

Policy Name: Safeguarding Policy: Vulnerable Persons

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| Policy Title: | Safeguarding Policy: Vulnerable Persons |
| Description: | To give direction and guidance in relation to meeting MIE’s new statutory obligations under the Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures, (HSE 2014) and in the continued implementation of the best practice (non-statutory) guidance set out in Children First National Guidance 2017, with particular reference to vulnerable persons. |
| Author (Position): | President |
| Version: | 1.1 |
| Approved By: | MIE Governing Body |
| Policy Approval Date: | October 2023 |
| Date of Next Policy Review: | June 2027 (or as necessary) |

Safeguarding Policy: Vulnerable Persons

1. Statement

- 1.1. Marino Institute of Education (MIE) wishes to ensure that it maintains the highest possible standards in all its interactions with vulnerable persons. Vulnerable persons may be involved in the life of MIE in a number of ways, including being employees of MIE, visiting or using MIE facilities, or attending events.
- 1.2. This policy is the official Safeguarding Policy: Vulnerable Persons of MIE.
- 1.3. MIE recognises that the safety and welfare of vulnerable persons for whom it has responsibility is paramount. It undertakes to maintain the highest possible standards in order to meet its responsibility to protect and safeguard those vulnerable persons.
- 1.4. MIE is committed to the safeguarding of vulnerable persons from abuse. It acknowledges that all adults have the right to be safe and to live a life free from abuse. All persons are entitled to this right, regardless of their circumstances. It is the responsibility of MIE to ensure that, vulnerable persons are treated with respect and dignity, have their welfare promoted and receive support in an environment in which every effort is made to promote welfare and to prevent abuse.
- 1.5. Everybody operating on behalf of MIE must be alert to the possibility of the abuse of vulnerable persons and of their obligation to report any concerns to one of the Designated Liaison Persons (DLP). It is not necessary for any member of the MIE community to prove that abuse has occurred to report a concern. All that is required is that there are reasonable grounds for concern.
- 1.6. This policy and procedures document aims to ensure vulnerable persons are not placed at risk while involved in MIE activities. It outlines the steps to be taken when there is a concern about a vulnerable person's welfare, or when a complaint is made about a member of the MIE community. It is designed to protect both those in a position of trust and those for whom they have responsibility.
- 1.7. This policy is intended for all members of the MIE Community and particularly those who have contact with vulnerable persons in pursuance of their duties or in fulfilment of the requirements of programmes of study, and who wish to address any concerns they may have in relation to safety and wellbeing. It provides guidance on their responsibilities in relation to vulnerable persons and on safe practices when working with vulnerable persons.

2. Purpose

- 2.1. The purpose of this revised Policy and Procedure document is to give direction and guidance in relation to meeting MIE's new statutory obligations under the [Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures](#), (HSE 2014) and in the continued implementation of the best practice (non-statutory) guidance set out in [Children First National Guidance, 2017](#) with particular reference to vulnerable persons.
- 2.2. It is the duty of each member of the MIE Community to be familiar with and adhere to this policy and procedure document. It is the policy of MIE that all concerns, complaints and disclosures which give rise to reasonable grounds for concern are reported to the statutory authorities. A failure to report a protection concern is a disciplinary matter, is a breach of the MIE's Code of Behaviour (See [Appendix](#)) and therefore will be addressed under the relevant [disciplinary procedure](#).

3. Benefits

This document clearly sets out the responsibilities of all members of the MIE community in line with the most recent legislation in relation to the safeguarding of vulnerable persons.

4. Principles

- 4.1. The welfare of vulnerable persons will always be the paramount consideration.
- 4.2. The rights of any person who is the subject of an abuse complaint will be respected.
- 4.3. The safest possible practices must be adopted in all programmes and activities in order to minimize harm.
- 4.4. All members of the MIE community share a responsibility to promote welfare, avoid causing harm, and to not place themselves or others in situations of unnecessary risk.

5. Legal Framework

- 5.1. The procedures contained in this document take account of the [Children First Act, 2015](#) and the updated [Children First: National Guidance for the Protection and Welfare of Children](#) published in 2017
- 5.2. These procedures are informed by the [Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures](#), (HSE 2014), the [UN Convention on the Rights of Persons with Disabilities \(2006\)](#), and [National Vetting Bureau \(Children and Vulnerable Persons\) Acts 2012–2016](#).

5.3. Freedom of Information

5.3.1. Notwithstanding the requirement of all professionals involved in safeguarding cases to share relevant information, records are nevertheless confidential. They do not belong to individuals (except for independent practitioners) and are the property of the organisations that keep them. Under the [Freedom of Information Act 2014](#), members of the public have a right of access to records concerning them held by any public body and a right to have official information about themselves amended where it is incorrect, incomplete or misleading. Members of the public also have a right to be given reasons for decisions made concerning themselves. Requests to see records are processed in the first instance through the public body that holds the records. In the event of refusal of access, the decision may be appealed, and the ultimate arbiter is the Information Commissioner. At present, the Act applies to the HSE and TUSLA, but not to An Garda Síochána.

5.3.2. [The Data Protection Acts 1988 to 2018](#) afford similar rights to individuals to access personal data held about them by any entity whether in the public or private sector. The right to access applies to records held by the HSE and TUSLA and An Garda Síochána. However, the right to access does not apply in a number of circumstances.

5.4. The Assisted Decision-Making (Capacity) Act 2015

[The Assisted Decision-Making \(Capacity\) Act 2015](#) is in the process of implementation.

This will affect issues of capacity and consent.

6. Key Personnel

| Key Personnel | Name | Position | Address | DLP Phone Number |
|---|--------------------------|--|-------------------------------|------------------|
| Relevant Person for Safeguarding Statement | Dr Seán Delaney | Registrar and Vice-President | Marino Institute of Education | |
| Designated Person | Dr Julie Uí Choistealbha | Senior Lecturer Policy and Practice | Marino Institute of Education | 087 9191483 |
| Deputy Designated Person | Ciarán Fogarty | Director of Estates and Conferencing | Marino Institute of Education | |
| Members of the Safeguarding Team | Feargal Ó Laighin | Lecturer in SPHE | Marino Institute of Education | |
| | Natasha O'Donnell | Field Placement Coordinator (B.Sc. in early Childhood Education) | Marino Institute of Education | |
| | Dr Maja Haals Brosnan | Senior Lecturer and Course Leader for the B.Sc. in Early Childhood Education | Marino Institute of Education | |
| | Mairéad Minnock | School Placement Coordinator (Acting) | Marino Institute of Education | |
| Vetting Persons | Shauna Cassidy | Assistant Registrar | Marino Institute of Education | |
| Human Resources Manager | Róisín Sullivan | Director of HR | Marino Institute of Education | |

Named Personnel

Contact Details for MIE Support Services

- Marino Student Counselling Service
Rm 42, St. Patrick's Building, MIE Campus
marinocounselling@mie.ie
- Fairview Medical Centre
37 - 39 Fairview Strand, Dublin 3

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[\(01\) 833 9856](tel:018339856)

- Chaplaincy Service

Lily Barry

Marino Institute of Education

lily.barry@mie.ie

Contact Details for Statutory Services

1. TUSLA, Child and Family Agency

Heuston South Quarter, St John's Rd W, Kilmainham, Dublin, D08 X01F

Website: Tusla.ie

Phone: (01) 771 8500

Tusla operates an out-of-hours social work service, which is available by contacting An Garda Síochána. This service deals with any emergencies that occur outside of office hours. If there are concerns for the immediate safety of a child, please contact An Garda Síochána in an out-of-hours situation. The out-of-hours service deals with cases that come to the attention of An Garda Síochána, where a child is at immediate risk of harm.

A report can be made to Tusla in person, by telephone or in writing to the local duty social work service, these can be found on the Tusla website, www.tusla.ie, in the area where the child lives. If the report is made verbally it should be followed up by completing the [Child Protection and Welfare report form](#) available on the Tusla website.

2. An Garda Síochána Protective Services Unit,

<https://www.garda.ie/en/about-us/specialist-units/garda-national-protective-services-bureau-gnpsb/>

6.2. Roles and Responsibilities

i. The Governing Body¹

- a) Approve Safeguarding Policy: Vulnerable Persons
- b) Consider the three-yearly review of Policy and Procedures.
- c) Consider periodic reports of the Safeguarding Arrangements
- d) Direct any appropriate action based on such consideration

ii. The President

¹ See [Code of Governance](#) and [Matters Reserved for the Governing Body of MIE](#)

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- a) Appoint a DLP and a Deputy DLP.
 - b) Appoint a Relevant Person with overall responsibility for safeguarding within MIE.
 - c) Propose the Safeguarding Policy: Vulnerable Persons and procedure to the Governing Body¹.
 - d) Ensure that the Safeguarding Policy: Vulnerable Persons and procedure is reviewed on a three-yearly basis.
 - e) Consider any reports provided to him/her by the Relevant Person/DLP and ensure appropriate action is taken.
- iii. Relevant Person for Vulnerable Person Safeguarding Statement
- The Relevant Person for the Vulnerable Person Safeguarding Statement, appointed by the President of MIE, has overall responsibility for safeguarding:
- a) Formal delegated responsibility, by the President of MIE, in all safeguarding matters.
 - b) Submit an annual (or on such other occasions as may be appropriate and agreed) report on safeguarding to the President.
- iv. Members of the MIE Community
- This term refers to a Trustee, a member of the Governing Body¹, a member of faculty or staff, a student, a service provider and to persons working on a voluntary basis and to any member of the MIE Community who has contact with vulnerable persons or vulnerable persons.
- Members of the MIE Community must comply with the Safeguarding Policy and Procedure.
- v. Designated Person
- a) The Designated Person (DP) is a resource for any persons within MIE who has a safeguarding or welfare concern.
 - b) The DP(s) is appointed by the President of MIE. The DP reports to the Registrar on all matters arising from the implementation of the Policy. For reasons of confidentiality, the details of individual cases will not normally be revealed to the Registrar.
 - c) The DP is responsible for ensuring that reporting procedures within MIE are followed, so that concerns about the welfare of a vulnerable person are referred to promptly, as required. The DP should record all concerns or allegations of abuse

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brought to his or her attention, and the actions taken in relation to a concern or allegation of abuse.

vi. Human Resources Manager

a) Ensure best practices in all relevant areas.

b) Ensure the provision of recruitment, induction and ongoing training comply with guidelines/best practice in regards to safeguarding of vulnerable persons.

vii. Garda Vetting Person

Ensure all legal and related obligations are met.

viii. Head of Department

a) Appointment of Responsible Persons.

b) Authorisation for use of MIE Facilities for activities or programmes involving vulnerable persons.

7. Definitions

7.1. Vulnerable Person

A vulnerable person means a person, other than a child who;

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

b) has an intellectual disability,

c) is suffering from a physical impairment, whether as a result of injury, illness or age, or

d) has a physical disability, which is of such a nature or degree—

i. As to restrict the capacity of the person to guard himself or herself against harm by another person, or

ii. That results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

Restriction of capacity may arise as a result of physical or intellectual impairment.

Vulnerability to abuse is influenced by both context and individual circumstances.

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7.2. Definition of 'Disability'

The term “disability” for the purposes of this policy applies to persons who have physical, intellectual or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

7.3. Definition of 'Abuse'

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

Types of Abuse

There are several forms of abuse, any or all of which may be perpetrated as the result of deliberate intent, negligence or lack of insight and ignorance. A person may experience more than one form of abuse at any one time. The following are the main categories/types of abuse.

- a) **Physical abuse** includes hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.
- b) **Sexual abuse** includes rape and sexual assault, or sexual acts to which the vulnerable person has not consented or could not consent.
- c) **Psychological abuse** includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
- d) **Financial or material abuse** includes theft, fraud, exploitation, pressure in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- e) **Neglect and acts of omission** includes ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life such as medication, adequate nutrition and heating.
- f) **Self-Neglect** includes a spectrum of behaviours involving the failure to self-care or prevent conditions or situations that adversely affect a vulnerable person’s health and safety.
- g) **Discriminatory abuse** includes ageism, racism, sexism, that based on a person's disability, and other forms of harassment, slurs or similar treatment.

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7.4. DP

The person nominated as the DP for MIE when dealing with the HSE, An Garda Síochána and other parties in connection with allegations of and/or concerns about the abuse of a vulnerable adult.

In this document reference to the DP will include Deputy DP or any person so designated by the Relevant Person with overall responsibility for safeguarding.

7.5. Member of the MIE Community

For the purposes of this document, the term “member of the MIE Community” includes Trustees, persons involved in governance, Governing Body, members of the academic or support staff, students of MIE and/or those working on a voluntary/unpaid basis on behalf of MIE.

7.6. Responsible Person

The person appointed by a Head of Department to ensure appropriate safeguards and practices in their area of responsibility including risk assessment and management of all relevant activities/programmes.

8. Vulnerable Persons - Special Considerations

8.1. Abuse of a vulnerable person may be a single act or repeated over a period of time. It may comprise one form or multiple forms of abuse. The lack of appropriate action can also be a form of abuse.

Abuse may occur in a relationship where there is an expectation of trust and can be perpetrated by a person who acts in breach of that trust. Abuse can also be perpetrated by people who have influence over the lives of vulnerable persons, whether they are formal or informal carers or family members or others. It may also occur outside such relationships.

Abuse of vulnerable persons may take somewhat different forms and therefore physical abuse may, for example, include inappropriate restraint or use of medication. Vulnerable persons may also be subject to additional forms of abuse such as financial or material abuse and discriminatory abuse.

It is critical that the rights of vulnerable persons to lead as normal a life as possible is recognised, in particular deprivation of the following rights may constitute abuse:

- Liberty
- Privacy
- Respect and dignity
- Freedom to choose
- Opportunities to fulfil personal aspirations and realise potential in their daily lives
- Opportunity to live safely without fear of abuse in any form
- Respect for possessions

People with disabilities may be particularly vulnerable due to:

- Diminished social skills
- Dependence on others for personal and intimate care
- Capacity to report
- Sensory difficulties
- Isolation
- Power differentials

Adults who become vulnerable have the right:

- To be accorded the same respect and dignity as any other adult, by recognising their uniqueness and personal needs.

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

8.2. Non Engagement

Particular challenges arise in situations where concerns exist regarding potential abuse of a vulnerable person and that person does not want to engage or co-operate with interventions. Where an adult indicates that they do not wish to engage and concerns continue, MIE will need to consider the issue of capacity and in that regard the following will be noted:

- There is a presumption that all adults have capacity.
- An adult who has capacity has the right not to engage with services, if they so wish.
- If there is a concern that an adult is vulnerable and may or may not have the capacity to make decisions, the HSE may well have obligations towards them.
- Non-cooperation may be due to issues of capacity or may stem from, for example, some form of coercion.

Decisions as to the appropriate steps to deal with such situations need to be made on a case by case basis and with appropriate professional advice. It is also important to identify the respective functions and contributions of relevant agencies which include An Garda Síochána and the HSE. Inter-agency collaboration is particularly important in these situations.

9. Use of MIE Facilities by External Organisations

9.1. Use of MIE facilities by organisations and individuals who are not members of the MIE Community involving vulnerable persons

9.1.1. MIE welcomes groups and individuals within the MIE community using MIE's facilities. While using such facilities, MIE must be assured that all reasonable steps have been taken to safeguard vulnerable persons who may be involved in such activities.

9.1.2. MIE requires detailed information in respect of an application to use the facilities of MIE, which may involve vulnerable persons, in order to ensure that such vulnerable persons' welfare is protected as well as that of the adults involved. Any use of MIE facilities which may involve **vulnerable persons** will be dependent on compliance with the following requirements:

- a) Formal approval by Head of Department.
- b) Written confirmation of appropriate insurance, which indemnifies MIE from all liability, other than those arising from the physical environment of MIE.
- c) Written confirmation of existence of Safeguarding Policy: Vulnerable Persons.
- d) Written confirmation that persons involved have completed Garda Vetting.

9.2. External groups who wish to use MIE property, but not specifically engaging with vulnerable persons

9.2.1. All groups operating under the name or auspice of MIE must comply with MIE's Safeguarding Vulnerable Persons Policy and Procedures.

9.2.2. The responsibility for complying with safeguarding legislation and best practice including safe recruitment and vetting, rests with the group or individual using MIE's facilities and not with MIE.

9.3. Complaints arising

If a complaint is made to the Institute regarding a person who is not a member of the MIE Community, but who used Institute's facilities, the matter will be reviewed by the Preliminary Screening Group, who will determine the appropriate response, and necessary actions.

9.4. Risk Assessment – Activities and Programmes

When planning a programme or activity which will involve the participation of vulnerable persons it is necessary that;

9.4.1. The Head of Department/Person Authorising the Activity or Programme appoint a responsible person.

9.4.2. This process will be recorded on the MIE Vulnerable Persons - [Risk Assessment Form](#).

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9.4.3. The Responsible Person conducts a risk assessment process as an integrated part of the planning process.

9.4.4. Informed by the risk assessment, the management arrangements for the programme or activity must include appropriate risk management arrangements.

9.5. Risk Assessment

9.5.1. It should be noted that risk in this context is the risk of abuse and not general health and safety risk.

9.5.2. A risk assessment is an exercise which examines all aspects of the activity/programmes from a safeguarding perspective to establish whether there are any practices or features of the service that have the potential to put vulnerable people at risk.

9.5.3. The risk assessment process is intended to:

- a) Identify potential risks
- b) Develop policies, procedures and arrangements to minimise and manage the risks
- c) Review whether adequate precautions have been taken to eliminate or reduce these risks

9.6. Carrying out a risk assessment

9.6.1. As part of the risk assessment process, the organisation should reflect on what specific risks arise as a result of the activity/programme they provide and how these risks can be managed. The following steps in the diagram are a guide which may help the organisation consider where the potential for risk lies and how these risks can be managed.

STEP 1 - Identify Potential risks; Think about who or what might cause harm to vulnerable persons involved in the activity/programme. Involve a variety of persons in this process, as different people will have different perceptions of what is a risk.

STEP 2 - Rank each risk Rank each risk in terms of low, medium and high risks. To help rank each risk, consider the likelihood of the risk occurring and how serious the consequences could be.

STEP 3 - Control and manage the risks; Who owns the risk? Assign risk owners. What current controls are in place to reduce the risk? What future actions must be done to reduce the risk? What else do you need to do about the risk?

STEP 4 - Monitor and review; Are the controls effective? Are the actions effective?

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9.6.2. It is not possible to eliminate risk completely, but risks can be significantly reduced if they are properly managed.

9.7. The Management of Information

9.7.1. Confidentiality

9.7.2. Any person discussing any information regarding possible vulnerable person abuse or neglect must not be given an assurance of confidentiality or secrecy.

9.7.3. In sharing information, it is important to establish that the person or agency to whom it is provided has a right to know the information. The question which needs to be asked is whether or not the person or agency has any legitimate involvement or role in dealing with the matter.

9.7.4. Providing information to a person or agency that has a legitimate, usually statutory, involvement or role in the matter is not a breach of professional confidentiality.

9.7.5. It is important to note that the reporting of a disclosure or concern is not making an allegation or an accusation.

10. Procedure

10.1. Summary of actions to be taken by Members of MIE (Staff or Students):

| Step |
|--|
| 1. Consider the possibility, |
| 2. look out for signs of abuse /Establish reasonable grounds |
| 3. Record information |
| 3. Consent/Capacity and Confidentiality |
| 4. Responding to concerns |
| 5. Informing the DP |
| 6. Preliminary Screening process. |
| 7. Designated Person makes a report |

10.2. Actions to be taken by Members of MIE (Staff or Students):

It is imperative that those who have reasonable grounds for concern or have knowledge or suspicions that abuse of a vulnerable adult may have occurred should act promptly and sensitively in reporting it to one of the DP. The primary consideration must be the protection and welfare of the vulnerable person.

10.2.1. Stage 1: Consider the Possibility

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The possibility of abuse should be considered if a vulnerable person appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the vulnerable person seems distressed without obvious reason or displays persistent or new behaviours that challenge. The possibility of abuse should also be considered if the vulnerable person displays unusual or fearful responses to other people. A pattern of ongoing neglect should also be considered even when there are short periods of improvement.

10.2.2. Stage 2: Look Out for Signs of Neglect or Abuse

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between vulnerable persons and other family members/other persons. A cluster or pattern of signs may be likely to be indicative of neglect or abuse. A vulnerable person who is being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken seriously and should be acted upon.

10.2.3. Stage 3: Recording of Information

Record-keeping is of critical importance. Unless accurate records are maintained, the ability to adequately protect vulnerable persons may be severely compromised. It is essential that contemporaneous records of all reported concerns are kept in a safe place. These should include details of contact, consultations and any actions taken.

Care should be taken as to how such information is stored and to whom it is made available.

It is important that members of the MIE Community reporting suspected abuse should set out the basis for their concerns, note and record the conversations/observations accurately and then inform the Designated Person. People who have not received appropriate training should not conduct any interview in any detail about the alleged abuse.

10.2.4. Consent/Capacity and Confidentiality

- i. A key challenge arises in relation to work with vulnerable persons regarding capacity and consent. It is necessary to consider if a vulnerable person gave meaningful consent to an act, relationship, or situation, which is being considered as possibly representing abuse. While no assumptions must be made regarding lack of capacity it is clear that abuse occurs when the vulnerable person does not or is unable to consent to an activity or other barriers to consent exist, for example, where the person may be experiencing intimidation or coercion.

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- ii. It is important that a vulnerable person is supported in making their own decisions about how they wish to deal with concerns or complaints and are assured that their wishes will only be overridden if it is considered necessary for their own safety or the safety of others or arising from legal responsibilities.
- iii. In normal circumstances observing the principle of confidentiality will mean that information is only communicated to others with the consent of the person involved. However, all vulnerable persons and, where appropriate, their friend, carer(s), interpreter, representative(s) etc., need to be made aware that the operation of Safeguarding procedures will, on occasion, require the sharing of information in order to protect a vulnerable person or others.

10.3. Responding to Concerns

If staff members or students have any concerns, or anyone raises a concern with them, they must contact one of the DP immediately to seek advice. The DP should be notified without delay of the concerns and advice and guidance sought on how to proceed. In case of an emergency, where it is believed that a Vulnerable Person is at serious and imminent risk of harm, An Garda Síochána must be contacted. The Designated Person shall notify any suspicion or allegation of abuse to:

10.3.1. The Senior Manager with Responsibility for Safeguarding where the allegation is made against a student of MIE or other member(s) of the MIE Community and;

10.3.2. The Director of Human Resources where the allegation is made against an MIE employee, service provider, or an individual working on a voluntary basis on behalf of MIE.

10.4. Responding to a Vulnerable Person Making an Allegation

10.4.1. If a complaint of abuse is disclosed directly by a vulnerable person to a member of the MIE community, the vulnerable person is likely to be under severe emotional stress and the member of the MIE community may be the only adult whom the vulnerable person is prepared to trust. Great care should be taken not to damage this trust. When information is offered in confidence, the member of the MIE community will need tact and sensitivity in responding to the disclosure.

10.4.2. While the basis for concern must be established as comprehensively as possible, the following advice is offered to members of the MIE community to whom the vulnerable person makes a disclosure of abuse:

- Stay calm and listen
- Ask questions only for clarification

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- Offer reassurances of assistance, but do not make promises, particularly in relation to confidentiality;
- Do not panic;
- Do not make them repeat the story unnecessarily;
- Do not promise to keep secrets
- Do not investigate
- Do not make any judgement about an alleged abuser;
- Explain that further help may have to be sought;
- Record the words that are spoken and distinguish between these and your impressions/views
- Do not delay. This information must then be reported to one of the DPs.

10.5. Responding to an Adult Making an Allegation

Adults may make allegations regarding abuse in a variety of situations:

- 10.5.1. **Retrospective disclosures by adults of childhood sexual abuse** – it is important not only to consider the needs of the person making the disclosure but also to consider whether there is any current risk to any vulnerable person who may be in contact with the alleged abuser who is identified in such disclosures.
- 10.5.2. An increasing number of adults are disclosing abuse that took place during their childhoods. The person who receives the disclosure cannot maintain secrecy and must report the information to the DP.
- 10.5.3. **Current concerns about abuse based on information** they have received from a third party or worrying behaviour they have witnessed. It is important to listen and take note of the information which the person has but not to probe or attempt to assess or judge the situation.
- 10.5.4. Take note, in particular, of objective or factual information. Inform the person of the obligation to report the information to the DP and potentially to the statutory authorities.
- 10.5.5. **Person admitting abuse** – a person disclosing involvement in abusive behaviour must be informed that regardless of when such behaviour occurred the information disclosed must be reported to the DLP and ultimately to the statutory authorities. This should be made clear to the person at the earliest possible time. The person should also be informed that advice will be sought on the availability of appropriate support services.

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10.5.6. **Anonymous referrals** – information received anonymously can create considerable difficulty in meeting responsibilities arising, and rights of, to all parties. All anonymous referrals must be reported to the DP.

10.5.7. No undertaking regarding secrecy can be given to any person wishing to report an abuse concern.

10.5.8. If the information is received anonymously, through for example a letter, it will be considered by the Screening Group.

The Screening Group will consider:

- i. The seriousness of the concern.
- ii. The capacity to establish any relevant information from appropriate sources.
- iii. The rights of any person identified, and their rights, to be informed and to have their good name and reputation protected.

10.5.9. The Screening Group is authorised to make a determination as to how the matter is to be dealt with.

It is important that a vulnerable person is supported in making their own decisions about how they wish to deal with concerns or complaints and are assured that their wishes will only be overridden if it is considered necessary for their own safety or the safety of others or arising from legal responsibilities.

10.6. Informing the DP

10.6.1. All complaints or suspicions of abuse must be notified to the DP.

10.6.2. In situations of immediate risk, the DP is authorised to immediately notify the relevant statutory authority.

10.6.3. The DP will convene a meeting of the Preliminary Screening Group and agree the appropriate participants with the Relevant Person.

10.7. Preliminary Screening

10.7.1. If a complaint or report of abuse is made, or a related concern arises, a preliminary screening will be undertaken by the Screening Group. The Screening Group will comprise of:

- i. The Relevant Person (Chair)
- ii. The Designated Officer
- iii. And the following, as may be considered appropriate by the Relevant Person and Designated Officer:
 - a) Head of Area in which complaint/concerns arises (if appropriate)
 - b) Other officer of MIE as may be appropriate.

c) Relevant advisors as determined by the Chair.

10.7.2. The preliminary screening will:

- i. Establish the available information
- ii. Ascertain if reasonable grounds for concern exist and if it is possible that an abusive interaction could have occurred (this should not attempt to establish whether or not the abuse actually occurred)
- iii. Identify all necessary actions and identify who will be responsible for such action.

10.7.3. In considering the available information regarding the complaint, the objective is to establish if reasonable grounds for concern exist. Before deciding whether or not to make a formal report it may be appropriate to discuss the concerns with a relevant professional and/or directly with the statutory agencies. Decisions, including decisions to report to the statutory authorities must be based on an opinion formed 'reasonably and in good faith'.

10.7.4. The outcome of the Preliminary Screening Group will determine what further action, if any, is to be undertaken.

Any person dissatisfied with this outcome may themselves report the matter to An Garda Síochana and/or HSE.

The Relevant Person may overrule the decision of the Screening Group not to report the allegation.

10.7.5. If satisfied that an abusive interaction could not have occurred and that no reasonable grounds for concern exist, and no further action is required, the Screening Group will ensure that a record of the concern and the outcome of the preliminary screening process is maintained securely. The person reporting the concern will be informed of this decision.

10.7.6. If satisfied that an abusive interaction could have occurred, and that reasonable grounds for concern exists, the Screening Group will ensure that:

- i. Consultation occurs with the statutory agencies.
- ii. All necessary actions are identified, and a named person will be responsible for each action.
- iii. If immediate risk arises a report should be made immediately to An Garda Síochána.

10.7.7. If the Screening Group believes that further information is required before reaching a decision then;

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- i. The specific information should be identified
- ii. The person/s responsible for securing the information should be identified
- iii. And the necessary information should be gathered as quickly as possible

10.8. Designated Officers Report Neglect or Abuse

10.8.1. The Designated Officer acting as the liaison with outside agencies will, when appropriate, make reports to relevant statutory agencies.

10.8.2. The Relevant Person, with the Screening Group's Support, will determine the necessary arrangement for ongoing management and communication.

10.9. Deciding to 'Report'

10.9.1. Dealing with abusive situations can create uncertainty and fear. Real fears can exist regarding repercussions. These can lead to minimising and even denial of the abusive situation. Reporting a concern in not concluding or determining that abuse has occurred – this is the task of the appropriate statutory authorities.

The threshold for reporting is ***'are these reasonable grounds for concern?'***

10.9.2. In the event of an emergency where a vulnerable person is in immediate danger contact must be made with An Garda Síochána. This may be done through any Garda station.

10.9.3. MIE will provide appropriate support to any member of the MIE Community who, in good faith, reports an abuse concern.

11. Related Documents

- 11.1. [Disciplinary Policy](#)
- 11.2. [Marino Institute of Education Vulnerable Persons – Risk Assessment Form](#)
- 11.3. [Vetting Policy \(Staff\)](#)
- 11.4. [Dignity and Respect Policy](#)
- 11.5. [Staff & Students Code of Conduct for Use of IT Systems](#)
- 11.6. [MIE IT Acceptable Use Policy](#)
- 11.7. [MIE Vulnerable Persons Risk Assessment](#)
- 11.8. [Ethics in Research Policy](#)
- 11.9. [MIE Privacy Policy](#)
- 11.10. [Code of Governance](#)
- 11.11. [Matters Reserved for the Governing Body of MIE](#)

Appendix 1

Code of Behaviour

- Good safeguarding practice is about protecting vulnerable persons and those in positions of trust in respect of vulnerable persons.
- Interaction with vulnerable persons in programmes and activities may even inadvertently have adverse consequences and compromise vulnerable person's welfare. Consequently, it is important that all members of the MIE community consider how vulnerable person's welfare can be promoted by anticipating the potential for risk and taking appropriate mitigating actions to address such risks in all programmes and activities. Please see [MIE Vulnerable Persons Risk Assessment](#).
- A code of behaviour serves to protect vulnerable persons and members of the MIE Community, by ensuring clarity regarding unacceptable behaviour and boundaries. Each individual is accountable for his/her own actions, and members of the MIE Community are collectively accountable for upholding standards of behaviour and for compliance with all applicable laws and policies. Raising concerns about the welfare of vulnerable persons is a service to the MIE Community.
- Behavioural Expectations
You should;
 - When acting in a position of trust with vulnerable persons, be mindful that your conduct is appropriate to each circumstance and environment.
 - Be sensitive to the risks involved in participating in some contact sports and exercise particular caution in areas such as swimming pools, showers etc.
 - Have due regard to cultural differences.
 - Be alert and tackle inappropriate behaviour in others including peer to peer behaviours.
 - Take care that language is not open to sexual or racist connotations.
 - Maintain the highest standards of personal behaviour when interacting with vulnerable persons and maintain boundaries appropriate to the professional relationship.
 - Treat vulnerable persons with respect and dignity² and in a consistent and fair manner.

² See [Dignity and Respect Policy](#)

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- Avoid developing relationships beyond the professional roles or interaction which breaches the boundaries of such roles, such as private communication or personal relationships.
- Consult with the Designated Person if concerns arise.
- Report any safeguarding concern or complaint to the Designated Person.

You should not:

- Use inappropriate language, or allow others to use it without challenging it.
 - Engage in any inappropriate physical touching or relationship.
 - Give your personal contact information or use any such route to communicate or interact in a personal capacity outside the professional activity including through any form of social media.
 - Take photographs, or make other recordings, without specific written communication consent from the vulnerable adult/guardian.
 - Communicate or behave in a discriminatory manner.
 - Provide or use alcohol or drugs while involved with vulnerable persons.
 - Participate in or condone behaviour that is illegal, unsafe or abusive, or could be construed as bullying or could put anyone at risk.
 - Allow or engage in any form of suggestive comments.
 - Collude with any person to suppress concerns.
- This Code of Behaviour should be considered in association with relevant MIE Policies.

Research and Activities/Programmes Involving Vulnerable Persons

In addition to adhering to MIE's Safeguarding Policy: Vulnerable Persons, research involving vulnerable persons must comply with:

- The MIE Research Ethics procedures (MERC) (see [Ethics in Research Policy](#))
- The Guidance for developing ethical research projects involving vulnerable persons published by the [Department of Children and Youth Affairs](#).
- Any member of the MIE community who is proposing to involve vulnerable persons in research or in other activities or programmes, must receive the approval of the Head of Department.
- The Head of Department will appoint a Responsible Person for each activity or programme.
- A template for conducting a risk assessment and approval in respect of the safeguarding dimension of Research, Activities and Programmes can be found in [MIE Vulnerable Persons Risk Assessment](#).

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- Particular attention will be paid to ensure that informed of vulnerable persons themselves is obtained and that the risk assessment process will include an assessment of the potential impact on vulnerable person participants.

Use of Mobile/Camera Phones by MIE Staff

- i. Members of MIE staff are advised as follows;
 - a) Use group texts for communications regarding MIE events and/or activities among participants including vulnerable persons and inform parents/guardians/carers of this at the start of the events/activities/camps.
 - b) It is not appropriate to have constant communication for individual participants.
 - c) Don't use the phone in certain locations; inappropriate use of the mobile/camera phone may cause upset or offence to another person, e.g. personal care facilities.
- ii. In as far as it is possible, in order to reduce the risk of images of vulnerable persons being used inappropriately, unsolicited or illegally by any person(s), the following guidelines will operate in respect of the taking and usage of images of vulnerable persons via video recording, photography or any other recording device.
- iii. Academic researchers during the course of their research work where it involves the participation of vulnerable persons/young people/are to ensure that;
 - a) Best practice is put in place wherever and whenever photographs and recorded images are may be taken and subsequently stored.
 - b) All video recording and/or photographing is appropriate and non-intrusive.
 - c) Whenever possible, only those who have a right to take videos and/or photographs, do so provided that before taking any recording or image, they have secured the permission of the vulnerable person.
 - d) The privacy of others is to be respected and accordingly, the use of camera phones, videos and cameras inside personal care facilities such as changing areas, showers and toilets or First Aid areas is strictly prohibited³.
- iv. Videoing as a coaching aid in sport: Video equipment can be used as a legitimate coaching aid. However, permission should first be obtained from the vulnerable person.
- v. All members of the MIE Community must comply with the [MIE IT Acceptable Use Policy](#) and the associated [Staff & Students Code of Conduct for Use of IT Systems](#).

³ See [MIE Privacy Policy](#)

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Internet Safety

The Office for Internet Safety is an office of the Department of Justice and Equality and takes lead responsibility for internet safety particularly as it relates to vulnerable persons. While the Internet provides many positive opportunities, there is also the potential for vulnerable persons to be put at risk by their exposure to material and/or individuals which may be harmful. The office has produced a number of helpful resources for adults and vulnerable persons which are accessible [here](#). It also provides links to material which deals with issues such as cyber bullying, social networking and mobile phone safety.