

SUMMARY SAFEGUARDING POLICY

This policy is Trócaire's summary safeguarding policy for consultants, visitors and other third parties.

Signed:

+ Wm. Crean

Bishop William Crean
Chairperson of Trócaire

Caoimhe de Barra

Caoimhe de Barra
CEO of Trócaire

Date:

19/12/23

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1. Purpose / Introduction

Trócaire's Vision, Mission and Values state that we believe in the intrinsic dignity of every person, celebrate difference and aim to create relationships of mutual respect wherein the rights and dignity of every person are respected.

Trócaire's work is inspired and informed by Catholic Social Teaching, one of the fundamental principles of which is the dignity of each individual. The right to freedom from all forms of exploitation and abuse is implicit in this principle. Underpinned by Trócaire's organisational value of accountability and commitment to do no harm, it is our policy to safeguard all individuals involved in Trócaire's work against risks of exploitation, abuse and harassment.

Trócaire has zero tolerance to exploitative or abusive behaviour by anyone associated with the implementation of Trócaire's work and highlights this as a core commitment in the organisations' Accountability Framework.

2. Policy Statement

Safeguarding in Trócaire means protecting children and adults from harm within or due to our programmes and activities. This includes the prevention of exploitation and abuse as well as any harm caused by our failure to take reasonable care when designing and carrying out our programmes and activities.

Trócaire wishes to raise awareness of power imbalance that could lead to many forms of exploitation and abuse. The nature of our work creates a power differential between those employed by or representing Trócaire and programme participants, communities and partners. We acknowledge that the potential exists for those who work with programme participants and partners to abuse their position of power and we are committed to ensuring that this does not happen.

Trócaire also recognises that there are specific needs, vulnerabilities and risks that exist for children and is committed to making every effort to ensure children are safe and protected, both in its international programme work and outreach programmes in Ireland.

3. Scope

Trócaire's expectation is that those who represent our organisation ((members of our governance structure (including board members), staff, volunteers, consultants)) uphold our safeguarding commitments in both their professional and personal lives.

4. Guiding Principles

Our approach to safeguarding is guided by a number of key international principles and standards, as set out in the Universal Declaration of Human Rights (UDHR, 1948); the UN Convention on the Rights of the Child (UNCRC, 1989); the UN Convention for the Elimination of all forms of Discrimination against Women (CEDAW, 1979); UN Convention of People with Disabilities (UNCRPD 2006) and in the national laws of the countries in which Trócaire works, including principles of equality, diversity and inclusion. We aim also to uphold the commitments made under the *Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel* and the UN Secretary-

General's Bulletin on *Special Measures for Protection from Sexual Exploitation and Sexual Abuse (PSEA) (ST/SGB/2003/13)*¹.

5. Definitions

5.1 VULNERABILITY TO / PERSONS AT INCREASED RISK OF EXPLOITATION AND ABUSE

Typically, the definition of 'vulnerable adult' in relation to safeguarding refers to individuals who may be more at risk of abuse because of their diminished mental capacity, physical support needs or who are elderly.

However, within the context of Trócaire's work we recognise that a broader definition is required. We therefore adopt the term 'person at risk' to include the traditional definition and additional considerations including:

- Power imbalance
- Gender
- Ethnicity
- Affiliation to stigmatised group or religion
- Specific health related conditions (e.g. HIV)
- Poverty
- Displacement
- Disability
- Persons who are elderly
- Other

Trócaire recognises that a power imbalance always exists between people who work for Trócaire and those with whom we work. Equally, this power imbalance exists between partner staff and those with whom they work.

5.2 CHILD

Refers to a person under the age of 18 years old.

5.3 ABUSE

Any action or inaction that causes harm to another person. It can include physical abuse, emotional abuse, sexual abuse and neglect. It also includes abuse online and/or through mobile technology.

5.4 EXPLOITATION

Any actual or attempted abuse of a position of vulnerability, power differential or trust to profit monetarily, socially or politically. It includes sexual exploitation.

5.5 HARASSMENT

Harassment is defined as any form of unwanted conduct related to any of the discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

5.6 CHILD ABUSE

All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or other negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's

¹ UN Secretary-General (UNSG), Secretary-General's Bulletin: Special measures for protection from sexual exploitation and sexual abuse, 9 October 2003, ST/SGB/2003/13, available at: <https://undocs.org/ST/SGB/2003/13>

health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

5.7 MANDATORY DUTY TO REPORT

Any Trócaire representative who becomes aware of an incident or an allegation of exploitation or abuse, of a child or an adult, has a mandatory duty to report this immediately through Trócaire's internal systems.

Some additional definitions relating to abuse, exploitation and harassment can be found in Annex 1.

6. Safeguarding Code of Conduct

In line with our vision, mission and values, Trócaire expects all of its representatives to conduct themselves in a manner that upholds the rights of every individual to dignity and respect.

Depending on your role with Trócaire either the Global Code of Conduct or the Suppliers Code of Conduct may apply.

These Codes of Conduct express the expectations of Trócaire on all employees, directors, company members, volunteers, consultants and third parties regarding the manner in which activities are carried out and the conduct of all parties as a Trócaire representative.

The Safeguarding Code of Conduct found in Annex 2 is a supplement to these Codes and must be followed as a condition of engagement with Trócaire.

7. Safeguarding Children

It is well recognised that children, because of their evolving capacities and dependency on adults, are particularly vulnerable. History has shown that children have been subjected to significant abuse because of this vulnerability. The UN Convention on the Rights of the Child clearly defines our obligations in relation to children. National legislation in many countries includes specific legislation for safeguarding and protection of children. Equally, as an agency of the Catholic Church, Trócaire upholds the Church's commitment to child safeguarding.

See Annex 2 for examples of specific considerations when working with children.

8. Preventing Sexual Exploitation and Abuse

Trócaire has a zero-tolerance approach to sexual exploitation and abuse of any person, child or adult, involved with its programmes, including:

- Any sexual activity with children under the age of 18, regardless of the age of consent locally (mistaken belief of age being no defence).
- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour. This includes exchange of assistance that is due to partners and programme participants.
- Sexual relationships between organisational representatives and beneficiaries are prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian aid work.

- Trócaire promotes on-line safety for children and wishes to raise awareness on how this can lead to sexual exploitation and abuse. Behaviours that involve sexual abuse, exploitation or grooming of children is prohibited including on-line.

9. Preventing Sexual Harassment against Staff

Sexual harassment is any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. All persons can be either the victims or the offenders.

Trócaire does not tolerate sexual harassment involving staff and/or organisational representatives (including consultants and visitors). Trócaire will follow-up on all complaints in relation to sexual harassment.

10. Counter Trafficking, Modern Slavery & Child Labour

Trócaire considers that slavery and trafficking in persons (including child labour) both abuses and exploits an individual. Trócaire will therefore not tolerate this within any of our programmes or activities or by any person representing Trócaire, whether within or external to our programmes and activities. Trócaire is also committed to ensuring that our business and dealings with our suppliers, service providers and contractors reflect our values. We also take steps to both prevent and deter any form of slavery and human trafficking from occurring anywhere in our supply.

Specific considerations in relation to counter trafficking, modern slavery & child labour are included with the Safeguarding Code of Conduct as an annex to this policy document.

11. Receiving and Responding to Safeguarding Complaints and Concerns

By creating safe environments and implementing preventative measures, we work to reduce the potential for things to go wrong. However, in the event that there is a concern, it is important that our response is appropriate, professional and limits any further possible stress or impact. We are therefore committed to doing the following:

- Take all complaints and concerns seriously.
- Conduct initial risk assessments and put in place measures to maintain safety pending investigation.
- Liaise with the relevant national authorities as appropriate in each country.
- Liaise with Church authorities and local Church bodies as appropriate.
- Respect confidentiality in relation to all complaints and concerns.
- Consider support for all parties to a concern.
- Follow up and act on all investigation recommendations.

11.1 MANDATORY DUTY TO REPORT – STAFF & REPRESENTATIVES

All Trócaire employees and representatives have a mandatory duty to report any suspected incident of exploitation or abuse to:

- the Country Director (international)
- the Designated Child Protection Officer (Ireland/Northern Ireland)
- by e-mail to safeguarding@trocaire.org

This is regardless of whether it is internal to Trócaire or not. It is not the responsibility of Trócaire representatives to decide whether exploitation or abuse has occurred, but they must pass their concerns on.

It should be noted that abuse may be current, recent or historical. There are no time constraints for reporting and taking action within the remit of this procedure, although Trócaire requires that reports be made as soon as knowledge, or suspicion, of an act of exploitation or abuse occurs.

Trócaire will endeavour to protect all individuals in reporting, unless they make allegations they know to be false or vexatious. An individual who makes a report against another that they know to be false or vexatious, if proven to be so, will result in appropriate corrective action under the Disciplinary Procedure up to and including dismissal if they are an employee.

11.2 HOW TO RESPOND TO A PERSON BRINGING A REPORT ON POSSIBLE ABUSE OR EXPLOITATION

- Receive: Listen, believe
- Reassure: Make no promises, but communicate that what is being reported is not the fault of the survivor/ victim. Communicate no judgement.
- React: Be non-intrusive, ask open questions, remain calm
- Record: Contemporaneous notes (observable / verifiable facts)
- Remember: Do not investigate. Report as outlined in 12.1 above

11.3 ALLEGATIONS RELATING TO TRÓCAIRE CONSULTANTS. VISITORS AND OTHER THIRD PARTIES

If the allegation/complaint relates to a Trócaire consultant or visitor, they will be informed of the allegation/complaint/suspicion and the external reporting requirements that must be followed by the organisation. The consultant or visitor will be informed after an initial assessment and based on consideration of risks or potential implications for investigations. All activities involving the consultant or visitor will be suspended while the complaint is being followed-up. This decision will be made using the guiding principle that the safety of the person reported to have been harmed is always the most important consideration. Procedures will be conducted in accordance with national guidelines.

If the findings conclude that Trócaire Safeguarding Policies have been breached, then contracts / agreements with the consultant or visitor will be immediately cancelled.

Note: Trócaire's safeguarding policies are available on the Trócaire website:

<https://www.trocaire.org/about/accountability/safeguarding/>

Annex 1: Additional Definitions

Physical abuse

Is actual or likely physical injury to a child or person at risk such as hitting, kicking or shaking, throwing, burning, scalding, or otherwise causing physical harm to a person. Physical harm may also be caused when a carer fabricates the symptoms of, or deliberately induces illness in a child or adult at risk. Physical abuse, as well as being a result of an act can also be caused through omission or the failure to act to protect.

Emotional abuse

Is normally to be found in the relationship between a parent/carer and a child or adult who requires specific care supports rather than in a specific event or pattern of events. It occurs when a child's developmental need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples may include: conditional parenting, exposure to violence, inappropriate or abusive material, under or over-protection, or emotional unavailability of the parent/carer.

Neglect

Can be defined in terms of an omission, where the child/adult requiring care suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and the failure to access appropriate medical care or treatment. Neglect also refers to the persistent failure to meet a child's physical and/or psychological needs as referred to in the UNCRC.

***Note:** Neglect as defined above is prevalent in many countries where Trócaire works due to severe poverty and/or a lack of appropriate social structures and not by intentional abuse by an individual. Applying this definition must take this into consideration and be contextualised to specific situations. Trócaire aims to help reduce poverty and improve conditions of life for people.*

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation: Actual or attempted abuse of a position of vulnerability, power differential, or trust for sexual purposes.

Child Sexual abuse and exploitation: Occurs when an individual uses a child for his or her gratification or sexual arousal, or for that of others. Examples of child sexual abuse include sexual intercourse with a child, intentional touching or molesting of a child, exposure of the sexual organs or any sexual act for the purpose of sexual arousal or gratification in the presence of a child, sexual exploitation of a child including forcing, encouraging, requiring or permitting a child to solicit for, or to engage in, prostitution. Sexual activity that occurs between an individual and a child/youth under the age of 18 is not acceptable in any circumstance, regardless of whether he/she may consent or if the individual is unaware of the child's/youth's age. This is irrespective of the age of consent in the residing country. It includes the inappropriate use of technology and social media, e.g. the storage or dissemination of pornography, the recording or sharing of abusive images using technology such as via mobile phone texting, audio, video, images, podcasts, social networking websites and other multimedia or communications platforms.

PSEAH

Preventing sexual exploitation, abuse and harassment.

Grooming

Grooming is when someone builds an emotional connection with a child or vulnerable adult to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking. Many children and vulnerable adults may not understand that they have been groomed or that what has happened to them is abuse.

Online grooming

The act of sending an electronic message to a child or vulnerable adult, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender; or of sending an electronic message with indecent content to a recipient who the sender believes to be a child or vulnerable adult.

Trafficking in Persons

This is a form of exploitation and is defined as the recruitment, transportation or receipt of persons by means of deception, coercion, threat or force for the purpose of exploitation labour, sex trade or sexual exploitation.

Annex 2 – Safeguarding Code of Conduct

- I understand that Trócaire has zero tolerance to exploitation, abuse, bullying and harassment (including sexual exploitation, abuse and harassment).
- I will treat all people equally, with dignity and respect.
- I will not discriminate or tolerate discrimination against any person or group, on any grounds including: race, ethnicity, religion, sexual orientation, gender identity, age, disability, neuro-diversity, minority status, or marital status.
- I will refrain from any form of bullying, harassment, victimisation, discrimination, abuse, intimidation or exploitation, or in any other way infringing the rights of others.
- I will not engage in behaviour that is likely to cause harm, including physical, sexual, emotional abuse, neglect and exploitation and will report any such harm in line with Trócaire’s Safeguarding Policy.
- I recognise and will uphold Trócaire’s safeguarding commitment in both my professional and personal life.
- I will act in line with Trócaire’s Summary Safeguarding Policy.
- I will, in all my activities regardless of location, seek to ensure that the best interests of children and adults who may be vulnerable / at risk are promoted and protected.
- I will support an environment that is open to receiving safeguarding concerns and complaints and be aware of how I should respond in the event of a safeguarding disclosure to me (as per Trócaire’s Safeguarding policies and training).
- One-to-one situations where staff and programme participants are alone are strongly discouraged. If there are **rare** cases where this is required then a risk assessment must be conducted (**and signed by the Country Director or Head of Department**) and risk mitigations implemented (e.g. discussion happens in line of sight of others).
- I will not trivialise or exaggerate issues of abuse of children or vulnerable adults.
- I understand that Trócaire’s safeguarding commitments comply with international standards, and must be upheld even if these are not currently within local legislation.
- I will report any safeguarding (including those relating to sexual exploitation, abuse and harassment) concerns immediately as per Trócaire’s Safeguarding Policies
- I understand there is a mandatory duty to report.
- I will not engage in sexual interaction with a person under the age of 18 years (regardless of the age of consent locally), or enter into a sexual relationship with a programme participant or into commercial sexual transactions (exchange of money, goods, services or favours).

Specific considerations for children:

- Treat all children with respect.
- Not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services.
- Wherever possible, ensure that another adult is present when working near children.
- Not invite unaccompanied children into private residences, unless they are at immediate risk of injury or in physical danger.

- Not sleep close to unsupervised children unless absolutely necessary, in which case the supervisor's permission must be obtained, and ensuring that another adult is present if possible (noting that this does not apply to an individual's own children).
- Never use any computers, mobile phones, video cameras, cameras or social media to exploit or harass children, or access child exploitation material through any medium
- Not use physical punishment on children.
- Not hire children for domestic or other labour: which is inappropriate given their age or developmental stage; which interferes with their time available for education and recreational activities; or which places them at significant risk of injury.
- Comply with all relevant legislation, including labour laws in relation to child labour.
- Immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures.
- Immediately disclose all charges, convictions and other outcomes of an offence that relates to child exploitation and abuse, including those under traditional law, which occurred before or occurs during association with [insert organisation name]
- Be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse.

These behaviours are not intended to interfere with normal family interactions.

When photographing or filming a child or using children's images for work-related purposes:

- Take care to ensure local traditions or restrictions for reproducing personal images are adhered to before photographing or filming a child.
- Obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. An explanation of how the photograph or film will be used must be provided.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

Considerations in relation to Counter Trafficking and Modern Slavery, including Child Labour:

- Do not use forced labour in the performance of any contract, cooperative agreement, or reward.
- Do not conceal, destroy, confiscate, or otherwise deny an individual access to their identity or immigration documents, such as passports or driving licences.
- Do not use misleading or fraudulent recruitment practices or offering employment contracts that misrepresent terms and conditions, salary (minimum wage), benefits, location of work, housing conditions and hazardous.
- Do not using recruiters that do not comply with local labour laws.
- Do not charging recruitment fees to applicants, candidates, or employees.
- Do not engage persons under the age of 18 in any work that contravenes the international labour standards in relation to child labour.

Annex 3: Policy Acceptance Declaration Form

The following declaration must be signed by all Trócaire representatives:

Please return completed Declaration Forms to:

- National Staffs can return this form to their Country Director or his/her delegate.
- Maynooth Contracted Staffs (those based in Ireland, Northern Ireland or Internationally) may return this form to the HR Team in Trócaire Head Office, Maynooth, Co. Kildare, Ireland.
- Volunteers can return this form to their Volunteer Coordinator.

I have read and fully understand the following:

- ***Trócaire’s Summary Safeguarding Policy***
- ***Trócaire’s Safeguarding Code of Conduct***

I agree to accept and apply the above Safeguarding Policy and Code of Conduct in its entirety.

Signed:

Name (capital letters):

Title:

Date:

Trócaire is committed to ensuring all personal data is kept safe and secure. All submitted forms will be processed in alignment with relevant Data Protection Legislation and best practices.

Annex 4: Self-Declaration Form

In order to comply with Trócaire’s Safeguarding Policies, this form must be completed and signed by all employees, board members, volunteers and consultants and returned to:

- National Employees can return this form to their Country Director or his/her delegate.
- Maynooth Contracted Employees (those based in Ireland, Northern Ireland or Internationally) may return this form to the HR Team in Trócaire Head Office, Maynooth, Co. Kildare, Ireland.
- Board Members can return to CEO, Maynooth, Co. Kildare
- Consultants and volunteers can return this form to their contact person in Trócaire, for filing in the relevant Country Office or Maynooth safe filing cabinets.

Full Name (capital letters): _____

Address (capital letters): _____

Date of Birth: _____

Place of Birth: _____

1. Do you have any prosecutions pending or have you ever been charged or convicted of a criminal offence relating to the exploitation or abuse of a child or adult, including but not limited to sexual exploitation, abuse or harassment? (Please tick)

Yes No

If yes, please state below the nature and date(s) of the offence(s)

Date of offence: _____

Nature of offence: _____

2. Have you ever been the subject of disciplinary procedures, or have left or been asked to leave employment or voluntary activity due to inappropriate behaviour towards children or adults?, including but not limited to sexual exploitation, abuse or harassment?

(Please tick)

Yes No

If yes, please give details including date(s) below:

Name of Employer: _____ Date of incident(s): _____

Nature of incident(s)/inappropriate behaviour: _____

Declaration:

I understand that, if it is found that I have withheld information or included any false or misleading information above, I may be removed from my post whether paid or voluntary, without notice. I understand that Trócaire will keep this information securely in accordance with Data Protection legislation. I hereby declare the information I have provided above is accurate.

Signed: _____

Date: _____

For recording official receipt of signed declaration: (CD, HR, relevant Trócaire Representative):

Received by: _____

Date Received: _____

Trócaire is committed to ensuring all personal data is kept safe and secure. All submitted forms will be processed in alignment with relevant Data Protection Legislation and best practices.