

# Child Safeguarding in the Legion of Mary

## **STATEMENT**

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Reporting Procedures and  
Good Practice Guidelines 2022



## LEGION OF MARY

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### Child Safeguarding Statement

The Legion of Mary values the participation of young people in the activities of the Legion and is committed to upholding good practice in the Church's ministry with children and young people. We believe this will enhance their spiritual, physical and emotional growth and wellbeing. We commit ourselves to doing everything in our power to create a safe and welcoming environment for the young. We wish to promote and uphold at all times the dignity and rights of all children and young people committed to our pastoral care.



## CONTENTS

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LEGION OF MARY Child Safeguarding Statement	<a href="#"><u>3</u></a>
INTRODUCTION	<a href="#"><u>7</u></a>
CHAPTER 1: The Child Safeguarding Statement of The Legion of Mary	<a href="#"><u>11</u></a>
CHAPTER 2: The Safeguarding Structures of The Legion of Mary	<a href="#"><u>17</u></a>
CHAPTER 3: The Creation and Maintenance of Safe Environments for Children	<a href="#"><u>23</u></a>
CHAPTER 4: Dealing with Child Protection Concerns	<a href="#"><u>33</u></a>
APPENDIX 1: Confidentiality, Data Protection and Record Keeping	<a href="#"><u>49</u></a>
APPENDIX 2: Dealing with Complaints	<a href="#"><u>53</u></a>
APPENDIX 3: Whistleblowing	<a href="#"><u>57</u></a>



## INTRODUCTION

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### 1. WHAT THIS DOCUMENT CONTAINS

The child safeguarding policy of the Legion of Mary is set out in Safeguarding Children: Policy and Standards for the Catholic Church in Ireland, 2016.

We would like to acknowledge the assistance of the Dublin Archdiocese in drawing up this Policy.

Safeguarding Children contains seven safeguarding standards, namely:

**Standard 1:** Creating and Maintaining Safe Environments

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

**Standard 3:** Care and Support for the Complainant

**Standard 4:** Care and Management of the Respondent

**Standard 5:** Training and Support for Keeping Children Safe

**Standard 6:** Communicating the Church's Safeguarding Message

**Standard 7:** Quality Assuring Compliance with the Standards

This document contains the Child Safeguarding Statement required of 'relevant services' under the Children First Act 2015. It describes how Standards 1, 2, 5, 6 and 7 of the seven safeguarding standards of Safeguarding Children are implemented in the Legion of Mary. A separate document describes the implementation of Standards 3 and 4.

## 2. WHO THIS DOCUMENT IS FOR

This document is intended to assist all senior active legionaries who are involved in child safeguarding and protection in the Legion of Mary.

- **Chapter 1** is the Child Safeguarding Statement of the Legion of Mary.
- **Chapter 2** describes the safeguarding structure of the Legion of Mary and will be of assistance to those who want or need to know who is responsible for what when it comes to protecting children from harm in the Legion of Mary.
- **Chapter 3** sets out good safeguarding practice and is intended to assist all senior active legionaries working directly with children.
- **Chapter 4** describes what needs to be done when we have information that a child has been or may have been harmed. In particular, it outlines the requirements for reporting child protection concerns, both within the Legion of Mary and to the civil authorities (Tusla the Child and Family Agency) and An Garda Síochána.
- **The Appendices** provide additional information on data protection, dealing with complaints and whistleblowing.

## 3. TERMINOLOGY USED IN THIS DOCUMENT

- **A child** is a person under the age of 18 years.
- **Safeguarding** refers to those measures taken to create and maintain safe environments for children.
- **Child protection** consists of the work of recognising, responding to and reporting concerns that a child may have been, is being or is at risk of being abused or neglected.



- **Harm** refers to assault, ill-treatment, sexual abuse or neglect of a child.
- The **civil authorities** referred to in this document are Tusla, the Child and Family Agency, and An Garda Síochána. These authorities have different responsibilities in relation to the protection of children. Tusla assesses current risk to children and advises on the implementation of appropriate protective measures. An Garda Síochána investigates alleged crimes and then refers cases to the Director of Public Prosecutions who decides on prosecution.

#### **4. REVIEW**

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



## CHAPTER I

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# The Child Safeguarding Statement of The Legion of Mary

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

### 1.1 STATEMENT

The Legion of Mary values the participation of young people in the activities of the Legion and is committed to upholding good practice in the Church's ministry with children and young people. We believe this will enhance their spiritual, physical and emotional growth and wellbeing. We commit ourselves to doing everything in our power to create a safe and welcoming environment for the young. We wish to promote and uphold at all times the dignity and rights of all children and young people committed to our pastoral care.

All Legion of Mary members have a responsibility to safeguard children through promoting their welfare, health and development in a safe and caring environment that supports their best interests and prevents abuse.

### 1.2 NATURE OF SERVICE AND PRINCIPLES TO SAFEGUARD CHILDREN FROM HARM

The Legion of Mary engages with children in a variety of ways which include the following:

- Running of a junior praesidium
- Participation in activities for children organised by the Legion of Mary
- Assisting in various programmes organised by parishes (catechesis, sacramental preparation *etc.*)

This list is not exhaustive.

## Safeguarding principles

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

- Adopting a child-centred approach;
- Obtaining parental/ guardian permission for the involvement of children in Legion activities;
- Choosing carefully those who work with children;
- Ensuring that all members of the Legion of Mary behave appropriately towards children;
- Encouraging positive behaviour in children and adopting strategies to prevent bullying;
- Making proper arrangements when organising activities and outings;
- Communicating appropriately with children and young people;
- Keeping good records.

### 1.3 RISK ASSESSMENT

The Legion of Mary has carried out an assessment of the potential for harm to children through their involvement in Legion activities. The following table lists the identified risks and the practices and procedures, described in further detail in the rest of this document, for managing these risks.

Risk identified	Practices and procedures in place to manage identified risk
1. Children could be exposed through their involvement in Legion activities to people who may harm them.	<ul style="list-style-type: none"> <li>• Safe selection and recruitment procedures for those working with children, including vetting of all involved in having contact with children</li> </ul>
2. Those who work with children could engage in unsafe work practices or behave inappropriately towards them.	<ul style="list-style-type: none"> <li>• Code of Practice for those working with children</li> <li>• Complaints procedures</li> <li>• Appropriate communication with children (including use of social media)</li> </ul>
3. Those working with children could operate in unsafe environments	<ul style="list-style-type: none"> <li>• Proper arrangements for activities involving children</li> </ul>
4. Lack of clarity as to who is responsible for what when it comes to child safeguarding and protection in the Legion of Mary	<ul style="list-style-type: none"> <li>• Roles and responsibilities are clearly laid out in procedures document</li> <li>• Information and advice are provided</li> </ul>
5. Children involved in Legion of Mary activities may not understand what is expected of them in terms of their contact with and behaviour towards each other	<ul style="list-style-type: none"> <li>• Adults who work with children are expected to provide good role models for them</li> <li>• Code of Behaviour for Children involved in Legion of Mary activities</li> <li>• Anti-bullying strategies</li> </ul>

<p>6. Concerns that a child may have been, is being or is at risk of being abused or neglected may go undetected and unreported</p>	<ul style="list-style-type: none"> <li>• This statement and the accompanying procedures are circulated to each praesidium</li> <li>• Safeguarding information, training and advice provided</li> <li>• Safeguarding message conveyed through praesidium/curia/comitium and Legion of Mary website <a href="http://www.legionofmary.ie">www.legionofmary.ie</a></li> </ul>
<p>7. Legion of Mary personnel, whether mandated persons or others, may be unaware of their responsibility, or not supported, to report concerns that a child may have been, is being or is at risk of being abused or neglected</p>	<ul style="list-style-type: none"> <li>• Reporting thresholds and procedures are set out in procedures document and covered in training and information sessions</li> <li>• Advice, guidance and support is provided by Child Safeguarding Committee of the Legion of Mary</li> <li>• Joint reports will be made by Legion of Mary Designated Liaison Person and Mandated Persons, where appropriate, taking account of data protection requirements</li> </ul>
<p>8. Mandated persons may not be aware of their responsibilities under the Children First Act 2015</p>	<ul style="list-style-type: none"> <li>• Role of mandated person described in procedures document</li> <li>• Information sessions will be provided</li> <li>• List of mandated persons will be compiled and kept updated – see section 4.5</li> </ul>
<p>9. Safeguarding practice in praesidium/curia/comitium may not be implemented</p>	<ul style="list-style-type: none"> <li>• Audits of practice carried out by curiae/comitia and by Concilium Legionis Mariae</li> </ul>

## **1.4 CHILD PROTECTION PROCEDURES**

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

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

## **1.5 IMPLEMENTATION**

The Legion of Mary is committed to the implementation of this Child Safeguarding Statement and the practices and procedures that support our commitment to keeping children safe from harm while engaged in activities within the Legion.

1. This Child Safeguarding Statement will be reviewed in February 2024 or as soon as practicable after there has been a material change in any matter to which the statement refers.



President of Concilium Legionis Mariae

### For queries please contact:

The Child Safeguarding Committee of the Legion of Mary at Concilium Legionis Mariae, Morning Star Avenue, Brunswick Street, Dublin 7.

### Contact details:

Phone: 353 01 8723153



## CHAPTER 2

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### The Safeguarding Structures of The Legion of Mary

The President of Concilium Legionis Mariae has overall responsibility for ensuring that there are adequate arrangements in place to ensure that children who participate in the activities of the Legion of Mary are protected from harm. A number of structures have been established to assist the President in this task.

#### Child Safeguarding Committee

The primary objective of the Child Safeguarding Committee of the Legion of Mary is the safeguarding and protection from abuse of children who participate in the life and work of the Legion of Mary.

The committee has three functions that relate to this policy. These are:

1. Creating and maintaining safe environments for children who participate in Legion of Mary activities. This is done through:
  - providing safeguarding training and advice to Legion,
  - developing materials to assist legionaries in creating safe environments,
  - carrying out audits of praesidia/curiae/comitia to ensure they are operating in compliance with the requirements of the Legion safeguarding policy.

2. Providing a support service to those affected by abuse. This is a service provided to those who have experienced abuse in a Legion context and to members of their family. The service provided consists of:
  - facilitating people to make complaints about abuse,
  - accessing counselling for those who need and want it,
  - informing them of the steps being taken to address their concerns,
  - providing ongoing support in accordance with their needs and wishes.
  
3. Case management. The management of child protection concerns relating to the Legion of Mary. This involves a range of activities including:
  - meeting with those who wish to discuss such concerns,
  - meeting with the respondent (the legionary against whom the allegation has been made),
  - notifying the civil authorities (An Garda Síochána and Tusla),
  - advising the President of Concilium on protective measures,
  - ensuring that appropriate measures are taken to prevent any person who has offended against children from doing so again.

In addition, the committee:

- provides advice and assistance to praesidia/curiae/comitia in their management of child protection concerns and
- oversees practice in praesidia/curiae/comitia in order to ensure they are fully compliant with Children First and Safeguarding Children.

## The Designated Liaison Person (DLP)

The DLP is a person who has specific responsibility for ensuring that effective procedures are followed within the Legion of Mary when dealing with child protection concerns.<sup>1</sup>

All child protection concerns that relate to Legion personnel and activities in the Legion of Mary must be reported to the DLP who has the overall responsibility, entrusted to them by the President, to ensure that each child protection concern is correctly managed from start to finish.

## Diocesan Safeguarding Trainers

The Archdiocese of Dublin has a number of Safeguarding Trainers.

## Legion Safeguarding Representatives

The vice-president of each council is the Safeguarding Representative. The Safeguarding Representative is responsible for the promotion of best practice and compliance with the Legion safeguarding policy at praesidium/curia/comitium level. Each of these Representatives is trained for the role.

## Mandated Persons

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

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<sup>1</sup> Child protection concerns are concerns that a child may have been, is being or is at risk of being abused or neglected.

the clergy, Church pastoral workers and safeguarding or child protection officers employed by a religious body or organisation. Legion Safeguarding Representatives are not mandated persons as they work in a voluntary capacity and are not employed.

Detailed guidance on mandatory reporting is contained in [Chapter 4](#).

## Communicating the Legion's Safeguarding Message

Each council of the Legion is required to display a Safeguarding Notice in a prominent place<sup>2</sup>. This is a statement of the Legion safeguarding policy and contains contact details for:

- The DLP,
- Tusla the Child and Family Agency,
- An Garda Síochána,
- The Legion Safeguarding Representative (it is recommended that people are advised to contact the vice president for the time being of the praesidium/curia/comitium).

## Safeguarding Training

All praesidia are encouraged to be aware of Child Safeguarding training in their parishes and seek admission to the training at parish level. It would be desirable that the Legion would make a monetary donation for this training. Where no training is provided at parish level, the Curia should contact the diocese and seek permission for the Legion to participate in Child Safeguarding training. In all cases

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2 Where a council meets in a place other than Legion of Mary property, (for example a parish centre) a safeguarding notice should be displayed with the permission of the management of the centre. Where permission is not given for a permanent notice, a notice should be prominently displayed temporarily during Legion meetings in the centre.

the Curia /Comitium should oversee the training of its members and be able to provide details to the Concilium as to how many members have received training in the period under review.



## CHAPTER 3

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# The Creation and Maintenance of Safe Environments for Children

This Chapter sets out the safeguarding practices of the Legion of Mary.

### 3.1 A CHILD-CENTRED APPROACH

This involves:

- Valuing children and demonstrating respect for them;
- Listening to them and taking their views seriously;
- Involving them in decision making in a manner appropriate to their age and stage of development;
- Dealing with their complaints, and those of their parents or guardians, effectively and promptly ([Appendix 2](#));
- Setting clear boundaries and having appropriate expectations of their behaviour;
- Responding appropriately to those who raise concerns about poor practice ([Appendix 3](#));
- Using appropriate means of communicating with children and young people and obtaining consent for use of webcams, photographs and video recordings.

### **3.2 OBTAINING CONSENT**

- A signed consent form from parents or guardians is to be obtained prior to the participation of children and young people in events, activities and groups.
- The consent of the child or young person should also be sought, in accordance with their age and understanding.
- The form should be accompanied by a description of the activity or outing, those organising it, and the contact details for a responsible person whom the parent or guardian can contact.
- The form should contain an emergency contact number for the parent/s or guardian/s.
- Parents or guardians should be asked to indicate if the children have any specific dietary requirements, medical or other needs.
- The form should indicate whether there will be filming (use of webcams), photographs taken or video recordings made and specific permission sought from parent or guardians for their children's inclusion.
- The form should give (or be accompanied by) the name and contact details of the person in charge of the outing or activity.
- Parents or guardians cannot be asked to consent to anything that is not consistent with the code of practice (3.4)

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

Legionaries are required to:

- complete a written application form,
- provide references that are followed up through direct contact with referees,
- be vetted every three years,
- undergo a period of probation of 12 weeks duration.



- undertake work as assigned at praesidium meeting
- work in pairs,
- report back to praesidium meeting on the work undertaken.

## Garda Vetting

It is a requirement of the Legion of Mary that all active senior members undergo vetting through the National Vetting Bureau every three years.

Public ministry is defined in the legislation as “Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs unless such work or activity is merely incidental to the advancement of religious beliefs to persons who are not children”.

### 3.4 Ensuring that legionaries behave appropriately

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

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

### Codes of practice must contain the following:

- Positive statements, indicating what sorts of behaviours are appropriate, for example, listening to children and young people,
- Prohibitions, indicating behaviour that is never acceptable, such as any form of physical chastisement,
- Good practice guidelines, indicating what is generally acceptable or unacceptable. A customised Code of Practice should be drawn up by all organisations or groups working with children and young people in the Legion. It should take particular account of the nature of the service or activity and the needs of those involved. For example, particular considerations apply when dealing with children with disabilities.

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

- Treat all people with respect;
- Provide children with good role models;
- Operate within Church and State child safeguarding and protection principles and guidelines;
- Be visible to others when working with children and young people;

- Challenge and report abusive and potentially abusive behaviour;
- Develop a culture where children and young people can talk openly, ask questions and express any worries or concerns they may have;
- Respect each child and young person's boundaries;
- Legionaries work in partnership with parents and guardians and share information with them.

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

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

It is important that the code of practice is made known to the children so that they have a clear sense of what behaviour to expect of those adults in charge of the event or activity.

### Code of Behaviour for Children and Young People

Where activities are being run specifically for children or young people, they should be involved in drawing up a code of behaviour

for themselves. They will require assistance and guidance from adult staff and volunteers in doing so. Nonetheless they should contribute to the process in accordance with their age and understanding. They should be encouraged to avoid simply drawing up a list of prohibitions. The code should commit them to upholding values such as respect for self and others, valuing the contribution of each individual, and including those who are different by virtue of ethnicity, disability, sexual orientation or social background. The code should also refer to the issue of bullying in its many forms and how it is to be addressed. (Detailed guidance on tackling bullying is available from <http://www.youth.ie/documents/lets-beat-bullying/>)

### 3.5 MAKING PROPER ARRANGEMENTS WHEN ORGANISING ACTIVITIES AND OUTINGS

Arrangements should be made with the parents or guardians of children and young people. It is not acceptable to make arrangements with children or young people without consulting and informing the parents or guardians. If the parents or guardians give their consent, messages concerning arrangements (for example, the time and venue of the next choir practice) can be sent to the mobile phones of 16 and 17 year olds provided they are simultaneously sent to the phone of the parents or guardians. The physical environment in which an activity is due to take place should be assessed for possible hazards and the necessary steps taken to minimise the risk of accident or injury.

#### Trips away from home

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

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

### **3.6 COMMUNICATING WITH CHILDREN AND YOUNG PEOPLE**

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

Those who work for or on behalf of the Legion must observe appropriate professional boundaries with the children and young people they encounter through their work and this requirement applies to their use of information technology, mobile phones and social media. They should not use any of these media to initiate or maintain personal relationships with the children. In particular, they should not:

- gather or retain a young person's mobile phone number except where this is done for a specific purpose related to their work;
- provide a young person with their own personal mobile phone number or email address;
- access the internet with a young person unless authorised to do so as part of their work;
- befriend a young person on a social media website such as Facebook;
- take photographs of young people without obtaining their permission and that of their parent or guardians;
- communicate with a young person by email except where this is done with the approval of the praesidium/curia/comitium and then only from a Legion email address;
- communicate with a young person by text except where this is done with the approval of the praesidium/curia/comitium and then only from a Legion mobile phone.

### **3.7 FOLLOWING GOOD SAFEGUARDING PRACTICE WHEN WORKING WITH EXTERNAL ORGANISATIONS (for example nursing homes)**

- Legionaries are obliged at all times and in all situations to work in accordance with Legion child safeguarding and protection policies whether operating within the Legion of Mary or on behalf of the Legion in an external organisation.
- In the event that legionaries are working within an external organisation that does not have a safeguarding policy in place or one that the legionaries consider inadequate, the advice of the Child Safeguarding Committee should be sought.

### **3.8 LEGION USING EXTERNAL PREMISES**

- Any legion group who uses external premises to meet or to run activities for the Legion needs to have evidence of Legion insurance and adhere to the Legion's safeguarding policy.

### **3.9 KEEPING GOOD RECORDS**

Since the Legion is, amongst other things, an organisation that must account for the manner in which it takes care of children and young people, it is very important that adequate records are kept, stored and retained in accordance with Legion policy on storing and retention of records ([Appendix 1](#)).

- An accurate record should be kept for each child participating in activities, including the programme details.
- Consent forms should be retained.
- A written record of organisers, supervisors, employees and volunteers in attendance at events, such as meetings, choir rehearsals and sports activities, should be kept.
- An Incident/Accident Report Form should be completed in the event of an accident or incident relating to a child.
- All records should be dated and signed.





## CHAPTER 4

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### Dealing with Child Protection Concerns

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

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

#### 4.1 Recognition

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

- physical abuse
- emotional abuse
- sexual abuse
- neglect.

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

## Physical abuse

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

- physical punishment,
- beating, slapping, hitting or kicking,
- pushing, shaking or throwing,
- pinching, biting, choking or hair pulling,
- use of excessive force in handling,
- deliberate poisoning,
- suffocation,
- fabricated or induced illness,
- female genital mutilation.

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

## Emotional abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a parent or guardian/carer and a child. Once-off and occasional difficulties in such relationships are not considered emotional abuse. Abuse occurs when a child’s basic need for attention, affection, approval, consistency and security are not met due to incapacity or indifference from their parent or guardians/carers.

Emotional abuse may take the form of:

- rejection,
- continuous lack of praise and encouragement,
- lack of love and comfort,
- lack of attachment,
- lack of proper stimulation (for example, fun and play),
- lack of continuity of care (for example, frequent unplanned moves),
- persistent criticism, sarcasm, hostility or blaming,
- bullying,
- conditional parenting in which care or affection of a child depends on his or her behaviours or actions,
- extreme over-protectiveness,
- inappropriate non-physical punishments (for example, locking in bedrooms),
- ongoing family conflicts and/ or violence,
- inappropriate expectations of a child's behaviour relative to his or her age and stage of development.

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

## Sexual abuse

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

- any sexual act deliberately performed in the presence of a child,
- an invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification,

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

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

## Neglect

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

The following are features of child neglect:

- children persistently left alone, without adequate care or supervision,
- malnourishment, lacking food, inappropriate food or erratic feeding,
- inadequate living conditions,
- lack of warmth,
- lack of adequate clothing,
- inattention to basic hygiene,
- lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age,
- persistent failure to attend school,
- non-organic failure to thrive, that is, a child not gaining weight, not alone due to malnutrition but also due to emotional deprivation,
- failure to provide adequate care for a child's medical and emotional needs, including intellectual stimulation,
- abandonment or desertion.

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

### Indicators of abuse

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

- a specific indication from a child that he or she was abused (see next section);
- an account from a person who saw a child being abused;
- an admission or indication by someone that he or she has abused a child;

- evidence, such as an injury to a child or a child's behaviour, which is consistent with abuse and unlikely to have been caused in any other way;
- any concern about possible sexual abuse as per the indicators listed above.

## 4.2 RESPONSE

### Explaining the reporting requirements

It is good practice to inform a person of the requirement to report child protection concerns to the civil authorities before any disclosure is made. It is not always possible to know that a person is about to disclose child abuse so the opportunity to do this may not arise. However, where a person, whether child or adult, asks to speak in confidence to a legionary or any other person associated with the Legion, it is important to tell the person that certain kinds of information have to be reported to the civil authorities. This allows the person to make an informed decision whether to disclose the abuse or not. This applies when a child or adult discloses that he or she was abused, when a child or adult discloses abuse of another person or where a child or adult discloses that he or she abused a child.

### Dealing with a disclosure of abuse

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

The person hearing the disclosure of abuse should:

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

The person hearing the disclosure should not:

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

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

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

the child at risk. The Legion Designated Person should be consulted as to how best to manage informing the parents or guardians.

The Legion Designated Person is available to offer advice in such matters and should be informed of all such disclosures that relate to those working for or on behalf of the Legion.

### 4.3 REPORTING ABUSE

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

Information that a person has committed a serious offence against a child must be reported to the Gardaí in addition to Tusla. The relevant offences are specified in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. They include sexual offences and others such as assault causing harm, abduction, manslaughter and murder.

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

Any person is free to take their concern directly to the civil authorities. Where the concern relates to possible abuse within a Legion context, for example, an allegation that a legionary has harmed a child, the policy of the Legion is that this information should be reported to the Designated Person, even if the person making the report also



reports directly to the civil authorities. If the report goes directly to the civil authorities and is not shared with the Designated Person, the Legion is not in a position to take immediate protective action thus exposing children to the risk of harm.

If the person decides to report their concern directly to Tusla contact should be made with the social worker on duty in the local Tusla office. Tusla's child protection service operates through a network of local area-based social work teams. These teams operate a 'duty system', that is, there is a social worker on duty each working day during normal office hours. The contact details of the local office are available on [www.tusla.ie](http://www.tusla.ie) or by contacting the national office (01 7718500) and they are also on the Safeguarding Notice in the local church. The duty social worker will be familiar with dealing with such concerns and will assist in identifying the key issues.

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

There may be a concern that a particular person represents a risk to the safety of children, even though the children at risk from this person cannot be identified. This could arise when, for example, a person known to have abused children in the past is seen in the presence of children. Such concerns should also be reported to Tusla.

In cases where there is information of a child who is abused by another child, both should be reported to Tusla as child protection concerns.

Legionaries need to understand the limits of their child protection role. They can best help children by passing on information to those

who can protect them, not by instigating their own investigation. The information should not be shared with anyone else. It is highly confidential information, to be shared only with those who need to know it for the purposes of protecting children.

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

The contact details for those who need to be contacted are given below.

### Details Of Personnel To Contact If You Are Concerned About The Protection And Welfare Of Children

#### **Designated Person**

Mary Murphy of Legion CSG

#### **An Garda Síochána**

Contact details for local Garda station are available from directory enquiries on 11811/ 11850, [www.garda.ie](http://www.garda.ie). In an emergency call 112 or 199.

#### **Tusla, Child and Family Agency**

Contact details of local office are available from national office (01 771 8500) or on [www.tusla.ie](http://www.tusla.ie)

#### **4.4 DEALING WITH CONCERNS THAT ARISE WITHIN A LEGION CONTEXT**

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

- All child protection concerns that reach the threshold of ‘reasonable grounds for concern’ are reported without delay to the civil authorities as outlined above.
- Appropriate interim protective measures are taken, pending the outcome of any investigation and/or assessment by the civil authorities. Such measures include the person against whom an allegation of abuse has been made having no contact with children.
- Final determination of the person’s future role within the Legion is informed by the outcome of any Garda investigation, Tusla assessment and internal disciplinary processes.
- Information about child protection concerns is only shared with those who need such information in order to keep children safe.
- A record is made of all child protection concerns and it is stored and retained in accordance with the appropriate professional and legal requirements in relation to confidentiality and data protection and in accordance with canon law.
- All such child protection concerns are notified to the Designated Person.
- No person against whom an allegation of child sexual abuse has been substantiated is permitted to work with children on behalf of the Legion.

## 4.5 MANDATED PERSONS

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

Included in the definition of mandated persons are members of the clergy, Church pastoral workers and safeguarding or child protection officers employed by a religious body or organisation. Legion safeguarding representatives are not included, as they work in a voluntary capacity and are not employed to perform a child welfare and protection function. Where a query arises within the Legion, the President for the time being of the Concilium can be contacted.

### Reporting mandated concerns

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

## Mandated reporting of neglect, physical and emotional abuse

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

## Mandated reporting of sexual abuse

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

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

- one or both of the young people involved is aged between 15 and 17 years,
- the age difference between them is not more than 24 months,
- there is no material difference in their maturity or capacity to consent,

- there is no intimidation or exploitation of either young person,
- the young people concerned state clearly that they do not want the matter reported to Tusla.

The advice of the Designated Person should be sought in such situations.

## Mandated reporting of disclosures of historic abuse

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

## Exemptions from requirements to report

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

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

## How to make a mandated report

Reports should be sent to Tusla 'as soon as practicable' using the required form (available from <http://www.tusla.ie/children-first/publications-and-forms#SRP>). The form can be posted or

sent electronically. If the matter is urgent Tusla can be contacted in advance of submitting the form but it must be submitted within three working days.

### **Failure to report**

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

As stated in 4.3 (above) the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 makes it a criminal offence to fail to report to the Gardaí information about a serious offence against a child. This requirement is additional to the requirement to make mandatory reports to Tusla.





## APPENDIX I

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### Confidentiality, Data Protection and Record Keeping

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

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 creates an offence of failing to disclose to the Gardaí, without reasonable excuse, information relating to certain specified serious offences against a child or a vulnerable person, where it is known or believed that the information will be of material assistance in securing the apprehension, prosecution or conviction of another person known

or believed by the first person to have committed an offence. The specified offences include most sexual offences and others such as assault causing harm, abduction, manslaughter and murder.

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

Data protection legislation attempts to ensure that an individual’s right to privacy and dignity are respected, particularly regarding the use and sharing of personal data (information), whether the personal data is held electronically or in manual form. From May 2018 the Designated Person will be compliant with the new General Data Protection Regulation (GDPR) whose principles include;

- a) Lawful, Fair and Transparent processing**
- b) Specified and Lawful Purpose**
- c) Data Minimisation**
- d) Accuracy**
- e) Storage Limitation**
- f) Security, Integrity and Confidentiality**
- g) Liability and Accountability**

The records of the Legion that contain personal information about respondents, complainants and others are stored in secure, locked fireproof cabinets and can only be accessed by members of the Child

Safeguarding Committee. Computer records are password protected and encrypted. Those members accessing computer records are required to log on to Legion computers using their own personalised password.

Records relating to child protection concerns are retained for 100 years. Other records are removed once they are no longer required for the purpose for which they were created.

Those on whom the Legion holds personal data are entitled to it subject to limited exceptions. Applications to obtain such personal data should be made to the Designated Person in writing accompanied by proof of identity. There is no charge for this.



## APPENDIX 2

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### Dealing with Complaints

The Legion of Mary proceeds on the basis that most of its members are motivated by concern for their neighbour. There are procedures in place to deal with situations where this is not the case. Even when it is, things can and do go wrong and effective means are needed to put them right.

A simple way of understanding a complaint is as an expression of dissatisfaction. People complain when they are unhappy about something. Dealing with complaints is about trying to put things right, rather than allocating blame for something that has gone wrong. Most people respond positively when their complaints are heard, taken seriously and they are given an undertaking that steps will be taken to ensure that the thing that caused them unhappiness does not recur. A simple apology can go a long way to address a person's complaint and to establish or restore a positive relationship with the complainant.

A person may never use the term 'complaint' when expressing unhappiness about something that has happened. Indeed, many people find it difficult to make or to be seen to 'make a complaint'.

There is a responsibility on legionaries to be alert to expressions of unhappiness (which may be non-verbal) and to respond appropriately. Such a response could be as simple as asking the

person if everything is okay with them. Ignoring signs of unhappiness is not good safeguarding practice.

Complaints are best addressed as close as possible to the source of the problem. For example, if a legionary inadvertently does something to upset another person an immediate and unqualified apology is the most appropriate response.

Where a matter cannot be resolved in this simple and direct manner, another legionary may be able to assist in bringing about resolution through negotiation and mediation. Such an intervention can be effective where a misunderstanding has arisen between the parties involved.

Sometimes complaints cannot be resolved immediately and it is good practice that within every activity or group the vice president of the praesidium/curia/comitium would deal with complaints. A legionary will be reassured if he/she knows that there is someone who he/she can approach if he/she is unhappy about something. The vice president's role is to attempt to resolve the matter through negotiation and mediation between the parties involved. If resolution is not achieved, or if there is no vice president to deal with the matter within the group, responsibility for resolution is likely to fall on the president of the praesidium/curia/comitium.

At the point where a complaint is referred to the vice president a note should be made of the incident or situation giving rise to the complaint and the outstanding issues. The vice president in consultation with the president will then have to determine what steps need to be taken to resolve the matter. One option to be considered is to have the complaint investigated by a person from the next highest council as set out in the Legion of Mary Handbook.

In many instances informal means of resolving complaints are to be preferred. This is not always possible and formal, independent investigations are required. Legionaries who are uncertain how to proceed should seek the advice of the Child Safeguarding Committee of the Legion of Mary.





## APPENDIX 3

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### Whistleblowing

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

The Legion of Mary is committed to accountability and transparency as described throughout this document. The purpose of this appendix is to encourage those who have concerns for the welfare or safety of those involved in Legion activities to express their concerns without the fear that they will be victimised or harassed for so doing.

It may be difficult to raise concerns about the practice of colleagues. There can be a reluctance due to:

- fear of getting it wrong and damaging the reputation of a colleague;
- fear of disrupting working relationships;
- fear of not being believed;

- fear that the information will be used inappropriately, precipitating a chain of events that spirals out of control.

These concerns have to be considered in the light of the following:

- the responsibility of everyone working within the Legion of Mary for the protection and welfare of all, especially those who are at risk;
- that raising a concern in a timely manner can prevent a bad situation from spiralling out of control;
- that raising a concern about one situation can reduce the risk of a similar situation arising in another part of the organisation;
- that raising a concern about poor or inappropriate practice will prevent the person raising the concern from becoming implicated in such practice.

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

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

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

Any person who is concerned about poor or inappropriate practice or behaviour in the Legion should report it to the person in charge.

However, the person may decide to take the concern directly to the Designated Liaison Person or to the civil authorities. Whatever decision the person takes, the concern will be taken seriously, investigated and the appropriate action taken. At another point, there may need to be a discussion as to why the person was unable to take their concern to the person in charge or to the DLP (if he or she has gone directly to the civil authorities) but this will be after the concern itself has been addressed. If the person believes that their concern has not been heard or taken seriously or that they have suffered negative consequences for raising the concern, they should bring the matter to the attention of the President of the Legion of Mary, Concilium Legionis Mariae, Morning Star Avenue, Brunswick Street, Dublin 7. Telephone 01 8723153.

The Child Safeguarding Committee of the Legion of Mary is available to provide advice and support to any person who is concerned about the protection and welfare of children who are at risk.

They can be contacted at the above address/phone number.









