A Safe and Welcoming Church

Safeguarding Children Policy and Standards for the Catholic Church in Ireland, 2024

THE NATIONAL BOARD FOR
SAFEGUARDING CHILDREN
IN THE CATHOLIC CHURCH IN IRELAND

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FOREWORD FROM THE ASSOCIATION OF LEADERS OF MISSIONARIES AND RELIGIOUS OF IRELAND AND THE IRISH EPISCOPAL CONFERENCE

Whoever welcomes one of these little children in my name welcomes me; and whoever welcomes me does not welcome me but the one who sent me. (Mark 9:37)

The participation of children and young people in the life of the Church is essential to our mission. This policy, designed by the National Board for Safeguarding Children in the Catholic Church in Ireland (the National Board) and informed by and embedded in Gospel values and in the rights of children, presents the most up-to-date, best-practice opportunity for all members of the Catholic Church in Ireland to ensure that all ministry with children is safe, and that children can remain central to the mission of living the Gospel here in Ireland.

We are grateful to the National Board, the steering group that supported its work and to all who gave generously of their time in developing this policy and its standards, by sharing their thinking and lived experiences. We acknowledge the work of many thousands of volunteers who have supported the Church's safeguarding ministry, which is always focused on improvement and on making our Church safer and more welcoming for children and young people. Their goodwill and discernment provide assurance that this policy reflects the needs of all.

We welcome this policy on behalf of the Irish Episcopal Conference (IEC) and the Association of Leaders of Missionaries and Religious of Ireland (AMRI). As we continue to move forward in implementing best practice in safeguarding, we open our hearts and minds in prayerful listening to children and to all those affected by abuse in the Church.

Archbishop Eamon Martin,
President, IEC

Father Tim Lehane,
President, AMRI

SAFEGUARDING CHILDREN POLICY STATEMENT

The Gospel teaches the importance of ensuring that the Catholic Church community is a warm, welcoming and safe place for children.

> **Let the little children come to me, and do not hinder them, for the kingdom of God belongs to such as these. Truly I tell you, anyone who will not receive the kingdom of God like a little child will never enter it. (Mark 10:14-15)**

Children are gifts from God, to be cherished and recognised for the joyful contribution they make as valued members of the Church. Our challenge is to follow the example of Jesus in cherishing them. Safeguarding is key to this important task and should be seen, not as a burden, but as an opportunity to embrace and encourage children's ministry, following the example of Jesus Christ.

This Church body pledges to safeguard children and young people from harm and to support them in their development as valued and integral members of the Catholic Church in Ireland. The Church's ministry will be inclusive and will uphold their rights.

Consistent with Gospel values, and with civil and criminal law, those who minister will do so with dignity and integrity, honouring their calling to ensure that children and young people are welcomed, cherished and protected, following the example set by Jesus.

This Safeguarding Children Policy will be honoured and complied with by all ordained clerics, by vowed female and male religious, and by all lay staff and volunteers in the Catholic Church in Ireland.

This quote from Pope Francis focuses on our role of welcoming and supporting children in the life of the Church.

> **Our generation must show that it can rise to the promise found in each [child and] young person when we know how to give them space.**
>
> **This means that we have to create the material and spiritual conditions for their full development, to give them a solid basis on which to build their lives; to guarantee their safety and their education to be everything they can be; to pass on to them lasting values that make life worth living; to give them a transcendent horizon for their thirst for authentic happiness and their creativity for the good; to give them the legacy of a world worthy of human life; and to awaken in them their greatest potential as builders of their own destiny, sharing responsibility for the future of everyone. If we can do all this today, we anticipate the future that enters the world through the window of the young.[1]**

Pope Francis reminds us that, 'in the Confiteor, we ask forgiveness not only for the wrong we have done, but also for the good we have failed to do'.[2] In the past, the Catholic Church in Ireland failed in its duty to protect children and young people. Previous Church policies have focused on establishing consistent standards to prevent abuse and assist the Church on its journey to learn from the mistakes of the past and ensure that children's safety is a core part of its mission.

> **Even when the path forward is difficult and demanding, I urge you not to get bogged down; keep reaching out, keep trying to instil confidence in those you meet and who share with you this common cause. Do not grow discouraged when it seems that little is changing for the better. Persevere and keep moving forwards![3]**

Inspired by Pope Francis' words, this new child safeguarding policy builds on the foundations of past learning and experiences. The policy provides a new focus on leadership and governance to embed a culture of safeguarding where:

- The Church has an important role to play in creating and maintaining an environment in which children and young people can grow and flourish in their humanity and come to experience the dignity that Jesus proclaimed.
- Children will be welcome and safe.
- Church personnel will uphold the rights of children, in line with Gospel values.

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1 Pope Francis (2013) *Apostolic Journey to Rio De Janeiro on the Occasion of the XXVII World Youth Day, Welcome Ceremony, Address of Pope Francis*. Vatican City: Liberia Editrice Vaticana. p. 2. Available at: https://www.vatican.va/content/francesco/en/speeches/2013/july/documents/papa-francesco_20130722_gmg-cerimonia-benvenuto-rio.html (accessed 6 February 2024).

2 Pope Francis (2023) *Address of His Holiness Pope Francis to the Members of the Pontifical Commission for the Protection of Minors*, p. 2. Available at: https://www.vatican.va/content/francesco/en/speeches/2023/may/documents/20230505-pontcom-tutelaminori.html (accessed 6 February 2024).

3 *Ibid.*

PRINCIPLES

Ministry with children based on scripture

The words and actions of Christ guide engagement with children. Throughout his teachings, Jesus places a sacred obligation on all who minister in the Catholic Church to uphold human dignity, including the dignity of children.

Ministry with children based on national law, canon law and government regulation

The Church upholds the civil, criminal and canon laws relating to the care and protection of children, within the jurisdictions in which it ministers (a full list of relevant legislation is set out in Appendix C). Church personnel will honour and uphold their legal responsibility (in line with mandatory reporting obligations) to report all allegations, knowledge, suspicions and concerns of child abuse to civil and canonical entities, and to manage the risk to children.

Ministry with children based on the Constitution of Ireland, children's rights and international treaties

The Church will uphold the moral and legal obligation to fulfil children's rights commitments as articulated in the United Nations Convention on the Rights of the Child (UNCRC), the Constitution of Ireland and other relevant international treaties. This includes ensuring the safety of children in all ministries, and having children participate in the decisions and activities that affect them.

Caring for complainants

The response to complainants will be pastoral, caring and compassionate. This approach must be about listening, acknowledging the hurt experienced by the complainant and their family, and offering support that reflects the individual needs and circumstances of the complainant on their journey towards healing. The Church will engage with the complainant in order to ensure that they have a voice in deciding the appropriate support response.

Providing a fair and just process for respondents

The Church will ensure a just and fair process that upholds the rights of an accused cleric or a male or female religious under civil and canon law, maintaining a presumption of innocence unless there is an admission of guilt or a finding of guilt. Throughout all investigative and canonical processes, the Church will engage with the relevant statutory and ecclesiastical authorities to ensure that risk to children is appropriately assessed and managed.

Acknowledging the safeguarding journey of the Church

The abuse of children in the Catholic Church in Ireland happened and must never be forgotten. Children were harmed. Progress has been made in establishing and responding to the truth of what happened. Therefore, it is recognised that safeguarding is a core and important part of ministry. The Church commits to continuing this journey of justice, truth, healing, and preventing abuse.

IMPLEMENTATION AND SCOPE OF THE SAFEGUARDING CHILDREN POLICY

This policy applies to all Catholic Church bodies in Ireland and is addressed to all Church personnel. The promotion of good child safeguarding, responding promptly to concerns with compassion and ensuring a just and fair response to those accused, is the responsibility of the whole Church.

The Catholic Church in Ireland has adopted a policy of mandatory reporting of all child protection suspicions, concerns, knowledge and allegations that meet the threshold for reporting to the statutory authorities. There is a legal requirement to report offences in Northern Ireland. In the Republic of Ireland, all priests and male and female religious are considered to be mandated persons, alongside persons listed in Schedule 2 of the Children First Act 2015.

APPLICATION OF THE SAFEGUARDING CHILDREN POLICY STANDARDS

All Church personnel commit to following the Safeguarding Children Policy.

Recognising the diverse nature of Church bodies, their range of ministries, and that not all have ministry with children, the applicability of the criteria relating to the child safeguarding standards will vary. To assist with understanding which criteria of the standards are applicable to the ministries offered by Church personnel, consideration should be given to the flowchart and four tables contained in Appendix D.

THE SAFEGUARDING CHILDREN POLICY STANDARDS

There are three core standards to the Church's Safeguarding Children Policy (the three standards are linked, and no standard is more important than another).

- Leadership, Governance and Accountability
- Nurturing a Culture of Safeguarding
- Responding Pastorally and Reporting According to Civil and Canon Law

STANDARD: LEADERSHIP, GOVERNANCE AND ACCOUNTABILITY

Biblical Reference

'Whoever wants to be first must be last of all and servant of all … whoever welcomes one such child in my name welcomes me, and whoever welcomes me welcomes not me but the one who sent me.' (Mark 9:33-7)

Children's Rights

This standard focuses on the following UNCRC rights: Articles 3, 4, 18, 19, 34 & 42.

What is this standard?

As a leader, the Church authority embodies and imparts the Catholic Church's vision, principles and values, which are reflected and apparent in the child safeguarding culture, structures and practices at all levels and in all ministries with children and young people. This demonstrates, through words and actions, the Church authority's personal commitment to fulfil the safeguarding mission of the Church. It has a responsibility to motivate and inspire others to fulfil the vision of this Safeguarding Children Policy.

Church authorities have a key governance responsibility to embed a culture of safeguarding. They, and all those with safeguarding roles, can demonstrate leadership by modelling positive engagement with children and young people; showing a personal commitment to promoting good safeguarding practice; and demonstrating empathy and understanding to those who have been harmed in the Church. This requires an ability to listen, to respond flexibly, to be confident and transparent, and to accept the challenge of being accountable. Church authorities influence all actions, to ensure that everyone in ministry fulfils their responsibility to safeguard children.

In practical terms, leadership and accountability involve:

- Striving at all times to act with integrity, following the example of Jesus.
- Ensuring that adequate structures, personnel practices and resources are provided to embed safeguarding at the core of ministry, and regularly reviewing these.
- Engaging in systematic review of practice (including undertaking annual self-audits and external reviews of practice) to enable learning for continuous improvement.
- Being held accountable for compliance with all child safeguarding standards, including the Church's commitment to keeping children safe and having a zero-tolerance approach to abuse.

STANDARD: LEADERSHIP, GOVERNANCE AND ACCOUNTABILITY

Criteria

To assist with the implementation of this standard, the following measures should be in place. (To understand the colour coding see Appendix D.)

The Church authority demonstrates his/her personal commitment to safeguarding children through open and transparent communication in relation to safeguarding matters by delivering sermons, pastoral letters, addresses to meetings and newsletters, and through face-to-face meetings and personal engagement. This requires the Church authority to be personally available and to listen with openness, humility and compassion.
The Church authority puts in place a system of governance that identifies clear procedures, accountability structures and quality assurance, in which roles and responsibilities are explicit. These are specified in the Strategic Safeguarding Plan of the relevant Church body.
The Church authority takes decisive action. The decision to ensure that someone who harms a child has no role in ministry rests with a Church authority, having sought appropriate advice. Relevant Church authorities must comply with the obligations under *Vos estis lux mundi* (VELM) to ensure accountability for actions or omissions intended to interfere with or avoid civil or canonical investigations.
In recognition of the challenges associated with safeguarding ministry, the Church authority should demonstrate his/her commitment by providing training, care and support for those in safeguarding ministry, through initial and ongoing formation for clerics, male and female religious and lay personnel.
In recognition of the decision-making responsibilities and potential isolation of the safeguarding role, mechanisms need to be developed to support Church authorities. These will include training for leadership, induction training in safeguarding, and continuous professional and personal development to include skills and knowledge for leading in safeguarding challenges. Church authorities should have access to mentoring and support and a body of experienced personnel to support best practice.

Who is responsible for implementing this standard?

The Church authority has ultimate responsibility for implementing the Standard of Leadership, Governance and Accountability and enlists the support of Church personnel who work with children, including priests, male and female religious, safeguarding representatives, and the Safeguarding Committee.

STANDARD: NURTURING A CULTURE OF SAFEGUARDING

Biblical Reference

'Children are a gift from the Lord; they are a real blessing.' (Psalms 127:3)

Children's Rights

This standard focuses on the following UNCRC rights: Articles 2, 3, 5, 12 & 14.

What is this standard?

Implementing this standard ensures the creation and maintenance of a culture of safety, including a safe church environment that is welcoming of children.

Keeping children safe from harm is an imperative but, more than that, the Church will promote the well-being of children through their participation in the ministry of the Church. The Church will create and maintain environments that uphold children's rights and that create nurturing, caring conditions where children will flourish in faith and love. Through fostering a culture of care, children feel safe and looked after and, in turn, they will be supportive of and respectful to their peers.

This culture of care extends to every person. The Church will support the adults who minister to and engage with children and their carers through training, guidance and supervision to ensure that children's safety is promoted and upheld. Children and adults should feel that they can voice any concerns they have, and that these will be respected, listened to and acted on appropriately.

The Church authority will that ensure that:

- Those who work with or minister to children are competent and supported in their role.
- Environments in which children's ministries are conducted are safe and risks are managed.

Criteria

To assist with the implementation of this standard, the following measures should be in place.

Procedures for recruitment, including Garda vetting/AccessNI
Induction and safeguarding training for all involved in Church ministry
Risk-assess and ensure that measures are put in place to manage risk to children so that children in Church ministry are safe and free from harm. In the Republic of Ireland (ROI) there is a legal requirement to complete a child safeguarding statement: Children First (2015)
Codes of behaviour for children involved in Church-related activities and codes of conduct for adults that promote best practice and integrity in ministry
Procedures to create equal opportunities for children (empowering all children to participate, including children with specific needs and children whose first language is not English)
Appropriate safeguards for using information technology (IT) and social media when engaging with children
Support for and supervision of those in child safeguarding roles
Procedures for dealing with complaints, and for whistleblowing
Procedures for managing external contexts, including lay associations of the faithful; visiting clerics and male and female religious; those ministering in external organisations; and groups using Church property

Who is responsible for implementing this standard?

The Church authority has ultimate responsibility for implementing the Standard of Nurturing a Culture of Safeguarding, and enlists the support of priests, female and male religious, safeguarding representatives, the Safeguarding Committee, and Church personnel who work with children.

STANDARD: RESPONDING PASTORALLY AND REPORTING ACCORDING TO CIVIL AND CANON LAW

Biblical Reference

'See that you do not despise one of these little ones. For I tell you that in heaven their angels always see the face of my Father who is in heaven.' (Matthew 18:10)

Children's Rights

This standard focuses on the following UNCRC rights: Articles 19, 36 & 39.

What is this standard?

This standard is concerned with allegations of abuse; adherence to civil and canon law; caring for complainants; and ensuring a just process of inquiry.

The Catholic Church is committed to timely reporting of all allegations, responding with support and care to complainants of abuse and their families, and ensuring appropriate accompaniment for respondents. The Church will ensure a fair and just process of inquiry, and equip and support those tasked with responding to allegations, as outlined below:

- All allegations, suspicions, concerns and knowledge of abuse (for definitions see Appendix A and Appendix B) that meet the threshold will be reported to civil and canonical entities, and to the National Board, within the timeframes for reporting outlined in Appendix A. Appropriate safeguards will be put in place to ensure that children are safeguarded while allegations are being investigated.
- A response that is caring, compassionate and pastoral, which acknowledges the hurt experienced and which reflects the individual circumstances of the complainant, will be offered, in response to each person's need. The support needs of the family (however described) of the complainant may also be considered.
- The rights under civil and canon law of an accused cleric or male or female religious will be upheld. A presumption of innocence will be maintained unless there is evidence of guilt. All respondents will be offered pastoral support.
- The Church authority cooperates with statutory authority personnel, relevant independent organisations (including the Charities Regulator, if appropriate) and experts in child safeguarding to ensure independent oversight.

Criteria

To assist with the implementation of this standard, the following measures should be in place.

Reporting

The Church authority ensures that all reports of child safeguarding suspicions, concerns, knowledge or allegations are in line with civil and canon law requirements.[4]
The Church authority ensures access to appropriately trained and supported staff whose role it is to respond to allegations and report to the statutory authorities (without delay – see 'Timeframes for reporting' in Appendix A), canonical entities and the National Board for Safeguarding Children in the Catholic Church in Ireland.
Written records reflect that all safeguarding action is taken in line with appropriate data protection and information-sharing protocols.

Caring for complainants

A compassionate response will be offered to complainants (directly or indirectly) by the Church authority, advising on available counselling, independent advocacy and support (which recognises their unique needs and does not interfere with the legal rights of the complainant). This will include an offer from the Church authority to meet the complainant (accompanied) in person. The support needs of the family of the complainant (however described) should also be considered.
In order to assess the needs of the complainant, she/he should participate in and inform that assessment.
Following the conclusion of all inquiries, if there is a case to answer, the Church authority will discuss with the complainant a process of reparation for the harm caused to them.

4 For definitions of abuse see Appendix B.

Just process for respondents

Access to appropriately trained personnel whose role it is to listen to, regularly communicate with and represent the needs of respondents and their families throughout the civil and canonical process.
Regular and accessible communication that includes written procedures and information for respondents to advise them that an allegation has been made against them. This will include informing them of their rights to access civil and canon law advice, and will describe the process of assessing and managing risk and the situations in which restrictions on ministry are necessary.
A preliminary investigation/collecting of proofs as provided for in Canon 1717 (1)-(3)(cleric) and Canon 695 (non-ordained religious) is initiated by decree of the Church authority, which is suspended while statutory authority agencies conduct their investigations. This will maintain a presumption of innocence unless there is an admission of guilt or a finding of guilt. The respondent should be advised of the proceedings, kept informed throughout the process and involved where possible.
If, upon conclusion of civil and canon law inquiries, a finding is made that there is no case to answer, a clear process for restoring the good name of the respondent is agreed and implemented.
Risk management arrangements must be in place for the respondent, until and if the Church authority no longer has responsibility for managing the respondent. This should be done in line with canon law.

Who is responsible for implementing this standard?

The Church authority has ultimate responsibility for implementing the Standard of Responding Pastorally and Reporting According to Civil and Canon Law, and enlists the support of mandated persons; Designated Liaison Persons (DLPs); advisors; support people; priests; female and male religious; advisory panel members; and canon and civil law advisors.

COMMITMENT BY THE CHURCH AUTHORITY

On behalf of this Church body, as part of the Catholic Church in Ireland, I commit to:

- Safeguarding children by agreeing to follow this Safeguarding Children Policy
- Supporting Church personnel in my Church body to follow all aspects of this policy
- Accepting my responsibilities for creating a culture of safety; building safe environments for children; and ensuring that children are welcome, involved in ministry and free from harm
- Responding to and managing allegations of abuse with compassion and fairness and in line with civil and canonical requirements
- Accepting my overall responsibility as Church authority to uphold safeguarding as a core ministry in the Catholic Church in Ireland

Church authority signature

_____

On behalf of

_____

Date

_____

APPENDIX A: GLOSSARY OF TERMS

Canon law: In the Catholic Church, canon law is the system of laws and legal principles made and enforced by the Church's hierarchical authorities to regulate its internal organisation and government, and to order and direct the activities of Catholics toward the mission of the Church.

Child: Anyone below the age of 18 years.

Children with specific needs: This term is used to cover the specific, or unique, out-of-the-ordinary concerns created by a child's medical, physical, mental or developmental condition or disability. Additional services are usually needed to help a person in one or more of the following areas (among others): thinking, communication, movement, getting along with others, and taking care of oneself.

Church authority: This term does not appear in canon law. It can refer to the leader of the Church body, usually the bishop or provincial, or the senior administrative authority of a lay organisation or ecclesial movement. This term includes (while in office) abbot, abbess, archbishop, cardinal, congregational leader, diocesan administrator, prior, prioress, province leader, regional, superior, and unit leader.

Church body: Canon law contains many distinctions between the types of organisations and bodies that have developed over the life of the Catholic Church. It would be impractical to include all of these when referring to an element of the Church that has a child safeguarding responsibility. In this document the term 'Church bodies' is used as shorthand to include all constituent members of the Catholic Church in Ireland.

Church personnel: This term is used to define those who work (voluntarily or paid) for the Church body. This includes clergy, male and female religious, all in formation for priesthood and religious life, staff and volunteers.

Cleric: One who is ordained in sacred ministry in the Church. Clerics are divided into deacons, priests and bishops.

Collecting the proofs: As defined in Canon 695, this is part of the process of dismissal to gather facts, on the imputability of the offence.

Complainant: This term describes a person who has made an allegation of abuse.

Constituent member: The twenty-six dioceses of the Catholic Church on the island of Ireland; members of the Association of Leaders of Missionaries and Religious of Ireland (AMRI); and such other congregations, organisations, associations, ecclesial movements or prelatures on the island of Ireland with the prior agreement of the members of the National Board for Safeguarding Children in the Catholic Church in Ireland.

APPENDIX A: GLOSSARY OF TERMS

Delict: A crime in canon law; an external violation of a law or precept gravely imputable by reason of malice or negligence.

Designated Liaison Person (DLP): The person appointed by the Church authority to liaise with the statutory authorities regarding child safeguarding suspicions, concerns, knowledge or allegations.

In Ireland: For the purposes of this document, the term 'in Ireland' includes Northern Ireland and the Republic of Ireland. If the term 'Northern Ireland' or 'Republic of Ireland' is used, it is in relation to something that is only applicable to that specific jurisdiction.

IT: Information technology.

Mandated persons: People who have contact with children and/or families, who, by virtue of their qualifications, training and experience, are in a key position to help protect children from harm.

Mandatory reporting: There is a legal requirement to report offences in Northern Ireland. This means that any concerns of this nature must be referred to the police by law. The DLP makes this referral to the police.

Under the Children First Act 2015 mandated persons have two main legal obligations under the Children First Act 2015:

- To report harm of children, above a defined threshold, to Tusla.
- To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

As a mandated person, under the legislation you are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

Ministry with children

This includes:

- Any work or service undertaken by Church personnel with children, which is under the authority of their Church body; and
- All priests in active ministry under the authority of their Church body are to be considered as having ministry with children.

Preliminary investigation: This is a canonical term referring to the process by which a Church authority determines whether an alleged delict, which has reached the threshold of a semblance of truth, is not manifestly false or frivolous and remains a case to answer.

PSNI: Police Service of Northern Ireland.

Religious: Female and male members of religious institutes and societies in which the members take public vows and live a life of ministry in common.

APPENDIX A: GLOSSARY OF TERMS

Respondent: This term is used for the person about whom child protection suspicions, concerns, knowledge or allegations have been made. Tusla the Child and Family Agency may refer to the respondent as a Person Subject to Allegation of Abuse (PSAA).

Statutory authorities: These include Tusla the Child and Family Agency and An Garda Síochána in the Republic of Ireland, and the PSNI and the Health and Social Care trusts in Northern Ireland.

Threshold for reporting

Republic of Ireland: Children First Act 2015 Part 3 (14), (1) defines the threshold for reporting as 'where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession, as such a mandated person, that a child (a) has been harmed, (b) is being harmed, or (c) is at risk of being harmed, he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency' (Child and Family Agency).

Northern Ireland: Co-operating to Safeguard Children and Young People in Northern Ireland 2017, 2.4 and Children Order (Northern Ireland) 1995 2(2) and Article 50(3) define the threshold for reporting as 'reasonable cause to suspect that the child is suffering, or is likely to suffer significant harm'.

Timeframes for reporting

- One to five days in the case of living respondents to police, social services and the National Board.
- Within six months if the respondent is incapacitated or cannot be identified, as required by current law, to police, social services and the National Board.
- There is no need to report allegations against deceased respondents to social services unless there is a current risk to a child.
- Allegations against deceased respondents must be reported to police as soon as possible.

UNCRC: United Nations Convention on the Rights of the Child. An international convention that outlines in 54 articles the fundamental rights of those aged under 18 years and the obligations of States that sign the Convention to uphold the rights it contains.

VELM: *Vos estis lux mundi* is a *motu proprio* issued in May 2019 by Pope Francis. It established new procedural norms to combat sexual abuse and ensure that bishops and their equivalents are held accountable for their actions.

APPENDIX B: DEFINITIONS OF ABUSE IN THE REPUBLIC OF IRELAND AND NORTHERN IRELAND

Republic of Ireland[5]

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

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

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/caregiver and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of, and unable (for a range of reasons) to meet, their child's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or caregiver.

Emotional abuse may be seen in some of the following ways:

- Rejection
- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned moves)

5 *Children First, National Guidance for the Protection and Welfare of Children* (Dublin: Department of Children and Youth Affairs, 2017).

- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk-taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and, in some instances, occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or through physical symptoms. It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:

- Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography (for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording on film, videotape or other media and the manipulation, for those purposes, of an image by computer or other means); inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
- Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety.

Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or caregiver. This may become apparent

where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect.

- Children being left alone without adequate care and supervision
- Malnourishment, unsuitable food, erratic feeding, lacking food
- Non-organic failure to thrive; e.g. a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions – unhygienic conditions or environmental issues, including lack of adequate heating and furniture
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

Child abuse online

The Child Trafficking and Pornography Act, 1998, which is amended by Section 6 of the Criminal Law (Sexual Offences) (Amendment) Act 2007, makes it an offence to possess, produce, distribute, print or publish child pornography.

Northern Ireland[6]

Abuse

Harm can be suffered by a child or young person by acts of abuse perpetrated upon them by others. Abuse can happen in any family, but children may be more at risk if their parents have problems with drugs, alcohol and mental health, or if they live in a home where domestic abuse happens. Abuse can also occur outside of the family environment. Evidence shows that babies and children with disabilities can be more vulnerable to suffering abuse.

Although the harm from the abuse might take a long time to be recognisable in the child or young person, professionals may be in a position to observe its indicators earlier; for example, in the way that a parent interacts with their child. Effective and ongoing information sharing is key between professionals.

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

Sexual abuse is when others use and exploit children sexually for their own gratification or gain or for the

6 *Co-operating to Safeguard Children and Young People in Northern Ireland*, 2017.

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

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

Emotional abuse may involve deliberately telling a child that they are worthless, unloved or inadequate. It may include denying a child opportunities to express their views, deliberately silencing them, or 'making fun' of what they say or how they communicate. Emotional abuse may involve bullying – including online bullying through social networks, online games or mobile phones – by a child's peers.

Exploitation is the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; it means taking selfish or unfair advantage of a child, young person or situation, for personal gain. It may manifest itself in many forms such as child labour, slavery, servitude, engagement in criminal activity, begging, claiming benefit or committing other financial fraud (not just child), or child trafficking. It extends to the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation. Exploitation can be sexual in nature.

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

Child abuse online

The Protection of Children Order (Northern Ireland) 1978, with the Criminal Justice and Immigration Act 2008, make it an offence for anyone to take, allow to be taken, possess, show, distribute or publish any indecent image of a child in Northern Ireland. For the purpose of these pieces of legislation, a child is defined as anyone aged under 18 years.

Canon law

In 2019 Pope Francis issued an apostolic letter entitled '*Vos estis lux mundi*' (VELM) (May 2019), which updated the definitions of abuse as follows:

APPENDIX B: DEFINITIONS OF ABUSE IN THE REPUBLIC OF IRELAND AND NORTHERN IRELAND

Art. 1 – Scope of application

§1. These norms apply to reports regarding clerics or members of Institutes of Consecrated Life or Societies of Apostolic Life and concerning:

a. delicts against the sixth commandment of the Decalogue consisting of:
   I. forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;
   II. performing sexual acts with a minor (or a vulnerable person);
   III. the production, exhibition, possession or distribution, including by electronic means, of child pornography (as well as by the recruitment of or inducement of a minor or a vulnerable person to participate in pornographic exhibitions).

b. conduct carried out by the subjects referred to in Article 6, consisting of actions or omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or a religious regarding the delicts referred to in letter a) of this paragraph.

§2. For the purposes of these norms,

a. 'minor' means: any person under the age of 18 years, or who is considered by law to be the equivalent of a minor;

b. 'vulnerable person' means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offence;

c. 'child pornography' means: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.[7]

Canon 223 outlines that the basis for invoking disciplinary measures rests on the foundation of the common good (see Canon 223 §2). For this reason, if an allegation is substantiated by an investigation, disciplinary measures with the same practical effect as penalties can be imposed in order to safeguard minors and other vulnerable people.

7 https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html

APPENDIX C: LEGISLATION, INTERNATIONAL TREATIES, THE IRISH CONSTITUTION, AND REGULATION UNDERPINNING THE SAFEGUARDING CHILDREN POLICY

International

- The United Nations Convention on the Rights of the Child (UNCRC)
- The United Nations Convention on Human Rights (UNCHR)

Republic of Ireland

- Protected Disclosures Act 2014 amended by the Protected Disclosures (Amendment) Act 2022
- Children First Act 2015
- National Vetting Bureau (Children and Vulnerable Persons) Act 2012
- Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012
- Protection for Persons Reporting Child Abuse Act, 1998
- The Constitution of Ireland

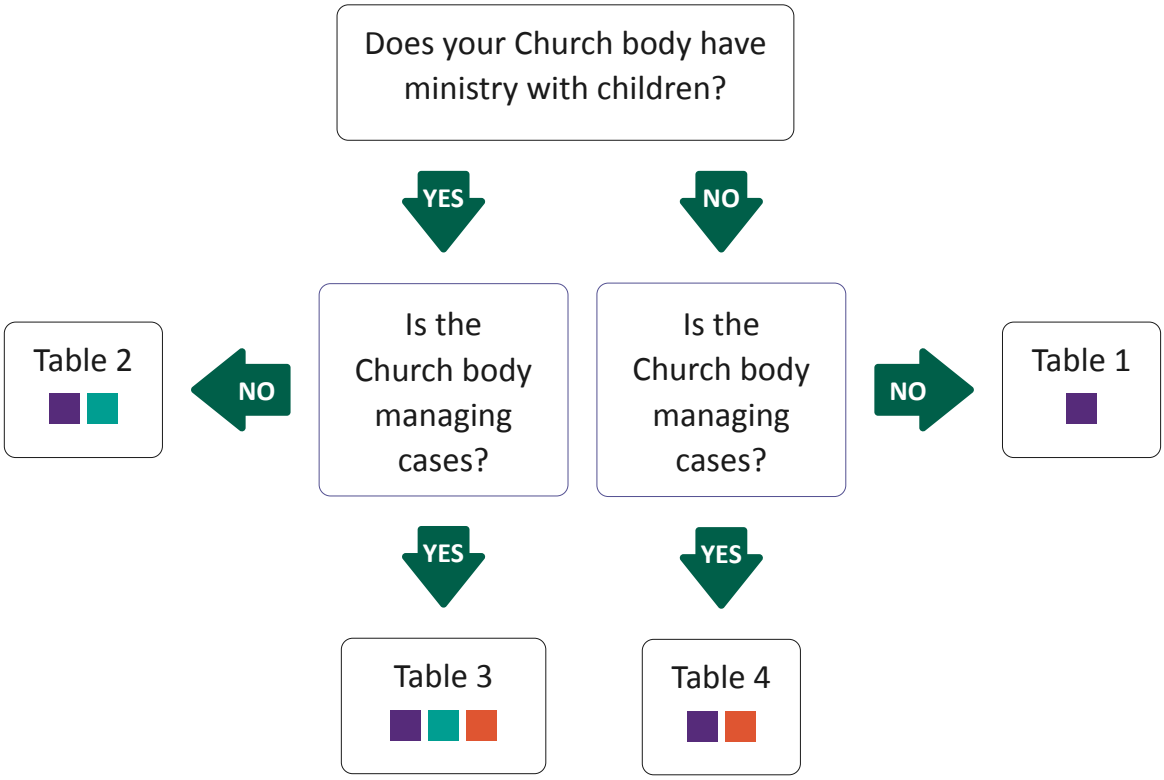
Northern Ireland

- *Cooperating to Safeguard Children and Young People in Northern Ireland*, updated August 2017 (V. 2)
- Safeguarding Board Act (Northern Ireland) 2011
- The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007
- Public Interest Disclosure (Northern Ireland) Order 1998 (amended in October 2017)
- The Police Act 1997 (Criminal Records) (Disclosure)
- The Children (Northern Ireland) Order 1995
- Criminal Law Act (Northern Ireland) 1967

Canon law

- *Sacramentorum Sanctitatis Tutela* ('Protection of the Sanctity of the Sacraments')
- *Vos estis lux Mundi* ('You are the Light of the World')
- *Motu proprio* ('As a Loving Mother')
- *Code of Canon Law* (including Book VI)

APPENDIX D: CRITERIA TO MEET THE SAFEGUARDING CHILDREN POLICY STANDARDS



APPENDIX D: CRITERIA TO MEET THE SAFEGUARDING CHILDREN POLICY STANDARDS

Table 1

No ministry with children and not managing cases

The Church authority demonstrates his/her personal commitment to safeguarding children through open and transparent communication in relation to safeguarding matters by delivering sermons, pastoral letters, addresses to meetings and newsletters, and through face-to-face meetings and personal engagement. This requires the Church authority to be personally available and to listen with openness, humility and compassion.
In recognition of the decision-making responsibilities and potential isolation of the role, mechanisms need to be developed to support Church authorities. These will include training for leadership, induction training in safeguarding and continuous professional and personal development to include skills and knowledge for leading in safeguarding challenges. Church authorities should have access to mentoring and support and a body of experienced personnel to support best practice.
Induction and training.
Procedures for managing external contexts, including lay associations of the faithful; for visiting clerics and male and female religious; and for those ministering in external organisations and external groups using Church property.
The Church authority ensures that all reports of child safeguarding suspicions, concerns, knowledge or allegations are processed in line with civil and canon law requirements.
Access to appropriately trained and supported staff whose role it is to respond to allegations and report to the statutory authorities (without delay – see 'Timeframes for reporting' in Appendix A), canonical entities and the National Board for Safeguarding Children in the Catholic Church in Ireland.

APPENDIX D: CRITERIA TO MEET THE SAFEGUARDING CHILDREN POLICY STANDARDS

Table 2

Ministry with children but not managing cases

The Church authority demonstrates his/her personal commitment to safeguarding children through open and transparent communication in relation to safeguarding matters by delivering sermons, pastoral letters, addresses to meetings and newsletters, and through face-to-face meetings and personal engagement. This requires the Church authority to be personally available and to listen with openness, humility and compassion.
The Church authority puts in place a system of governance that identifies clear procedures, accountability structures and quality assurance, in which roles and responsibilities are explicit. These are all mirrored in the Strategic Safeguarding Plan of the relevant Church body.
In recognition of the challenges associated with safeguarding ministry, the Church authority should demonstrate his/her commitment through providing training, care and support for those in safeguarding ministry through initial and ongoing formation for clerics, male and female religious and lay personnel.
In recognition of the decision-making responsibilities and potential isolation of the role, mechanisms need to be developed to support Church authorities. These will include training for leadership, induction training in safeguarding and continuous professional and personal development to include skills and knowledge for leading in safeguarding challenges. Church authorities should have access to mentoring and support and a body of experienced personnel to support best practice.
Procedures for recruitment, including Garda vetting/AccessNI.
Induction and training.
Codes of behaviour for children involved in ministry and codes of conduct for adults that promote best practice and integrity in ministry.
Support for and supervision of those in child safeguarding roles.
Risk-assess and ensure that measures are put in place to manage risk to children so that children in Church ministry are safe and free from harm. In the ROI there is a legal requirement to complete a child safeguarding statement: Children First (2015), ROI only.

APPENDIX D: CRITERIA TO MEET THE SAFEGUARDING CHILDREN POLICY STANDARDS

Procedures for managing external contexts, including lay associations of the faithful; visiting clerics and male and female religious; and those ministering in external organisations and external groups using Church property.
Appropriate safeguards for using IT (information technology) and social media when engaging with children. Procedures to create equal opportunities for children (empowering all children to participate, including children with specific needs and children whose first language is not English).
Procedures for dealing with complaints and whistleblowing.
The Church authority ensures that all reports of child safeguarding suspicions, concerns, knowledge or allegations are processed in line with civil and canon law requirements.
Access to appropriately trained and supported staff whose role it is to respond to allegations, suspicions, concerns and knowledge and report to the statutory authorities (without delay – see 'Timeframes for reporting' in Appendix A), canonical entities and the National Board for Safeguarding Children in the Catholic Church in Ireland.

APPENDIX D: CRITERIA TO MEET THE SAFEGUARDING CHILDREN POLICY STANDARDS

Table 3

Ministry with children and managing cases

The Church authority demonstrates his/her personal commitment to safeguarding children through open and transparent communication in relation to safeguarding matters by delivering sermons, pastoral letters, addresses to meetings and newsletters, and through face-to-face meetings and personal engagement. This requires the Church authority to be personally available and to listen with openness, humility and compassion.
The Church authority puts in place a system of governance that identifies clear procedures, accountability structures and quality assurance, in which roles and responsibilities are explicit. These are all mirrored in the Strategic Safeguarding Plan of the relevant Church body.
The Church authority cooperates with statutory authority personnel, relevant independent organisations and experts in child safeguarding to ensure independent oversight.
The Church authority takes decisive action. The decision on ensuring that someone who harms a child has no role in ministry rests with a Church authority, having sought appropriate advice. Relevant Church authorities must comply with the obligations under VELM to ensure accountability for actions or omissions intended to interfere with or avoid civil or canonical investigations.
In recognition of the challenges associated with safeguarding ministry, the Church authority should demonstrate his/her commitment through providing training, care and support for those in safeguarding ministry through initial and ongoing formation for clerics, male and female religious and lay personnel.
In recognition of the decision-making responsibilities and potential isolation of the role, mechanisms need to be developed to support Church authorities. These will include training for leadership, induction training in safeguarding and continuous professional and personal development to include skills and knowledge for leading in safeguarding challenges. Church authorities should have access to mentoring and support and a body of experienced personnel to support best practice.
Procedures for recruitment, including Garda vetting/AccessNI.
Induction and training.

APPENDIX D: CRITERIA TO MEET THE SAFEGUARDING CHILDREN POLICY STANDARDS

	Codes of behaviour for children involved in Church-related activities and codes of conduct for adults that promote best practice and integrity in ministry.
	Support for and supervision of those in child safeguarding roles.
	Risk-assess and ensure that measures are put in place to manage risk to children so that children in Church ministry are safe and free from harm. In the ROI there is a legal requirement to complete a child safeguarding statement: Children First (2015), ROI only.
	Procedures for managing external contexts, including lay associations of the faithful; visiting clerics and male and female religious; and those ministering in external organisations and external groups using Church property.
	Appropriate safeguards for using IT and social media when engaging with children.
	Procedures to create equal opportunities for children (empowering all children to participate, including children with specific needs and children whose first language is not English).
	Procedures for dealing with complaints and whistleblowing.
	The Church authority ensures that all reports of child safeguarding suspicions, concerns, knowledge or allegations are processed in line with civil and canon law requirements.
	Access to appropriately trained and supported staff whose role it is to respond to allegations and report to the statutory authorities (without delay – see 'Timeframes for reporting' in Appendix A), canonical entities and the National Board for Safeguarding Children in the Catholic Church in Ireland.
	Ensuring that written records reflect all safeguarding action is taken in line with appropriate data protection and information-sharing protocols.
	Access to appropriately trained personnel whose role it is to listen to, regularly communicate with and represent the needs of respondents and their families throughout the civil and canonical process.

APPENDIX D: CRITERIA TO MEET THE SAFEGUARDING CHILDREN POLICY STANDARDS

	Regular and accessible communication that includes written procedures and information for respondents to advise them that an allegation has been made against them. This will include informing them of their rights to access civil and canon law advice and will describe the process of assessing and managing risk, and the situations in which restrictions on ministry are necessary.
	A preliminary investigation/collecting of proofs as provided for in Canon 1717 (1)-(3)(cleric) and Canon 695 (non-ordained religious), which is suspended while statutory authority agencies conduct their investigations, must be carried out. This will maintain a presumption of innocence unless there is an admission of guilt or a finding of guilt. The respondent should be advised of the proceedings, kept informed throughout the process and involved where possible.
	If, upon conclusion of civil and canon law inquiries, a finding is made that there is no case to answer, a process for restoring the good name of the respondent is agreed and implemented.
	Risk management arrangements must be in place for the respondent, until and if the Church authority no longer has responsibility for managing the respondent. This should be done in line with canon law.
	Following the conclusion of all inquiries, if there is a case to answer, the Church authority will discuss a process of reparation for the harm caused to the complainant.

APPENDIX D: CRITERIA TO MEET THE SAFEGUARDING CHILDREN POLICY STANDARDS

Table 4

No ministry with children but managing cases

The Church authority demonstrates his/her personal commitment to safeguarding children through open and transparent communication in relation to safeguarding matters by delivering sermons, pastoral letters, addresses to meetings and newsletters, and through face-to-face meetings and personal engagement. This requires the Church authority to be personally available and to listen with openness, humility and compassion.
In recognition of the decision-making responsibilities and potential isolation of the role, mechanisms need to be developed to support Church authorities. These will include training for leadership, induction training in safeguarding and continuous professional and personal development to include skills and knowledge for leading in safeguarding challenges. Church authorities should have access to mentoring and support and a body of experienced personnel to support best practice.
The Church authority cooperates with statutory authority personnel, relevant independent organisations and experts in child safeguarding to ensure independent oversight.
The Church authority takes decisive action. The decision on ensuring that someone who harms a child has no role in ministry rests with a Church authority, having sought appropriate advice. Relevant Church authorities must comply with the obligations under VELM to ensure accountability for actions or omissions intended to interfere with or avoid civil or canonical investigations.
Induction and training.
Procedures for managing external contexts, including lay associations of the faithful; visiting clerics and male and female religious; and those ministering in external organisations and external groups using Church property.
The Church authority ensures that all reports of child safeguarding suspicions, concerns, knowledge or allegations are processed in line with civil and canon law requirements.

APPENDIX D: CRITERIA TO MEET THE SAFEGUARDING CHILDREN POLICY STANDARDS

Access to appropriately trained and supported staff whose role it is to respond to allegations and report to the statutory authorities (without delay – see 'Timeframes for reporting' in Appendix A), canonical entities and the National Board for Safeguarding Children in the Catholic Church in Ireland.
Ensuring that written records reflect all safeguarding action is taken in line with appropriate data protection and information-sharing protocols.
Following the conclusion of all inquiries, if there is a case to answer, the Church authority will discuss a process of reparation for the harm caused to the complainant.
Access to appropriately trained personnel whose role it is to listen to, regularly communicate with and represent the needs of respondents and their families throughout the civil and canonical process.
Regular and accessible communication that includes written procedures and information for respondents to advise them that an allegation has been made against them. This will include informing them of their rights to access civil and canon law advice and will describe the process of assessing and managing risk, and the situations in which restrictions on ministry are necessary.
A preliminary investigation/collecting of proofs as provided for in Canon 1717 (1)-(3)(cleric) and Canon 695 (non-ordained religious), which is suspended while statutory authority agencies conduct their investigations, must be carried out. This will maintain a presumption of innocence unless there is an admission of guilt or a finding of guilt. The respondent should be advised of the proceedings, kept informed throughout the process and involved where possible.
If, upon conclusion of civil and canon law inquiries, a finding is made that there is no case to answer, a clear process for restoring the good name of the respondent is agreed and implemented.
Risk management arrangements must be in place for the respondent, until and if the Church authority no longer has responsibility for managing the respondent. This should be done in line with canon law.