

POLICY TITLE: CODE OF CONDUCT

APPLICABLE TO: ALL EMPLOYEES, VOLUNTEERS AND BOARD MEMBERS

DATE: JULY 2019

PURPOSE

Ballyhoura Rural Services (BRS) is committed to honesty, integrity and ethical behaviour in all of our endeavours. The purpose of this policy is to outline to all staff and volunteers BRS, the underlying code of ethics and business practice that is expected at all times.

POLICY

It is the policy BRS to ensure that all people; staff, volunteers and clients, are treated with the respect, dignity and compassion they deserve. We are committed to providing a quality service and we believe that this is only achievable by maintaining the highest standards of ethical conduct.

1. Dignity and Respect

- BRS staff/volunteers will demonstrate their respect for the dignity, modesty and privacy of clients and other staff members/volunteers by acting at all times in a dignified and a professional manner, dressing appropriately and maintaining a good standard of personal hygiene.
- All staff members/volunteers of BRS will communicate in a respectful manner at all times by valuing and respecting all others as individuals and by avoiding racist, ageist, sexist or any other inappropriate comments.
- While in a client's home, all staff members/volunteers will act with the utmost respect for the privacy and dignity of the client.
- Staff members/volunteers must always carry their name badge/ID card on all home visits.
- Under no circumstances should an unauthorised person or animal be taken into a client's home.
- Staff members/volunteers must never make personal use of a client's property e.g. telephone.
- Staff/volunteers are not permitted to consume illicit drugs or alcohol prior to or during volunteering hours.
- Use of mobile phones or internet is strictly forbidden while visiting a client except in the case of emergencies.

2. Gifts and Financial Responsibilities

- Handling client's money places you in a position of responsibility and trust. Only in specific defined situations where procedures have been prior agreed with the client and where the Project/ Volunteer Coordinator has been informed is a client's money to be handled/purchases made with.

- Under no circumstances should money be borrowed from or lent to a client.
- Under no circumstances should goods or services be bought from or sold to a client.
- Staff members are not permitted to deal with financial transactions such as bill paying or collecting money unless written authorisation has been received from the client, a family member and the Project/ Volunteer Coordinator.
- All agreed upon financial transactions must be recorded, signed and dated by both the client and the staff member in the official BRS receipt book.
- In exceptional circumstances, where the relationship between the staff member and a client may be damaged if a gift were rejected, providing the gift is of a token nature e.g. a box of chocolates, it is permitted to accept such gifts. However, all gifts must be reported immediately to the Project/ Volunteer Coordinator.
- Refer all persons who wish to donate or contribute to BRS to the Project/ Volunteer Coordinator.
- Use of a client's credit/debit card is strictly forbidden even at the client's request and for the client's benefit.

3. Conflict of Interest

A Conflict of Interest is a situation in which a person is in a position to derive financial benefit from actions or decisions made in their official capacity. It may also be defined as a situation in which an individual has competing interests or loyalties. A conflict of interest can exist in several kinds of situations:

- with an employee who works for one company but who may have personal, financial or business interests that compete with his/her employment
- with a person who has a position of authority in one organization that conflicts with his or her interests in another organization
- with a person who has conflicting responsibilities

Staff members/volunteers must report any potential conflict of interest immediately to their Project/ Volunteer Coordinator who will decide if any further action should be taken. Failure to report conflict of interest will result in serious disciplinary measures.

Company Policy:	Data Protection Policy
Document:	Data Protection Policy
Date:	June 2019

Introduction

The purpose of this document is to provide a concise policy statement regarding the Data Protection obligations of Ballyhoura Rural Services. This includes obligations in dealing with personal data, in order to ensure that the organisation complies with the requirements of the relevant Irish legislation, namely the Irish Data Protection Act (1988), and the Irish Data Protection (Amendment) Act (2003), General Data Protection Regulation (GDPR) 2018, Data Protection Act 2018.

Rationale

Ballyhoura Rural Services must comply with the Data Protection principles set out in the relevant legislation. This Policy applies to all Personal Data collected, processed and stored by Ballyhoura Rural Services in relation to its staff, service providers and clients in the course of its activities. Ballyhoura Rural Services makes no distinction between the rights of Data Subjects who are employees, and those who are not. All are treated equally under this Policy.

Scope

The policy covers both personal and sensitive personal data held in relation to data subjects by Ballyhoura Rural Services. The policy applies equally to personal data held in manual and automated form.

All Personal and Sensitive Personal Data will be treated with equal care by Ballyhoura Rural Services. Both categories will be equally referred-to as Personal Data in this policy, unless specifically stated otherwise.

This policy should be read in conjunction with the associated Subject Access Request procedure, the Data Retention and Destruction Policy, the Data Retention Periods List and the Data Loss Notification procedure.

Ballyhoura Rural Services as a Data Controller

In the course of its daily organisational activities, Ballyhoura Rural Services acquires, processes and stores personal data in relation to:

- Employees of Ballyhoura Rural Services
- Customers of Ballyhoura Rural Services
- Third party service providers engaged by Ballyhoura Rural Services

In accordance with the Irish Data Protection legislation, this data must be acquired and managed fairly. Not all staff members will be expected to be experts in Data Protection legislation. However, Ballyhoura Rural Services is committed to ensuring that its staff have sufficient awareness of the legislation in order to be able to anticipate and identify a Data Protection issue, should one arise. In such circumstances, staff must ensure that the Data Protection Officer is informed, and in order that appropriate corrective action is taken.

Due to the nature of the services provided by Ballyhoura Rural Services, there is regular and active exchange of personal data between Ballyhoura Rural Services and its Data Subjects. In addition, Ballyhoura Rural Services exchanges personal data with Data Processors on the Data Subjects' behalf.

This is consistent with Ballyhoura Rural Services' obligations under the terms of its contract with its Data Processors.

This policy provides the guidelines for this exchange of information, as well as the procedure to follow in the event that a Ballyhoura Rural Services staff member is unsure whether such data can be disclosed.

In general terms, the staff member should consult with the Data Protection Officer to seek clarification.

Subject Access Requests

Any formal, written request by a Data Subject for a copy of their personal data (a Subject Access Request) will be referred, as soon as possible, to the Data Protection Officer, and will be processed as soon as possible.

It is intended that by complying with these guidelines, Ballyhoura Rural Services will adhere to best practice regarding the applicable Data Protection legislation.

Third-Party processors

In the course of its role as Data Controller, Ballyhoura Rural Services engages a number of Data Processors to process Personal Data on its behalf. In each case, a formal, written contract is in place with the Processor, outlining their obligations in relation to the Personal Data, the specific purpose or purposes for which they are engaged, and the understanding that they will process the data in compliance with the Irish Data Protection legislation.

These Data Processors include:

- (list as appropriate)

ALONE - Olympic House, Pleasants St, Saint Kevin's, Dublin/ SALESFORCE

The Data Protection Principles

The following key principles are enshrined in the Irish legislation and are fundamental to the Ballyhoura Rural Services Data Protection policy.

In its capacity as Data Controller, Ballyhoura Rural Services ensures that all data shall:

... be obtained and processed fairly and lawfully.

For data to be obtained fairly, the data subject will, at the time the data are being collected, be made aware of:

The identity of the Data Controller

The purpose(s) for which the data is being collected

The person(s) to whom the data may be disclosed by the Data Controller

Any other information that is necessary so that the processing may be fair.

Ballyhoura Rural Services will meet this obligation in the following way.

Where possible, the informed consent of the Data Subject will be sought before their data is processed;

Where it is not possible to seek consent, Ballyhoura Rural Services will ensure that collection of the data is justified under one of the other lawful processing conditions – legal obligation, contractual necessity, etc.;

Where Ballyhoura Rural Services intends to record activity on CCTV or video, a Fair Processing Notice will be posted in full view;

Processing of the personal data will be carried out only as part of Ballyhoura Rural Services lawful activities, and Ballyhoura Rural Services will safeguard the rights and freedoms of the Data Subject;

The Data Subject's data will not be disclosed to a third party other than to a party contracted to Ballyhoura Rural Services and operating on its behalf.

... be obtained only for one or more specified, legitimate purposes.

Ballyhoura Rural Services will obtain data for purposes which are specific, lawful and clearly stated. A Data Subject will have the right to question the purpose(s) for which Ballyhoura Rural Services holds their data, and Ballyhoura Rural Services will be able to clearly state that purpose or purposes.

.... not be further processed in a manner incompatible with the specified purpose(s).

Any use of the data by Ballyhoura Rural Services will be compatible with the purposes for which the data was acquired.

.... be kept safe and secure.

Ballyhoura Rural Services will employ high standards of security in order to protect the personal data under its care. Appropriate security measures will be taken to protect against unauthorised access to, or alteration, destruction or disclosure of any personal data held by Ballyhoura Rural Services in its capacity as Data Controller.

Access to and management of staff and customer records is limited to those staff members who have appropriate authorisation and password access.

... be kept accurate, complete and up-to-date where necessary.

Ballyhoura Rural Services will:

Ensure that administrative and IT validation processes are in place to conduct regular assessments of data accuracy;

Conduct periodic reviews and audits to ensure that relevant data is kept accurate and up-to-date. Ballyhoura Rural Services conducts a review of sample data every six months to ensure accuracy; Staff contact details and details on next-of-kin are reviewed and updated every two years.

Conduct regular assessments in order to establish the need to keep certain Personal Data.

... be adequate, relevant and not excessive in relation to the purpose(s) for which the data were collected and processed.

Ballyhoura Rural Services will ensure that the data it processes in relation to Data Subjects are relevant to the purposes for which those data are collected. Data which are not relevant to such processing will not be acquired or maintained.

... not be kept for longer than is necessary to satisfy the specified purpose(s).

Ballyhoura Rural Services has identified an extensive matrix of data categories, with reference to the appropriate data retention period for each category. The matrix applies to data in both a manual and automated format.

Once the respective retention period has elapsed, Ballyhoura Rural Services undertakes to destroy, erase or otherwise put this data beyond use.

... be managed and stored in such a manner that, in the event a Data Subject submits a valid Subject Access Request seeking a copy of their Personal Data, this data can be readily retrieved and provided to them.

Ballyhoura Rural Services has implemented a Subject Access Request procedure by which to manage such requests in an efficient and timely manner, within the timelines stipulated in the legislation.

Data Subject Access Requests

As part of the day-to-day operation of the organisation, Ballyhoura Rural Services staff engage in active and regular exchanges of information with Data Subjects. Where a formal request is submitted by a Data Subject in relation to the data held by Ballyhoura Rural Services, such a request gives rise to access rights in favour of the Data Subject.

There are specific time-lines within which Ballyhoura Rural Services must respond to the Data Subject, depending on the nature and extent of the request. These are outlined in the attached Subject Access Request process document.

Ballyhoura Rural Services staff will ensure that, where necessary, such requests are forwarded to the Data Protection Officer in a timely manner, and they are processed as quickly and efficiently as possible, but within not more than 40 days from receipt of the request.

Implementation

As a Data Controller, Ballyhoura Rural Services ensures that any entity which processes Personal Data on its behalf (a Data Processor) does so in a manner compliant with the Data Protection legislation.

Failure of a Data Processor to manage Ballyhoura Rural Services data in a compliant manner will be viewed as a breach of contract, and will be pursued through the courts.

Failure of Ballyhoura Rural Services staff to process Personal Data in compliance with this policy may result in disciplinary proceedings.

Definitions

For the avoidance of doubt, and for consistency in terminology, the following definitions will apply within this Policy.

Data

This includes both automated and manual data.

Automated data means data held on computer, or stored with the intention that it is processed on computer.

Manual data means data that is processed as part of a relevant filing system, or which is stored with the intention that it forms part of a relevant filing system.

Personal Data	Information which relates to a living individual, who can be identified either directly from that data, or indirectly in conjunction with other data which is likely to come into the legitimate possession of the Data Controller. (If in doubt, Ballyhoura Rural Services refers to the definition issued by the Article 29 Working Party, and updated from time to time.)
Sensitive Personal Data	A particular category of Personal data, relating to: Racial or Ethnic Origin, Political Opinions, Religious, Ideological or Philosophical beliefs, Trade Union membership, Information relating to mental or physical health, information in relation to one's Sexual Orientation, information in relation to commission of a crime and information relating to conviction for a criminal offence.
Data Controller	A person or entity who, either alone or with others, controls the content and use of Personal Data by determining the purposes and means by which that Personal Data is processed.
Data Subject	A living individual who is the subject of the Personal Data, i.e. to whom the data relates either directly or indirectly.
Data Processor	A person or entity who processes Personal Data on behalf of a Data Controller on the basis of a formal, written contract, but who is not an employee of the Data Controller, processing such Data in the course of his/her employment.
Data Protection Officer	A person appointed by Ballyhoura Rural Services to monitor compliance with the appropriate Data Protection legislation, to deal with Subject Access Requests, and to respond to Data Protection queries from staff members and service recipients
Relevant Filing System	Any set of information in relation to living individuals which is not processed by means of equipment operating automatically (computers), and that is structured, either by reference to individuals, or by reference to criteria relating to individuals, in such a manner that specific information relating to an individual is readily retrievable.

POLICY TITLE: EQUALITY AND DIVERSITY STATEMENT

APPLICABLE TO: ALL EMPLOYEES/ VOLUNTEERS /CLIENTS

DATE: SEPTEMBER 2019

PURPOSE: The purpose of this policy is to assist in the building and maintaining a work environment which promotes equality, values diversity and respects the rights of all.

POLICY STATEMENT

Ballyhoura Rural Services (BRS) is committed to policies and practices that promote equality of opportunity and diversity across all organisational areas. In particular, BRS aims to protect the dignity of all employees, potential employees, volunteers and service users.

DEFINITIONS

Equality is about treating people in such a way that the outcome for each person can be the same.

Diversity is about valuing individual difference.

All employees/volunteers are required to take personal and individual responsibility to comply with these policies in order to ensure they behave in a non-discriminatory way, and do not participate in any acts of inappropriate behaviour, harassment or bullying.

Purpose: This policy outlines BRS's responsibilities to the following distinct groups:

- employees and potential employees of the organisation through our equal opportunities policy
- volunteers and potential volunteer; and
- service users, potential services users and all third parties through our equal status policy

EQUAL OPPORTUNITIES AND DIVERSITY POLICY

POLICY STATEMENT

BRS is committed to creating a positive and harmonious working environment. And, in accordance with the Employment Equality Acts 1998 to 2015, individuals are treated fairly and with dignity and respect regardless of their gender; civil status; family status; sexual orientation; religious beliefs; age; disability; race, or membership of the Travelling community.

BRS is committed to ensuring:

- All recruitment and selection is on the basis of relevant qualifications, merits, abilities and potential of individuals and is free from any criteria which cannot be justified by the demands of the post.
- It does not to discriminate against a person who is subject to a disclosure check on the basis of a conviction or other information revealed unless it is relevant to the post applied for. See BRS Garda Vetting Policy.
- Equality of opportunity for all in, terms and conditions of employment, training and development, opportunities for promotion, conditions of service, benefits and pay and performance review procedures.

IMPLEMENTATION OF THE POLICY

All employees and Board members are responsible for ensuring that they are familiar with and comply with the BRS Equality and Diversity Policy.

Management is responsible for monitoring the effectiveness of the Equal Opportunities Policy within the organisation in order to:

- Assess whether the aim of Equality and Diversity Policy are being achieved
- Measure the effect of action taken to promote and support the Policy
- Highlight areas where further action is required.

COMPLAINTS

Any individual with a concern, grievance, or complaint of discrimination under this policy should utilise the appropriate procedure:

- Staff Policy on Duty of Respect and Right to Dignity or;
- Grievance Procedure.

Breach of any aspect of the Equality and Diversity Policy will be treated as misconduct under the organisation's disciplinary procedure.

EQUAL STATUS POLICY

The Equal Status Acts 2000 and 2015 prohibit discrimination in the provision of goods & services, accommodation and education.

This Equal Status Policy is a statement of BRS's commitment to equality, diversity and non-discrimination for volunteers, service users, students and other third parties from across the nine grounds covered by the legislation.

IMPLEMENTATION OF THE POLICY

All employees/volunteers are responsible for ensuring that they are familiar with and comply with the BRS Equal Status Policy.

Management is responsible for monitoring the effectiveness of the Equal Status Policy within the organisation in order to:

- Assess whether the aim of Equal Status Policy are being achieved
- Measure the effect of action taken to promote and support the Policy

- Highlight areas where further action is required.

COMPLAINTS

A person with a concern or complaint under this policy can make a complaint under the BRS Complaints Policy.

REASONABLE ACCOMMODATION FOR PEOPLE WITH DISABILITIES

BRS seeks to anticipate the requirements of clients/volunteers with physical, intellectual and sensory disabilities and mental health issues and to ensure that they are not excluded by physical, systemic, attitudinal or communication barriers.

POLICY TITLE:	RECRUITMENT
APPLICABLE TO:	ALL EMPLOYEES
DATE:	JANUARY 2015

Ballyhoura Rural Services is a Charity Organisation which delivers its services by means of 2 community employment schemes. The recruitment and appointment of project participants and project supervisors is subject to DSP policy and procedures as outlined in the Community Employment Procedures Manual (a copy is available in the project office).

Areas covered include:

- Eligibility Criteria for CE
- Sourcing Applicants
- Interview Process
- Duration of work period
- Protection of employee (part-time work) Act, 2001
- Hours of work
- Wages
- Absences from work
- Working time off
- Unfair dismissal Act
- Return to live register

- Supervisors/Participants car insurance
- Role of the supervisor
- Social Welfare Overpayments and Debt Recovery

For further information regarding any aspects of the areas raised contact the project supervisor who will furnish you with the most up to date information/data regarding your query.

NAME OF POLICY: Complaints Policy & Procedure
APPLICABLE TO: ALL EMPLOYEES, VOLUNTEERS & BOARD OF MANAGEMENT
DATE: 2019

Policy Statement

Ballyhoura Rural Services (to be referred to as BRS throughout this policy) is committed to providing the best services possible to those whom we assist and support underpinned by our values of:

- Support and friendship
- promoting self sufficiency

It is the policy of BRS to respond to all complaints in a prompt, fair and sensitive manner. The complaints policy is not designed to apportion blame, but to learn, respond and improve our services.

Purpose

The purpose of the BRS complaints Policy and procedures is to offer a mechanism for those whom we assist to complain and to ensure that all complaints are considered and responded to promptly, fairly and sensitively. The aim of the Complaints Policy and Procedure is to try to resolve complaints quickly and fairly. Complaints provide us with an opportunity to learn, adapt and improve our services.

Scope

The policy applies to all members/users, volunteers and staff of BRS and others who provide services to the company (e.g., contractors).

It is for use by any member of the public who uses; has used or sought to use any BRS service or support. Complaints are viewed by BRS as a constructive part of the organisation's learning process and accountability for service provision.

Guiding Principles

- Those whom we assist have a right to complain and should find it easy to do so.
- Complaints will be taken seriously and be dealt with promptly, fairly and sensitively
- Complaints will be dealt with informally in the first instance by talking to the person/service involved
- People who are not satisfied with how a complaint is dealt with locally have a right to make a formal complaint in writing
- BRS will be open and accountable for any decision made

- BRS will act fairly and proportionately - individuals will not be penalised for making complaints
- BRS will put things right by acknowledging mistakes and apologising where appropriate
- BRS will use the lessons learnt from complaints to improve and change our work when necessary

Confidentially

All complaints will be treated as confidential and information shared will only be passed to others on a 'need to know' basis. Information on other services or service users, including assistance provided to others, will not be shared with the person making the complaint. In the interest of fairness and transparency, anonymous complaints will not be accepted.

Making a complaint

Everyone making a complaint is entitled to be taken seriously, to be listened to in a fair and courteous manner and to have their complaint dealt with sensitively and respectfully. Complaints can be made orally or in writing and addressed to the relevant Project Coordinators:

Gerard O'Connor, Market House, Churchtown, Co. Cork
(goconnor@ballyhouraruralservices.org)

Or

Kay Kennedy, 4, High Street, Caherconlish, Co. Limerick,
(kkennedy@ballyhouraruralservices.org).

A complaint may also be made to any board member at either of the above addresses.

Informal Complaints Procedure:

The purpose of the informal complaint process is to encourage a person who has a complaint to speak directly with the individual or the manager of the service involved and to resolve the complaint local and informally. Most problems can be resolved at this stage with good will and a calm, fair and objective response.

Where a person makes an informal complaint in person or by phone, relevant details will be taken and recorded by the person contacted in the first instance. Where possible an explanation, further information and / or an apology will be offered to resolve the complaint at this time.

Stage 1

Making a Formal Complaint:

If a person wishes to make a formal complaint they will be asked to do so in writing. Individuals will be given a Complaints Policy Leaflet and a Complaints Form to complete. Any details of oral complaints will be noted by the person receiving the complaint on the Complaints Form. Every effort will be made to help you to complete this form. The following information should be provided:

- The name and address of person affected and the service they are involved with;
- If the complaint is being made by a third party, such as parent, carer or other adult on behalf of another person, the name and address of the parent, carer or other adult should be recorded;
- Exactly what the person is dissatisfied with, including names, dates and events, as relevant;
- The name/s of the BRS member/s, volunteer/s, or employee/s involved, if known;
- If the complaint is complicated it is recommended to put it in writing so that no important detail is overlooked.
- Sometimes people may have special needs that may affect their ability to make a complaint. Every effort should be made to assist in whatever way is required e.g. assistance with reading or writing

Stage 2

Responding to a formal complaint

On receipt of a written complaint, the person the complaint is addressed to will acknowledge receipt of the complaint within 5 working days. Every effort should be made to try to resolve the issue immediately. This may be by way of providing:

- An acknowledgement and/or
- An explanation and/or
- Additional information and/or
- An apology

If this is not sufficient, the project Coordinator will contact the person making the complaint and, where agreeable, arrange to speak to or meet the complainant within 10 days.

- The complainant has the right to bring an independent advocate to this meeting.
- Minutes of the meeting will be taken and kept securely.
- If resolution can be made by issuing an apology, it will be done so at this meeting and followed up in writing in 5 days.
- However, should further assessment be required this should be outlined to the complainant.
- If further assessment is required a record of all meetings and discussion in relation to the complaint will be maintained.
- Complaints are confidential and will not be discussed ad hoc.
- Having completed the assessment, the project co coordinator will write to the complainant outlining the outcome of the assessment and if the complaint is upheld

Stage 3

- It should be made clear to the complainant that if they are not satisfied with the result they can lodge an appeal. This should be done within 10 working days. This will be forwarded to the Chairperson who in turn will look at the steps taken so far to deal with your complaint and the issues raised by it. The Board will then inform the complainant in writing of the outcome of the review and the reasons for this within 20 days. The decision of the Board is final

B.R.S. will ensure there is an outcome from your complaint. These outcomes may include:

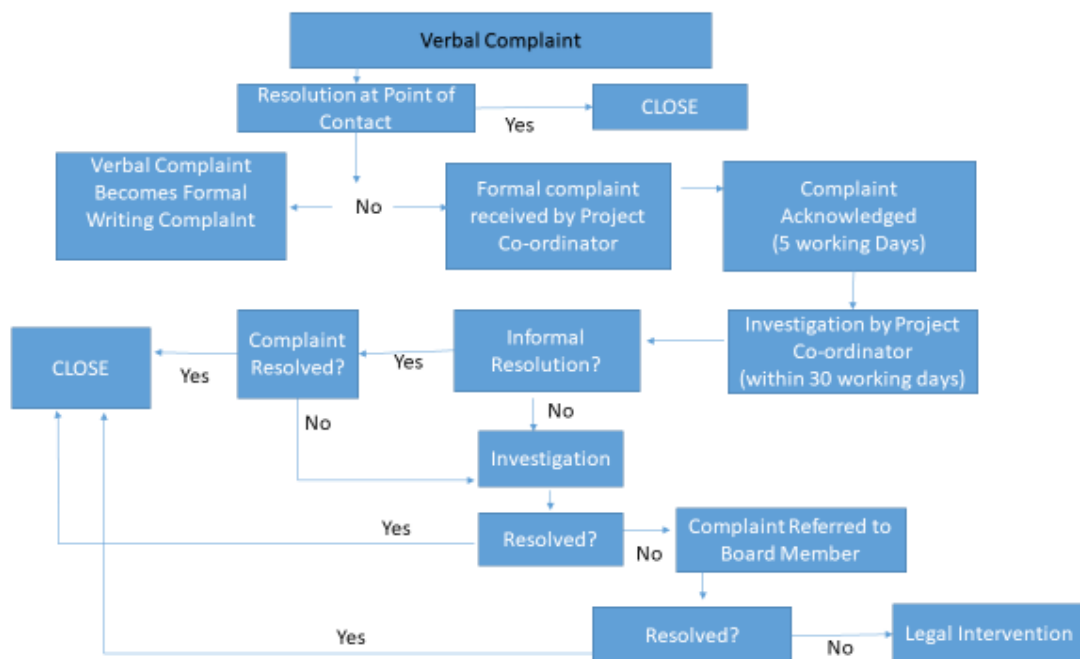
- An explanation of what happened and whether a different approach can be taken in the future.
- An apology for any hurt, hardship or inconvenience caused.
- Acceptance of responsibility for any mistake that may have occurred.
- A review and improvement of the services that we offer.
- Action taken to address the problem.
- An investigation into staff or volunteer conduct using the BRS staff or staff policy

Follow up

- Individual complaints will be reviewed to inform practice and policies where relevant.

- A record of the complaint and response will be maintained in a confidential file in the relevant service or conference.
- Complaints will be reviewed annually to identify areas for improvement, training needs, resource implications or policy amendments required.

COMPLAINT FLOWCHART



POLICY TITLE: HEALTH AND SAFETY POLICY

APPLICABLE TO: ALL EMPLOYEES

DATE: JANUARY 2015

The Safety, Health and Welfare at Work Act, 2005 requires all employers to ensure the safety and health of their employees. It applies to every workplace, and to all persons at work. Under the Act an employee means a person who has entered into or works under a contract of employment.

The Health, Safety and Welfare Policy of Ballyhoura Rural Services is to:

- Take all practical steps to safeguard the health, safety and welfare of all employees and of all clients and visitors to our premises.
- Provide adequate working conditions for our employees with proper facilities to safe-guard their health and safety and to ensure that any work which is undertaken produces no risks to health or safety.
- Encourage employees to co-operate with the organisation in all safety matters.

Safety Statement

Management has drawn up a Safety Statement which is reviewed annually. In reviewing the safety statement management will consult with employees for the purposes of making arrangements for co-operation in promoting and developing health, safety and welfare at work.

Employees have the right to make representations to management on safety, health and welfare issues and management will take account of any such representations, as far as is reasonably practicable.

Employees are required to report any possible hazard to the Safety Representative.

Employees are also required to report every accident (no matter how trivial) to the Safety Representative.

Employees should be aware that breaches of safety rules may result in graduated disciplinary action, up to and including dismissal. During induction employees will be made aware of the Safety Statement, Fire Evacuation procedures and any hazards specific to his or her area of work.

Obligations of Management

Management is responsible in accordance with the Safety, Health and Welfare at Work Act, 2005 and the Safety, Health and Welfare at Work Regulations 2007 to ensure as far as is reasonably practicable, the safety, health and welfare of all employees.

The employer is also legally required to consult with employees in order to make arrangements to co-operate effectively in developing measures to ensure their safety, health and welfare at work and in evaluating the effectiveness of these measures.

Safeguarding Vulnerable Persons Policy & Procedures

APPLICABLE TO: EMPLOYEES & BOARD OF MANAGEMENT

Date: July 2018

1.0 Policy Statement

Ballyhoura Rural Services (BRS) is committed to the protection and promotion of the rights of vulnerable persons, and operates a “No Tolerance” approach to any form of abuse, and adheres to the HSE’s National Policy & Procedures, *Safeguarding Vulnerable Persons at Risk of Abuse* (2014). A Vulnerable Person is defined as “...an adult who may be restricted in capacity to guard himself/herself against harm or exploitation or to report such harm or exploitation”(HSE,2014, p.4). BRS strives to provide and promote a caring ethos in which the person is treated with dignity and respect and BRS is committed to the prevention, detection and pursuit of appropriate responses to concerns or allegations of abuse of vulnerable persons. BRS underpins this commitment by ensuring that all staff/volunteers have an understanding of their duty of care to vulnerable persons and by providing the necessary resources, including training, supervision and support, to staff/volunteers to undertake their responsibilities in relation to this policy.

BRS respects the autonomy of the individual as much as possible and, in accordance with *Safeguarding Vulnerable Persons at Risk of Abuse*, works on a presumption of decision making capacity unless otherwise proven.

2.0 Scope of the Policy

This policy applies to all BRS staff, volunteers and the BRS Board Members. BRS ensures that clients and their next of kin/advocate are aware of this policy.

3.0 Definition of Abuse and Types

Abuse is defined as:

any act, or failure to act, which results in a breach of a vulnerable person’s human rights, civil liberties, physical and mental integrity, dignity or general well being, whether intended or through negligence, including sexual relationships or financial transactions to which the person does not or cannot validly consent, or which are deliberately exploitative (HIQA, 2013 in HSE 2014, p.8).

Abuse may take a variety of forms:

Physical abuse includes hitting, slapping, pushing, kicking, misuse of medication, restraint, or inappropriate sanctions.

Sexual abuse includes rape and sexual assault or sexual acts to which the person has not consented, or could not consent, or into which he or she was compelled to consent.

Psychological abuse includes emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.

Financial or material abuse includes theft, fraud, exploitation, and pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Neglect and acts of omission includes ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

Discriminatory Abuse includes ageism, racism, sexism that is based on a person’s disability, and other forms of harassment, slurs or similar treatment.

Institutional Abuse may occur within residential care and acute settings including nursing homes, acute hospitals and any other in-patient settings, and may involve poor standards of care, rigid routines and inadequate response to complex needs (HSE, 2014, p.9).

3.0 Procedures and Guidelines on the Prevention & Detection of Abuse

3.1 Staff/volunteers will be made aware, through the implementation of policies and procedures and training, of the standards expected of them and every effort will be made to protect them from situations which may render them vulnerable to allegations of abuse. Staff/volunteers are advised, on starting work with BRS, that any concerns or issues that arise must be brought to the attention of the Project/Volunteer Coordinator as soon as they arise, so that appropriate action may be taken.

3.2 Particular attention will be paid to the following:

Recruitment and Selection – a robust recruitment and selection policy, including vetting, ensures staff/volunteers possess the required skills, attributes and competencies to carry out their responsibilities.

Induction – all BRS befrienders undergo an induction programme. All policies, including the Code of Conduct, will be explained by the Project/Volunteer Coordinator and copies made available to befrienders.

Training – BRS staff befrienders are offered a comprehensive package of training supports to ensure that they are provided with appropriate skills and knowledge. Ongoing training/supervision is provided to ensure they are aware of their obligations towards clients and are aware of what steps to take if abuse is suspected or alleged.

Supervision and Training – staff are required to attend and participate in quarterly meetings, under the direction of the Project Coordinator, and are actively encouraged offer feedback, and to discuss and raise issues of relevance. Volunteers are also required to meet with the Volunteer Coordinator on a regular basis to review their work.

4.00 Responding to a disclosure of abuse

4.1 If a vulnerable adult makes a direct disclosure or is distressed about an abusive incident it is best practice to listen and give support. Do not:

- Appear shocked or display negative emotion
- Press the individual for details
- Make judgements
- Promise to keep secrets
- Give sweeping reassurances (HSE, 2014, p. 28).

5.0 Reporting Procedures for disclosures, concerns or allegations of abuse of a vulnerable adult

5.1 A disclosure, concern or allegation regarding the abuse of a vulnerable person may come to the attention of a BRS **staff member/volunteer** in a number of ways. The staff member/volunteer may form an opinion or directly observe an incident of abuse. Abuse may be disclosed by the service user or a relative /family member. An allegation of abuse may be reported anonymously or come to attention through a complaint process.

5.2 Where a staff member/ volunteer has a concern or receives a disclosure or allegation of abuse they must immediately contact the Project/Volunteer Coordinator and report the concern or the allegation. They shall document the details of the concern or allegation with support from the Project/ Volunteer Coordinator, if required, as soon as is practicable. In the case of an allegation by a third party, the report should be read back to the person making the allegation to check for accuracy.

5.3 Where the vulnerable person is at immediate risk the staff member/volunteer must take any immediate action that is necessary to protect the vulnerable person. For example, seeking medical attention and/or contacting An Garda Síochána.

5.4 The Project/ Volunteer Coordinator is then required to:

- Advise, guide and support the person reporting the concern or allegation.
- Ensure the safety of the service user and seek medical attention and/or the assistance of An Garda Síochána.
- Obtain a written report of the concern, allegation / incident.
- The Project/ Volunteer Coordinator may consult informally with HSE Senior Case Workers to determine what future action, if any, needs to be taken.
- Consult with the service user to ascertain their wishes and, where the service user gives their permission, inform them that the matter will be disclosed to the HSE Safeguarding and Protection Team. “In normal circumstances, observing the principle of confidentiality will mean that information is only communicated to others with the consent of the person involved. However, all vulnerable persons and, where appropriate, their carers or representatives, need to be made aware that the operation of safeguarding procedures will, on occasion, require the sharing of information with relevant professionals and statutory agencies in or order to protect a vulnerable person or others” (HSE, 2014. P.21).
- The Project/Volunteer Coordinator should report the matter to HSE Safeguarding and Protection Team using the Standard Referral Form who will conduct a preliminary screening. The purpose of the preliminary screening is to establish if there are reasonable grounds for concern.

6.0 Responding to concerns, disclosures, or allegations of abuse of a vulnerable adult by a BRS Staff member/ Volunteer

6.1 Where a concern, disclosure, or allegation of abuse relates to the action of a staff member/volunteer BRS has a duty of care towards the vulnerable person and the staff member/ volunteer. The safety of the vulnerable person remains the priority.

6.2 If the concern or allegation involves the Project/ Volunteer Coordinator a member of the Board must be contacted. The staff member/ volunteer shall fully document the incident as soon as is practicable after the event (preferably the same day).

6.3 Where a protection concern or allegation relates to a staff member/volunteer there are two separate procedures to be followed:

- The reporting procedure to the HSE in respect of the vulnerable person as set out in 5.0 above.
- The procedure for dealing with the staff member/ volunteer.

6.4 In the case of suspected or reported abuse of a service user by a BRS staff member/volunteer the Project/Volunteer Coordinator shall notify the Chairperson of the Board of BRS.

6.5 The Project/Volunteer Coordinator, in consultation with another member of management, shall conduct a preliminary screening in accordance with *Trust in Care* (HSE, 2005). The purpose of the preliminary screening is to ascertain if it is possible that an abusive interaction could have occurred. Under no circumstances should the preliminary screening attempt to establish whether or not the abuse actually occurred. The Project/Volunteer Coordinator must immediately notify the staff member/volunteer against whom the complaint is made of the details of the allegation and advise him/her that a preliminary screening process is being undertaken. The staff member/volunteer must be advised in advance of his/her right to be accompanied at this meeting by a colleague or union representative in the case of an employee. The staff member/volunteer should be informed that any responses may be shared with the HSE or An Garda Síochána.

6.6 The staff member/volunteer should be advised of support and counselling services that are available to them.

6.7 If the Project/Volunteer Coordinator is satisfied, following consultation with another member of management, that an abusive interaction could not have occurred and no further action is warranted, s/he should keep a record of the decision on the employee/volunteer's file as set out in *Trust in Care* (HSE, 2005).

6.8 If the preliminary screening indicates that an abusive interaction could have occurred then the matter must be referred to the Chairperson of the Board. Following consultation with the Chairperson of the Board of BRS, the allegation must be referred to HSE and/or An Garda Síochána.

6.9 At an appropriate stage in the process, the Chairperson of the Board will take whatever protective measures are necessary to ensure the service user is not exposed to unacceptable risk (HSE, 2005, p.17).

6.10 The investigation will be conducted in accordance with the principles and steps set out in *Trust in Care* (HSE, 2005) and with the active participation of at least one member of the Board of BRS.

6.11 Where the complaint is not upheld BRS will ensure that the reputation and career prospects of the staff member/volunteer "...are not adversely affected by reason of the complaint having been brought against him/her" (HSE, 2005, p.2). BRS will offer support to the staff member/volunteer to help restore his/her confidence.

6.12 Where the complaint is upheld the staff member/volunteer should be advised of what will happen next and his/her right to due process.

Nothing should be done to compromise the statutory responsibilities of An Garda Síochána. If it is considered that a criminal act may have occurred, agreement on engagement with the person who is the subject of the complaint should be discussed in the first instance with An Garda Síochána (HSE, 2014, p.39).

References:

Health Service Executive (2005) *Trust in Care: Policy for HSE Employers on Upholding the Dignity & Welfare of Patients/Clients and the Procedure for Managing Allegations of Abuse against Staff Members*. Dublin: HSE

Health Service Executive (2014) *Safeguarding Vulnerable Persons at Risk of Abuse, National Policy & Procedures*.

Dublin:HSE

