

CHILD SAFEGUARDING POLICY

For the

Legionaries of Christ
Institutions in Ireland



**STATEMENT, REPORTING PROCEDURES AND
GOOD PRACTICE GUIDELINES 2018**

Ireland

2019

This policy document of the Legion of Christ, follows the outline of the seven standards offered in Safeguarding Children: Policy and Standards for the Catholic church in Ireland, published by the National Board for Safeguarding Children in Catholic Church (NBSCCCI) in September 2016.

FOREWORD

Children occupy a central role in the teachings of Jesus, who pointed to the child as the ultimate symbol of the Kingdom of God. 'Whoever does not receive the Kingdom of God like a child shall not enter it' (Lk 18:17). This places a sacred duty on all staff and volunteers to ensure that children are welcomed, cherished and protected in a manner consistent with their central place in the life of the Church. The fact that Jesus reserved some of his severest warnings to those who would knowingly undermine the faith of one of these 'little ones' is a solemn reminder of the collective obligation to ensure the care and protection of children and young people.

The Legion of Christ and Regnum Christi attach the utmost importance to ensuring the protection and welfare of children under our care and commit to the implementation of this safeguarding statement, reporting procedures and good practice guidelines in the institutions directed by the Congregation of the Legionaries of Christ.

GOAL OF THIS DOCUMENT

The goal of this document is to present the policies and procedures of the Institutions directed by the Congregation of the Legionaries of Christ. It is directed to all those who participate in the spiritual, academic, disciplinary, athletic or cultural formation of children or young people in our centres of education and in the youth and family activities organised by members of the Congregation.

The contents of this document, having been approved for Ireland by the Territorial Director of the Legionaries of Christ, are obligatory for the priests and religious of the Legion of Christ, the consecrated members of the Regnum Christi Movement, the Directors, teachers, Deans of Discipline and Administrative personnel of all our institutions in Ireland and by all volunteers. The Directors of any of the institutions directed by the Congregation of the Legionaries of Christ in Ireland must make the contents of this document known to all our members, employees, volunteers and service providers and obtain their signed agreement to having been informed of them.

Service providers (catering, cleaning, transportation, security etc) and any other external personnel (clinics coaches where applicable) must also observe this document in all matters relating to their contracts with our institutions.

PROGRAMMES UNDER THE DIRECTION OF THE LEGION OF CHRIST IN IRELAND

- K4J (Kids for Jesus) (boys and girls)
- Challenge Youth Club (girls)
- Conquest Youth Club (boys)
- Team Creidim (boys and girls)
- Clonlost student retreats (boys and girls)

INSTITUTIONS UNDER THE DIRECTION OF THE LEGION OF CHRIST IN IRELAND

- Woodlands Academy (girls)
- Dublin Oak Academy (boys)
- Creidim Faith and Family Centre (boys and girls)

TERRITORIAL DIRECTOR OF THE LEGIONARIES OF CHRIST

This refers to the Provincial of the Order.

As of August 1st, 2018, the Territorial Director of the Legionaries of Christ is Fr. Valentin Gögele, L.C.

CODE OF CONDUCT FOR ADULTS WORKING WITH CHILDREN

This Code of Conduct applies to all adults who work with children and young people on a professional or voluntary basis in Legion of Christ/Regnum Christi related activities.

It is important for all employees and volunteers and adults in contact with children to:

- Treat all children with respect
- Operate within the Church and Legion of Christ's Child Safeguarding policy
- Always maintain the correct supervision ratios and not work alone with children
- Always engage with children in an open manner, taking care not to show favouritism
- Respect the right to privacy of children at all times
- Ensure that physical contact between children and adults is appropriate at all times
- Adults will not engage in rough play with each other or with children
- Never consume alcohol or use illicit drugs while having responsibility for or in the presence of children
- Ensure that parental consent is obtained before taking and publishing photographs/video recordings etc.
- Not give their personal details to children and ensure that the personal details of the children will be held only by the named leader
- There is a designated person within each group with whom the children can speak about their experience and raise any concerns
- Respect and adhere to public safety regulations and guidelines
- Where parents are present at arranged group activities/events - Parents have the sole responsibility for their children and they must remain under their supervision at all times

Employees, volunteers and others must avoid actions or behaviour that could be construed as poor practice or potentially abusive. For example, they should never:

- Use inappropriate language, make sexually suggestive comments or offer advice which is inappropriate, offensive or abusive.
- Behave physically in a manner which is inappropriate
- Do things for children of a personal nature that they can do for themselves
- Condone, or participate in, behaviour of children which is illegal, unsafe or abusive
- Act in ways intended to shame, humiliate, belittle or degrade
- Discriminate against, show different treatment, or favour particular children to the exclusion of others

Before working with children and young people, all adults should read the Legion of Christ Child Safeguarding policy and then sign the *Declaration Form for all persons working as employees or volunteers with children and young people*.

A CHILD OR A YOUNG PERSON IS DEFINED AS ANY PERSON UNDER THE AGE OF 18 YEARS WHO IS NOT OR HAS NOT BEEN MARRIED.

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INTRODUCTION

Number 1: WHAT THIS DOCUMENT CONTAINS

The Child Safeguarding policy of the Irish Catholic Church, is set out in Safeguarding Children: Policy and Standards for the Catholic Church in Ireland, 2016. Safeguarding Children contains seven safeguarding standards, namely:

Standard 1: Creating and Maintaining Safe Environments

Standard 2: Procedures for Responding to Child Protection Suspicions, Concerns, Knowledge or Allegations

Standard 3: Care and Support for the Complainant

Standard 4: Care and Management of the Respondent

Standard 5: Training and Support for Keeping Children Safe

Standard 6: Communicating the Church's Safeguarding Message

Standard 7: Quality Assuring Compliance with the Standards

This document contains the Child Safeguarding Statement required of 'relevant services' under the Children's First Act 2015. It describes how the seven standards of Safeguarding Children, are implemented in the Legion of Christ Institutions in Ireland.

Number 2: WHO THIS DOCUMENT IS FOR

This document is intended to assist all those residing and working with children at any of the institutions and programmes directed by the Congregation of the Legionaries of Christ in Ireland (defined on page 5)

Chapter 1 is the Child Safeguarding Statement of the Legion of Christ

Chapter 2 describes the safeguarding structure of the Legion of Christ and will be of assistance to those who want or need to know who is responsible for what when it comes to protecting children from harm in the institutions directed by the Congregation of the Legionaries of Christ in Ireland.

Chapter 3 sets out good safeguarding practice and is intended to assist those who work in in the institutions directed by the Congregation of the Legionaries of Christ in Ireland.

Chapter 4 describes what needs to be done when we have information that a child has been or may have been harmed. In particular, it outlines the requirements for reporting child protection concerns, both within the congregation, the local diocese and to the Civil Authorities (Tusla, the Child and Family Agency, and An Garda Síochána).

The Appendices provide additional information on data protection, dealing with complaints and whistleblowing.

Number 3: TERMINOLOGY USED IN THIS DOCUMENT

A child is a person under the age of 18 years old, excluding a person who is or has been married.

Safeguarding refers to those measures taken to create and maintain safe environments for children.

Child Protection consists of the work of recognising, responding to and reporting concerns that a child may have been, is being, or is at risk of being abused or neglected.

Harm refers to assault, ill-treatment, sexual abuse or neglect of a child.

The **civil authorities** referred to in this document are Tusla, the Child and Family Agency, and An Garda Síochána. These authorities have different responsibilities in relation to the protection of children. Tusla assesses current risk to children and advises on the implementation of appropriate protective measures. An Garda Síochána investigates alleged crimes and then refers cases to the Director of Public Prosecutions who decides on Prosecution.

All Personnel refers to all those working with children in the Legion of Christ Institutions - clergy, religious, staff (including deans, co-workers) and volunteers.

Number 4: REVIEW

This document will be reviewed and updated as necessary to reflect changes in legislation and in National or Church guidelines. The risk assessment contained in Chapter 1 will be reviewed every 2 years in accordance with the requirements of the Children First Act 2015.

CHAPTER 1

THE CHILD SAFEGUARDING STATEMENT OF THE LEGION OF CHRIST IN IRELAND



This statement has been prepared to comply with the requirements of the Children First Act 2015.

1.1 STATEMENT

The Legion of Christ, as a constituent member of the Catholic Church in Ireland, recognises and upholds the dignity and rights of all children, is committed to ensuring their safety and well-being and will work in partnership with parents/guardians to do this. The Legion of Christ recognises each child as a gift from God and values and encourages the participation of children in all activities that enhance their spiritual, physical, emotional and intellectual development.

All personnel (including clergy, religious, staff and volunteers) have a responsibility to safeguard children through promoting their welfare, health and development, in a safe and caring environment that supports their best interests and prevents abuse.

The institutions of the Legionaries of Christ, Regnum Christi and affiliated institutions collaborate with parents in the education of their children. The Directors of the Institutions will put in place such measures to create a safe environment conducive to the education and integral formation of the students.

All those affiliated with our institutions (members, staff, volunteers) will be properly trained in accordance with the contents of our Child Safeguarding policy and procedures and will adopt the code of conduct.

All knowledge or suspicion of abuse will be reported without delay to the Civil Authorities.

1.2 NATURE OF SERVICE AND PRINCIPLES TO SAFEGUARD CHILDREN FROM HARM

Through the programmes and Institutions run under the Directorship of the Legion of Christ in Ireland, all personnel (including clergy, religious, staff and volunteers) engage with children in a variety of ways:

- Children attending the Academies, board/reside at Woodlands Academy (girls) and Dublin Oak Academy (boys) throughout the academic year from September to June where no parents are on site.
- Children attend and board at the two Academies for summer camps during the month of July where no parents are on site.
- Children attend programmes provided at the Creidim Faith and Family Centre, such as weekend camps and day retreats where no parents are on site.

Through the above, all personnel engage with the students at different times throughout the day and supervision is provided at all times during all aspects of the day for example: meals, mass participation, sports activities, classroom, outside shower rooms, participation in friendship weekends (two day retreats) arranged by different sections throughout the year, trips abroad (five per year).

This list is not exhaustive.

Safeguarding Principles

The Legion of Christ endeavours to provide an environment for children (persons up to the age of 18 years) that is welcoming, nurturing and safe. This is done by:

- **Adopting a child centred approach;**
- **Obtaining parental/guardian consent for the involvement of children in all activities;**
- **Choosing carefully those who work with children;**
- **Ensuring that all personnel (including clergy, religious, staff and volunteers), behave appropriately towards children;**
- **Encouraging positive behaviour in children and adopting strategies to prevent bullying;**
- **Making proper arrangements and obtaining necessary parental/guardian consent when arranging activities and outings away from the institutions including trips abroad;**
- **Communicating appropriately with children and young people;**
- **Keeping good records.**

1.3 RISK ASSESSMENT

Risk Identified	Practices and procedures in place to manage identified risk.
Children could be exposed through their involvement in group activities, outings or trips, to people who may harm them.	Safe selection and recruitment procedures for all personnel, including vetting for all.
Those who work with children could engage in unsafe work practices or behave inappropriately towards them.	Ongoing Child Safeguarding training provided for all personnel. Employee Handbook/Policies in place. Appropriate communication with children (including use of social media). Dialogue (one to one meeting with a trained adult teacher for spiritual/personal formation) – logs kept of who, when, where and provided to CS representative to file. Parental consent is required to be in touch with children under 18 through social media/email.
Those working with children could operate in unsafe environments.	Proper procedures in place when arranging outings, activities and trips. All personnel given copy of the Code of Conduct for Adults working with Children, on commencement of specific role. Full risk assessment carried out before all outings and trips. Extra precautions/supervision put in place, in the case of high risk activities (e.g. rollercoaster park, ski, swimming).

<p>Lack of clarity as to who is responsible for what, when it comes to child safeguarding and protection in the Legion of Christ Institutions.</p>	<p>Roles and responsibilities are clearly laid out in this document Ongoing Child Safety Training sessions in place for all those working with children in all institutions.</p>
<p>Children involved in group activities may not understand what is expected of them in terms of their contact with and behaviour towards each other.</p>	<p>Adults who work with children expected to be good role models for them. Child Safety assembly in place for all students at the beginning of a new school year. Visible 'who to tell' signs in place Anti-bullying training and campaigns in place.</p>
<p>Concerns that a child may have been, is being or is at risk of being abused or neglected may go undetected and unreported.</p>	<p>This policy and the accompanying procedures are circulated to all personnel. Safeguarding information and training provided to all personnel. Safeguarding message conveyed to the public/ parents and guardians through email and website.</p>
<p>Personnel, whether mandated persons or others, may be unaware of their responsibility, or not supported, to report concerns that a child may have been, is being or is at risk of being abused or neglected.</p>	<p>Reporting thresholds and procedures are set out in procedures document and covered in training sessions. Joint reports will be made by DLP and Mandated Persons, where appropriate, taking account of data protection requirements.</p>
<p>Mandated persons may not be aware of their responsibilities under the Childrens First Act 2015.</p>	<p>Role of mandated persons described in this policy and during child safety training sessions provided.</p>
<p>Safeguarding practice in Legion of Christ Institutions/programmes may not be implemented.</p>	<p>Self Audits carried out once per year by DLP External review by National Board for Safeguarding Children in the Catholic Church in Ireland.</p>

1.4 CHILD PROTECTION PROCEDURES

The Legion of Christ promptly reports all concerns that a child may have been, is being or is at risk of being abused or neglected and manages such concerns as they apply to diocesan personnel in accordance with the requirements of the:

- Children First Act 2015
- Children First: National Guidance for the Protection and Welfare of Children 2017,
- Child Safeguarding: A Guide for Policy, Procedure and Practice
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

1.5 IMPLEMENTATION

The Legion of Christ is committed to the implementation of this Child Safeguarding Statement and the practices and procedures that support our commitment to keeping children safe from harm while engaged in activities provided through our programmes and at our Institutions.

The Child Safeguarding Statement will be reviewed in February 2020 or as soon as practicable after there has been a material change in any matter to which the statement refers.

Fr. Valentin Gogele, L.C., Territorial Director, Legion of Christ
Kieschecker Weg 240, 40468, Dusseldorf, Germany

For direct queries in each institution please contact:

Dublin Oak Academy: Mark Doran, Designated Person

Woodlands Academy: Lisa Homan, Designated Person

Creidim Faith and Family Centre: Fr. Aaron Vinduska, L.C., Designated Person

CHAPTER 2

THE SAFEGUARDING STRUCTURES OF THE LEGION OF CHRIST IN IRELAND



The Legion of Christ's Territorial Director has overall responsibility for ensuring that there are adequate arrangements in place to ensure that children, who participate in the activities of the Catholic Church in the Legion of Christ Institutions and programmes operating in Ireland, are protected from harm. A number of structures have been established to assist the Territorial Director in this task.

The Safeguarding team consists of:

The Designated Liaison Person (DLP)

The DLP is a person who has specific responsibility for ensuring that effective procedures are followed within the Legion of Christ Institution when dealing with child protection concerns*

All child protection concerns that relate to Church personnel and activities in the Legion of Christ Institutions must be reported to the particular DLP of that institution, who have the overall responsibility, entrusted to them by the Territorial Director of the Legion of Christ, to ensure that each child protection concern is correctly managed from start to finish.

The DLP for the Legion of Christ Institutions are outlined below:

Dublin Oak Academy
Mr. Mark Doran

Woodlands Academy
Mrs. Lisa Homan

Creidim Faith and Family Centre
Fr. Aaron Vinduska, L.C.

Child Safeguarding Representative

Each Legion of Christ Institution in Ireland is required to appoint a Safeguarding Representative. The Safeguarding Representative is responsible for the promotion of best practice and compliance with the Child Safeguarding policy at local level. The representative is trained for the role. The DLP maintains regular contact with the Safeguarding Representative.

**Child protection concerns are concerns that a child may have been, is being or is at risk of being abused or neglected.*

The Child Safety Representative for the Legion of Christ Institutions are outlined below:

- Dublin Oak Academy, Mr. Ryan Clear
- Woodlands Academy, Mrs. Trisha McKinney
- Creidim Faith and Family Centre, Ms. Marian Mellett and Mr. Kealan Mellett

Mandated Persons

Under the Children First Act 2015, the relevant section of which came into effect on 11 December 2017, a mandated person is required by law to report to Tusla, the Child and Family Agency, where he or she 'knows, believes or has reasonable grounds to suspect that a child is being harmed, has been harmed or is at risk of being harmed'.

Detailed guidance on mandatory reporting is contained in Chapter 4.

Communicating the Legion of Christ's Safeguarding Message

Each Legion of Christ institution in Ireland is required to display a Safeguarding Notice in a prominent place. This is a statement of the Legion of Christ policy and contains contact details for:

- Designated Liaison Person
- Tusla, the Child and Family Agency
- An Garda Síochána
- Child Safeguarding Representative

Safeguarding Training

All personnel who work directly with children in the Legion of Christ Institutions and programmes are required to attend a one day safeguarding training programme. Other people working in the Institutions attend a shorter safeguarding information session. Training is provided by the Archdiocese of Dublin. The HR Representative at each Legion of Christ Institution is responsible for the implementation of all Safeguarding training.

CHAPTER 3

THE CREATION AND MAINTENANCE OF SAFE ENVIRONMENTS FOR CHILDREN



This chapter sets out the safeguarding practices of the Legion of Christ.

3.1 A CHILD CENTRED APPROACH

This involves:

- Valuing children and demonstrating respect for them;
- Listening to them and taking their views seriously;
- Involving them in decision making, in a manner appropriate to their age;
- Dealing with their complaints and those of their parents and guardians, effectively and promptly;
- Setting clear boundaries and having appropriate expectations of their behaviour;
- Responding appropriately to those who raise concerns about poor practice;
- Using appropriate means of communicating with children and young people including ensuring that any dialogue (one to one logged conversations between a trained adult and a child) are in an open area.

3.2 OBTAINING CONSENT

- Written consent from parents or guardians is obtained from parents prior to the participation of children and young people in outings and events.

In relation to Dublin Oak Academy and Woodlands Academy, trips abroad, which are not included/authorised on the initial admissions application, friendship weekends, outings that are outside the main schedule, special events etc, a separate parental authorisation is requested by email.

In relation to Creidim Faith and Family Centre consent is obtained from parents on one main consent form which authorises all activities and trips, with the exception of trips abroad, where separate consent forms are sent to parents.

The consent should be a response from a description provided of the activity, trip, outing, those organising it/in charge, emergency contact details etc so that parents can make contact.

- Parents or guardians should indicate on Admission if the children have any specific dietary requirements, medical, or other needs.
- On application, parents are notified that there may be filming (use of webcams), photographs taken or video recordings made and specific permission sought from parents or guardians for their children's inclusion.

For the Legion of Christ Institutions, a written consent from parents or guardians is obtained on application, which authorises publications of photographs and video recordings on Academy/Faith and Family Centre official social media/web sites only.

3.3 CHOOSING CAREFULLY THOSE WHO WORK WITH CHILDREN AND ENSURING THEY RECEIVE SAFEGUARDING TRAINING

Employees, Contracted individuals, Clergy, Religious, Volunteers and Co-Workers are required to:

- Provide police clearance from their native country and any other country where they may have lived and worked for a period of 6 or more consecutive months since turning 18 years of age and prior to their commencement at any of the Legion of Christ Institutions in Ireland.
- Be Garda Vetted and have received clearance before arrival at any of the Legion of Christ Institutions in Ireland.

The employment of other staff in any of the Legion of Christ Institutions is carried out in accordance with the Legion of Christ's Institution's HR Policies and procedures which includes written applications, references, vetting and for some positions, psychological evaluation.

The Legion of Christ requires all personnel working with children to undertake an approved and certifiable session of training on Child Safeguarding procedures and refresher training every three years. All other staff are expected to attend a shorter, 2 hour safeguarding training session. Those with direct access to children are required to be trained by the Dublin Diocese. Those who do not have direct access can take an online training certification with TUSLA.

Garda Vetting

It is a requirement of the Legion of Christ that all those working with children undergo vetting through the National Vetting Bureau (formerly the Garda Central Vetting Unit)

Public ministry is defined in the legislation as 'any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children'. Those who minister for example as Eucharistic Ministers or Readers, for example, minister to children and must, therefore, be vetted.

Those who help out in an activity with children on an occasional basis are not required to be vetted but they should only work alongside those who have been vetted and if the occasional helping out becomes a regular occurrence they must undergo vetting.

Information on vetting and police clearance is available from the HR Manager in each Legion of Christ Institution. Applications are made via the HR Department, the Dublin Diocese and the central Garda Vetting Unit. The process can take up to 3 months.

Police Clearance

As well as Garda vetting, it is a requirement of the Legion of Christ that all those working with children gain Police clearance from any country where they have resided for more than six months since turning 18. This must be presented prior to arrival to work at the institutions.

Visiting Clergy/Religious

Any visiting religious/lay who wish to reside for one or more nights at either of the Legion's Institutions, must undergo the Garda vetting process and receive clearance prior to arrival.

Visiting religious who wish to minister in Ireland at the Legion of Christ institutions are required to be vetted and to produce a valid celebret.

3.4 ENSURING THAT ALL PERSONNEL BEHAVE APPROPRIATELY

This is best achieved through Child Safeguarding training and abiding by the Code of Conduct for all personnel. The aim of the Code of Conduct is to provide guidance to those working with children and to set out the expectations that the Legion of Christ, has of them. **A code of conduct contains some general guidance. It cannot cover every eventuality. Adults working with children have an overriding Duty of Care to them and this takes precedence over any specific requirement of the code of conduct.** For example, it is not appropriate for personnel to travel in a car alone with a child in the course of their work in the Legion of Christ institutions and programmes. However, if a child is in need of emergency medical treatment and there is no other way to get him or her to hospital than for an adult to travel alone with the child, it would be irresponsible not to do so. **Where it becomes necessary to depart from the code of conduct, the reasons for this should be carefully recorded and steps taken to avoid such a situation recurring in the future.**

When considering what sorts of behaviour are appropriate when dealing with children, it is important to bear in mind that the intentions of the adults/leaders are less important than the impact of their behaviour on the children. For this reason, a key aspect of any code is the creation of an environment where it is safe for children and young people to ask questions and express their concerns, confident in the knowledge that what they say will be heard, taken seriously and acted upon in the appropriate manner.

Codes of conduct drawn up by the Legion of Christ Institutions must contain the following:

- Positive statements, indicating what sorts of behaviours are appropriate, for example, listening to children.
- Prohibitions, indicating behaviour that is never acceptable, such as any form of physical chastisement.
- Good practice guidelines, indicating what is generally acceptable or unacceptable.

Positive statements that should form part of any code of conduct:

- Treat all people with respect;
- Provide children with good role models;
- Operate within Legion of Christ and State Child Safeguarding and protection principles and guidelines;
- Be visible to others when working with children and young people;
- Challenge and report abusive and potentially abusive behaviour;

- Develop a culture where children can talk openly, ask questions and express any concerns they may have;
- Respect each child's boundaries;
- Work in partnership with parents and guardians and share information with them.

The Code of Conduct should make clear that it is never acceptable to:

- Abuse a child or young person in any way;
- Physically chastise a child or young person;
- Develop a relationship with a particular child that is exclusive of others;
- Place a child at risk of harm;
- Speak to a child or behave in a manner that is offensive, developmentally inappropriate or sexually provocative;
- Do things of a personal nature for a child that he or she can do for him/herself;
- Condone unacceptable behaviour in a child;
- Discriminate against any individual or group;
- Ask a child to keep a secret.

Code of Behaviour for Children

Where activities are being run specifically for children, they should be involved in drawing up a code of behaviour for themselves. They will require assistance and guidance from adult staff and volunteers in doing so. Nonetheless they should be encouraged to avoid simply drawing up a list of prohibitions. The code should commit them to upholding values such as respect for self and others, valuing the contribution of each individual, and including those who are different by virtue of ethnicity, disability, sexual orientation or social background. The code should also refer to the issue of bullying in its many forms and how it is to be addressed. A special child safety and anti bullying assembly is held at the beginning of the academic year, delivered by the Director of each institution.

3.5 MAKING PROPER ARRANGEMENTS WHEN ORGANISING ACTIVITIES AND OUTINGS

All arrangements made when organising activities and outings are done for activities and outings, with the safety and wellbeing of the children as priority. Consent in regards to the Academies is given by parents before students arrive at the Academy and separate consent is requested in writing from parents by email, for any other extra trips not outlined in the calendar. The physical environment in which an activity/outing/trip abroad is due to take place, is assessed for possible hazards and the necessary steps taken to minimise risk of accident or injury.

Trips/Outings away from the Academy

- All trips, including day trips, overnight stays and holidays need careful advance planning, including adequate provision for safety in regard to supervision, transport, facilities, activities and emergencies. Adequate insurance should be in place.

- Consent should be sought from parents/guardians
- A copy of the detailed itinerary, complete with emergency telephone numbers while away should be made available to parents/guardians of children
- There should be adequate, age and gender appropriate, supervision of children
- Particular attention should be given to ensuring that the privacy of the children is respected when they are away on trips.
- The provision of appropriate and adequate sleeping arrangements should be ensured in advance of the trip.
- There should be separate male and female sleeping areas and appropriate supervision in place.
- The tasks required of those taking part should be appropriate to their age. For example, a young person under 18 should not be asked to carry out personal care tasks for others unless this is discussed and agreed with a parent/guardian (for example, where siblings are travelling together).
- There should be a named person to whom all concerns and complaints are referred and all such concerns and complaints should be followed up in a timely and efficient manner.

3.6 COMMUNICATING WITH CHILDREN AND YOUNG PEOPLE

As stated in 3.5, arrangements are made with the parents or guardians of children, not with the children themselves.

Those who minister, consecrated, teachers, co-workers, deans and all staff must observe appropriate professional boundaries with the students they encounter through their work and this requirement applies to their use of information technology, mobile phones and social media. They should not use any of these media to initiate or maintain personal relationships with the children. In particular they should not:

- Gather or retain a child's mobile phone number, except where this is done for a specific purpose related to their work.
- Provide a child with their own personal mobile number or email address.
- Access the internet with a young person unless authorised to do so as part of their work.
- Befriend a student child on any social media websites (e.g Facebook, Instagram, Snapchat etc)
- Take photographs of children or young people without prior parental permission from parents given on main application to the Academies – in relation to Creidim Faith and Family Centre – a 'Permission to Participate' form is given to children 11 years of age and older where they personally give consent and their parents sign as a witness.
- Communicate with a child by email, except where this is done with the approval of the institution and the child's parents and then only from an official account of the institution.
- Communicate with a child by text, except where this is done with the approval of the institution and the child's parents and then only from a designated 'work' phone of the institution.

3.7 FOLLOWING GOOD SAFEGUARDING PRACTICE WHEN WORKING OUTSIDE THE LEGION OF CHRIST INSTITUTIONS IN IRELAND

Where applicable in the case of personnel (including clergy, religious, staff and volunteers) are obliged at all times and in all situations to work in accordance with this policy whether operating within the Institutions or on behalf of the Legion of Christ or Regnum Christi in an external organisation.

In the event that personnel are working for an external organisation that does not have a child safeguarding policy in place or one that is considered inadequate, advice should be sought by the Designated Person of the Institution.

3.8 ENSURING EXTERNAL GROUPS HAVE THEIR OWN SAFEGUARDING POLICIES

Any group or individual who uses any of the Legion of Christ Institution's premises to run activities must be insured to do so and have their own child safeguarding policy.

It is not the responsibility of the Legion of Christ Institutions to evaluate the safeguarding policies of external groups. It is sufficient to ask them to sign to confirm that the policy exists.

3.9 KEEPING GOOD RECORDS

Since the Institutions of the Legion of Christ in Ireland are an organisation that must account for the manner in which it takes care of children at all times, it is very important that adequate records are kept, stored and retained in accordance with the Data protection policy in place at each Institution. An accurate record should be kept for each child participating in activities, including programme details.

Consent forms should be retained.

A written record of organisers, supervisors, employees and volunteers in attendance at events, such as meetings, clinics, outings, trips, sports league matches, friendship weekends, K4J outings, must be kept. Bus lists must be kept including name of driver on duty at the time.

An Incident/Accident Report Form should be completed in the event of an accident or incident relating to a child.

All records should be dated and signed.

Note: Additional guidance on safeguarding matters is available from the NBSCCCI website: <https://www.safeguarding.ie/index.php/guidance>

CHAPTER 4

DEALING WITH CHILD PROTECTION CONCERNS

(Concerns that a child may have been, is being, or is at risk of being abused or neglected)



The work of child protection consists of the 'Three Rs': the recognition of, response to and reporting concerns that a child has been abused, is being abused or is at risk of abuse. This chapter provides guidance in relation to these. It is taken from Children First, National Guidance for the Protection and Welfare of Children 2017.

4.1 RECOGNITION

In order to recognise child abuse, it is necessary to know what is meant by it. The abuse of children is generally categorised under four headings:

- Physical abuse
- Emotional abuse
- Sexual abuse
- Neglect

It is important to remember that children may suffer different forms of abuse. The sexual abuse of children, for example, is also a form of emotional abuse, especially when it takes place in the context of a relationship of trust.

Physical Abuse

Physical abuse is when someone deliberately hurts a child or puts them at risk of being physically hurt. It can be a single incident or a pattern of incidents. It can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking, hair pulling
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated or induced illness
- Female genital mutilation

Note: Corporal punishment by parents or guardians has not been banned in Ireland, as is sometimes stated. However, parents and guardians and others in authority who were prosecuted in the past for the alleged assault of children could make a defence of 'reasonable chastisement'. This was abolished by the Children First Act 2015 so that the protections in law relating to assault now apply to children in the same way as they do to adults.

Emotional abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a parent or guardian/carer and a child. Once-off and occasional difficulties in such relationships are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval,

consistency and security are not met due to incapacity or indifference from their parent or guardian carers.

Emotional abuse may take the form of:

- Rejection
- Continuous lack of praise and encouragement
- Lack of love and comfort
- Lack of attachment
- Lack of proper stimulation (for example, fun and play)
- Lack of continuity of care (for example, frequent unplanned moves)
- Persistent criticism, sarcasm, hostility or blaming
- Bullying
- Conditional parenting in which care of affection of a child depends on his or her behaviours or actions
- Extreme over protectiveness
- Inappropriate non physical punishments (for example, locking in bedrooms)
- Ongoing family conflicts and/or violence
- Inappropriate expectations of a child's behaviour relative to his or her age and stage of development

Emotional abuse is often not easy to detect. A child may show signs of emotional abuse through insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

Sexual abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others. It includes:

- Any sexual act deliberately performed in the presence of a child
- 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.
- Masturbation in the presence of a child, or the involvement of a child in the act of masturbation
- Sexual intercourse with a child whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
- Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography or the manipulation of an image of a child for the production of child pornography.
- Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act.
- Showing sexually explicit material to children, which is often a feature of the process of grooming children for abuse.
- Exposing a child to inappropriate or abusive material through information and communication technology.
- Consensual sexual activity involving an adult and an under-age person

Note: The age of consent to sexual intercourse is 17 years for both boys and girls and any sexual relationship where one or both parties is under the age of consent is illegal. However, a consensual sexual relationship between for example, two 16 year olds of a similar level of understanding and maturity is not considered to be sexual abuse (this matter is considered further below)

Neglect

Neglect occurs where a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of omission of care. Emotional neglect may lead to the child having attachment and relationship difficulties.

The following are features of child neglect:

- Children persistently left alone, without adequate care or supervision
- Malnourishment, lacking food, inappropriate food or erratic feeding
- Inadequate living conditions
- Lack of warmth
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Non organic failure to thrive, that is, a child not gaining weight, not alone due to malnutrition but also due to emotional deprivation.
- Failure to provide adequate care for a child's medical and emotional needs, including intellectual stimulation
- Abandonment or desertion

Note: Neglect is associated with poverty but not necessarily caused by it. It is strongly associated with parental substance abuse, domestic violence, parental mental illness and disability.

Indicators of abuse

Concerns that a child has been abused, is being abused or is at risk of abuse arise where there is:

- A specific indication from a child that he or she was abused (see next section).
- An account from a person who saw a child being abused
- An admission or indication by someone that he or she has abused a child
- Evidence, such as an injury to a child or a child's behaviour, which is consistent with abuse and unlikely to have been caused in any other way.
- Any concern about possible sexual abuse as per the indicators listed above.

4.2 RESPONSE

Explaining the reporting requirements

It is good practice to inform a person of the requirement to report child protection concerns to the civil authorities before any disclosure is made. It is not always possible to know that a person is about to disclose child abuse so the opportunity to do this may not arise. However, where a person, whether child or adult, asks to speak in confidence to a member of personnel (including clergy, religious, staff and volunteers), it is important to tell the person that certain kinds of information have to be reported to the civil authorities. This allows the person to make an informed decision whether to disclose the abuse or not. This applies when a child or adult discloses that he or she was abused, when a child or adult discloses that he or she was abused, when a child or adult discloses abuse of another person or where a child or adult discloses that he or she abused a child. It applies in every instance, outside of the sacrament of Confession.

Dealing with a disclosure of abuse

Where a child or young person discloses abuse to a person working in any capacity in the Legion of Christ institutions in Ireland it is important that the situation is handled sensitively and compassionately. It should be kept in mind that the child may feel he or she has taken a huge risk in disclosing the abuse. It is likely that he or she is doing so in the hope that something will be done to bring an end to the abuse, even if the child says he or she does not want anything done about it.

The person hearing the disclosure of abuse should:

- Remain calm
- Listen carefully and in a manner that conveys that the child is being heard and taken seriously
- Give the child the opportunity to tell their story in his or her own time
- Ask questions only for the purposes of clarification, such as, 'can you tell me what you mean by that?'
- Reassure the child that he or she has done the right thing in disclosing the abuse
- Tell the child that he or she is not responsible for the abuse
- Explain the steps that are likely to be followed after the disclosure of the abuse, including referral to the civil authorities.
- Record the disclosure, using the child's own words and without comment or interpretation, and date and sign the record.
- Report the disclosure (see next section)

The person hearing the disclosure should not:

- Promise to keep the information secret. However, the child should be reassured that the information will be shared only with those who have a right to hear it.
- Express any judgements about the person against whom the allegation is being made.
- Offer to provide continuing support unless the person is sure that this can be provided. It is better to make no commitment than to let the child down.

In the case of an adult disclosing child abuse, it is equally important that the initial response is characterised by compassion and sensitivity. The general guidance outlined above should be followed.

The parents or guardians of a child affected by suspected or disclosed abuse must be notified as soon as possible, unless doing so, places the child at risk.

4.3 REPORTING ABUSE

Tusla, the Child and Family Agency must be informed without delay when there are **reasonable grounds for concern** that a child has been abused, is being abused or is at risk of abuse. Reasonable grounds exist when any of the indicators described at the end of section 4.1 are present.

Information that a person has committed a serious offence against a child must be reported to the Gardai in addition to Tusla. The relevant offences are specified in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act. They include most sexual offences and others such as assault causing harm, abduction, manslaughter and murder.

The Designated Liaison Person is available to offer advice on whether the reporting threshold has been reached. The DLP will report the matter to the civil authorities on behalf of the person concerned about the possible abuse of a child or make a joint report if the person is a mandated person making a mandated report and where the matter relates to church personnel (see 4.5).

Any person is free to take their concern directly to the civil authorities. Where the concern relates to possible abuse within a church/religious context, for example an allegation that a consecrated/legionary working at the Legion of Christ Institutions has harmed a child, the policy of all institutions of the Legion of Christ in Ireland is that this information should be reported to the DLP, even if the person making the report also reports directly to the civil authorities. If the report goes directly to the civil authorities and is not shared with the DLP the Academy is not in a position to take immediate protective action thus exposing children to the risk of harm.

If the person decides to report their concern directly to Tusla, contact should be made with the social worker on duty in the local Tusla office. Tusla's child protection service operates through a network of local area-based social work teams. These teams operate a 'duty system', that is, there is a social worker on duty each working day during normal working office hours. The contact details of the local office are available in the phone book, on www.tusla.ie, by contacting the national office (01 7718500) and they are also displayed in prominent areas of the individual Institutions premises.

The duty social worker will be familiar with dealing with such concerns and will assist in identifying the key issues.

If the person who has a concern about possible abuse of a child takes it to the DLP and he or she decides not to report to the civil authorities, the DLP will inform the person of this in writing giving their reasons. The person is then free to take the concern directly to the civil authorities.

There may be a concern that a particular person represents a risk to the safety of children, even though the children at risk from this person cannot be identified. This could arise when, for example, a person known to have abused children in the past is seen in the presence of children. Such concerns should also be reported to Tusla. In cases where there is information of a child who is abused by another child, both should be reported to Tusla as child protection concerns.

All personnel (including clergy, religious, staff and volunteers) need to understand the limits of their child protection role. They can best help children by passing on information to those who can protect them, not by instigating their own investigation. The information should not be shared with anyone else. It is highly confidential information, to be shared only with those who need to know it for the purposes of protecting children.

If there is an immediate concern for the protection of a child, the Gardai should be contacted. Such a concern could arise for example, if the child states that he or she cannot go home for fear of being assaulted and Tusla and/or the DLP cannot be contacted.

The contact details for those who need to be contacted are given on the next page.

DETAILS OF PERSONNEL TO CONTACT IF YOU ARE CONCERNED ABOUT THE PROTECTION AND WELFARE OF A STUDENT AT THE LEGION OF CHRIST INSTITUTIONS IN IRELAND

Woodlands Academy,
Designated Liaison Person: Lisa Homan, 01 2866 323 Ext.156/0863210602
lhoman@arcol.org

Dublin Oak Academy,
Designated Liaison Person: Mark Doran, 01 2863290, 086 806 4705
sports@dublinoakacademy.com

Creidim Faith and Family Centre,
Designated Liaison Person: Fr. Aaron Vinduska, L.C, 086 806 4661
avinduska@legionaries.org

An Garda Síochana: Bray Garda Station, 01 6665300
www.garda.ie

Dundrum Garda Station, 01 6665600
www.garda.ie

For an immediate response in the event of an Emergency, call 112 or 199

Tusla, Child and Family Agency: Contact details of local office are available
From national office (01 7718500) or on www.tusla.ie

Northern Ireland Police: 0044 28 9065 0222

4.4 DEALING WITH CONCERNS THAT ARISE RELATING TO RELIGIOUS PERSONNEL

The following steps are taken in relation to all child protection concerns that relate to religious personnel in the context of the Institutions activities. Such concerns typically (but not exclusively) arise when adults disclose that they were abused as children by clerics or lay volunteers or employees. These are often described as ‘historic allegations’.

- All child protection concerns that reach the threshold of ‘reasonable grounds for concern’ are reported without delay to the civil authorities as outlined above.
- Appropriate interim protective measures are taken, pending the outcome of any investigation and/or assessment by the civil authorities. Such measures include the person against whom the allegation of abuse has been made having no contact with children.
- Final determination of the person’s future role within the Institution is informed by the outcome of any Garda investigation, Tusla assessment and internal disciplinary processes.
- Information about child protection concerns is only shared with those who need such information in order to keep children safe.
- A record is made of all child protection concerns and it is stored and retained in accordance with the appropriate professional and legal requirements in relation to confidentiality and data protection and in accordance with canon law and diocesan policy.
- All such child protection concerns are notified to the Territorial Director of the Legion of Christ Institutions in Ireland. Child protection concerns that relate to religious personnel are notified to the National Board for Safeguarding Children in the Catholic Church in Ireland.
- Allegations against religious personnel are dealt with in accordance with procedures set out in Archdiocese of Dublin: Procedure for dealing with allegations of Child Sexual Abuse against Clerics of the Diocese.
- No person against whom an allegation of child sexual abuse has been substantiated is permitted to work with children on behalf of any institution and no cleric against whom such an allegation has been substantiated can exercise clerical ministry at any of the Legion of Christ institutions in Ireland.

4.5 MANDATED PERSONS – Definition of a Mandated Person

From 11th December 2017 people holding certain positions (‘mandated persons’) are required by law to report to Tusla where he or she: ‘knows, believes or has reasonable grounds to suspect that a child is being harmed, has been harmed or is at risk of being harmed’. Mandated persons may also be required to assist Tusla in the assessment of such concerns.

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as mandated persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.

2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - (a) manager of domestic violence shelter;
 - (b) manager of homeless provision or emergency accommodation facility;
 - (c) manager of asylum seeker accommodation (direct provision) centre;
 - (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
 - (f) manager of a language school or other recreational school where children reside away from home;
 - (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - (h) director of any institution where a child is detained by an order of a court;
 - (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and

other bodies and organisations offering services to children;

(j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;

(k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

16. Youth worker who:

(a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and

(b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

17. Foster carer registered with Tusla.

18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Reporting Mandated Concerns

Children First guidelines place a moral obligation on anyone who comes into contact with a child to report to Tusla where he or she has reasonable grounds for concern that the child has been abused, is being abused or is at risk of being abused. **The Children First Act 2015 places a legal obligation on mandated reporters to report to Tusla any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed.** The threshold for mandated reports is higher than for non-mandated reports. The threshold is 'harm' as compared with 'reasonable grounds for concern' that abuse may have occurred.

Mandated reporting of neglect, physical and emotional abuse

The threshold for mandated reporting of neglect, emotional abuse/ill-treatment and physical abuse is reached when the mandated person knows, believes or has reasonable grounds to suspect that the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected by these forms of abuse. Mandated persons such as doctors, psychologists and social care workers will draw on their training and professional knowledge and experience in deciding whether the threshold has been reached.

However, for those in other professions, such as priests and consecrated, deciding on whether the threshold for a mandated report has been reached presents a greater challenge. Mandated persons ministering or religious working at all institutions of the Legion of Christ in Ireland, should seek the advice off Tusla if in doubt as to whether a child protection concern reaches the threshold for a mandated report to Tusla.

Mandated reporting of sexual abuse

In the case of sexual abuse, the situation is clearer. All sexual abuse falls within the category of seriously affecting a child's health, welfare and development and all concerns about sexual abuse require a mandated report to Tusla. There is one exception, however, and this concerns consensual activity between older teenagers. The age of consent to sexual intercourse is 17 and sexual intercourse below that age is against the law.

There is no requirement to make a mandated report of sexual activity between young people where all of the following criteria apply:

- One or both of the young people involved is aged between 15 and 17
- The age difference between them is not more than 24 months
- There is no material difference in their maturity or capacity to consent
- There is no intimidation or exploitation of either young person
- The young people concerned state clearly that they do not want the matter reported to Tusla.

Mandated reporting of disclosures of historic abuse

Most disclosures of historic abuse that come to the attention of personnel are historic, that is, they involve adults talking about experiences of abuse they suffered as children. The requirements of mandatory reporting apply to such disclosures.

Exemptions from requirements to report

Apart from the limited exemption concerning consensual sexual activity between teenagers there are two other situations where mandatory reporting does not apply:

- The legal obligation under Children First Act 2015 applies only to information acquired in the course of the mandated person's professional work or employment. However, there is a general obligation to report concerns (as defined above) under *Children First Guidance*.
- The legal obligation does not apply retrospectively, that is, mandated reporting only applies to information received or that the mandated person became aware of, after the relevant section of the Children First Act 2015 came into force, on **11th December 2017**.

How to make a mandated report

Reports should be sent to Tusla 'as soon as practicable' using the required form (available from <http://www.tusla.ie/children-first/publications-and-forms#SRP>). The form can be posted or sent electronically. If the matter is urgent Tusla can be contacted in advance of submitting the form, but it must be submitted within three working days.

Failure to report

There are no criminal sanctions under the Children First Act 2015 on mandated persons who fail to make a report to Tusla. Tusla may however report the matter, if applicable, to the professional regulatory body to which the person belongs. The matter may also be reported to the National Vetting Bureau and could, therefore, be disclosed in the course of the person's next vetting application.

As stated in 4.3 (above) the Criminal Justice (*Withholding of Information on Offences against Children and Vulnerable Persons*) Act 2012 makes it a criminal offence to fail to report to the Gardai information about a serious offence against a child.

This requirement is additional to the requirement to make mandatory reports to Tusla. The Legionary of Christ requires all those who are working in its institutions in Ireland to comply with the requirements of this policy and to meet their obligations under both the Children First Act 2015 and the Criminal Justice (*Withholding of Information on Offences against Children and Vulnerable Persons*) Act 2012.

Mandated Assisting

The Children First Act 2015 provides that all mandated persons can be asked by Tusla to provide assistance to it in assessing the risk to children arising from a mandated report. Such requests are more likely to be made to medical and social care professionals than priests or consecrated.

CHAPTER 5

DEALING WITH COMPLAINTS



STANDARD 3: CARE AND SUPPORT FOR THE COMPLAINANT

What is this standard?

Complainants who have suffered abuse receive a compassionate response when they disclose their abuse. They and their families are offered appropriate support, advice and pastoral care.

The Legion of Christ is responsible for ensuring that:

- A support person is appointed or that procedures are in place to share the services of a support person if required.
- Practice and policy on the care of the complainant is compliant with statutory and canonical law
- Complainants are met and facilitated to disclose abuse in an environment that meets their individual needs
- Complainants are heard in a spirit of acceptance and trust
- Appropriate care and assistance is offered to complainants and, as required, to their families
- Counselling, support and information is given to children and adults who wish to make a complaint of abuse
- Pastoral care is given to those who have been abused by Church personnel, where this is deemed helpful by the complainant.
- Working in cooperation with relevant organisations and seeking specialist advice from the statutory child protection services when necessary.

In relation to this Standard, the Designated Person is responsible for:

- Attending the initial meeting with the complainant (unless this is against the wishes of the complainant);
- Ensuring that all appropriate internal and external inquiries are instigated;
- Ensuring that relevant information regarding contact with the complainant is recorded and stored appropriately in the case file;
- Keeping the Church authority updated regarding the health and well-being of the complainant;
- Liaising with the support person to ensure that support, advice and pastoral care is offered to the complainant.

If relevant safeguarding concerns are raised with the support person by the complainant, the DLP must ensure that these are passed on to the civil authorities and to the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI).

STANDARD 4: CARE AND MANAGEMENT OF THE RESPONDENT

What is this standard?

The Legion of Christ has a fair process in place for investigating and managing child safeguarding concerns. When the threshold for reporting has been reached, a system of support and monitoring for respondents is provided.

The Legion of Christ is responsible for ensuring:

- Access to appropriately trained personnel – lay, religious, or clergy, whose clearly defined roles are to listen to and represent the pastoral needs of the respondent. This is done in consultation with the respondent.
- Arrangements are in place to inform the respondent that an allegation has been received about them, and a procedure is in place, for deciding whether an interim management plan needs to be put in place for the respondent.
- When statutory authority investigations and assessments have been completed, Legion of Christ resumes the preliminary investigation/collecting the proofs as provided for in Canon 1717 (1)–(3) (cleric) and Canon 695 (non-ordained religious).

In relation to this Standard, the Designated Person is responsible for:

- Ensuring that all child safeguarding concerns are notified to the statutory authorities and to the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI);
- Ensuring that all appropriate internal and external inquiries are instigated;
- Ensuring that relevant information regarding contact with the respondent is recorded and stored appropriately in the case file;
- Keeping the Church authority updated regarding the respondent, and liaising with the advisor to ensure that support, advice and pastoral care is offered to the respondent;
- Attending the initial meeting with the respondent;
- Monitoring respondents, or, with the Church authority, appointing a suitable person to carry out this role.

APPENDICES



CONFIDENTIALITY, DATA PROTECTION AND RECORD KEEPING

The Legion of Christ recognises the importance of ensuring every person's right to confidentiality and is committed to keeping confidential all personal information about complainants and respondents in so far as this is possible and lawful. When a child protection concern arises the information is shared on a 'need to know' basis, that is, it is shared with those who need to know it in order to ensure that children are protected from harm. The information is shared in accordance with the requirements of Church and national child protection guidelines, this policy and as required by law. Sharing information about child protection concerns, following the procedure outlined in this policy, with the appropriate authorities is not a breach of confidentiality. Those who work for or on behalf of the Legion of Christ cannot give an undertaking to any person not to disclose information about child protection concerns on the grounds of confidentiality.

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 creates an offence of failing to disclose to the Gardai, without reasonable excuse, information relating to certain specified serious offences against a child or a vulnerable person, where it is known or believed that the information will be of material assistance in securing the apprehension, prosecution or conviction of another person known or believed by the first person to have committed an offence. The specified offences include most sexual offences and others such as assault causing harm, abduction, manslaughter and murder.

The Protection for Persons Reporting Child Abuse Act 1998 provides immunity from civil liability to persons who report child abuse to the relevant authorities 'reasonably and in good faith'. Even if the reported concern proves unfounded, the person taking action against a reporter would have to prove that he or she had not acted 'reasonably and in good faith'. As well as providing protection from civil liability, the Act protects reporters from being penalised by their employers for reporting child abuse. However, it is an offence to report child abuse in the knowledge that the information reported is false.

Data Protection legislation attempts to ensure that an individual's right to privacy and dignity are respected, particularly regarding the use and sharing of personal data (information), whether the personal data is held electronically or manually.

The Legion of Christ complies with the new General Data Protection Regulation in place since the 25th of May 2018, whose principles include:

- Lawful, Fair and Transparent processing
- Specified and Lawful Purpose
- Data Minimisation
- Accuracy
- Storage Limitation
- Security, Integrity and Confidentiality

- Liability and Accountability

The Data Protection policies and Privacy Notices for the Legion of Christ Institutions in Ireland can be found on the following websites for the Academies:

- Woodlands Academy: www.woodlands-academy.org
- Dublin Oak Academy: www.dublinoakacademy.org

Creidim Faith & Family Centre's Data Protection Policy and Privacy Notice are displayed locally on site and can also be requested from the DLP.

APPENDIX 2

WHISTLEBLOWING

Whistleblowing is a term used to describe the action of someone who reveals wrongdoing within an organisation to the public or to those in positions of authority. There is legal protection for whistleblowers. The Protected Disclosures Act 2014 provides legal safeguards to employees, contract and agency workers and people on work experience schemes (but not volunteers) to report illegal practices or other specified wrongdoings such as abuse. This applies where the disclosure is made in good faith and on reasonable grounds and relates to any conduct or action which raises a significant danger to public health or safety.

The Legion of Christ institutions are committed to accountability and transparency as described throughout this document. The purpose of this Appendix is to encourage those who have concerns for the welfare or safety of any student involved in activities we provide in our institutions to express their concerns without the fear that they will be victimised or harassed for so doing.

It may be difficult to raise concerns or reluctance due to:

- Fear of getting it wrong and damaging the reputation of a colleague
- Fear of disrupting working relationships
- Fear of not being believed
- Fear that the information will be used inappropriately, precipitating a chain of events that spirals out of control

The following points need to be considered:

- The responsibility of everyone working for or on behalf of the Legion of Christ Institutions in Ireland for the protection and welfare of all, especially children or adults who are vulnerable or at risk
- That raising a concern in a timely manner can prevent a bad situation from spiralling out of control
- That raising a concern about one situation can reduce the risk of a similar situation arising in another part of the organisation

- That raising a concern about poor or inappropriate practice will prevent the person raising the concern from becoming implicated in such practice

The Legion of Christ is committed to ensuring that any person who raises a concern for the safety and welfare of any person arising from their involvement with their institutions in Ireland, will not be victimised, harassed or in any way disadvantaged provided that the person has reasonable grounds for concern, as outlined in Chapter 4.

There may be occasions where a member of staff, paid or voluntary, has a personal difficulty, perhaps a physical or mental health problem, which they know to be impinging on their professional competence.

That person has a responsibility to discuss such a situation with his/her Manager or DLP so that professional and personal support can be offered. Whilst such reporting will remain confidential in most instances, this cannot be guaranteed where personal difficulties raise concerns about the protection and welfare of children or adults who are vulnerable or at risk.

Any person who is concerned about poor or inappropriate practice or behaviour in any of the Legion of Christ Institutions should report it to the person in charge. However, the person may decide to take the concern to the DLP or to the civil authorities. Whatever decision the person takes, the concern will be taken seriously, investigated and the appropriate action taken. At another point, there may need to be a discussion as to why the person was unable to take their concern to the person in charge or to the DLP (if he or she has gone directly to the civil authorities) but this will be after the concern itself has been addressed. If the person believes that their concern has not been heard or taken seriously or that they have suffered negative consequences for raising the concern, they should bring the matter to the attention of the Territorial Director.

The Child Safeguarding and Protection Service is available to provide advice and support to any person who is concerned about the protection and welfare of children and adults who are vulnerable or at risk. Andrew Fagan (Director) or Julie McCullough (Child Protection Officer) are available during office hours on 01 8360314. They can also be contacted by email on: andrew.fagan@dublindiocese.ie and julie.mccullough@dublindiocese.ie

