection with wills property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
Examples	Misusing or stealing the person's property, possessions or benefits, mismanagement of bank accounts, cheating the Person Supported for financial gain, putting pressure on the Person Supported in relation to wills property, inheritance and financial transactions.
Indicators	No control over personal funds or bank accounts, misappropriation of money, valuables or property. No records or incomplete records of spending. Discrepancies in the Person Supported's internal money book, forced changes to wills. Not paying bills, refusal to spend money, insufficient monies to meet normal budget expenses, etc.

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

Type of Abuse: Institutional contd...	
Examples	People supported are treated collectively rather than as individuals. Person Supported's right to privacy and choice not respected. Staff talking about the Persons supported personal or intimate details in a manner that does not respect a person's right to privacy.
Indicators	Lack of or poor quality staff supervision and management. High staff turnover. Lack of training of staff and volunteers. Poor staff morale. Poor record keeping. Poor communication with other service providers. Lack of personal possessions and clothing, being spoken to inappropriately, etc.

Type of Abuse: Neglect	
Definition	Neglect and acts of omission include ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life such as medication, adequate nutrition and heating.
Examples	Withdrawing or not giving help that a vulnerable person needs so causing them to suffer e.g. malnourishment, untreated medical conditions, unclean physical appearance, improper administration of medication or other drugs, being left alone for long periods when the person requires supervision or assistance.
Indicators	Poor personal hygiene, dirty and dishevelled in appearance e.g. unkempt hair and nails. Poor state of clothing. Non-attendance at routine health appointments e.g. dental, optical, chiropody, etc. Socially isolated i.e. has no social relationships.

Type of Abuse: Discriminatory	
Definition	Discriminatory abuse includes ageism, racism, sexism, that based on a person's disability, and other forms of harassment, slurs or similar treatments.
Examples	Shunned by individuals, family or society because of age, race or disability. Assumptions about a person's abilities or inabilities
Indicators	Isolation from family or social networks

Appendix 2 Added risk factors for adults with a disability

- Diminished social skills/ judgement;
- Physical dependence (for example need for help with personal hygiene and intimate care);
- Lack of education about appropriate sexual behaviour as well as a lack of knowledge about how to protect against abuse;
- Sensory difficulties;
- Isolation;
- Dependence on good will of carers;
- Power differences;
- Contact with multiple care services and carers;
- Fear of not being believed;
- Perceived limited reliability as witnesses;
- Frequent staff turnover.

Barriers for the a person who uses services to reporting/disclosing abuse or neglect

Barriers may occur due to some of the following:

- Fear on the part of the person who uses services of having to leave their home or service because they raised an issue or an allegation;
- A lack of awareness that what they are experiencing is abuse;
- A lack of clarity as to whom they should talk to;
- Lack of capacity to report the incident;
- Fear of an alleged abuser;
- Fear of the consequences of raising/disclosing abuse (such as not being believed);
- Limited verbal and other communication skills.

Other possible abusive practices/behaviours⁷

The following is a list depicting behaviours and attitudes to adults with a disability that are considered to be abusive practices in a care setting.

⁷ Brothers of Charity. Policy for the Protection and Welfare of Adults with a Learning Disability from Abuse in the Brothers of Charity Services Galway, 15th April 2011

- Threatening to hurt the person;
- Using any form of physical punishment;
- Denial of food, basic rights or privileges;
- Excessive use of force when feeding or toileting;
- Intrusiveness or disregard for a person who uses services privacy;
- Rude or offensive remarks considered demeaning by a person who uses services;
- Excessively or inappropriately using restraint procedures;
- Using medication to sedate an adult for agency convenience;
- Constantly being critical;
- Treating the adult as a child;
- Always making unilateral decisions for the individual person;
- Being indifferent when providing intimate care;
- Denying the right to privacy;
- Controlling access to friends, family and neighbours;
- Engaging in socially inappropriate routines such as having adults ready for bed in their pyjamas immediately after the evening meal or getting people up too early for the sake of the service;
- Discouraging contact with an advocate;
- Denying or making light of abuse;
- Withdrawing food or meals including supper or dessert as a punishment;
- Leaving the person unattended or in conditions of discomfort for example in wet clothes for periods of time;
- Excessive control over access to phone, TV or news;
- Using the persons own property or money as a reward or punishment in a behaviour programme.
- Limiting access to financial information resulting in unnecessary impoverishment.
- Use of seclusion in an unplanned manner on an ongoing basis.

Appendix 3 Duties and Responsibilities of the Designated Officer

- Be responsible for dealing with any concerns about the protection of vulnerable adults and the investigation of allegations or suspicions of abuse.
- Follow the procedures in relation to allegations as outlined in the Procedures for the Safeguarding of Adults with Disability from Abuse.
- Convene and chair the Management and Monitoring Group (Designated Team)
- Convene and chair Protection and Safeguarding meetings as required
- Identify the relevant person to carry out the role of Safeguarding Plan Co-ordinator
- Ensure that he/she is knowledgeable about the protection of vulnerable adults and that he/she undertakes any training considered necessary to keep him/her updated on new developments.
- In the event of an allegation against a family member, a third party, volunteer or host carer to arrange an initial screening and to make any notifications to HSE or the Gardai as may be deemed necessary.
- Identify the appropriate person to liaise with families of people supported by the Services where the person is either the subject of the safeguarding concern or the alleged person causing concern or ensuring that this task is completed.
- Notify the Director of Services and senior management where there are significant risks of abuse occurring to individuals
- Ensure that appropriate follow up support is offered to individuals who use our services and their families who are or may have been victims of abuse, alleged abusers, or affected by any allegation of abuse
- Maintain up to date records of the all allegations of abuse and ensure that these records are maintained in a secure and confidential manner.
- Submit annual statistics to the Director of Services

Appendix 4 Role and Responsibilities of Management and Monitoring Group (Designated Team)

The Management and Monitoring Group (Designated Team) will:

- Be a resource to the Designated Officer on all matters pertaining to reported abuse concerns
- Receive all the relevant information pertaining to the allegation from its disclosure to the preliminary screening report etc from the Designated Officer;
- Consider concerns which are referred to the group and using written reports and findings from the Screening process, make decisions on the following:
 - Identify who will carry out a formal assessment of the allegation if required
 - Review or develop a safeguarding plan to address the protection needs of the alleged victim and the person alleged to have caused harm, if that person is a user of the services, and other vulnerable people who may be in any way affected.
 - Agree the risk level involved and decide if the incident is placed on the risk register.
 - Identify when, and if, families of the alleged victim are to be informed. An exception will be made if an adult alleged victim makes a clear and informed decision that he/she does not wish for their family to be informed.
 - Identify the support needs of relevant parties and implement a plan. This can include support for the alleged victim, the person alleged to have caused harm if that person is a user of the services, and their family and staff.
 - Ensure the provision of feedback to the relevant service manager regarding the outcome of the meeting
- In relation to allegations, be informed of notifications to the Gardai, HSE or NIMS (National Incident Management System).
- Request any additional information/documentation that in their view may substantiate/disprove the allegation;
- Review recommendations of Safeguarding Plans;
- Confirm case status e.g. ongoing or closed;
- Ensure that signed and dated progress notes which are critical to the process are documented and recorded on the designated file.
- Consult with appropriate colleagues, where appropriate;
- Maintain a written record of all meetings;
- Conduct review meetings as appropriate.

Appendix 5 - Role of the Service Manager

- Ensure that a local policy for the safeguarding of vulnerable persons is in place and is compliant with the HSE National Policy.
- Ensure that local procedures are developed to support the implementation of HSE policy and procedures.
- Promote the culture of a zero tolerance approach to any type of abuse or abusive practice.
- Ensure that the policy and procedures is made available to all employees and volunteers and to all persons accessing services their advocates/families in an accessible format.
- Maintain a record of all employees and voluntary staff members sign off on policies/procedures/guidelines pertaining to the safeguarding of vulnerable persons.
- Ensure that all employees/volunteers receive the appropriate training with regard to the implementation of this policy.
- Ensure safeguarding is part of the induction programme for everyone involved in the service.
- Ensure that any concerns or allegations of abuse are managed in accordance with this policy.

Appendix 6 Membership of the Working Group

Michael J. Carroll, Senior Social Worker, Designated Officer, Waterford

Jo Rynne, Principal Social Worker, Designated Officer, Clare

Kieran Barrett, Designated Officer, Cork

Michael Flood, Designated Officer, Galway

Martina McGrath, Principal Social Worker, Designated Officer, Roscommon

Karen Lyons, Designated Officer, Limerick.