

STANDARD 2

Procedures for Responding to Child Protection Suspicions, Concerns, Knowledge or Allegations

MERCY GUIDANCE

**These pieces of guidance are to assist, if necessary,
with the implementation of Standard 2**

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Roles of Safeguarding Personnel in Relation to this Standard

The Congregational Leader

The Congregational Leader has overall responsibility for ensuring that the Sisters of Mercy adhere to the Safeguarding Children Policy and implement the NBSCCCI Standards.

Provincial Leader

The role of the Provincial Leader across all the seven standards is outlined in Appendix A. In relation to Standard 2, the Provincial Leader is responsible for:

- ❖ Ensuring that appropriate personnel and procedures are in place to recognise and respond to allegations of abuse;
- ❖ Ensuring that practice and policy on reporting allegations is compliant with statutory and canonical law. This includes liaising with the Congregations of the Holy See, as appropriate.

Designated Liaison Person (DLP)

The role of the DLP as laid out in Appendix A is:

- ❖ Hearing safeguarding concerns;
- ❖ Passing on safeguarding concerns to the statutory authorities where there are reasonable grounds for concern;
- ❖ Managing the case file and all associated documents;
- ❖ Liaising with the support person, advisor and the Provincial Leader;
- ❖ Informing the National Board for Safeguarding Children in the Catholic Church in Ireland (NBSCCCI) of an allegation/concern;
- ❖ Conducting internal inquiries.

Support Person

The role of the support person across Standards 2 and 3 is outlined in Appendix A. In relation to Standard 2, the support person is responsible for:

- ❖ Attending the initial meeting of the complainant with the DLP (if agreed in advance with the complainant) in order to support the complainant, keeping them informed of the progress of their case, and helping them to identify and access support;
- ❖ Recording the dates of any meetings or contact they have with the complainant, and reporting to the DLP as appropriate. The support person will not be responsible for managing the file, and will pass on written records to the DLP, as appropriate, during regular meetings with the DLP.

Advisor

The role of the advisor across Standards 2 and 4 is outlined in Appendix A. In relation to Standard 2, the advisor is responsible for:

- ❖ Meeting the respondent with the DLP and the Provincial Leader in order to support the respondent, keeping them informed of the progress of their case, and helping them to identify and access support;
- ❖ Recording any meetings or contact they have with the respondent and reporting to the DLP, as appropriate. The advisor will not be responsible for managing the file, and will pass on written records to the DLP, as appropriate, during regular meetings with the DLP.

An Garda Síochána/PSNI

It is the responsibility of the Gardaí and the PSNI to investigate and establish if a crime has been committed. They will liaise directly with the DLP, as appropriate.

Tusla/HSCT

It is the responsibility of Tusla (the Child and Family Agency) to promote the welfare of children in the Republic of Ireland who are not receiving adequate care and protection (Section 3, Child Care Act 1991). They will liaise with the DLP, as appropriate.

It is the responsibility of the HSCT (Health and Social Care Trust) to assess risk to children in Northern Ireland. They will liaise with the DLP, as appropriate.

NBSCCCI

The role of the NBSCCCI across all the seven standards is outlined in Appendix A. In relation to Standard 2, the NBSCCCI will:

- ❖ Be advised of safeguarding allegations, suspicions or concerns by the DLP relating to clerics or religious; monitor and report on these allegations; and retain records of this information safely and securely;
- ❖ Offer advice and support to the people in the roles listed above and on the previous page, in relation to the safeguarding concerns, suspicions or allegations that have been reported, and on the policy and processes for reporting.

Storage and Retention of Records Associated with this Standard

The table below lists the types of records that need to be stored appropriately and securely as part of this standard, in accordance with best practice in record-keeping (see Appendix B). The templates for the production of each record, which have been included in the guidance for this standard, are listed in the final column.

Type of Record	Where to Store	Template/Guidance Number/Page Number
Completed Child Protection Referral Forms	Provincial Office	2.1A Template 1: Page 8
Completed Case Summary Information Sheets	Provincial Office	2.2B Template 2: Page 27
Chronology of Allegations	Provincial Office	2.2B Template 4: Page 29
Assessment Reports	Provincial Office	Guidance 2.2B Page 24
Dates of meetings held with Complainant by Support Person	Provincial Office	Guidance 2.2B Page 24
Dates of Meetings held by Advisor with Respondent	Provincial Office	Guidance 2.2B Page 24
Any Correspondence Relating to the Case	Provincial Office	Guidance 2.2B Page 25
Any Third-Party Information	Provincial Office	Guidance 2.2B Page 25
Case Record Narrative	Provincial Office	2.2B Template 3: Page 28
Notes of any requests for support or relevant Safeguarding Concerns made to Support Person by Complainant	Provincial Office	Guidance 2.2B Page 24
Notes of any Requests for Support or relevant Safeguarding Concerns made to Advisor by Respondent	Provincial Office	Guidance 2.2B Page 24
Minutes of Liaison Meetings with Statutory Authorities	Provincial Office	Guidance 2.2A Page 23

2.1A Guidance on Reporting Allegations of Abuse

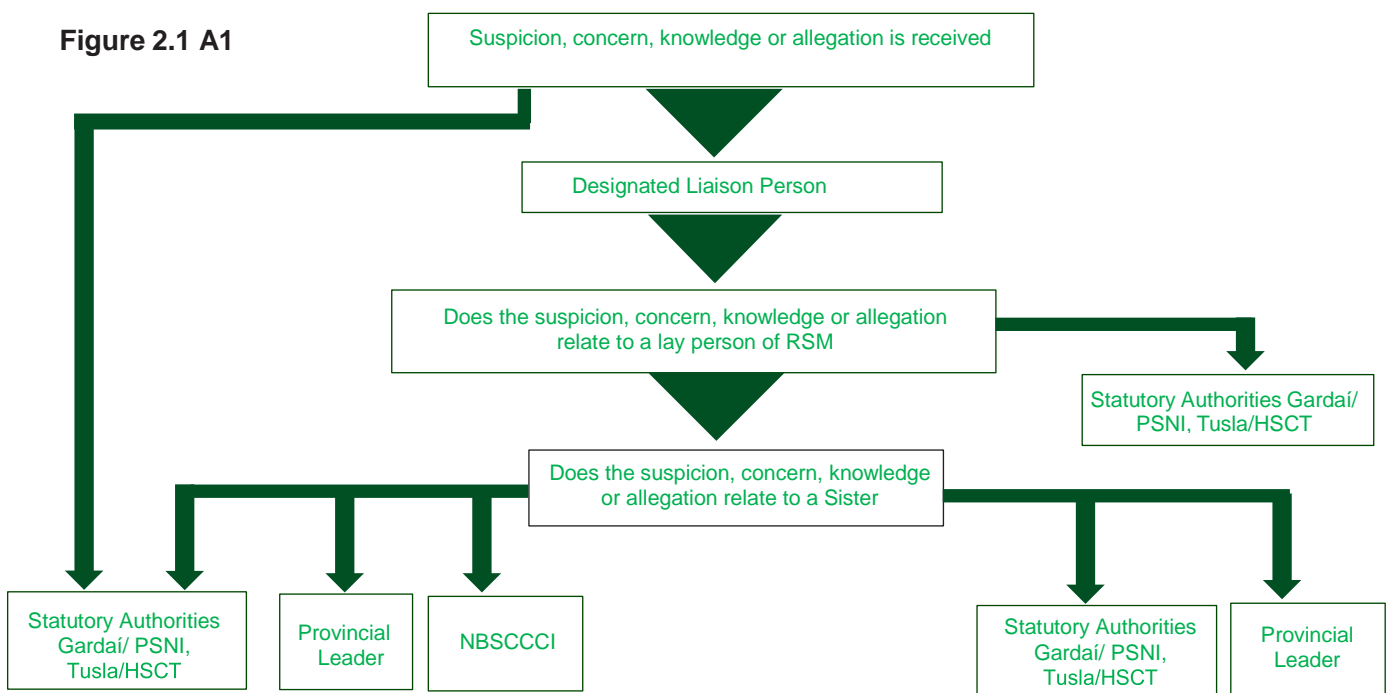
Children occupy a central place in the heart of the Christian community. They have a right to be listened to and heard¹ The paramount consideration in all matters relating to children is their safety and protection from all forms of abuse. To create and maintain a safe environment, the Sisters of Mercy must respond effectively and ensure all allegations and suspicions of abuse are reported, both within the Church and to statutory authorities. This responsibility to report is mandatory, and the only exception to this rule is the receipt of any information by a cleric under what is termed as the sacramental Seal of Confession (Guidance 2.1G).

The Sisters of Mercy will provide guidance and training on recognition of abuse, and clear procedures on what to do when a child protection concern arises, so that everyone knows how to respond appropriately. This involves knowing who to tell and how to record it. It is important that the local reporting procedures are fully consistent with statutory legislation, regulations and guidance.²

Reporting a concern can be a challenging responsibility. The procedure needs to ensure that everyone is clear what steps to take to ensure that the safety of children is the paramount consideration.

The reporting flow chart below refers to any child protection concern, *including* where the concern is about a situation or person involved with the Sisters of Mercy. It is the responsibility of everyone involved with the Sisters of Mercy to ensure that children who may need help and protection are not left at risk of abuse.

Figure 2.1 A1



1 United Nations Convention on the Rights of the Child 1989, Article 12.

2 Criminal Law Act (Northern Ireland) 1967; Criminal Justice Act 2006; Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012; Protection for Persons Reporting Child Abuse Act 1998; and National Policy (*Children First: National Guidance for the Protection and Welfare of Children; Our Duty to Care; and Co-operating to Safeguard Children and Young People in Northern Ireland*).

Following Receipt of an Allegation, Suspicion or Concern, the Following Steps Should Be Taken

1. Act immediately on receipt of a suspicion, concern, disclosure or allegation of abuse, and refer the matter to the DLP without delay.

If the allegation does not relate to the Sisters of Mercy, the DLP will refer the allegation to:

- ❖ The HSCT/Tusla
- ❖ An Garda Síochána/PSNI

If the allegation relates to personnel of the Sisters of Mercy who are not religious, the DLP will refer the allegation to:

- ❖ The HSCT/Tusla
- ❖ An Garda Síochána/PSNI
- ❖ The Provincial Leader

If the allegation relates to a Sister of Mercy, the DLP will refer the allegation to:

- ❖ The HSCT/Tusla
- ❖ An Garda Síochána/PSNI
- ❖ The Provincial Leader
- ❖ The NBSCCCI

If there is any uncertainty about whether the allegation/concern meets the threshold for reporting, a consultation should take place by the DLP with the statutory authorities, who will advise on the requirements for notification.

Remember – it is not your role to investigate

2. Whenever possible and practical, take notes during the conversation. Always ask permission to do this and explain the importance of recording all information. Where it is not appropriate to take notes at the time, make a written record as soon as possible afterwards or before the end of the day. Record the time, date, location, persons present and how the allegation was received, e.g. by telephone, face-to-face conversation, letter, etc. This initial recorded information will be transferred to a child protection referral form (2.1A Template 1) and will become the first entry in a file of information about the case that will be retained by the DLP. Please always sign and date the record.

3. The record would also normally include:
- ❖ Accurate identifying information of the complainant, as far as it is known. This should include the name, address and age of the complainant when the alleged abuse occurred;
 - ❖ Where the person who has raised a concern/allegation is a child, details of parents/guardians should also be given;
 - ❖ Name of the individual against whom the concern/allegation is being raised, and any other identifying information;
 - ❖ Dates when the concern arose, or when the incident occurred;
 - ❖ The person's own words they used to describe the event or incident. Do not make assumptions about the intended meaning of the words used;
 - ❖ Details of any action already taken about the incident/concern/allegation;
 - ❖ Do not be selective. Include details that to you may seem irrelevant. This may prove invaluable at a later stage in an investigation. All original records, including rough notes, should be passed immediately to the relevant DLP. Any copies of retained records should be kept secure and confidential.

In cases of emergency (and/or outside normal business hours), where a child appears to be at immediate and serious risk, an urgent report must be made to Tusla/HSCT, as well as to the DLP. Where the appropriate Tusla/HSCT staff are not available, An Garda Síochána/PSNI must be contacted to ensure that **under no circumstances a child is left in a dangerous situation pending Tusla/Health and Social Services intervention** (see direct option in Figure 2.1A1).

4. In all cases, consideration should also be given as to whether an immediate referral is necessary in order to preserve and safeguard against the possibility of any loss, deterioration or destruction of forensic or other potential evidence (see direct option arrow in Figure 2.1A1).
5. Explain to the person raising the concern what will happen next. You should inform the person making the suspicion, concern or allegation that their identity and the identity of the respondent and complainant will be shared with the statutory authorities. Leave contact details of the DLP if the referrer needs to ask questions later. The incident/concern should not be shared with anyone other than those who need to know, apart from the statutory authorities and appropriate Church authorities detailed in these procedures.

6. Written confirmation should be given to the person making the referral to the DLP that the information has been passed on to the statutory authorities. If this has not happened, an explanation should be recorded (this will not be possible when dealing with anonymous allegations).

The appropriateness of the response given to a complainant is vital to ensure that they feel heard and taken seriously.

Further guidance is provided below for:

- ❖ An adult making an allegation (Guidance 2.1B);
- ❖ A child making an allegation (Guidance 2.1C);
- ❖ An anonymous allegation (Guidance 2.1D);
- ❖ Someone who admits abusing a child (Guidance 2.1E);
- ❖ Someone who makes an allegation that does not relate to the Sisters of Mercy (Guidance 2.1F).

2.1A Template 1 Child Protection Referral Form

Child Protection Referral Form	
About the Suspicion/Concern/Allegation	
Date of suspicion/concern/allegation:	_____
Time of disclosure/concern/suspicion:	_____
How was information received? (attach any written information to this form)	
Telephone Letter Email In person	<i>(circle as appropriate)</i>
Details of Person Making Disclosure/Raising Concern (if different from complainant)	
Name:	_____
Address:	_____ _____
Telephone:	_____
Mobile:	_____
Email:	_____
Relationship to complainant:	_____
Details of Complainant (this can be anonymised when notifying the NBSCCCI)	
Name:	_____
DOB/Age:	_____
Address:	_____
Telephone:	_____
Mobile:	_____
Ethnic origin:	_____
Disability:	_____
Language (is interpreter/signer needed?):	_____
Special needs:	_____
Church body (if applicable):	_____
Parent/Carer Details (where appropriate)	
Name:	_____
Address (if different from above):	_____
Telephone:	_____
Mobile:	_____
Are they aware of the Suspicion, Allegation or Complaint? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Details of Respondent

Name: _____ DOB/Age: _____

Address: _____

Telephone: _____ Mobile: _____

Relationship to complainant
(parent/priest/teacher, etc.): _____

Position in the Sisters of Mercy: _____

Address at time of incident: _____

Current contact with children if known
(e.g. sits on board of governors of school,
runs youth activities, etc.): _____

Any additional information: _____

Details of Concern, Allegation or Complaint(Include dates/times and location the incident occurred, and any witnesses, if known.
Does the child/complainant know this referral is being made?)**Referral to the Statutory Authorities**Has the matter been referred to the statutory authorities? Yes No If the answer to the question above is **yes**, please complete the details below. If the answer is no, please explain why the matter was not referred to the statutory authorities.**Tusla/HSCT**

Date referred: _____

Time referred: _____

Name of Person it
was referred to: _____

Designation: _____

Address: _____

Telephone: _____

Email: _____

Gardaí/PSNI

Date referred: _____

Time referred: _____

Name of Person
it was referred to: _____

Designation: _____

Address: _____

Telephone: _____

Email: _____

Referral to the Provincial Leader

(ONLY COMPLETE IF THE ALLEGATION RELATES TO PERSONNEL OF THE SISTERS OF MERCY)

Has the matter been referred to the Provincial leader Yes No

Date referred: _____

Time referred: _____

Name of Person it was referred to: _____

Address: _____

Telephone: _____

Email: _____

Next steps (ONLY COMPLETE IF THIS ALLEGATION RELATES TO A SISTER OF MERCY)

What actions have been taken (if any) by the Provincial Leader, in relation to the respondent, to safeguard children following receipt of this information?

Sign off

DLP Name: _____

DLP Address _____

DLP Telephone _____

DLP Email: _____

DLP Signature: _____

2.1B Guidance on Responding to an Adult Making an Allegation of Abuse

The role of the DLP is to receive all safeguarding concerns and to pass on to the statutory authorities those that reach the threshold of reasonable grounds for concern (see Glossary). It is often very difficult for people to talk about abuse, so it is important to make sure that a safe environment of listening carefully and actively is created, in which a complainant feels able to disclose as much as they can remember. This will help those people whose responsibility it is to investigate the incident do so as thoroughly as possible.

People May Tell You About:

- Abuse that happened to them when they were a child;
- Something they've been told by someone else and that they strongly believe is true (disclosure);
- Seeing signs of abuse, such as physical injuries on a child;
- Something they have witnessed that makes them feel uncomfortable.

Where Information is Given in Person, Consider the Following:

- Adopt a listening style that is compassionate, calm and reassuring. If the information given to you shocks, disgusts or distresses you, do not allow these feelings to show. If you do, you may inadvertently dissuade the person from giving any further information;
- Listen carefully to that person, but do not ask intrusive or leading questions;
- Stay calm, take what the person raising the concern says seriously, and reassure them;
- Allow the person to continue at their own pace;
- Check with the person to make sure that you have understood what they actually said. Do not suggest words – use theirs;
- Make no promises that cannot be kept, particularly in relation to confidentiality, but listen carefully to what is being sought in this regard;
- Explain the referral procedures to the person;
- Offer the services of a support person, if the support person is not present;
- Do not make any comments about the respondent; do not make assumptions or speculate;
- Be aware that a person's ability to recount their concern or allegation will depend on their age, culture, nationality or any disability that may affect speech or language;
- Avoid statements about your reaction to the information given;
- Do not question beyond checking what has been said. It is the responsibility of Tusla/HSCT and An Garda Síochána/PSNI to investigate. There should be no probing for detail beyond that which has been freely given;
- Do not offer wording or language to the person making the allegation that may assist in the provision of an account of the concern or allegation.

2.1C Guidance on Responding to a Child Making an Allegation of Abuse

The Sisters of Mercy aim to create and maintain a safe environment for children and young people. This includes being open and willing to listen to and respond appropriately to allegations of abuse that come directly from children. However, personnel of the Sisters of Mercy should not intentionally instigate a meeting with a child in order to receive a disclosure or take a statement from them – that is the role of Tulsa/HSCT.

However, in the event that a child tells you directly about abuse happening to them, the following general guidelines should be adhered to:

- Remain calm;
- Listen to the child carefully and in a manner that conveys that they are being heard and taken seriously;
- Give the child the opportunity to tell their story in their own time;
- Ask questions only for clarification;
- Reassure the child that they have done the right thing by telling you;
- Do not make promises that you cannot keep;
- Explain to the child what you are going to do, i.e. pass the information on to the statutory authorities, explain to them about the limits of confidentiality, etc.;
- The DLP will consult with Tulsa/HSCT about informing the child's parents/guardians. It is best practice to inform parents/guardians unless doing so would place the child at further risk;
- If the allegation/disclosure is about personnel of the Sisters of Mercy, explain to the child (and their parents/ guardians) that the matter will be reported to the statutory authorities and the Provincial Leader and in the case of a Sister of Mercy, to the National Board.

It is good practice in this situation to have another adult with you. If this is not possible, see Guidance 1.4D.

2.1D Guidance on Responding to an Anonymous Allegation of Abuse

Anonymous allegations are to be carefully considered. They are frustrating, but they cannot be disregarded. The complainant should be informed that anonymity might significantly restrict the ability of professionals to access information or to intervene to protect a child, and they need to be encouraged to be as open as possible. The complainant can be given time and encouragement to reconsider their stance on maintaining anonymity.

These allegations most likely will take the following formats:

1. No Named Complainant and No Named Respondent

- This information should be first passed to the DLP. If the DLP is unsure whether or not the information received reaches the threshold, they should consult with the statutory authorities (Appendix D) and follow their advice

2. Named Respondent but No Named Complainant

- In most instances the anonymous reporter does give the name of the respondent. It must be remembered that the person named in this way has the right to be considered innocent of any wrongdoing and to their good name, so great care needs to be taken to protect and uphold these rights, while attempting to deal effectively with the situation.
- Anxiety and fear may persuade some people not to immediately reveal their identity. It can be difficult to act on information given under these circumstances, unless at some point the name of the person raising the concern or making an allegation becomes known.
- This information should be passed to the DLP, who will consult with the statutory authorities (Appendix D) (on a no name basis if required) to ascertain if the threshold has been reached. If the threshold has been reached the DLP will formally notify the statutory authorities and follow the processes outlined in Standard 4. If the threshold has not been reached or the statutory authorities have concluded their investigation the procedures outlined in Guidance 4.3A should be followed.

3. Named Complainant but No Named Respondent

- This information should be passed to the DLP, who will consult with the statutory authorities (Appendix D) (on a no name basis if required) to ascertain if the threshold has been reached. If the threshold has been reached the DLP will formally notify the statutory authorities and follow their advice as to how to proceed, without the name of the respondent.

2.1E Guidance on Responding to Someone (Lay or Religious) who Admits to Abusing a Child

It is necessary to tell a person who admits an offence against a child or young person that such information cannot be kept confidential. If such an admission is made to you, even where the admission relates to something that happened a long time ago, **you must refer** the matter to the DLP as soon as possible.

The DLP will follow the procedures for referral to Tusla/HSCCT, and An Garda Síochána/PSNI.

For additional information and guidance on how to interact with respondents (Sisters of Mercy), please refer to Standard 4.

2.1F Guidance on Responding to Someone who Makes an Allegation that does not Relate to Personnel of the Sisters of Mercy

Whether or not a child protection concern relates to a person involved with the Sisters of Mercy, it is still the responsibility of everyone involved with the Sisters of Mercy to report it to the DLP, who will pass it on to the statutory authorities to ensure that children who may need help and protection are not left at risk of abuse.

It is vital to remember that the safety and well-being of any child should be the paramount consideration in any investigation, and **children must never be put at further risk of harm by delay or inaction.**

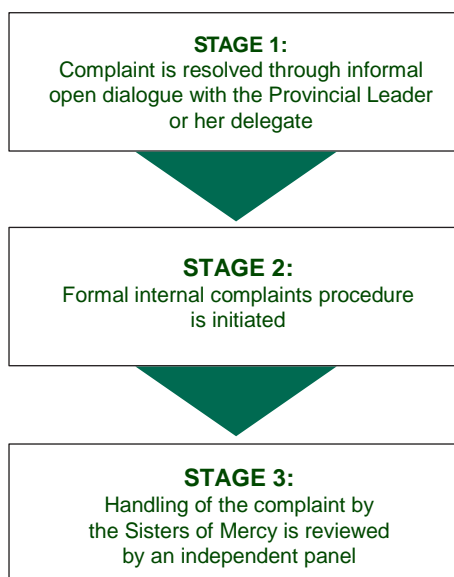
If a concern is raised in this way, the standard reporting procedure applies (Guidance 2.1A), although no further inquiry procedure by the Sisters of Mercy or formal notification to the NBSCCCI is required.

2.1H Guidance on Responding to a Complainant who is Dissatisfied with how their Allegation has been Handled by the Sisters of Mercy

If a complainant is dissatisfied with how their allegation of abuse has been handled by the Sisters of Mercy it is important that an open and transparent system – akin to an appeals system – is in place to deal with their stated dissatisfaction. Complaints that cannot be satisfactorily resolved by the Sisters of Mercy should be examined objectively by persons not involved with the original decisions or actions. Such examinations should have regard not only for the Sisters of Mercy Child Safeguarding Policy and Procedures, but also for considerations of equity and good administrative practice.

It needs to be understood that this process is not a reinvestigation of the allegation, but a method of attempting to resolve complaints relating to how the allegation was handled by the Sisters of Mercy.

This process should have three distinct stages. If the complainant is dissatisfied with the outcome at the completion of a stage, then the next stage is initiated in the ongoing attempt to resolve the complaint.



Stage 1

All complaints of this nature should be resolved, if possible, through an open dialogue between the personnel of the Sisters of Mercy involved and the complainant. The Sisters of Mercy personnel should use their best endeavours to resolve the complaint at this stage. However, if resolution is not achieved or the complainant is not happy with the outcome of discussions, then the Sisters of Mercy personnel involved should advise the complainant that it is open to them to pursue the complaint, explaining Stage 2 of the complaints process. A written communication for and on behalf of the personnel involved, confirming the availability of Stage 2 of the process, should be sent to the complainant.

Stage 2

- I. The complainant should write to the Provincial Leader, setting out what their complaint is and how they would like it to be addressed.
- II. A letter acknowledging receipt of the complaint should be sent by the Provincial Leader to the complainant within seven days, enclosing a copy of the Sisters of Mercy complaints procedure.
- III. All complaints should be thoroughly investigated by a complaints officer, who is someone other than the person who dealt with the complainant's original allegation of abuse, and who is appropriately appointed by and responsible to the Provincial Leader.
- IV. This complaints officer may organise a meeting with the complainant to discuss and hopefully resolve the complaint. The complainant may invite a person to accompany them to any arranged meeting. Only if a meeting is not possible and/or the complainant does not wish to attend a meeting, this communication with the complainant may also take place by telephone. This direct communication with the complainant should take place, if possible, within fourteen days of the letter acknowledging receipt of the complaint.
- V. Within seven days of the meeting or discussion with the complainant, the complaints officer will send written minutes to the complainant of what was discussed, and of any actions that were agreed upon.
- VI. If the complainant is not agreeable to a meeting or discussion, or for some reason cannot participate in either, the complaints officer will issue a detailed written response to the complainant within twenty-one days of acknowledging receipt of the letter of complaint, setting out suggestions for resolving the matter.
- VII. Whatever process is used, the Provincial Leader should ensure that no more than eight weeks is taken to consider the complaint and to propose a resolution to the complainant.
- VIII. If there is no resolution at Stage 2, and if the complainant wishes to proceed further, a written request for a review can be sent to the NBSCCCI. This option of progressing to Stage 3 should be confirmed in writing to the complainant.

Stage 3

- I. The complainant should set out in writing to the chair of the NBSCCCI the nature of the original complaint about how their allegation was dealt with, how they experienced Stage 1 and Stage 2 of this complaints process, and how they would now like their complaint addressed.
- II. The request to the NBSCCCI for a review should be made within three months of the conclusion of the Sisters of Mercy internal complaints procedure (Stage 1 and Stage 2).
- III. The chair of the NBSCCCI will advise the Provincial Leader that the request has been made and permission sought to refer the complaint onto an independent complaints panel.

- IV. Any review will be an independent evaluation of whether the proper child protection procedures have been followed, and whether the appropriate standards and best practice guidance have been adhered to.
- V. The chair of the NBSCCCI will refer the complaint to the chair of the independent panel, who will appoint an appropriate person or persons to conduct this review.
- VI. To assist this review process, the relevant Provincial Leader should make available to the complaints panel all written information about how the complainant's original allegation of abuse was investigated, as well as the written records of how Stage 1 and Stage 2 of the complaints process was conducted, and of the proposals made for a resolution of the complaint.
- VII. To assist this review process, the Provincial Leader should make available for interview all personnel of the Sisters of Mercy involved in the handling of the original allegation.
- VIII. Having examined all written information concerning the complaint, the reviewer can use discretion about the form and extent of any review or to discontinue the process, giving the reason.
- IX. If, during the review, there are concerns about the abuse of a child, the reviewer will revert to the Provincial Leader for their required action under Standard 2.
- X. The reviewers will keep notation of all meetings and will ask all those interviewed to sign a declaration that these are an accurate record of their discussion. These notes may be shared with all involved parties, at the discretion of the reviewer.
- XI. The reviewer will compile a written report on their findings and recommendations. This report will then be shared with the NBSCCCI prior to submission to all parties.
- XII. With the approval of the NBSCCCI, the chair of the complaints panel will submit the written report to all involved parties, with recommendations of actions to be taken within specified time frames. The sending out of this report marks the completion of Stage 3 of the complaints process.
- XIII. There will be no further recourse under this guidance if the complainant remains dissatisfied at the end of Stage 3.

The Provincial Leader will bear all reasonable costs of the review.

The chair of the complaints panel and associated reviewers will be selected by the NBSCCCI in consultation with the Provincial Leader

2.1 Guidance on Responding to Allegations against a Provincial Leader of the Sisters of Mercy

Step 1: Reporting

The role of the DLP is to listen to all safeguarding concerns and to pass on to the statutory authorities those that reach the threshold of reporting, in accordance with Guidance 2.1A. However, in the case of Provincial Leaders, additional reporting procedures are required. This process will vary depending on whether the allegation is against:

A Provincial Leader who is in Role

If the allegation is against a Provincial Leader and the threshold for reporting has been reached, the DLP should inform the following:

- The Statutory Authorities;
- The NBSCCCI;
- The Congregational Leader presiding over the Sisters of Mercy

A Former Provincial/Community Leader

If the allegation is against a former Provincial Leader who does not preside over the provincial area, and the threshold for reporting has been reached, the DLP should inform the following:

- The Statutory Authorities;
- The NBSCCCI;
- The current Provincial Leader.

Step 2: Responding

The DLP is responsible for informing the respondent that the allegation has been received.

The Congregational/Provincial Leader will be advised of this in writing.

- The Congregational/Provincial Leader should consult with the NCMC (National Case Management Committee) at important stages during the investigations;
- The NCMC will report back to the Congregational/Provincial Leader
- If at any stage consideration has to be given to restricting the ministry of the Provincial, advice from the NCMC should be sought.

2.1J Guidance on Ensuring Sisters of Mercy who are Ministering with Children in an External Organisation Follow Effective Safeguarding Practice

Sisters of Mercy working with children on behalf of another Church body or an external organisation not under Church governance, will be required to follow the child safeguarding policy and procedures of that organisation. The Safeguarding Manager/Coordinator in each province will ensure that:

1. Each sister will make herself familiar with the safeguarding policies and procedures of the organisation where she works.
2. The sister confirms in writing to her Provincial that she is following the policy and procedures of her place of ministry. This may take the form of an email, hard copy, or letter.
3. In the event that the external organisation does not have a child safeguarding policy, the sister will inform the Safeguarding Manager who will inform the Provincial. The Provincial will have to decide whether it is appropriate to allow the sister to minister in that organisation.

Cross referencing Safeguarding Policies

Introduction

All Sisters of Mercy personnel are required to follow the policy for the Catholic Church in Ireland and adhere to the Seven Safeguarding Standards. However there are a number of instances where other Child Safeguarding Policies must be considered in terms of child safeguarding. These are detailed below:

1. **When Religious are Ministering on Behalf of another Organisation within the State**
 - 1.1. If a Sister of Mercy ministers for an external organisation (regardless of whether that organisation is another Church body) she is bound by the procedures of that external organisation, including those in relation to child safeguarding and notification of allegations. Therefore, if an allegation, suspicion, concern or knowledge is raised with a sister within the context of her ministry in that external organisation, she must report it using the safeguarding procedures of that body. This applies irrespective of to whom the allegation, suspicion, concern or knowledge pertains, including the sister herself.
 - 1.2. If there is an allegation made to an external organisation against a sister while that sister is working with that organisation and the allegation relates to an incident alleged to have taken place in the course of her work with that organisation, the reporting procedures will be initiated by the DLP of that organisation in accordance with its safeguarding procedures.

- 1.3. If there is an allegation made to an external organisation against a sister who is working with that organisation, but which does not relate to her work for that organisation, it is proposed that the DLP of the other organisation will, in addition to complying with the procedures of his or her own organisation, encourage the complainant to contact the Mercy Congregation in order to permit the investigation by the Congregation of his or her complaint. The DLP will not be able to pass personal data (i.e. name and other identifying details) to the Mercy Congregation without the complainant's written consent.
- 1.4. In either of the circumstances outlined in 1.2 or 1.3, the sister in question will either directly inform her Provincial Leader or give written permission for the DLP of the other organisation to inform the Provincial Leader of the allegation and to allow ongoing discussions in relation to the investigation of the allegation to take place. The DLP of the other organisation will not at any time disclose personal data relating to the complainant or any other third party to the Congregation, unless the complainant/other third party has given written permission for this disclosure to occur.
- 1.5. Decisions regarding safeguarding measures appropriate to the other organisation, including that of a request to the sister to take precautionary administrative leave, belong to the leadership or management team of the other organisation.
- 1.6. Decisions regarding safeguarding measures appropriate to the Mercy Congregation rest with the relevant Provincial Leader in accordance with The Safeguarding Children Policy and Standards for the Catholic Church in Ireland 2016.

2. If children and young people are using property of the Sisters of Mercy as part of Church-related activity with staff or volunteers from an external organisation

This situation can occur in a number of different ways, including schools visiting the Church as part of sacramental preparation, altar servers going from school to the church and back again, school choirs practicing in the Church, and youth groups on retreat in property of the Sisters of Mercy that are being facilitated by Sisters of Mercy.

Each of the situations is individual and should be considered on a case-by-case basis. The responsible Sister of Mercy should agree with the external organisation in writing:

- Whose safeguarding policy applies and when;
- Who is responsible for the children and when;
- Which DLP will take responsibility for reporting allegations.

This should be recorded and stored appropriately using the guidance in Appendix B.

3. Ministry Overseas by Members of an Irish Province of the Congregation

If an allegation, suspicion, concern or knowledge is raised regarding a sister in such ministry, the policy of the Catholic Church in Ireland and the associated indicators applicable under the seven safeguarding standards should apply, alongside local legislation. Particular care should be taken regarding the disclosure of sensitive personal data (either of a sister, a complainant or a third party) with countries outside of the EU, as there are restrictions in the Data Protection Acts on such disclosures. If there is a concern about reporting to the local statutory authorities, further advice should be sought from the NBSCCCI or legal advisors, as appropriate.

4. If the Provincial Leader Presides over Communities Outside Ireland

If this occurs, the policy of the Catholic Church in Ireland and the associated indicators applicable under the seven safeguarding standards should apply alongside local legislation. If there is a concern about reporting allegations of abuse to the local statutory authorities, advice should be sought from the NBSCCCI as to how to proceed.

2.2A Guidance on Regular Liaison with Statutory Authorities

Best practice in safeguarding children requires a multiagency approach that allows for exchange of information proportionate to the risk, and in line with relevant legislation. The statutory authorities are Tusla and An Garda Síochána in the Republic of Ireland, and the PSNI and the HSCT in Northern Ireland.

Case Discussions

1. On an individual case-by-case basis, the Provincial Leader must liaise with the statutory authority agencies to notify them of allegations, and to consider with them the appropriate actions to take in terms of notifying the respondent and of managing risk. **No action by the Provincial Leader should be taken that may interfere with any criminal or statutory inquiries being conducted by state agencies.**
2. Notification of an allegation must be made in writing using the child protection referral form (Guidance 2.1A Template 1). All fields should be completed, and if the information is not known this should be stated.
3. A copy of this form must be forwarded to the statutory authority agencies and to the NBSCCCI, and a copy retained on the case file.
4. Any contacts and/or meetings with statutory authority agencies should be recorded in writing and a copy kept securely in the respondent case file.
5. Prior to informing the respondent that an allegation has been made, there should be a discussion with the relevant police force (An Garda Síochána/PSNI), whose view on informing the respondent should be sought. The purpose is to ensure that the Provincial Leader is not prejudicing any criminal investigation (see Guidance 4.2A).
6. Prior to proceeding with the gathering the proofs in the case of a religious, written confirmation should be received from the statutory authority agencies, stating that their investigations have concluded.
(See Guidance 4.3D.)

General Meeting

The Provincial Leader, when appropriate, meets with the relevant agencies to discuss general matters relating to safeguarding children.

Contact Information

Contact details for the relevant social work office, central Gardaí office/relevant PSNI contact and the DLP should be displayed in areas where there is public ministry. This information sets out how to raise a concern about a child or make an allegation of child abuse. A summary of these contacts is contained in Appendix D.

2.2B Guidance on Case Management Records

Case management records should provide a complete account of involvement in order to provide evidence of all allegations and actions taken to safeguard children, to assess and manage risk and to monitor practice.

All recorded information should be typed, accurate, factual and concise. It is important to state opinion, assessment or judgement, as distinct from facts.

The records are in relation to a Sister of Mercy against whom a suspicion, concern or allegation has been reported, and therefore should be catalogued as such.

Each file should contain:

1. File index (2.2B Template 1)

This section should give a detailed list of all of the contents of the file as they are received.

2. Case Summary Information Sheet (2.2B Template 2)

This section includes an overview of the case to allow the reader to become familiar at a glance with the details of the complainant and respondent, as well as the roles of key personnel in the safeguarding structure who are involved with the case. An annual summary is suggested if the case is active.

3. Case Record Narrative (2.2B Template 3)

This section is the account of all actions taken and contact made with all relevant personnel. It should detail all contacts in relation to the case in list format, including by telephone, email, by letter and in person.

4. Copy of Child Protection Referral Form (2.1A Template 1)

This section should include a copy of the completed referral form that was sent to the statutory authorities.

5. Chronology of when Allegations were made and Responses (2.2B Template 4)

This section should be a list detailing the date and nature of the allegations received from the complainant, and the date and details of the respondent's reply if/when informed.

6. Assessment Reports

This section should include hard copies of any assessment reports relating to the respondent, including, for example, psychological assessments, credibility assessments, copies of preliminary investigations, etc.

7. Minutes of Meetings

This section should include hard copies of written records of any internal meetings about the case – **which can be shared with the respondent** – with dates of any meetings held with the advisor and any relevant child safeguarding information.

8. Third-Party Information

This section should include hard copies of written records relating to information – **which must be kept confidential from the respondent** – such as the initial statement from the complainant, legal advice to the Provincial Leader, correspondence and dates of any meetings held between the support person and complainant, including relevant child safeguarding information.

9. Correspondence in Chronological Order

The chronology referenced in this section acts as an aid to assessing risk and to reviewing action taken.

The file should be sectioned as detailed by Points 1–9, with reference to all information logged in the index sheet and referred to in the narrative account.

Third-party and confidential information must be securely placed in the appropriate sections, so they can be easily removed if access to the records is requested by someone who is deemed to have a bona fide interest in the case file.

All record-keeping must be compliant with data protection legislation, and must be stored confidentially in line with Appendix B.

2.2B Template 1: File Index

Details of Document	Date Received/Created	Section of File

2.2B Template 2: Case Summary Information Sheet

Respondent Contact Details	
Congregation/Diocese	
Date Allegation Received	
Brief Details	
Provincial Contact Details	
Designated Liaison Person Contact Details	
Advisor Contact Details	
Complainant Contact Details	
Support Person Contact Details	

2.2B Template 3: Case Record Narrative

Date	Case Record	Author

2.2B Template 4: Chronology of when Allegations were Made, and Responses Given

Date of allegation received	Details of allegation	Date the allegation was put to the respondent, and by whom	Location of meeting, time and who was present	Response of respondent

2.2C Guidance on Minute Taking

This guidance is provided for personnel of the Sisters of Mercy who have the task of taking accurate minutes of the decisions of meetings of committees and other working groups involved in child safeguarding at provincial level.

A very detailed and free to download guidebook, *Taking Meeting Minutes*, has been produced by the US organisation, Free Management eBooks (www.free-management-ebooks.com). This is not a Church-related organisation, but the guide is easy to read and very comprehensive.

The appointed minute taker at a meeting is faced with the challenges of deciding how much to record, and how to write this up in summary form without leaving out important information. They also may wish to take part in the discussions at the meeting and need to be able to do so without too much difficulty. It is not envisaged that a minute taker would simply attend to take notes and otherwise not participate.

It is useful for a committee that meets regularly to appoint a minute taker who will undertake this task for an agreed period of time, perhaps for a year. After this time, the arrangement can then be reviewed and, if necessary, changed for the next year. This ensures that time is not wasted at the beginning of meetings debating who will take the minutes. It will also ensure that minutes are taken for each meeting.

Minutes are a summarised record of what took place at a meeting. They record where and when the meeting took place, who was in attendance, who chaired the meeting, who gave apologies for their inability to attend, what agenda items were discussed, and what decisions were made under each agenda item. They also record a list of resultant actions required, along with the names of people responsible for undertaking these, and any deadline by which they have to complete them.

The minute taker needs to listen keenly to all discussions once the chairperson calls the meeting to order. Occasionally they may need to seek clarification of what was said or agreed rather than risk making an inaccurate record.

The minute taker needs to make rough notes of what was agreed and who is going to do it. They then write these up in an agreed format, check them for accuracy with the chairperson, and distribute them to all members of the committee or working group. At the next committee meeting, the written minutes will be reviewed for accuracy, amended if required and then signed and dated by the chairperson. The minute taker then places these signed minutes into a minutes file for safekeeping and ease of future reference.

The following checklist is taken from the above-mentioned *Taking Meeting Minutes*:

- ❖ When and where was the meeting?
- ❖ Who attended?
- ❖ Who did not attend (apologies)?

- ❖ What topics were discussed?
- ❖ What was decided?
- ❖ What actions were agreed upon?
- ❖ Who is to complete the actions, and by when?
- ❖ Were any written materials distributed at the meeting (e.g. discussion document, copy of correspondence, draft working document, etc.)? If so, are copies available?
- ❖ Is there anything special that the reader of the minutes should know or do?
- ❖ What is the date, time and place of the next meeting?

Below is a Suggested Template for the Presentation of Completed Minutes:

Minutes of Child Safeguarding Committee Meeting on (date) at (place)			
Attending	Mrs. Green, Chairperson, Mr. Black, Ms. White, Mr. Brown, Fr Kelly, Sr O'Brien, Ms. Grey.		
Apologies	Ms. Smith, Mr. Jones.		
Agenda item	Decisions made	Steps taken	Responsibility of
1. Welcome and Apologies			
2. Minutes of previous Meeting			
3. Matters Arising			
4. Correspondence			
5. Business item			
6. Business item			
7. Business item			
8. Business item			
9. AOB			
10. Date and place of next meeting			

Signed: _____

Date: _____

2.3A Guidance on Information Sharing

The effective protection of a child often depends on the willingness of people to share and exchange relevant information appropriately. It is critical that there is a clear understanding of the Provincial Leader's professional and legal responsibilities with regard to data protection, confidentiality and the exchange of information.

The deficiencies in both internal and external communication of essential child protection information by various Church authorities has been identified and criticised in a number of statutory reports, including the Ryan Report, the Ferns Report, the Report of the Commission of Investigation into the Catholic Archdiocese of Dublin (the Murphy Report), and the Cloyne Report. It is essential that the lessons from these reports are learned, and that improvements result in the sharing of information.

What is Meant by Information Sharing?

All information regarding child protection concerns (current or historical) should be shared on a need-to-know basis with the statutory authorities, in the interest of the child. **The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.**

The issue of confidentiality should be part of the training given to Sisters of Mercy personnel, so that everyone is clear about their legal and ethical responsibilities pertaining to the sharing of information, in good faith with statutory bodies. No undertakings regarding confidentiality can ever be given when considering child protection and safeguarding matters (apart from the Sacrament of Reconciliation) (Guidance 2.1G). Interagency cooperation is as important in the later stages of child protection work as it is at the outset. Therefore, Sisters of Mercy personnel involved in a suspected, alleged or confirmed child abuse case should consistently make efforts to remain in contact with the statutory services, and to communicate all relevant information expediently.

Situations when Information must be Shared

❖ Sharing Information with the Statutory Authorities

All allegations, suspicions concerns or knowledge regarding child abuse that meet the threshold for reporting (apart from those received in the Sacrament of Reconciliation) must be passed to the statutory authorities (Guidance 2.1A). Disclosure should include names, addresses, details of the allegations, and if the respondent has made an admission, where this information is available.

❖ Sharing Information with the NBSCCCI

The NBSCCCI, as a data processor to the constituent member, is entitled to full access to the Provincial files and records for the purposes of analysing all such data in terms of compliance with best child protection practice, and in order to report upon any issues that arise in relation to that investigation.

The NBSCCCI has entered into data processing deeds with various Church bodies, including the Sisters of Mercy, following consultation with the Office of the Data Protection Commissioner to ensure that these arrangements are in compliance with the Data Protection Acts. Once the Provincial Leader has signed the data processing deeds, information must be shared with the NBSCCCI for these three purposes:

- a. The NBSCCCI maintains records of all allegations notified to it for monitoring purposes;
- b. The NBSCCCI retains records relating to advice offered directly or through the NCMC;
- c. The NBSCCCI accesses records for audit function and cannot retain and/or use the personal information accessed during its audit for further purposes.

The NBSCCCI is fully satisfied that it is entitled to receive and examine all such records without there being a loss of privilege or protected confidence pertaining to those records.

Situations when Information can be Shared

❖ As part of an Investigation by the Statutory Authorities

Sharing information with statutory agencies for child protection purposes, and in particular to assist investigation of potential offences, is permitted under the Data Protection Acts. Additionally, the Protection for Persons Reporting Child Abuse Act 1998 affords protection from civil liability to such persons reporting child protection concerns to statutory authority agencies in good faith.

During the course of an investigation, if the Gardaí/PSNI request information from a file, every effort should be made to cooperate. However, careful consideration should be given to sharing the following without consent:

- Legal advice obtained by the Provincial leader may be privileged and may not be shared without the consent of the Provincial Leader;
- Assessment reports may require the permission of the author and the respondent.
- Sharing information with statutory agencies attracts the protections cited above only insofar as it relates to child protection. Therefore, if the information goes beyond this area, it will not benefit from these exceptions. Case files are stored in the name of the respondent and may hold other information, for example information about third parties, or suspicions, concerns, knowledge or allegations relating to other complainants outside the subject of the statutory investigation.

❖ **Between Church Bodies**

There may be occasions when information between Church bodies is required. Under canon law, faculties to minister as a priest in public can only be granted by a bishop. It is therefore appropriate that information is shared between a provincial of an ordained cleric from a religious order/congregation when an allegation of child abuse is made against that priest, so that the bishop can determine whether or not to withdraw faculties. As each of these situations is unique, the decision whether and what to share with another Church body will be on a case-by-case basis. To assist, the following questions may be used:

- Does the recipient have a legitimate interest in receiving this information?
- What is the justification for sharing information?
- Is there a risk of harm to an identified or unidentified child if such information is not shared?
- Can permission be obtained from the respondent to share information?
- Should the respondent be informed that the information is being shared?
- Is the respondent in public ministry as a priest and has faculties from the bishop?
- Is the respondent in the public ministry of a Church body?
- Should information about the complainant be redacted?

A summary of the requirements of storage and retention of data, confidentiality and data protection is contained in Appendix B.

Legislation, Guidance and Case Law

This approach is underpinned by the following:

Legislation

❖ **Data Protection:**

The principles of the relevant data protection legislation should be taken into account when considering whether to share information with persons other than the civil authority agencies (see Appendix B).

❖ **Data Protection Acts 1988–2003 (ROI)**

Section 2A (1) (d) states:

Personal data shall not be processed by a Data Controller unless Section 2 of this Act (as amended by the Act 2003) is complied with by the Data Controller and that at least one of the following conditions is met:

(d) the processing is necessary for the purposes of the legitimate interests pursued by the Data Controller or by a third party and parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subject.

This would appear to be a permissive condition and contemplates that the processing of data is not just for one's own legitimate interest, but also the legitimate interest of third parties to whom that data is disclosed.

The investigation of allegations of abuse should be deemed to be a most legitimate interest of the relevant Church body in question, and indeed also a legitimate interest of the NBSCCCI.

Church bodies should determine whether it is in their legitimate interest to disclose the information to a third party. A key determinate is, if the disclosure were made, whether or not the processing is necessary to prevent injury or other damage to the health of the data subject or another person, or serious loss in respect of, or damage to, property or otherwise to protect the vital interests of the data subject or of another person. It is also a requirement in this context that the consent to the processing cannot be given by or on behalf of the data subject, or the data controller cannot reasonably be expected to obtain such consent, or it has been unreasonably withheld.

❖ **Data Protection Act 1998 (UK, including Northern Ireland)**

The Data Protection Act recognises that you may have legitimate reasons for processing personal data that the other conditions for processing do not specifically deal with. The 'legitimate interests' condition is intended to permit such processing, provided you meet certain requirements:

- The first requirement is that you need to process the information for the purposes of your legitimate interests, or for those of a third party to whom you disclose it;
- The second requirement, once the first has been established, is that these interests should be balanced against the interests of the individual(s) concerned. The 'legitimate interests' condition will not be met if the processing is unwarranted because of its prejudicial effect on the rights and freedoms, or legitimate interests, of the individual. Your legitimate interests do not need to be in harmony with those of the individual for the condition to be met. However, where there is a serious mismatch between competing interests, the individual's legitimate interests will come first;
- Finally, the processing of information under the legitimate interests condition must be fair and lawful, and must comply with all the data protection principles.

❖ **Children First Act 2015 (enacted but not yet commenced)**

Section 17 of the Children First Act 2015 (not yet commenced) effectively prevents the disclosure of details of child sexual abuse against a member of that Church authority to a third party, in circumstances where details of that child sexual abuse allegation have been made known to the Provincial Leader by Tusla in the course of carrying out an assessment arising from a mandatory report to that agency, without the explicit permission of Tusla to share that information.

❖ Protection of Persons Reporting Abuse Act 1998

This affords protection from civil liability to persons who report allegations of child abuse in good faith to an 'appropriate person', namely the designated officer of Tulsa or a member of An Garda Síochána, thereby exempting them from liability for defamation as a result of such reportage.

❖ Safeguarding Board for Northern Ireland (SBNI): Information Sharing Agreement for Safeguarding Children (Draft) (June 2015)

This agreement establishes clarity on procedures for the lawful, secure and effective exchange of relevant information between all partners, recognising that it is only when relevant information from a number of sources is put together that it becomes clear that a child is at risk, or is suffering significant harm, or is in need of support.

Guidance

There is statutory guidance on interagency cooperation in both jurisdictions on the island of Ireland. In Northern Ireland this is *Co-operating to Safeguard Children and Young People in Northern Ireland*. In the Republic of Ireland the relevant guidance is *Children First: National Guidance for the Protection and Welfare of Children 2011*.

At Section 8.1 on Interagency Collaboration, the Northern Ireland guidance document states that: *Effective safeguarding requires strong multiagency collaboration, underpinned by effective communication and information sharing. All professionals, volunteers and agencies involved in child safeguarding must have an understanding of each other's roles, duties, powers, responsibilities and values. They must work collaboratively on an interagency basis, and make best use of resources appropriately, in the best interests of children, young people and their families.* (Page 71)

This paragraph is followed by guidance on information management and on information sharing. It is further stated that '... the DHSSPS will publish more detailed guidance relating to information sharing for child protection purposes ...'

The *Children First* guidance in the Republic of Ireland devotes its Chapter 4 to Interagency Cooperation.

At Section 4.3: Benefits of Interagency Cooperation and Exchange of Information in Relation to Child Protection and Welfare, the following two paragraphs outline the positives of interagency cooperation and information sharing:

4.3.1 Effective interagency cooperation has a number of benefits, including:

- I. ensuring provision of a comprehensive response to all concerns about children. This includes the pooling of resources and skills at all stages of intervention, from initial enquiry to assessment and case management, including early identification and prevention;
- II. avoiding gaps in the service response, especially in cases where information might otherwise remain concealed or unknown;
- III. providing mutual support for professionals in complex cases.

4.3.2 The effectiveness and usefulness of interagency and inter professional cooperation and coordination is influenced by certain conditions that should be addressed specifically in training programmes. These Conditions Include:

- I. dissemination on a regular basis of procedures, guidelines and policies;
- II. clear contractual arrangements between statutory and non-statutory bodies;
- III. an understanding and acceptance by all professionals working with children of their responsibilities and roles in the promotion of child welfare;
- IV. mutual trust in the sharing of information;

- V. agreement on common goals with regard to a child's safety and welfare;
- VI. willingness of professionals to respect the contributions made by each other, irrespective of status and position within agencies and organisations;
- VII. awareness of the potential for inter professional tensions, defensiveness, prejudices, rivalries and polarity of views, which may, from time to time, prevent the needs of children from taking precedence. (Page 18)

The Catholic Church on the island of Ireland is expected to embrace best practice standards in child safeguarding, including those on information management, information sharing and interagency cooperation as it functions.

High Court Judgments

The high court in Northern Ireland in case *JR57/2013*, in a judgment delivered by Mr Justice Horner on 11 March 2013, is instructive in this regard and provides very useful consideration around Circular *HSCC3/96*. In this case, the court also approved of sharing of information with a third party on the basis that there was a risk of a child suffering harm.