

A Partnership with Africa

Partners in development with the people of Africa

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Address: Kimmage Manor, Whitehall Rd, Dublin D12 P5YP, Ireland

Email: info@apa.ie

Tel: (353.01) 406 4316

Website: www.apa.ie

Company No.: 372427

Charity No.: CHY 15814

Safeguarding Policy



Child Protection Policy

Statement: APA and CVM are committed to the well-being of the children¹ they serve. APA and CVM aim to safeguard children from abuse and exploitation in all that we do, in line with Article 19 of the UNCRC.² One of the core values of the organisations is to embrace the intrinsic worth of each person, each child and all persons.

The purpose of this policy is first to protect all children affected by APA/CVM's work. The policy also aims to bring awareness to the issue of child protection on behalf of the organisations' staff, volunteers and representatives. In reviewing this policy, all representatives of APA/CVM should be made aware of methods for protecting children from abuse so that they may conduct themselves in an appropriate manner and take preventative measure of protection on behalf of children everywhere. Additionally, this policy should seek to inform all projects so that they are designed with protection in mind. Every project implemented by APA/CVM should include carefully selected components that aim to prevent child abuse and support their protection.

APA and CVM strive to promote and create positive environments in which children can grow up amidst respect, hope and social justice.

Recognising the inherent worth of each child, APA/CVM accept their responsibilities to protect children from harm, to promote children's rights and to ensure children's healthy development.

APA/CVM continually examine, develop, and apply standards and implement projects designed to protect children, many of whom are exposed to abuse, neglect, harassment and exploitation by virtue of their lives' circumstances. APA and CVM ensure these same standards are promoted and adhered to by all staff members and representatives everywhere, by employees, volunteers and visitors, by its partners and communities, by individuals and families and by all who have contact with children through APA and CVM work.

APA and CVM (in Ireland, Italy, Ethiopia and Tanzania or other areas of engagement) are committed to a culture that empowers adults and children with knowledge of their rights, of what is acceptable and unacceptable, and of what to do when there are problems. At the centre of child protection is the commitment that APA/CVM representatives³ everywhere work

¹ The term 'children' will be used to refer to those individuals who are under 18 years of age as recognised in the UNCRC.

² United Nations Convention on the Rights of the Child

³ 'Representative' means any person presenting themselves to a child because of their relationship with APA and/or CVM. This includes staff, volunteers, board members, partners or affiliated entities and their representatives consultants, donors, visitors, supporters including sponsors, the media and all those who have contact with children or sensitive information about children.

energetically so that the Code of Conduct becomes a way of life for all the children, families, communities they affect.

1. APA and CVM's Child Protection Policy

Introduction: Framed by the UNCRC, APA and CVM's work to promote children's holistic development aims to strengthen family and community systems that support child protection and well-being. Consistent with their mission, the organisations strive to promote children's best interests and create positive environments in which children grow up amidst respect, hope, and social justice. Recognising the inherent worth of each person and each child, APA and CVM accept their responsibilities to protect children from harm, to promote children's rights, and to ensure children's healthy development. Since APA and CVM work in situations that present serious physical, emotional, and social risks to the well-being of children and that involve unequal power relations, it is vital to define APA's and CVM's commitments to child protection clearly. Through this policy, APA and CVM define the Code of Conduct to which all Representatives everywhere involved with any project, partner institution and/or community must adhere.

APA and CVM recognise that each country has its own legal system. The policy and standards must be interpreted and enforced in accordance with the law of each respective country. There may be instances where the policy and standards are more stringent than the law of the country in question.

1.1. Discrimination

Definition: Discrimination is unequal treatment of individuals or groups on the basis of personal characteristics such as disability, "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."⁴

Examples of discrimination include, but are not limited to:

- Services that benefit male above female or one ethnic or political group above another
- Preferences for members of one religion over members of other religions
- Use of demeaning labels or images regarding particular ethnic groups
- Passive acceptance of a situation in which disabled or HIV+ children are socially isolated and kept out of school
- Stigmatisation of or services denial to people on the basis of their HIV/AIDS status

Policies:

- 1) APA and CVM will not discriminate in its employment, programmes, or services on the grounds of religion, gender, race, ethnicity, national origin, language, sexual orientation, marital status, HIV/AIDS status or disability, age, or political conviction.
- 2) APA and CVM will not discriminate against or favour particular children.

⁴ UN Covenant on Civil and Political Rights General Comment No. 18: Non-Discrimination, Article 1

- 3) APA and CVM will respect the cultures, best practices, and traditions of all people and display cultural sensitivity to host communities and countries where they work.
- 4) APA and CVM will promote gender equity in all programmes according to APA/CVM's Gender Policy.

1.2. Harassment

Definition: Harassment is any improper and unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate, or embarrass another or which create an intimidating, hostile or offensive environment. Harassment normally implies a series of incidents.

Examples of harassment include, but are not limited to:

- Actual or threatened fighting
- Name calling or use of threats, slurs or degrading jokes
- Use of visual means such as leering, gesturing, or displaying intimidating or demeaning pictures, cartoons, or posters
- Writing of offensive or threatening letters, memos, texts or emails

Policies:

- 1) APA and CVM prohibit harassment of any kind of a colleague, employee, programme participant, partner, vendor, or of a member of the communities in which they conduct programmes.
- 2) APA and CVM Representatives will treat each other and those whom they serve with respect and dignity. They will not use their relationship of authority inappropriately.
- 3) APA and CVM will recruit and train persons who treat all involved with the highest standards of respect and who are of the highest integrity, who are accountable, responsible and create an environment of openness for all involved.
- 4) APA and CVM will maintain a safe environment for children where beneficiaries come to participate in activities.

1.3. Sexual Harassment

Definition: Sexual harassment consists of unwelcome sexual advances, comments, jokes, or conduct of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another. This can take the form of a single incident.

Examples of sexual harassment include, but are not limited to:

- Unwelcome sexual comments about a person, their manner or appearance
- Sexually suggestive or obscene letters, posters, texts or emails

- Actual or threatened physical contact such as patting, pinching or other offensive touching
- Degrading jokes which have a sexual connotation

Policy:

- 1) APA and CVM prohibit sexual harassment of any individual, employee, volunteer, or programme participant, regardless of their work relationship.

1.4. Exploitation

Definition: Exploitation refers to the use of children for someone else's advantage, gratification or profit often resulting in unjust, cruel, and harmful treatment of the child. These activities are to the detriment of the child's physical or mental health, education, moral, social, or emotional development.

Examples of exploitation include, but are not limited to:

- Children's involvement in heavy, dangerous, or forced labour
- Selling or buying children for economic gain (child trafficking)
- Recruitment of children into armed groups
- Sending children to work in dangerous situations
- Coercion to actions which violate an individual's rights

Policies:

- 1) APA and CVM prohibit the exploitation of any individual, whether staff, children, or participants in work of the organisations or their project activities.
- 2) APA and CVM Representatives will uphold the child labour laws of the respective country and ensure children are protected by these laws by reporting any witnessed or suspected exploitation.

1.5. Sexual Exploitation

Definition: Sexual Exploitation is the abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from the exploitation of another as well as personal sexual gratification.

Policies: APA and CVM adhere to six core elements (arising out of the Inter Action Task Force on the Prevention of Sexual Exploitation of Displaced Children):

- 1) Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
- 2) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence.

- 3) Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
- 4) Sexual relationships between humanitarian workers and beneficiaries are strongly discouraged since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.
- 5) Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, s/he must report such concerns via established agency reporting mechanisms.
- 6) Humanitarian workers are obliged to create and maintain an environment, which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems that maintain this environment.

1.6. Prostitution and Sex Trafficking

Definition: Prostitution consists of providing sexual favours or activities in exchange for money or other economic gain.

APA and CVM follow the definition of sex trafficking outlined in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, which prohibits the recruitment, transportation, transfer, harbouring, or receipt of persons, or the sale, or transfer of person for purposes of commercial exploitation, including sexual exploitation.⁵

Policy:

- 1) APA and CVM oppose prostitution, sex trafficking, and other forms of trafficking in persons.

1.7. Child Abuse, Neglect and Safety

Definition:

“Child Abuse” all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

“Child sexual abuse material” is defined as any representation, by whatever means of a child used for real or simulated sexual activities or any representation of the sexual parts of a child for sexual purposes. It also includes engaging in the production of, viewing, downloading and/or distribution of any such material (whether via the internet or not) and includes pseudo photographs, comics, drawings, and cartoons.

⁵ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3 (a)

Examples include, but are not limited to:

- Sexual abuse of children through touching, fondling, or rape
- Involvement of children in pornography or showing child pornography via the internet
- Harsh emotional treatment of children through isolation, rejection, or teasing
- Severe physical punishment of children
- Allowing children to play in dangerous places such as building rooftops and minefiel

Policies:

APA / CVM Representatives will *not*:

- Tolerate abuse of children through either action or neglect
- Condone participation in behaviour of children which is illegal, unsafe or abusive
- Provide shelter in their homes for a child or children,
- Put themselves in situations where their actions (physical, verbal or otherwise) are offensive, inappropriate, abusive, neglectful or exploitative

APA / CVM Representatives *will*:

- work in a proactive manner to protect children from preventable harm
- avoid being placed in compromising or vulnerable situations
- realise that they are always the responsible parties, even if a child behaves inappropriately, initiates an inappropriate relationship, or behaves in an unacceptable manner
- ensure that all confidential information is handled appropriately

1.8. Reporting

All Representatives have an obligation to report violations of these policies by using the Child Protection Referral Form as found in Appendix C. APA and CVM will not tolerate any form of coercion, intimidation, reprisal, or retaliation against any representative who makes a report regarding a possible violation of this policy or who provides information or assistance in an investigation. See Child Protection Standards in the following section for details on reporting and investigating concerns.

Policies:

- 1) Due to the sensitivity of reporting and underreporting, APA in Ireland and CVM in Italy and its Country Offices will democratically select two staff or volunteer members (one man and one woman) who will act as Designated Liaison Person for receiving incident reports regarding suspicions of violations, child abuse or known breaches of the Code of Conduct.
- 2) Representatives will report alleged violations to these Designated Liaison Person. who, in turn, will report alleged violations simultaneously to the Country Representative or Acting Representative or CEO. If a Director, Country Representative or Acting Representative or CEO is under suspicion of violation, the Designated Liaison Person will report to the Chair of APA or President of CVM,
- 3) If a person knowingly chooses not to report an incident, then s/he will be removed from any association with APA/CVM organisations and activities.

- 4) Anyone found in violation of the Code of Conduct will be subject to appropriate disciplinary action, up to and including dismissal from employment.

1.9. APA/CVM Child Protection Code of Conduct

APA and CVM maintain a code of conduct for their employees which can be found in Appendix D. The points in the code of conduct that speak directly to the protection of children are as follows:

APA/CVM Representatives:

- will not discriminate against or favour particular children.
- will maintain a safe environment where beneficiaries come to participate in APA/CVM activities.
- will not exploit any individuals, whether staff, children, or participants in projects.
- will uphold the child labour laws of the country and ensure children are protected by these laws by reporting any witnessed or suspected exploitation.
- will not abuse children through either action or neglect.
- will work in a proactive manner to protect children from harm.
- will avoid being placed in compromising or vulnerable situations.
- will realise that they are always the responsible parties, even if a child initiates an inappropriate relationship or behaves in an unacceptable manner.
- will not condone or participate in behaviour of children which is illegal, unsafe or abusive
- will not provide shelter for a child or children in their homes.
- will not put themselves in positions where their actions (physical, verbal or otherwise) are offensive, inappropriate, abusive, neglectful or exploitative.
- will ensure all confidential information is handled appropriately.

Anyone found in violation of the Code of Conduct will be subject to appropriate disciplinary action up to and including dismissal from employment

2. Child Protection Standards

2.1. Organisational Awareness & Advocacy

Awareness: The respective management of APA and CVM organisations will ensure that each of their staff members shall sign a written statement (found in Appendix J) indicating that s/he has read, understands and will abide by the APA and CVM Code of Conduct. All APA/CVM Representative/s are to be informed of the organisations' Child Protection Policy and are to be made aware that they are expected to comply with such policies and standards. Partner organisations' staff members are required to acknowledge receipt and understanding of the APA/CVM Child Protection Policies and standards.

Child protection awareness will be included in recruiting, hiring, and contracting of Representatives to understand and adhere to the policies and guidelines contained in this policy document. Administration Manuals will include a section on child protection and awareness. For those individuals having direct contact with children, additional orientation may be provided.

Advocacy: APA and CVM endorse the United Nations Convention on the Rights of the Child⁶. The organisations encourage their headquarters and country offices to collaborate with governmental organisations, childcare organisations and other professional agencies to promote children's rights, raise awareness of the plight of children and seek public policy changes where necessary. Increased awareness ensures staff and donors are sensitised to issues negatively affecting children. Increased awareness leads to actions that minimise or prevent risks for children.

APA and CVM believe that one of the greatest defences against child abuse and neglect is a raised consciousness among children and families of children's rights and therefore of adult behaviours which are unacceptable. APA's and CVM's promotion of responsibility for child rights by communities, youth groups, street children and Domestic Worker's Associations, all local government authorities and faith-based organisations create an environment in project areas where strong community feedback and protection mechanisms are developing and becoming central.

2.2. Recruiting of Personnel

A critical part of APA and CVM commitment to the protection of children requires that staff be aware of and meet basic requirements of employment, including police clearance and those of local country requirements related to child protection. Prospective volunteers [board, committees, volunteers], employees, interns, contracted consultants, affiliated and partner organisations to be engaged with or visiting APA/CVM activities will be informed of and expected to understand APA/CVM Child Protection Policy during their recruitment and hiring processes.

⁶ See Chapter 2 Advocacy for Children's Rights

2.3. Project Planning

Children are considered active participants in their own protection. APA and CVM projects will give them a voice and provide them with skills for protecting themselves. However, the primary responsibility for the protection of children lies with the parents, carers and other adults within the community. APA and CVM project planning includes the rights of children and child protection as primary concerns and objectives of all countries' activities and plans. These plans include working with communities, local agencies, governments, etc. to build up their capacity to reduce the risks of and respond to abuse, neglect and exploitation facing children especially through the impact of the HIV/AIDS pandemic.

APA and CVM are prioritising the promotion of the Rights of the Child in all their activities and projects in Ireland, Italy, Ethiopia and Tanzania (and other countries as may arise in the future) and have based their approach on the core elements of the UNCRC and are promoting local awareness to child issues and developing participants skills and capacity to respond significantly.

Another integral part of project planning includes ongoing assessments of most vulnerable children's circumstances and needs together with local government sectors, faith-based organisations and communities.

2.4. Training and Support

All APA and CVM offices will have copies available of this APA/CVM Child Protection Policy and leadership at all levels will ensure that Representatives understand and adhere to the policies and guidelines contained in this document. In situations where local law is in conflict with this policy, the CEO or Country Representative and/or deputy representative is responsible for bringing the situation to headquarters' attention and for ensuring that the exception is appropriately documented in the Administration Manual. They may develop their own written procedures to ensure compliance with the local country Child Protection Policy and will also work together to develop, document and implement country orientation to the APA/CVM Child Protection Policy.

2.5. Duty of Care

APA/CVM take their duty of care toward children seriously and aim to ensure that all our programmes comply with child protection policies. Written material and visual images used by APA/CVM and all representative visitors are checked as being appropriate and not denigrating for any child. Photographs, films of children and websites must show respect for children, be in their best interest and conform with best practice guidelines.

3. Allegation and Incident Management

3.1. Management System

Effective child protection policies have two parts:

1. A strong system of prevention defined by clear-cut expectations, effective hiring and orientation, top-level awareness, and effective monitoring.
2. A supportive system for allegation and incident management.

The development of an effective allegation and incident management system is critical to APA and CVM efforts to protect children from abuse and ensure due process for Representatives cited in an allegation. This Child Protection Policy provides for reporting, documenting, investigating and action to be taken as a result of an allegation and/or determination that child abuse has occurred.

Child abuse is a very serious matter. It is difficult to accept that child abuse may have occurred. There is denial. There is fear. All of these factors can lead to a potential of under-reporting which in turn leads to continued abuse. Therefore, APA and CVM management at all levels must encourage reporting by instilling trust in the involved parties.

3.2. Reporting

All APA and CVM Representatives are required to report immediately to the Designated Liaison Persons (DLP) any suspicions of violations of the Code of Conduct or child abuse and immediately complete the referral form found in Appendix C. If a person knowingly chooses not to report an incident, then s/he will be removed from any association with APA or CVM. It is also imperative that children and parents understand their responsibilities to report any concerns they may have regarding the safety of children. Regardless of who is reporting an allegation (Representative, child, parent, etc.), the allegation must be reported directly to the Designated Liaison Persons who should assess the situation and note details about what happened, including the date, location, and the name of the witness/s. The DLP will then report to the next level manager. Jointly they may decide to make a report to Tusla in Ireland, the relevant Italian Child protection Agency without delay. In the event of an emergency where an Apa/CVM employee or Related Personnel believe a child is in immediate danger and cannot get in contact with local statutory services e.g., Child Protection, they should consider making an immediate report to the local Police

This process in Ireland is in accordance with guidelines from the Department of Children and Youth Affairs Children First – National Guidance for protection and welfare of children.

In Ireland, Tusla should always be contacted when there are **reasonable grounds** for concern that a child may have been, is being, or is at risk of being abused or neglected.

<https://www.tusla.ie/services/child-protection-welfare/concerns/>

The Designated liaison Person will seek informal advice from Tusla or HSE Safeguarding & Protection if there are any uncertainties around the threshold for reporting.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

In Ethiopia or Tanzania, reports should be made immediately to the Country Representative. Procedures for reporting suspected cases of child abuse to external agencies are to follow the local and national laws of the respective country.

3.3. Confidentiality

It is essential to maintain the trust of the person reporting possible abuse. Designated Liaison Persons must protect the gathered information by maintaining confidentiality in an effort to protect all parties. All information gathered and developed is held in the strictest confidence and will be disclosed only on a need-to-know basis in order to report, investigate and resolve the matter.

In some cases, APA/CVM may act against the wishes of the reporter in the best interests of the child and/or children. Such a situation is difficult and must be handled with the utmost care. It must be made clear to all concerned that information of this nature cannot be kept wholly confidential. Resolution requires sharing with the appropriate people in a confidential manner.

3.4. Investigation and Disposition of Incident

The APA/CVM Representatives must follow established local country procedures once an allegation has been reported and ensure that a confidential, thorough, immediate and impartial investigation and resolution are performed. Procedural actions by the APA/CVM Representative include, but are not limited to:

1. Taking immediate preventative action if there is risk to a child/children
2. Following respective country law requirements on reporting the incident to external authorities
3. Performing an internal investigation (which may include interviews of witnesses and others)
4. Collecting factual information, gathering documentation and informing the headquarters
5. An APA/CVM Representative who has been brought under investigation internally by a report to the Designated Liaison Persons or by official law enforcement authorities of the respective country for the abuse of a child will immediately be temporarily suspended with pay until the investigation is complete and have no access to beneficiary children of the APA and CVM projects or in its activities during the course of the investigation.
6. The person will be informed that allegations have been made against him/her and given an opportunity to respond.

7. The individual alleged to have violated this policy will have the opportunity to present his or her view of the events in question before any determination of guilt or innocence has been reached.

The investigation team will be composed of the two Designated Liaison Persons with the possibility of a third member to be appointed by the Chairperson/President in Ireland or Italy and the director or the country representative for Ethiopia or Tanzania. This team will consider the incident top priority until the incident is closed and should undertake the following:

1. The team will develop a detailed written investigation plan based on established respective country procedures.
2. The team will submit a written report (findings, recommendations, actions) to the appropriate Representatives.
3. Following the completion of the investigation, both the person(s) bringing the allegation and the person(s) alleged of a violation will be informed of the results of the investigation.
4. In cases where an allegation is found to be correct the Designated Liaison Persons and/or CEO should report the accused to both local authorities and authorities in the individual's country of origin (in cases where they are not natives to the place where the abuse took place).

APA/CVM reserve the right, in the event an employee is discharged for proven child sexual abuse, to disclose such information if requested by a prospective employer. Disclosures shall be made in accordance with applicable country laws and/or customs.

APA/CVM will not tolerate any form of coercion, intimidation, reprisal or retaliation against any representative/employee who makes a report regarding possible violations of the Child Protection Policy or any person who provides information or assistance in an investigation.

The APA chairperson and the CVM president, director, country representative or deputy representative are responsible for implementing all recommended/approved actions.

References and Useful Contact Information in Ireland

Contact list for Statutory Authorities & Support Services

Tusla (Children): <https://www.tusla.ie/services/child-protection-welfare/concerns/>

Tusla is the dedicated State agency in Ireland responsible for improving wellbeing and outcomes for children. It is the agency that receives reports of suspected child abuse.

National Vetting Bureau (Children and Vulnerable Persons Act) 2012 (as amended)

● Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 (as amended)

● Children First Act 2015

Childline <https://www.childline.ie/>

Children First: National Guidance for the Protection and Welfare of Children (2017)8

Safeguarding Vulnerable Adults Policy

Statement: All adults have the right to be safe from harm and must be able to live free from fear of abuse, neglect and exploitation. The purpose of this policy is to outline the duty and responsibility of staff, volunteers and trustees working on behalf of the organisation in relation to Safeguarding Vulnerable Adults. Additionally, the purpose of this policy is to protect all vulnerable adults affected by APA/CVM's work. The policy also aims bring awareness to the issue of vulnerable adults on behalf of the organisations' staff, volunteers and representatives. In reviewing this policy, all representatives of APA/CVM should be made aware of methods for protecting vulnerable adults from abuse so that they may conduct themselves in an appropriate manner and take preventative measures of protection on behalf of vulnerable adults everywhere. Additionally, this policy should seek to inform all projects so that they are designed with protection in mind. Every project implemented by APA/CVM should include carefully selected components that aim to prevent the abuse of vulnerable adults and support their protection.

Objectives: With this policy, APA intends to:

- Explain the responsibilities the organisation and its staff, volunteers and trustees have in respect of vulnerable adult protection.
- Provide staff with an overview of vulnerable adult protection.
- Provide a clear procedure that will be implemented if vulnerable adult protection issues arise.
- Educate APA/CVM representatives about the necessity to protect vulnerable adults so that they will be informed, aware and prepared to prevent instances of abuse arising when possible.

Staff, Volunteer, and Trustee Roles: All staff, volunteers and trustees working on behalf of the organisation have a duty to promote the welfare and safety of vulnerable adults. Staff, volunteers and trustees may receive disclosures of abuse and observe vulnerable adults who are at risk. This policy will enable staff/volunteers to make informed and confident responses to specific adult protection issues.

1. Legal Frameworks

1.1. Ireland

There is no specific legal recognition of elder abuse in Ireland. There is recognition that some adults are vulnerable and legislation relating to the reporting of certain offences against vulnerable adults has been enacted. The Criminal Justice (Withholding Information on Offences Against Children and Vulnerable Adults) Act 2012 makes it an offence for certain groups and organisations to withhold information on crimes against children and vulnerable adults, and complements section 9 of the Offences Against the State (Amendment) Act 1998 which already prescribes penalties for those with information on serious crimes against adults who do not disclose this information to the Garda. The crimes include murder, rape, sexual assault, assault, assault causing harm, assault causing serious harm, threats to kill or cause serious harm, endangerment, false imprisonment, incest and various human trafficking offences. Prescribed persons are nurses and midwives, doctors, social workers and psychologists. While APA is not a prescribed organisation under the 2012 Act, and, as an organisation, has no statutory reporting duties, as a best practice, it mandates that its staff members and volunteers should report any instances of abuse of vulnerable adults. The 1998 Act is very rarely used in this context.

Legislation which may be applied to elder abuse includes all relevant aspects of the criminal law for offences against the person and against property such as the following:

- The Domestic Violence Act 2018 which allows barring and safety orders to be made against spouses, cohabitants and adult children in cases of domestic violence
- The European Convention on Human Rights Act 2003
- The specified and unspecified rights under the Constitution
- The Assisted Decision Making (Capacity) Bill 2013, introduced various safeguards for older people who may lack or partially lack the ability to make decisions for themselves.

7

LEGISLATION, POLICY & BEST PRACTICE CONTEXT

The Policy has been developed in accordance with national and international legislation, policy & best practice guidance. This includes:

International

- Universal Declaration of Human Rights (UDHR)
 - UN Convention on the Rights of the Child (UNCRC)
 - United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- Page 10 of 38
- Keeping Children Safe, International Child Safeguarding Standards

Republic of Ireland

- Irish Constitution
- Criminal Justice Act 2006
- Criminal Law (Sexual Offences) Act 2006
- National Vetting Bureau (Children and Vulnerable Persons Act) 2012 (as amended)

- Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 (as amended)
- Protected Disclosures (Amendment) Act 2014 (as amended)
- Children First Act 2015
- Assisted Decision Making (Capacity) Act 2015 (as amended)
- Criminal Law (Sexual Offences) Act 2017
- Criminal Law (Extraterritorial Jurisdiction) Act 2019
- Criminal Law (Sexual Offences and Human Trafficking) Act 2024
- Our Duty to Care: The Principles of Good Practice for the Protection of Children and Young People (2002)
- Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures (2014)
- Children First: National Guidance for the Protection and Welfare of Children (2017)

2. Definitions

2.1 Abuse

Definition: **Abuse** is a violation of an individual's human and civil rights by another person or persons (Kent and Medway Safeguarding Vulnerable Adults, 2010).

The following are types of abuse:

Emotional: Intimidation, threats, humiliation, isolation, verbal abuse or being prevented from receiving needed services.

Financial: Unauthorised or improper use of a person's funds, property, pension, or pressuring a person to transfer their assets.

Physical: Hitting, kicking, pushing, shaking, rough handling, threat of physical force, giving too much or medication mismanagement.

Sexual: Sexual activity to which the person has not consented, could not consent, or felt compelled to consent to.

Organisational: Inadequate care, or systematic poor practice by an organisation.

Online: Internet, email or social media based scamming, bullying, or coercion.

Neglect: When essentials such as food, heating, medication, or hygiene are withheld – and also when a person's resources are not used for their benefit.

Coercive Control: Making a person dependent but isolating them from support, exploiting them, depriving them of independence and regulating their everyday behaviours. It often involves multiple forms of abuse.

Discrimination: Unequal treatment, harassment, or abuse of a person based on the grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion or membership of the Traveller Community.

<https://safeguardingireland.org/safeguarding/>

Abuse of a vulnerable adult may consist of a single act or repeated acts. It may occur as a result of a failure to undertake action or appropriate care tasks. It may be an act of neglect or an omission to act, or it may occur where a vulnerable person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot, consent. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the individual.

In Ireland, if you suspect someone you know may be a victim of abuse, or if you are a victim of abuse yourself, you should contact your local health centre, your GP, public health nurse or the Garda Síochána.

Alternatively, call the HSE's National Safeguarding Office at (061) 461 165 . The HSE has Safeguarding and Protection Teams in place in every region of the country.

You can also contact the HSE Information Line on 1800 700 700. If confidentiality is required, phone the Garda confidential line on 1800 666 111.

In an emergency, where a person is at immediate risk, you should contact the Garda Síochána or Emergency Services on 999 or 112.

2.2. Vulnerable Adults

Definition: For the purpose of this policy, the term **adult** refers to a person aged 18 years or over.

Definition:

A Vulnerable Adult who may be restricted in capacity to guard himself or herself against harm or exploitation or to report such harm or exploitation for any reason, where the restriction of capacity arises as a result of physical or intellectual impairment. Such vulnerability may be influenced by context and individual circumstances and including but not limited to circumstances where the adult: - (a) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, (b) has an intellectual disability, 1 Available at: <https://www.dochas.ie/resources/safeguarding/dochas-safeguarding-charter/> This could include people with learning disabilities, mental health problems, older people and people with a physical disability or impairment. It is important to include people whose condition and subsequent vulnerability fluctuates. It may include an individual who may be vulnerable as a consequence of their role as a care giver in relation to any of the above.

It may also include victims of domestic abuse, hate crimes and anti-social abuse behaviour. The persons' need for additional support to protect themselves may be increased when complicated by additional factors, such as, physical frailty or chronic illness, sensory impairment, challenging behaviour, drug or alcohol problems, social or emotional problems, poverty or homelessness.

A vulnerable adult may include individuals or groups of people who are marginalised or lack recognition and, as a result, do not have institutional support. This may include but is not limited to sex workers, bar workers, domestic workers, immigrants, refugees, victims of gender-based violence, victims of female genital mutilation, victims of human trafficking, victims of early marriage, and more. These individuals either do not have rights or do not know their rights and are consequently vulnerable to exploitation.

Many vulnerable adults may not realise that they are being abused. For instance, an elderly person, accepting that they are dependent on their family, may feel that they must tolerate losing control of their finances or their physical environment. They may be reluctant to assert themselves for fear of upsetting their care givers or making the situation worse.

3. Types of Abuse and Procedures

Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or an omission to act, or it may occur when a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented or cannot consent. Abuse can occur in any relationship, and it may result in significant harm to, or exploitation of, the person subjected to it.

Safeguarding Ireland describe the following are types of abuse:

Emotional: Intimidation, threats, humiliation, isolation, verbal abuse or being prevented from receiving needed services.

Financial: Unauthorised or improper use of a person's funds, property, pension, or pressuring a person to transfer their assets.

Physical: Hitting, kicking, pushing, shaking, rough handling, threat of physical force, giving too much or medication mismanagement.

Sexual: Sexual activity to which the person has not consented, could not consent, or felt compelled to consent to.

Organisational: Inadequate care, or systematic poor practice by an organisation.

Online: Internet, email or social media based scamming, bullying, or coercion.

Neglect: When essentials such as food, heating, medication, or hygiene are withheld – and also when a person's resources are not used for their benefit.

Coercive Control: Making a person dependent but isolating them from support, exploiting them, depriving them of independence and regulating their everyday behaviours. It often involves multiple forms of abuse.

Discrimination: Unequal treatment, harassment, or abuse of a person based on the grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion or membership of the Traveller Community.

<https://safeguardingireland.org/safeguarding/>

3.1. Domestic Abuse

Definition: Garda Crime Prevention Sheet (2017)' states "Domestic Abuse", though not defined in legislation is a term that evokes both fear and disgust in most people. It can be regarded as the physical, sexual, mental, financial or emotional abuse of one partner by the other partner in a relationship. Women in heterosexual relationships account for the majority of reported victims of domestic abuse. Men in heterosexual relationships and men and women of same sex relationships can also be victims. Children can also be subjected to domestic abuse. Other forms can include -
abuse of older people by abusive spouses, children, relatives, carers, and abuse of people with disabilities by either their carers, partners or relatives Domestic Abuse crosses gender, age, class, race and religious belief.

Domestic violence is physical, sexual, psychological or financial violence that takes place within an intimate or family-type relationship and that forms a pattern of coercive and controlling behaviour. This can also include forced marriage and so-called “honour crimes”. Domestic violence may include a range of abusive behaviours, not all of which are in themselves inherently “violent” (Women’s Aid).

Most research suggests that domestic violence occurs in all sections of society irrespective of race, culture, nationality, religion, sexuality, disability, age, class or educational level. Both definitions would therefore also include incidents where extended family members may condone or share in the pattern of abuse, for example in the form of forced marriage, female genital mutilation and crimes rationalized as punishing women for bringing ‘dishonour’ to the family.

It is important to recognise that Vulnerable Adults may be the victims of Domestic Abuse themselves or be affected by it occurring within their household. This is likely to have a serious effect on their physical and mental wellbeing. Where Vulnerable Adults are victims of Domestic Abuse, they may need extra support to plan their future. The violence or threat of violence may continue after a victim has separated from the abuser. It is important to ensure that all the vulnerable people in this situation have appropriate support to enable them to maintain their personal safety.

Children: It is essential that the needs of any children within an abusive or domestic violence situation where there is a vulnerable adult involved are considered and acted upon. Please contact the Designated Liaison Person or Senior Manager and/or the local social services Safeguarding Children’s team.

3.2. Procedure in the Event of a Disclosure

It is important that vulnerable adults are protected from abuse. All complaints, allegations or suspicions must be taken seriously. This procedure must be followed whenever an allegation of abuse is made or when there is a suspicion that a vulnerable adult has been abused. Promises of confidentiality must not be given as this may conflict with the need to ensure the safety and welfare of the individual. A full record shall be made as soon as possible of the nature of the allegation and any other relevant information. See Appendix E for the Vulnerable Adults Standard Referral Form.

3.3. Responding to an Allegation

Any suspicion, allegation or incident of abuse must be reported to the Designated Liaison Person or Senior Manager on that working day where possible. The nominated member of staff shall telephone and report the matter to the appropriate local adult social services duty social worker. A written record of the date and time of the report shall be made and the report must include the name and position of the person to whom the matter is reported. The telephone report must be confirmed in writing to the relevant local authority adult social services department within 24 hours

In the event of an incident or disclosure:

Do...

- Make sure the individual is safe.
- Assess whether emergency services are required and if needed call them.
- Listen.
- Offer support and reassurance.
- Ascertain and establish the basic facts.
- Make careful notes and obtain agreement on them.
- Ensure notation of dates, time and persons present are correct and agreed.
- Take all necessary precautions to preserve forensic evidence.
- Follow procedures as outlined in this document.
- Explain areas of confidentiality.
- Immediately speak to your manager for support and guidance.
- Explain the procedure to the individual making the allegation.
- Remember the need for ongoing support.

Do not...

- Confront the alleged abuser.
- Be judgmental or voice your own opinion.
- Be dismissive of the concern.
- Investigate or interview beyond that which is necessary to establish the basic facts.
- Disturb or destroy possible forensic evidence.
- Consult with persons not directly involved with the situation.
- Ask leading questions.
- Make assumptions.
- Make promises.
- Ignore the allegation.
- Elaborate in your notes.
- Panic.

It is important to remember that the person who first encounters a case of alleged abuse is not responsible for deciding whether abuse has occurred. This is a task for the professional adult protection agencies, following a referral from the Designated Liaison Person.

The APA/CVM Representatives must follow established local country procedures once an allegation has been reported and ensure that a confidential, thorough, immediate and impartial investigation and resolution are performed. Procedural actions by the APA/CVM Representative include, but are not limited to:

1. Taking immediate preventative action if there is risk to (a) vulnerable adult(s).
2. Following respective country law requirements on reporting the incident to external authorities
3. Performing an internal investigation (which may include interviews of witnesses and others)

4. Collecting factual information, gathering documentation and informing the headquarters
5. An APA/CVM Representative who has been brought under investigation internally by a report to the Designated Liaison Person or by official law enforcement authorities of the respective country for the abuse of a child will immediately be temporarily suspended with pay until the investigation is complete and have no access to beneficiary children of the APA and CVM projects or in its activities during the course of the investigation
6. The person will be informed that allegations have been made against him/her and given an opportunity to respond
7. The individual alleged to have violated this policy will have the opportunity to present his or her view of the events in question before any determination of guilt or innocence has been reached

The investigation team will be composed of the two Designated Liaison Persons with the possibility of a third member to be appointed by the chairperson/president in Ireland or Italy and the director or the country representative for Ethiopia or Tanzania. This team will consider the incident top priority until the incident is closed and should undertake the following:

1. The team will develop a detailed written investigation plan based on established respective country procedures.
2. The team will submit a written report (findings, recommendations, actions) to the appropriate Representatives.
3. Following the completion of the investigation, both the person(s) bringing the allegation and the person(s) alleged of a violation will be informed of the results of the investigation.
4. In cases where an allegation is found to be correct, the Designated Liaison Person and/or CEO should report the accused to both local authorities and authorities in the individual's country of origin (in cases where they are not natives to the place where the abuse took place).

APA/CVM reserve the right, in the event an employee is discharged for proven vulnerable adult abuse, to disclose such information if requested by a prospective employer. Disclosures shall be made in accordance with applicable country laws and/or customs.

APA/CVM will not tolerate any form of coercion, intimidation, reprisal or retaliation against any representative / employee who makes a report regarding possible violations of the Safeguarding Vulnerable Adults Policy or any person who provides information or assistance in an investigation.

The APA chairperson and the CVM president, director, country representative or deputy representative are responsible for implementing all recommended / approved actions.

3.4. Confidentiality

Vulnerable adult protection raises issues of confidentiality, which must be clearly understood by all. Staff, volunteers and trustees have a professional responsibility to share relevant information about the protection of vulnerable adults with other professionals, particularly investigative agencies and adult social services. Clear boundaries of confidentiality will be communicated to all.

All personal information regarding a vulnerable adult will be kept confidential. All written records will be kept in a secure area for a specific time as identified in data protection guidelines. Records will only record details required in the initial contact form. If an adult confides in a member of staff and requests that the information is kept secret, it is important that the member of staff tells the adult sensitively that he or she has a responsibility to refer cases of alleged abuse to the appropriate agencies. Within that context, the adult must, however, be assured that the matter will be disclosed only to people who need to know about it.

Where possible, consent must be obtained from the adult before sharing personal information with third parties. In some circumstances obtaining consent may be neither possible nor desirable as the safety and welfare of the vulnerable adult is the priority. Where a disclosure has been made, staff must let the adult know the position regarding their role and what action they will have to take as a result. Staff must assure the adult that they will keep them informed of any action to be taken and why. The adults' involvement in the process of sharing information must be fully considered and their wishes and feelings taken into account.

3.5. Role of Key Individual Agencies

Health Service Executive (Ireland): The Irish Health Service Executive's Social Care Division instituted a policy for "Safeguarding Vulnerable Persons At Risk of Abuse" in 2014. The policy applies to all statutory and public-funded non-statutory service providers, which includes APA. The policy publicly declares "no tolerance" for the abuse of vulnerable adults and maintains the following six principles: human rights, person-centeredness, advocacy, confidentiality, empowerment and collaboration.

The Garda: The Garda play a vital role in Safeguarding Adults with cases involving alleged criminal acts. It becomes the responsibility of the police to investigate allegations of crime by preserving and gathering evidence. Where a crime is identified, the police will be the lead agency and they will direct investigations in line with legal and other procedural protocols.

3.6. Roles and Procedures for Staff

Designated Liaison Person: The role of the Designated Liaison Person is to deal with all instances involving adult protection that arise within the organisation. They will respond to all vulnerable adult protection concerns and enquiries.—Should you have

any suspicions or concerns relating to Adult Protection, contact the APA office at 01 4064316/ 0830118650 or via email at info@apa.ie.

Managers: The role of the Managers is to support the member of staff, trustee or volunteer involved with the incident and to ensure the correct procedures are followed. The manager could, if agreed upon with the person dealing with the incident, contact the Designated Liaison Person in the first instance. The manager must ensure that all those within their team are familiar with the organisation's Safeguarding procedures and ensure that all staff members undertake training, where appropriate.

Training: Training will be provided, as appropriate, to ensure that staff are aware of these procedures. Specialist training will be provided for the member of staff with Safeguarding responsibilities.

Complaints Procedure: The organisation has a complaints procedure available to all staff, volunteers and trustees.

Recruitment Procedure: The organisation operates procedures that take account of the need to safeguard and promote the welfare of vulnerable adults, including arrangements for appropriate checks on new staff, volunteers and trustees where applicable.

3.7. References and Other sources

- Health Service Executive Ireland:
<https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/>
- National Policy:
<https://www.hse.ie/eng/services/publications/corporate/personsatriskofabuse.pdf>

HSE Vulnerable Adults Safeguarding & Protection Safeguarding & Protection Teams
<https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/safeguardprotectionteams.html>

The HSE National Counselling Service (NCS) This is a professional, confidential counselling and psychotherapy service available free of charge in all regions of the Health Services Executive. Location based contact details available at: <https://www.hse.ie/eng/services/list/4/mental-health-services/national-counselling-service/contact-us/>