

**SVP RECOGNISING AND
REPORTING WELFARE AND
PROTECTION CONCERNS ABOUT
CHILDREN OR ADULTS AT RISK
OR IN NEED OF PROTECTION**

National Safeguarding Policy and Procedures October 2018

NORTHERN IRELAND REGION



Society of St Vincent de Paul



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SVP Declaration of Safeguarding Guiding Principles

SVP is committed to creating a safe, healthy and inclusive environment for all, particularly the children, young people and adults who may be vulnerable that we assist. We are committed at all times to ensuring their safety and welfare through upholding children's rights specifically and human rights generally.

Through our network of local Conferences, Areas, Regions, and professional services, SVP provides a variety of supports to potentially vulnerable groups including children, young people and adults who may be vulnerable.

These services include:

HOME VISITATION

PRISON AND HOSPITAL VISITATION

RESOURCE CENTRES

CHILDREN'S SERVICES

YOUTH PROGRAMMES

DAY SERVICES FOR OLDER ADULTS

HOMELESS SERVICES

SOCIAL HOUSING

RETAIL SERVICES.

SVP BELIEVES THAT THE BEST INTERESTS OF VULNERABLE GROUPS, INCLUDING CHILDREN, AVAILING OF OUR SERVICES ARE PARAMOUNT.

These guiding principles apply to all members, non member volunteers, Conferences and Committees, employees including CE and FAS participants, students on placement, contractors and any others undertaking the work of SVP. We will safeguard children, young people and vulnerable adults by:

- » Reporting concerns to Statutory Authorities who need to know and involving parents, carers, children, young people and adults who may be vulnerable, at risk, or in need of protection;
- » Recognising the welfare of the child is of paramount importance;
- » Recognising the risks posed to adults who may be vulnerable, at risk or in need of protection;
- » Following carefully the procedures laid down for the recruitment and selection of members, non member volunteers and employees, including criminal record checks;
- » Requiring all people acting on behalf of SVP to conduct themselves in a way that reflects the mission and ethos of SVP.
- » We review our guiding principles and safeguarding procedures every two years or sooner if necessary depending on service provision and any changes in legislation or national policy.

A full list of Designated Liaison Persons is available at www.svp.ie

1. INTRODUCTION

This policy is relevant to all SVP members and employees who provide an SVP service occasionally or regularly, in the northern six counties. It takes cognizance of the different child and adult at risk safeguarding legislation, policies and structural differences that currently exist between the Republic of Ireland and Northern Ireland. It is complimented by a number of appendices which are Northern Ireland specific.

The policy describes the key principles that pertain to safe practice when dealing with safeguarding children, young people and adults at risk issues. It provides details on the current legal threshold for key agencies (PSNI and Social Services) to intervene to protect children or provide family support services. It also contains the policy definitions of the categories of child abuse and adult at risk abuse and reporting mechanisms that apply in Northern Ireland.

It contains a definition of an 'adult at risk and adult in need of protection', as outlined in current policies and protocols that are used by agencies to intervene and protect such adults. It also includes some guidance on how SVP personnel may recognise a child or adult at risk of abuse or neglect, record such concerns and report them to the Statutory Authorities.

2 | SVP RECOGNISING AND REPORTING WELFARE AND PROTECTION CONCERNS ABOUT CHILDREN

2.1 NORTHERN IRELAND LEGISLATION AND BEST PRACTICE GUIDELINES

The following pieces of legislation are relevant in the area of child protection and welfare in Northern Ireland Legislation:

- ⦿ UN Convention on the Rights of the Child 1989
- ⦿ Children (NI) Order 1995
- ⦿ Human Rights Act 1998 which incorporates the European Convention on Human Rights (ECHR)
- ⦿ Safeguarding Vulnerable Groups (NI) Order 2007 (as amended by the Protection of Freedoms Act 2012)
- ⦿ Sexual Offences (NI) Order 2008
- ⦿ Criminal Justice (NI) Order 2008
- ⦿ Family Homes and Domestic Violence (NI) Order 1998
- ⦿ Disability Discrimination Act 1995
- ⦿ Section 75 of the Northern Ireland Act 1998
- ⦿ Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015
- ⦿ Children's Services Co-operation Act 2015

Best practice policies, procedures and guidelines include:

- ⦿ Co-operating to Safeguard Children and Young People (2016), Department of Health (DoH)

- ⦿ Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse (2004) NIO, [PSNI and Social Services]*
- ⦿ UNOCINI Guidance (2008) DHSSPS
- ⦿ Standards for Child Protection (2008) DHSSPS
- ⦿ Safeguarding Board Act (NI) 2011
- ⦿ Public Protection Arrangements for Northern Ireland (2008) PPANI, NIO5
- ⦿ Achieving Best Practice in Criminal Proceedings (2011) CJSNI
- ⦿ Our Duty to Care (NI) 2016, Volunteer Now / DoH

* (NB currently being reviewed)

See Appendix 1 for more detail on legislation and guidelines in Northern Ireland.

The primary legislation that governs the protection of children in Northern Ireland is the Children (NI) Order 1995, (known as the 'Order') but there are many other legal statutes that apply to children and families in Northern Ireland.

To be in compliance with the UN Convention on the Rights of the Child (1989), this primary legislation was introduced in 1996 and among many changes, it increased the legal requirement on the state (and associated authorities) in relation to supporting families and protecting children and young people. It covers both public and private law matters and expands the legal concept of 'parental responsibility'. In your work with SVP it can be important to clarify who has 'parental responsibility' in a family (eg unmarried fathers for instance), if a

consent form is required. The 'Order' covers private law matters including parental disputes in relation to things like contact (with a child), residence (where a child lives), and other child related issues.

The Children (NI) Order 1995 defines a 'Child' as a person under 18 years of age, subject to some restrictions such as if the young person is married. The Children (NI) Order 1995 is underpinned by a set of principles that effect how the legislation is used in practice. The principles can conflict, and ultimately a family proceeding court may have to decide of the emphasis placed on each of them.

The five principles of this legislation are usually referred to as the 5 P's;

- ⦿ Paramountcy of the child;
- ⦿ Parental Responsibility;
- ⦿ Prevention;
- ⦿ Partnership;
- ⦿ Protection.

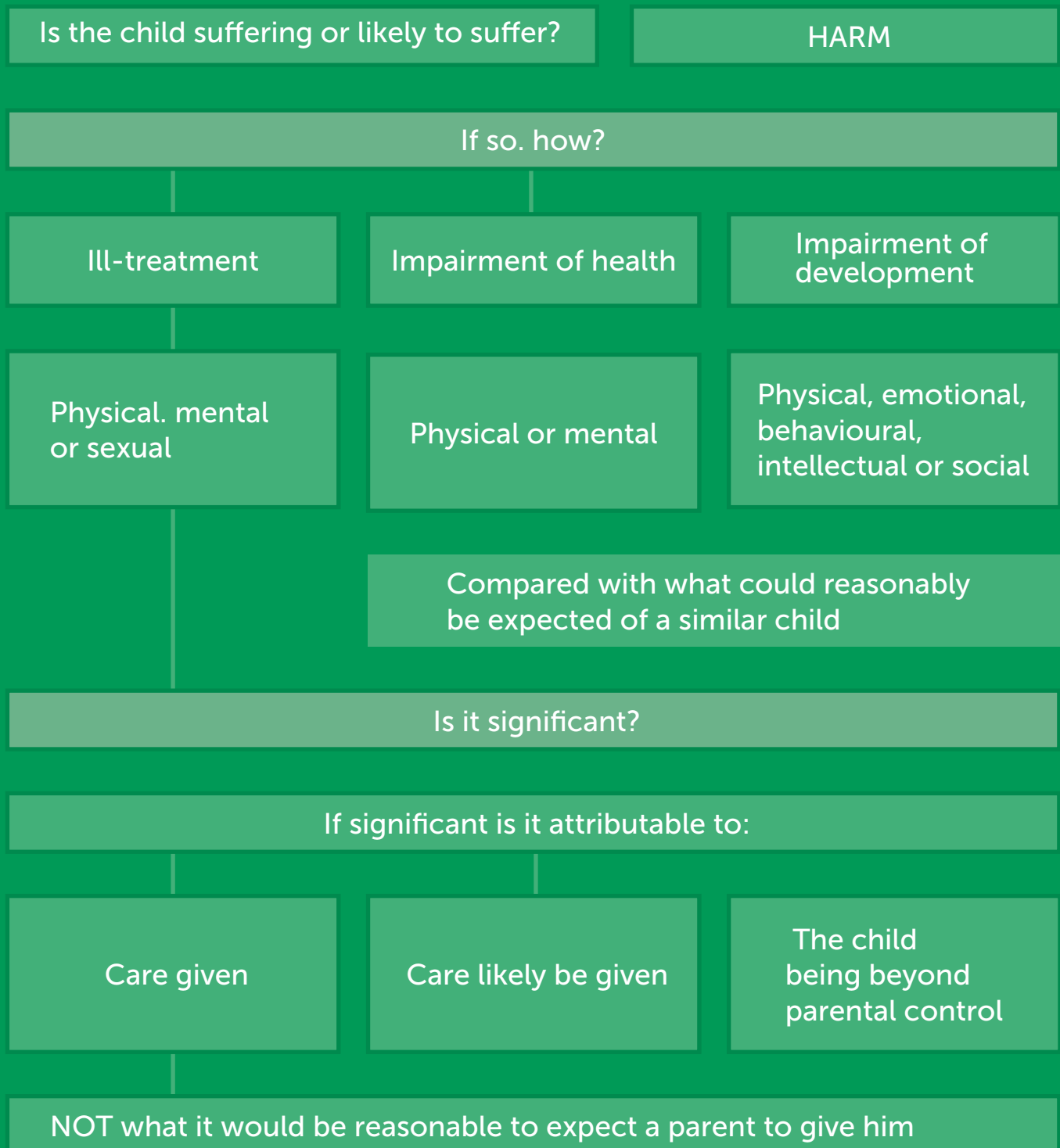
The 'paramountcy principle' states that the child's best interests are the paramount consideration in all decisions affecting the child. All SVP personnel should always act in the best interests of the children we are involved with, and we have a legal and moral obligation to ensure they are safe and protected from any form of abuse or neglect. The Order sets out the law in relation to the responsibilities of parents and also the statutory duty of the state to support families (article 17, Children (NI) Order) and provide services for children in need (article 18, Children (NI) Order).

In terms of child protection the Children (NI) Order 1995 introduced the concept of 'significant harm' (article 66,1 b) as a legal threshold for the state authorities (Social Services, PSNI and the NSPCC) to intervene in families to protect children in certain circumstances. Social workers and police officers must investigate all allegations of child abuse and neglect if they have 'reasonable cause' to suspect someone under the age of 18 years has 'suffered, or is likely to suffer significant harm'. The PSNI have the power under article 65 of the Order to investigate significant harm.

The diagram on Page 10 may assist SVP personnel to think about the concept of 'significant harm' but remember these questions will be considered by the Statutory Authorities that have to assess these situations, perhaps following a referral from the SVP.

Under the Safeguarding Vulnerable Groups (NI) Order 2007 there is a legal requirement on the SVP in Northern Ireland to check anyone who is undertaking "regulated activity" in their role with children and young people. These vetting procedures are currently undertaken by AccessNI but it must be remembered that these checks are a minimal requirement, many adults who pose a risk to children (or adults at risk) may not have a criminal conviction, and an AccessNI clearance certificate does not negate the need for the SVP to have robust internal safeguarding procedures and supervision processes in place.

SIGNIFICANT HARM CRITERIA



2.2 KEY PRINCIPLES OF BEST PRACTICE IN CHILD PROTECTION AND WELFARE (NORTHERN IRELAND)

All Northern Ireland policies, procedures and services to safeguard children should be based on the following principles from Co-operating to Safeguard Children and Young People (2016) Department of Health (DoH)

- ⦿ The child's welfare must always be paramount and this overrides all other considerations;
- ⦿ A proper balance must be struck between protecting children and respecting the rights and needs of parents and families; but where there is a conflict, the child's interests are paramount;
- ⦿ Children have a right to be heard, to be listened to and to be taken seriously. Taking account of their age and understanding they should be consulted and involved in all matters and decisions which may affect their lives;
- ⦿ Parents/carers have a right to respect and should be consulted and involved in matters which concern their families;
- ⦿ Actions taken to protect a child, including investigation, should not cause the child unnecessary distress or add to any damage already suffered;
- ⦿ Intervention should not deal with the child in isolation; the child must be considered in a family setting, with the impact of concerns also informing an assessment of the needs of other children within the family;
- ⦿ Where it is necessary to protect the child from abuse, alternatives should be explored which do not involve moving the child and which minimise disruption of the family;
- ⦿ Actions taken by agencies must be considered and well informed so that they are sensitive to and take account of the child's age, gender, stage of development, physical or mental disability, religion, culture, language, race and, in relation to adolescents, sexual orientation;

- ⦿ All agencies concerned with the protection of children must work together on an inter-agency basis in the best interests of children and their families;

2.3 DEFINITION AND RECOGNITION OF CHILD ABUSE AND NEGLECT

Good child protection practice means ensuring that SVP staff and volunteers know how to recognize a child protection concern. This does not mean that they are responsible for deciding whether or not abuse has occurred, but that they do have a responsibility to be alert to signs and indicators of abuse and behaviour by children or workers that suggests something may be wrong.

When there are concerns or where allegations are made, many people feel anxious about contacting Social Services or the PSNI, or about passing on information to anyone else. In such situations, it is natural that concerned individuals may experience, to some degree, the 'What if I'm wrong?' feeling which may hold them back from taking action.

It could emerge that a person's initial observations or information is not actual abuse and that there is some other explanation for the cause of their concern, but we cannot afford to take the chance in not reporting our initial concerns. Failure to act could be very dangerous for the child.

It is important to remember that an SVP person is not in a position to evaluate the situation fully because it is unlikely s/he will know everything there is to know about the child. The information s/he has may be only one piece of the jigsaw which, when added together with other pieces, may or may not show a picture of a child who is suffering abuse. Remember in child protection cases the child's welfare is paramount, irrespective of parents or other alleged perpetrators human rights etc.

Child abuse occurs when a child is neglected, harmed or not provided with proper care. Children may be abused in many settings, in a family, in an institutional or community setting, by those known to them, or more rarely, by a stranger. There are different types of abuse and a child/ young person may suffer more than one of them.



PHYSICAL ABUSE

Physical abuse is deliberately physically hurting a child. It might take a variety of forms, including hitting, biting, pinching, shaking, throwing, poisoning, burning or scalding, drowning or suffocating a child.



EMOTIONAL ABUSE

Emotional abuse is the persistent emotional maltreatment of a child. It is also sometimes called psychological abuse and it can have severe and persistent adverse effects on a child's emotional development.

Emotional abuse may involve deliberately telling a child that they are worthless, or unloved and inadequate. It may include not giving a child opportunities to express their views, deliberately silencing them, or "making fun" of what they say or how they communicate. Emotional abuse may involve bullying – including online bullying through social networks, online games or mobile phones – by a child's peers.



SEXUAL ABUSE

Sexual abuse occurs when other use and exploit children sexually for their own gratification or gain or the gratification of others. Sexual abuse may involve physical contact, including assault by penetration (for example, rape, or oral sex) or non penetrative acts such as masturbation, kissing, rubbing and touching outside clothing. It may include non-contact activities, such as involving children in the production of sexual images, forcing children to look at sexual images or watch sexual activities, encouraging children to behave in sexually inappropriate ways or grooming a child in preparation for abuse (including via e-technology). Sexual abuse is not solely perpetrated by adult males. Women can commit acts of sexual abuse, as can other children.



NEGLECT

Neglect is the failure to provide for a child's basic needs, whether it be adequate food, clothing, hygiene, supervision or shelter that is likely to result in a serious impairment of a child's health or development. Children who are neglected often also suffer from other types of abuse.



EXPLOITATION*

Exploitation is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; to take selfish or unfair advantage of a child or young person or situation, for personal gain. It may manifest itself in many forms such as child labour, slavery, servitude, engagement in criminal activity, begging, benefit or other financial fraud or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature.

*Although "exploitation" is not included in the categories of registration for the Child Protection Register, professionals should recognize that the abuse resulting from or caused by the exploitation of children and young people can be categorised within the existing CPR categories as children who have been exploited will have suffered from physical abuse, neglect, emotional abuse, sexual abuse or a combination of these forms of abuse.

In addition, please note below in relation to the physical punishment of children:

Article 2 of the Law Reform (Miscellaneous Provisions) (NI) Order 2006 came into operation in Northern Ireland on the 20th September 2006. Smacking of children by their parents isn't illegal in Northern Ireland. However,

since the 20 September 2006, parents charged with allegedly assaulting their children can't use the defense of "reasonable chastisement" if the assault caused an injury requiring a degree of medical treatment.

- ⊙ Someone else may tell you that a child has told them or that they strongly believe a child has been abused. You may receive information from a third party about a child or family that the SVP may or may not be involved with.
- ⊙ You may be aware that a parent's ability to safeguard or look after their children may become impaired through substance misuse, (including alcohol), mental health issues or domestic violence in the home.
- ⊙ Something in the behaviour of one of the SVP volunteers or staff may concern you in the way they relate to a child or something makes you feel uncomfortable in some way.

2.4 REPORTING PROCESS FOR CHILD PROTECTION AND WELFARE IN NORTHERN IRELAND

Under no circumstances should any individual member of SVP staff or volunteer or the organisation itself attempt to deal with the problem of abuse alone. It is important that everyone in the SVP is aware that the person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for the professional agencies (Social Services and the PSNI) following a referral to them regarding a concern about a child. The primary responsibilities of the person who first suspects or is told of abuse, is to report it and to ensure that their concern is taken seriously.

***Please note that in Northern Ireland there is no legal or procedural mandate for 'deciding not to report'.**

In Northern Ireland concerns, allegations or suspicions should be reported to social workers in the Health Trusts 'Gateway Teams' or PSNI 'Public Protection Units' – see NI contact details in Appendix 2 and 4. You may be asked to provide written confirmation of the referral, using the UNOCINI (Understanding the Needs of Children in NI) referral form (this will be managed by social services). Any notes that you have made should be made available to the Statutory Authorities.

2.5 CONFIDENTIALITY

Confidentiality in relation to child protection is conditional and is usually shared on a 'need to know' basis. While it may be difficult to share concerns about parents, colleagues, or indeed young people, which affect important working relationships, it is essential that considerations of confidentiality should not be allowed to override the right of children to be protected from harm. The prompt flow of accurate information can often be for the benefit and safety of all concerned. Significant information should only be shared internally and externally with appropriate personnel and agencies on a need-to-know basis.

2.6 RESPONDING TO AN ALLEGATION OR SUSPICION OF ABUSE

Abuse may come to light in a number of different ways. In essence, it may be alleged or suspected.

An allegation of abuse is direct, specific and supported by some sort of evidence. In this document, the term 'allegation' may include the following situations:

- ⦿ Where a person, either an adult or a child, alleges that they have been abused and they name the alleged perpetrator.
- ⦿ Where a person, either an adult or a child, alleges that they have been abused but are unable or are unwilling to name the perpetrator.
- ⦿ Where a person, either an adult or child, alleges that they have been abused but the perpetrator has died.
- ⦿ Where a person, either an adult or child, reveals that another person has told them s/ he was abused or where they themselves have witnessed abuse.
- ⦿ A suspicion is less direct or specific. However, in either case it is necessary to take action.

Where a child or young person discloses abuse to a person working in any capacity in the SVP, it is important that the situation is handled sensitively and compassionately. It should be borne in mind that the child may feel they have taken a huge risk in disclosing the abuse.

The following general guidance should be observed:

- ⦿ The person receiving the allegation should remain calm and not over react.
- ⦿ They should listen to the child or young person with sensitivity and understanding they should facilitate them in telling their story, but avoid interviewing them.
- ⦿ The person receiving the allegation should be conscious that the child or young person making the allegation may feel very frightened and need reassurance and support.
- ⦿ The person receiving the allegation should tell the child or young person making the allegation that they have done the right thing in disclosing the abuse.
- ⦿ It should be made clear that the person receiving the allegation is not in a position to promise to keep the information secret. However, reassurance can be given that it will be treated as confidential and will be shared only with those who need to know in order to safeguard the child.
- ⦿ The person receiving the disclosure should avoid appearing judgmental about the person against whom the allegation is being made.
- ⦿ The child or young person should not be questioned unless the nature of what is being said is unclear. It may be necessary to clarify that what was said has been correctly understood, but leading questions should be avoided.
- ⦿ Record the information using the child's own words and report to the Designated Liaison Person immediately.
- ⦿ The steps that are likely to follow should be explained to the child or young person.
- ⦿ Parents or guardians should be informed unless to do so would place the child or member in a greater position of risk.

2.7 RESPONDING TO AN ADULT MAKING AN ALLEGATION OF CHILDHOOD ABUSE

Those who have been abused in their childhood may not disclose the abuse until many years, or even decades later. The SVP is committed to creating a caring and responsive atmosphere in which people can disclose child abuse, regardless of how long ago it took place.

In the case of an adult retrospectively disclosing child abuse perpetrated outside the Society, it is important that the initial response is characterised by compassion and sensitivity. The person making the allegation should be informed that SVP's policies and procedures require the person receiving the allegation to report to the Designated Liaison Person.

The person receiving the allegation should ascertain if the person against whom the allegation has been made is still alive and whether s/he has access to children. Record in writing, all relevant information received including, for example, dates, times, names, location, context.

They should then inform the Designated Liaison Person of the allegation, who will report to the Statutory Authorities and inform the National Safeguarding Manager.

In the case of an adult retrospectively disclosing child abuse perpetrated within the Society, a sensitive response should also be adopted and the matter referred to the Designated Liaison Person in the Region who will inform the Statutory Authorities and the National Safeguarding Manager.

The Society is committed to providing a pastoral response to alleged victims. The National Safeguarding Manager is available to meet with victims should they wish. All alleged victims will also be given details of the National Counselling Service for Adults who have experienced child abuse (see Appendix 5 for details).

2.8 RESPONDING TO AND REPORTING CHILD PROTECTION CONCERNS

If you are concerned about the protection or welfare of a child or young person, contact the Designated Liaison Person in the Region (see Appendix 6 for Designated Liaison Persons Contact Details) or refer to the nearest Health Trusts Gateway Team.

2.9 THIRD-PARTY REFERRALS

In the event of a member, non member volunteer or employee of the SVP receiving information in respect of a suspicion of child abuse / welfare from a third party, this must be reported to the Designated Liaison Person who will take advice from the relevant Statutory Authority and inform the National Safeguarding Manager, regardless of any consideration in respect of confidentiality.

3. SVP RECOGNISING AND REPORTING WELFARE AND PROTECTION CONCERNS ABOUT ADULTS AT RISK OR IN NEED OF PROTECTION

3.1 MAIN RELEVANT NORTHERN IRELAND LEGISLATION

- ⦿ Safeguarding Vulnerable Groups (NI) Order 2007 (as amended by the Protection of Freedoms Act 2012)
- ⦿ Sexual Offences (NI) Order 2008
- ⦿ Mental Health (NI) Order 1986
- ⦿ Human Rights Act 1998
- ⦿ Family Homes and Domestic Violence (NI) Order 1998
- ⦿ Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015

3.2 BEST PRACTICE, POLICIES, PROCEDURES AND GUIDELINES

- ⦿ Adult Safeguarding Prevention and Protection in Partnership July 2015
- ⦿ Safeguarding Vulnerable Adults – A Shared Responsibility (2016) Volunteer Now/ DoH,

The Disclosure and Barring Service has been established since December 2012 as a result of a merger between the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA). Organisations in Northern Ireland will now make referrals to the Disclosure and Barring Service. There are two lists created, one of people barred from undertaking regulated activity with children, and another list for those barred from undertaking regulated activity with adults at risk.

3.3 DEFINITION OF AN ADULT AT RISK/ADULT IN NEED OF PROTECTION

In Northern Ireland, as per the Adult Safeguarding Prevention & Protection in Partnership July 2015 an “Adult at risk of harm” is a person aged 18 or over whose exposure to harm through abuse, exploitation or neglect may be increased by their;

(a) personal circumstances,

AND/OR

(b) life circumstances.

An “Adult in need of protection” is a person aged 18 or over whose exposure to harm through abuse, exploitation or neglect may be increased by their;

(a) personal circumstances

AND/OR

(b) life circumstances

AND

(c) who is unable to protect their own wellbeing, property, assets, rights or other interests. Safeguarding Vulnerable Adults: A Shared Responsibility,

3.4 GUIDING VALUES AND PRINCIPLES IN PROTECTION AND WELFARE: (ADAPTED FROM VOLUNTEER NOW AND DOH – A SHARED RESPONSIBILITY (2016))

- ⦿ Minimum standards for organisations working with adults at risk.
- ⦿ Policies and procedures (including audit processes);
- ⦿ Codes of behaviour for working with adults at risk;
- ⦿ How an organisation should manage risk;
- ⦿ How to report a concern or abuse;
- ⦿ Recording, management and supervision issues;
- ⦿ Access to information and knowledge – all adults at risk will have access to information that they can understand to make an informed choice;
- ⦿ Choice – all adults at risk will have the opportunity to select independently from a range of options based on clear and accurate information;
- ⦿ Confidentiality – all adults at risk will know that information about them is managed appropriately and there is a clear understanding of confidentiality and its limits among staff/volunteers;
- ⦿ Consent – all adults at risk have the right to be supported to make their own decisions and to give or withhold their consent to an activity or service. Consent is a clear indication of a willingness to participate in an activity or to accept a service. It may be signalled verbally, by gesture, by willing participation or in writing. No one can give, or withhold, consent on behalf of another adult unless special provision for particular purposes has been made for this, usually by law; (see human right legislation section 75 Human Rights Act (1998);
- ⦿ Dignity and respect – all adults at risk will be accorded the same respect and dignity as any other adult, by recognising their uniqueness and personal needs;
- ⦿ Equality and diversity – all adults at risk will be treated equally and their background and culture will be valued and respected;
- ⦿ Fulfilment – all adults at risk will be invited to engage in activities and offered services that enable them to fulfil their ability and potential;
- ⦿ Independence – all adults at risk will have as much control as possible over their lives whilst being safeguarded against unreasonable risks;
- ⦿ Privacy – all adults at risk will be free from unnecessary intrusion into their affairs; and there will be a balance between the individual's own safety and the safety of others;
- ⦿ Safety – all adults at risk will feel safe, and live without fear of violence, neglect or abuse in any form;

- ⦿ Support – all adults at risk will be supported to report any form of abuse and to receive appropriate support following abuse for as long as may be required.

3.5 DEFINITION AND RECOGNITION OF ABUSE

“Abuse is a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to another individual or violates their human or civil rights”

Action on Elder Abuse: definition of abuse 1993 which can be accessed at www.elderabuse.org.uk

As mentioned, if abuse does occur, in most instances a criminal offence may have been committed by the other person who could be a relative, carer, acquaintance etc. The protocol ensures that agencies work together and the PSNI and social services have a role in conducting an interview (probably recorded) with the adult at risk, and the PSNI will manage any criminal investigation. SVP staff and volunteers are regularly in contact with adults at risk will have a duty to report any direct allegations, or concerns they may have about the alleged or suspected abuse.

3.6 RESPONDING TO AND REPORTING ADULT AT RISK/ADULT IN NEED OF PROTECTION CONCERNS

If you are concerned about the protection or welfare of an adult at risk in Northern Ireland, contact the Regional Designated Liaison Person in your Region (see Appendix 6 for Designated Liaison Person Contact Details).

4. RESPONDING TO ALLEGATIONS AGAINST VOLUNTEERS OR EMPLOYEES

If an allegation is made against a member / employee there are two separate procedures to be followed.

4.1 REPORTING PROCEDURE IN RESPECT OF THE CHILD, YOUNG PERSON OR ADULT AT RISK

Where a member / employee of the Society becomes aware of an allegation of abuse by a member / employee they should refer to the Designated Liaison Person / and then the National Safeguarding Manager immediately.

The procedure for reporting child or adult at risk protection concerns above will be utilized (see section 2 and 3 of this document respectively). Action taken in reporting an allegation of abuse against a member / employee should be based on an opinion formed reasonably and in good faith. When an allegation is received it should be assessed promptly and carefully and referred to the Statutory Authorities.

4.2 PROCEDURE FOR DEALING WITH THE VOLUNTEER OR EMPLOYEE

When the Designated Liaison Person becomes aware of an allegation of abuse against a member / employee, s/he should inform the National Safeguarding Manager.

The National Safeguarding Manager will inform the Regional President. Following consultation with the Statutory Authorities, the National Safeguarding Manager and the Regional President together will privately inform the member / employee of the fact that an allegation has been made against them and the nature of the allegation.

The member / employee should be afforded an opportunity to respond and informed that a full written note will be kept of same.

It is the role of the National Safeguarding Manager to provide information and advice to both parties i.e. the Designated Liaison Person in respect of the child, young person or adult at risk or in need of protection and the Regional President in respect of the member / employee.

4.3 DUTY OF CARE TO THOSE WHOM WE ASSIST

When an allegation is made against a member / employee, the following steps should be taken:

The agreed procedures, the applicable employment contract and the rules of natural justice should be followed.

The first priority should be to ensure that no child, young person or adult at risk or in need of protection is exposed to unnecessary risk. As a matter of urgency, protective measures will be agreed. These measures should be proportionate to the level of risk involved and should not unreasonably penalise the member / employee financially or otherwise, unless necessary to protect children, young people or adults at risk or in need of protection. Where protective measures, such as suspension are implemented, it is important that the case is dealt within a specific time frame. Where suspension is considered to be disproportionate to the level of risk involved other actions will be considered eg greater supervision or change of role where there is no contact with children, young people, adults at risk.

In the case of employees, Human Resources will be informed by the National Safeguarding Manager.

- ⦿ Any action following an allegation of abuse against a member / employee will be taken in consultation with the Statutory Authorities and an immediate meeting will be arranged for this purpose.
- ⦿ The Society will take care to ensure actions taken by them do not undermine or frustrate any investigations being conducted by the Statutory Authorities. The National Safeguarding Manager will maintain a close liaison with these authorities to ensure this.
- ⦿ The Regional President and National Safeguarding Manager will maintain close contact with the person against whom the allegation has been made and support will be provided as necessary, independent counselling and support will be offered.
- ⦿ The Conference President will be informed of the allegation when possible.

There will be situations in which suspicions or allegations may turn out to be unfounded. It is very important that everyone in the Society knows that if they raise a concern reasonably and in good faith which, following an investigation, is not validated they have not in any way been wrong in their initial action.

If the allegation proves to be substantiated in Northern Ireland, referrals will be made to the Disclosure and Barring Service (DBS) if a staff member or volunteer has caused harm or poses a risk of harm to children or adults. Referrals should be made to the DBS following internal procedures, when the organization permanently removes the individual from regulated activity (or would have done had he/she not left). The individual may be put on the Children's Barred List or the Adult's Barred List.

4.4 RECORD KEEPING

Record keeping is of critical importance in this area of work. The ability to protect children, young people, adults at risk or in need of protection requires accurate records to be maintained.

It is essential that all members, non member volunteers and employees of the Society keep contemporaneous records of all child, young person, adult at risk protection concerns – this will include contacts, consultations and any actions taken.

Details must be recorded factually, accurately, non-speculatively, objectively and legibly.

Records in relation to child, young person and adults at risk or in need of protection concerns should be stored in a locked cabinet. Access should be available to Designated Liaison Person, National Safeguarding Manager, Regional President, National President. They should be stored indefinitely.

Completed and closed case files in relation to historical abuse issues and internal allegations will be held at both Regional and National Offices.

Not with-standing, the requirement of all involved in child and adult at risk protection to share relevant information, records are nevertheless confidential.

They do not belong to individuals and are the property of SVP at all times as per Data Protection legislation.

APPENDIX 1

NORTHERN IRELAND LEGISLATION AND GUIDELINES

The primary legislation that governs the protection of children in Northern Ireland is the Children (NI) Order 1995, (known as the 'Order') but there are many other legal statutes that apply to children and families in Northern Ireland.

To be in compliance with the UN Convention on the Rights of the Child (1989), this primary legislation was introduced in 1996 and among many changes, it increased the legal requirement on the state (and associated authorities) in relation to supporting families and protecting child and young people. It covers both public and private law matters and expanded the legal concept of 'parental responsibility'. In your work with SVP it can be important to clarify who has 'parental responsibility' in a family (unmarried fathers for instance), for instance if a consent form needed signed. The 'Order' covers private law matters include parental disputes in relation to things like contact (with a child), residence (where a child lives), and other child related issues.

The Children (NI) Order 1995 defines a 'Child' as a person under 18 years of age, subject to some restrictions such as if the young person is married. The Children (NI) Order 1995 is underpinned by a set of principles that effect how the legislation is used in practice. The principles can conflict in and ultimately a family proceeding court may have to decide of the emphasis placed on each of them. The five principles of this legislation are usually referred to as the 5 P's;

- ⦿ Paramourncy of the child;
- ⦿ Parental Responsibility;
- ⦿ Prevention;
- ⦿ Partnership;
- ⦿ Protection.

The 'paramourncy principle' states that the child's best interests are the paramount consideration in all decisions affecting the child. All SVP personnel should always act in the best interests of the children we are involved with, and we have a legal and moral obligation to ensure they are safe and protected from any form of abuse or neglect. The Order sets out the law in relation to the responsibilities of parents and also the statutory duty of the state to support families (article 17, Children (NI) Order) and provide services for children in need (article 18, Children (NI) Order).

In terms of child protection the Children (NI) Order 1995 introduced the concept of '**significant harm**' (article 66,1 b) as a legal threshold for the state authorities (Social Services, PSNI and the NSPCC) to intervene in families to protect children in certain circumstances. Social workers and police officers must investigate all allegations of child abuse and neglect if they have 'reasonable cause' to suspect someone under the age of 18 years has 'suffered, or is likely to suffer significant harm'. The PSNI have the power under article 65 of the Order to investigate significant harm.

Human Rights Act 1998 incorporates the **European Convention on Human Rights (ECHR)** into UK legislation. State authorities must use their powers reasonably and proportionately to protect children and young people.

SAFEGUARDING VULNERABLE GROUPS (NI) ORDER 2007 (AS AMENDED BY THE PROTECTION OF FREEDOMS ACT 2012)

Under the Safeguarding Vulnerable Groups (NI) Order 2007 there is a legal requirement on the SVP in Northern Ireland to check anyone who is undertaking “regulated activity” in their role with children and young people. These vetting procedures are currently undertaken by AccessNI but it must be remembered that these checks are a minimal requirement, many adults who pose a risk to children (or adults at risk) may not have a criminal conviction, and an AccessNI clearance certificate does not negate the need for the SVP to have robust internal safeguarding procedures and supervision processes.

THE SEXUAL OFFENCES (NI) ORDER 2008

The Sexual Offences (NI) Order updated legislation in relation to the protection of children (and persons with a ‘mental disorder’) from all forms of sexual abuse, including concepts like ‘internet grooming’. It increased the protection for children under the age of 13 years, who are deemed not to be able to consent to any sexual contact. Those children between 13 and 16 years are also afforded additional protection, and there is an increased range of offences. Children over 16 and under 18 years are also provided with protection from persons in a ‘position of trust’, such as a teacher, carer, coach etc.

The age of consent for sexual activity (heterosexual or homosexual) between children and young people (both genders) is 16 years of age and all other sexual activity under that age is illegal under the Order. The aim of the legislation is not to unnecessarily criminalise young people who may be in a relationship, but it is for the authorities to decide and all ‘underage’ sexual activity must be reported to the PSNI.

The Sexual Offences (NI) Order 2008 details changes to the range of sexual offences that can be committed. The Sexual Offences (NI) Order

sees the creation of new offences and increased tariffs for those who sexually harm children, including involving them in prostitution and ‘grooming’ them for illegal sexual purposes etc.

The Sexual Offences (NI) Order 2008 modifies the Sex Offenders Act 1997 to provide a court with the power to make a restraining order when sentencing a sex offender. The sexual offenders register was also introduced under this Act, it is managed by the MASRAM / PPANI multi-agency process throughout Northern Ireland.

THE FAMILY HOMES AND DOMESTIC VIOLENCE (NI) ORDER 1998

Research indicates that there are key links between domestic abuse in a family and child abuse and neglect. In Northern Ireland, the Family Homes and Domestic Violence (NI) Order (1998) main purpose was to consolidate the law on domestic violence and occupation of the family home.

It extends the protection the law can give to people who suffer domestic violence and importantly gives added protection to the rights of children in two ways. Firstly, when making certain decisions about the best interests of the child, the Court must consider whether the child has suffered or is at risk of suffering any harm through seeing the ill-treatment of another person.

This Order protects a wide range of people in family settings from molestation which means vexing and harassing behaviour. There needs to be awareness that children can be victims of domestic violence and that they should be encouraged to contact Social Services, the police, Women’s Aid or local solicitors to discuss legal protection. Children and young people can be protected by adults making applications on their behalf and in certain circumstances, depending on their age and understanding, can make applications to the court on their own behalf.

DISABILITY DISCRIMINATION ACT 1995

The Disability Discrimination Act 1995 introduced, over a period of time, new laws and measures aimed at ending the discrimination faced by many people with disabilities. The discrimination occurs when, for a reason related to an individual's disability, they are treated less favourably than other people to whom the reason does not apply, and this treatment cannot be justified. It also occurs when an employer or a service provider fails to make a reasonable adjustment in relation to the disabled person, and the failure cannot be justified.

In relation to disabled children, organisations that provide care for children and young people are subject to the Disability Discrimination Act as they are service providers. They should therefore strive to make their premises and activities as accessible as possible to disabled children.

Section 75 of the Northern Ireland Act came into force in January 2000 and places a statutory obligation on public authorities to promote equal opportunity with regard to disability, gender, religious belief, political opinion, racial group, age, marital status and sexual orientation. In addition, good relations between persons of different religious belief, political opinion and racial group should be promoted.

The Children's Services Co-operation Act (NI) 2015 places a requirement on individuals and organisations providing children's services to children to co-operate with each other to devise and implement cross cutting strategies. The Act is key to ensuring improved outcomes for children by supporting, enhancing and encouraging co-operation so that services are integrated from the point of view of the child or young person.

APPENDIX 2

NORTHERN IRELAND CONTACT DETAILS FOR HEALTH TRUST GATEWAY TEAMS

Belfast HCC Trust	028 9050 7000*
Northern HSC Trust	0300 123 4333*
Northern Gateway Team (Ballycastle, Ballymoney, Portrush, Coleraine)	028 7032 5462
Central Gateway Team (Ballymena, Magherafelt, Cookstown)	028 7965 1020
South Eastern Gateway Team (Antrim, Carrickfergus, Newtownabbey, Larne)	028 9334 0165
Southern HSC Trust	0800 783 7745*
Craigavon & Banbridge Gateway Team (Craigavon, Banbridge, Dromore, Lurgan, Portadown, Gilford)	028 3834 3011
Armagh & Dungannon Gateway Team (Armagh, Coalisland, Dungannon, Fivemiletown, Markethill, Moy, Tandragee, Ballygawley)	028 8771 3506
Newry & Mourne Gateway Team option 1 (Newry City, Bessbrook, Annalong, Rathfriland, Warrenpoint, Crossmaglen, Kilkeel, Newtownhamilton)	028 3082 5000
South Eastern HSC Trust	0300 100 0300*
Greater Lisburn Gateway Team (Lisburn, Dunmurry, Moira, Hillsborough)	028 9060 2705
North Down & Ards Gateway Team (Bangor, Newtownards, Ards Peninsula, Comber)	028 9181 8518
Down Gateway Team (Downpatrick, Newcastle, Ballynahinch)	028 4461 3511
Western HSC Trust	028 71314090

* This number is for referrals.

APPENDIX 3 CONTACT DETAILS HSC TRUSTS

HSC Trusts	Adult Safeguarding Service	
	Normal working hours (9am to 5pm)	Regional Out of hours *
Belfast	(028) 9504 1744	(028) 9504 9999
Northern	(028) 2563 5512	(028) 9504 9999
South Eastern	(028) 9250 1277	(028) 9504 9999
Southern	(028) 37564423	(028) 9504 9999
Western	(028) 7161 1366	(028) 9504 999
Regional Emergency Social Work Service	028 9504 9999 This is an emergency service to be used only when you need a social worker urgently, after hours. The RESWS will provide services for the following groups: Children and young people, Older people, People with mental health problems, People with learning difficulties, People with physical disabilities, Families and carers of all these groups .	

* **NOTE:** Out of hours means 5pm to 9am; and bank or other public holidays.

APPENDIX 4 PSNI AND RIQA CONTACT DETAILS

PSNI

Emergency	999
Non Emergency	101
General Enquiries	101

RQIA

	Normal working hours (9am to 5pm)
Belfast	028) 9051 7500
Omagh	028) 8224 5828

APPENDIX 5 ADULT COUNSELLING SERVICES

Nexus Institute offer counselling to survivors of childhood sexual abuse, victims of sexual violence including those who have experienced rape and sexual assault. They have nearly 30 years experience in providing a professional counselling service helping people to survive sexual violence.

Email: Info@nexusinstitute.org or phone

- ☉ Belfast 028 9032 6803
- ☉ Londonderry 028 7126 0566
- ☉ Enniskillen 028 6632 0046

APPENDIX 6 SVP DESIGNATED LIAISON PERSONS

HOME VISITATION

Mary Waide,
DLP for Safeguarding Adults At Risk.
Tel. 07845877393

Ciara McLean,
DLP Safeguarding Children & Young Adults at Risk.
Tel. 07816028577

SPECIAL WORKS

Pauline Brown,
DLP Safeguarding for Special Works.
Tel. 028 90750150 / 079 21876230

If the dedicated DLP is not available you can;

- ☉ Contact the other DLP
- ☉ Contact a member of staff who supports the DLP in their work.

Pauline Brown – Special Works (028 90750150)

Maria Fyfe – Adults at risk (028 90750151)

Joann Barr – Children at risk (028 71377311)

Please note that all safeguarding concerns must be raised with the DLP and a report forwarded to Regional Office. A template for reporting such issues is available upon request.

Most up to date DLP contacts can be found at www.svp.ie



Society of St Vincent de Paul

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