

Franciscan Missionaries of St Joseph



Safeguarding Policy and Procedures

Applicable Legislation

Care Act 2004

Care Quality Commission 2009

Equality Act 2010

Health and Social Care Act 2008

Human Rights act 1998

Mental Capacity Act 2005

Safeguarding Vulnerable Groups Act 2006

UK GDPR

Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions Order 2012).

1. Policy Overview

The Franciscan Missionaries of St Joseph are committed to safeguarding all children and adults, particularly adults at risk. For the Franciscan Missionaries of St Joseph this commitment is rooted in our belief that we are all made in the image of God and in the Church's common belief in the preciousness, dignity and uniqueness of every human life. We begin from the principle that every person has a right to expect the highest level of protection, love, encouragement and respect because Jesus came that we might have life in abundance.¹

A major national safeguarding enquiry in 2020 led to a complete restructuring of safeguarding practice in the Roman Catholic Church in England and Wales and the establishment of the Catholic Safeguarding Standards Agency and the

¹ Gospel of St John Chapter 10 Verse 10

Religious Life Safeguarding Service. The Franciscan Missionaries of St Joseph are members of both of these bodies and, as such, are committed to the One Church approach to safeguarding. This means that we follow stringent safeguarding guidelines ensuring that our members fully understand safeguarding and endeavour to respond to any victim or survivor of abuse promptly and compassionately.

2. Scope

- 2.1. This policy and procedures apply to all members of the Franciscan Missionaries of St Joseph and to all our staff members (Religious, lay, Voluntary or Employed) regardless of their role or the activities they undertake.
- 2.2. It also applies to all the Residents in our Care Homes, their family members and friends, those who visit our homes as health care professionals and all those whom we welcome to our premises.

3. Objectives

- 3.1. To ensure that all Franciscan Missionaries of St Joseph understand our Safeguarding Policy and Procedures and that they know what to do if they have any concerns.
- 3.2. To ensure that all our staff understand their responsibilities in relation to safeguarding children and adults at risk and know how to escalate any concerns.
- 3.3. To protect the rights of everyone to live in safety, free from abuse or neglect.
- 3.4. To have a clear, well publicised policy of zero tolerance of any form of abuse.
- 3.5. To make sure that the wellbeing of our Sisters and residents is promoted, taking their views, wishes, feelings and beliefs into account.
- 3.6. To ensure that our staff work with our Sisters and residents to establish what 'safe' means to them and how that can best be achieved.

4. What constitutes abuse?

- 4.1 It is the responsibility of all members of the Franciscan Missionaries of St Joseph and our staff to prevent abuse of any kind, whether by action or omission. Abuse is a violation of an individual's human or civil rights by another person. It is where someone does something to another person or to themselves which puts them at risk of harm and impacts on their health and wellbeing.

4.2. What constitutes abuse or neglect can take many forms and may not always be visible. Some of the most common forms of abuse are:

- Physical
- Sexual
- Psychological or emotional
- Spiritual
- Organisational
- Financial or material
- Domestic violence
- Verbal
- Neglect or self-neglect
- Human trafficking

For ore details on the signs and types of abuse please refer to our Policy in Appendix 1

5 Training

- 5.1. All members of the Franciscan Missionaries of St Joseph and all staff members must undertake safeguarding training because everyone is responsible for safeguarding. The Safeguarding Lead, appointed by the Congregational Leader and her Team has the responsibility to ensure that the Sisters undertake training according to their ministerial responsibilities. This may be online or in person training on a variety of subjects provided by the Religious Life Safeguarding Service or Care Home Managers. Attendance at training should be certificated and a copy of the certificate should be sent to the Safeguarding Lead.
- 5.2. The Safeguarding Lead will keep a copy of all training undertaken by the Sisters and it is mandatory for all those in active ministry to undertake some form of training every year. Sisters who attend training as part of their external ministry should request a certificate and ensure that this is passed to the Safeguarding Lead.
- 5.3. Managers in our Care Homes will keep a record of all safeguarding training undertaken by staff and share this information with our Safeguarding Lead.
- 5.4 The minimum training requirements annually are as follows:
- Safeguarding Lead – Lead training Level 3

- Managers and assistant managers – Advanced Safeguarding Level 2
- Trustees – Trustee training Level 2
- Community members who work with the public – level 2
- Community members who are retired – Basic safeguarding Level 1

6. Roles and responsibilities

6.1 The Franciscan Missionaries of St Joseph

The Franciscan Missionaries of St Joseph are committed to safeguarding all children and adults at risk because they are made in the image of God and have a right to expect the highest level of protection and respect. Everyone connected with the Franciscan Missionaries of St Joseph is expected to know and adhere to our safeguarding standards.

6.2 Trustees

The Trustees have a duty to maintain appropriate governance and oversight of safeguarding in line with national guidance and the details contained in this policy and procedures.

The Chair of Trustees appoint a member of the Franciscan missionaries of St Joseph as Safeguarding Lead and one of her Trustees is delegated particular responsibility for safeguarding. This trustee will work with the Safeguarding Lead to ensure that safeguarding is fully embedded in all our undertakings. Details of how the policy is promoted will be found in our Safeguarding Communications Policy in Appendix 2.

6.3 Safeguarding Lead

The Safeguarding Lead is a member of the Franciscan Missionaries of St Joseph and is appointed by the Congregational Leader who is Chair of the Trustees for a three-year term which can be renewed. The Safeguarding Lead will liaise with the Safeguarding Trustee to keep the Trustees informed of any safeguarding issues. It is the responsibility of the Safeguarding Lead to keep the safeguarding policy and procedures under review, updating where necessary, but always subject to the approval of the Trustees.

The Safeguarding Lead will maintain records of all training undertaken by the members of the Franciscan Missionaries of St Joseph and our staff. she will be the key contact for any case referred to the RLSS and will be responsible for the safe and legally compliant storage of all safeguarding

records. She may delegate some responsibility for the maintenance of case files to the RLSS for the duration of any case.

For a detailed role description for the Safeguarding Lead please see Appendix 3.

6.4 Care Home Managers

The appointed managers have delegated responsibility for safeguarding within our two Care Homes and work directly with our Safeguarding Lead. They liaise with our Safeguarding Lead to ensure that DBS checks are kept up to date. They also provide regular staff training and operate a Safe Recruitment Policy (Please refer to Appendix 4) The managers are responsible for reporting any safeguarding concerns to the Safeguarding Lead and to the appropriate statutory bodies.

6.5 All Other Roles

All members of the Franciscan Missionaries of St Joseph and all our staff are under obligation to ensure that they know how to respond to any safeguarding concerns and report them to the Safeguarding Lead.

7. **Procedure**

7.1 Immediate action must be taken if any safeguarding concerns are recognised. This may be something observed, something reported verbally or in writing or sometimes something which causes feelings of unease. Staff and Sisters must be able to:

- Recognise: that a child or an adult at risk may be describing abuse even when they are not explicit
- Respond: stay calm, listen and show empathy
- Report: immediately to the Safeguarding Lead or, in her absence, to the Zonal Leader and any other appropriate authority
- Record: write up notes of any conversation clearly and factually as soon as possible using the same words as the person who reported the abuse.

In line with the Church's mandatory reporting policy, action must be taken if there are reasonable grounds to suspect or believe that someone who holds any type of role within the church is going to, or has committed a crime, is going to or has already caused harm, poses a risk or is otherwise unsuitable in a public facing role.

7.2 Reporting Guidelines

- 7.2.1 Contact Safeguarding Lead who will contact the RLSS Safeguarding Team, The Congregational Leader, the Zonal Leader and the Safeguarding Trustee.
- 7.2.2. The Safeguarding Lead will pass all initial details and all subsequent records to the RLSS. At the same time, she will ensure that the person who reported the abuse knows this is being done. The victim/survivor (if not the person who reported) will also be informed of this.
- 7.2.3 The Safeguarding Lead will be told by the RLSS when to inform the statutory authorities. In the case of Franciscan Convent, Blackburn the Registered Manager is delegated to inform Blackburn with Darwen Borough council and the local police.
- 7.2.4 The person receiving a disclosure of abuse must remain calm and non-judgmental and should listen attentively, allowing the person reporting to share without interruption. She/he must then inform the person making the disclosure that the information cannot be kept confidential and the details must be passed on to the authorities, but they may be able to remain anonymous in certain circumstances.

8. Recording and Storage of Safeguarding concerns and Case Files

- 8.1. Primary responsibility for the management of documents and safeguarding case files sits with the Safeguarding Lead who will ensure that an accurate, auditable and secure record of any safeguarding concern or allegation referred to the Franciscan Missionaries of St Joseph is maintained.
- 8.2 The records will include:
- Relevant contact details
 - Details of how and when referral was made
 - Details of the actual concern
 - Any relevant historical information
 - Identified past and present risk factors
 - Any actions or investigations undertaken by the Franciscan Missionaries of St Joseph or by the statutory authorities
- 8.3 All records are potential evidence in a criminal trial or civil case and must be stored in a safe retrievable format with an auditable record of provenance and integrity.

9. Staff Alleged to be Responsible for Abuse or Neglect

- 9.1 The Franciscan Missionaries of St Joseph have a duty of care to their Residents but also to their staff. If a member of staff is accused of abuse, action must be taken in accordance with the disciplinary policy. This will mean that, in most cases, the accused staff member is suspended from work pending an investigation.
- 9.2 The Manager, after consultation with the Safeguarding Lead will inform the accused staff member of their rights under employment legislation. She will also nominate a member of staff to keep in touch with them throughout the enquiry. The nominated person should not be directly involved in the investigation, and the accused staff member can request that the nominated staff member be replaced if they think there could be a conflict of interest.
- 9.3 The Safeguarding Lead will inform the accused member of staff of available counselling services if these are requested.
- 9.4 If the accused member of staff is to return to work after being suspended, the Manager and the Safeguarding Lead will arrange a return-to-work meeting to discuss and resolve any problems.
- 9.5 DBS Referral
- If the investigation concludes that the staff member is guilty of misconduct such that an adult at risk was harmed or placed at risk of harm, the Franciscan Missionaries of St Joseph have a legal duty to refer to the Disclosure and Barring Service. This also applies if the staff member leaves their role to avoid a disciplinary hearing following a safeguarding incident.

10. FMSJ Sisters accused of Abuse or Neglect

- 10.1 If a member of the Franciscan missionaries of St Joseph is accused of abuse, the Safeguarding Lead must be informed immediately, and she will inform the Congregational Leader and the Zonal Leader.
- 10.2 The case is handled in exactly the same way as detailed above for a staff member except that the Safeguarding Lead will not delegate to the Manager and the nominated person to support the accused will be appointed by the Zonal Leader. The Zonal Leader will

ensure that counselling is available for the accused Sisters if she wishes to avail of this.

10.3 With the consent of the accused Sister, the Zonal Leader will speak to her community and explain what is happening. If the accused Sister wishes, she may spend time in another community pending the result of the investigation.

10.4 If the Sister is found guilty, she will be kept away from children and adults at risk and reported to the Disclosure and Barring Service. If the Sister leaves the Congregation this will happen in accordance with the Constitutions of the Congregation and permission will be obtained from Rome.

11. Registered Manager Accused of Abuse

If staff have safeguarding concerns about the Registered Manager, they should report them as soon as possible to the Safeguarding Lead. The Manager will be suspended during an investigation, and the Assistant Manager will take her place pending the outcome. The concerns raised will be handled as detailed in the above paragraphs.

12. Safeguarding Lead accused of Abuse

If the Safeguarding Lead is accused of abuse this should be referred as soon as possible to the Zonal Leader. The procedure to be followed is as above.

13. Abuse by Another Adult at Risk

If abuse is caused by one adult at risk to another, the needs of both adults must be considered separately. It will be necessary to reassess the adult allegedly causing harm. Under the Mental Capacity Act 2005, if the person alleged to have caused harm lacks mental capacity, they are entitled to the help of an Independent Mental Capacity Advocate to support and represent them in the enquiry taking place.

14. Victims/Survivors

14.1 The Franciscan Missionaries of St Joseph will always listen to Victims/Survivors of abuse with compassion and treat them with respect, recognising in them the presence of the suffering Christ and the huge impact which any type of abuse has on their entire lives.

- 14.2 The Franciscan Missionaries of St Joseph will endeavour to provide access to counselling services and will give details of the help available through Safe Spaces.
- 14.3 Safe Spaces is a free independent and confidential support services for adults who have been abused by someone in the church, however long ago. There are no waiting lists for support and those seeking help do not need to have reported the incident of abuse to the Church or the Police. They also do not need to belong to or be a current active member of the Church. Help is provided by the Helpline on 0300 303 1056 and online using email at safespaces@firstlight.co.uk or webchat.
- 14.4 We will provide the victim of abuse with an independent advocate as required by the Care Act of 2004.

15. Whistleblowing

The Franciscan Missionaries of St Joseph will encourage and enable anyone with a serious concern, to raise the concern, without fear of victimisation or disadvantage. Please refer to our Whistleblowing Policy attached as Appendix 5

16. Safe Recruitment Practice Guidelines

The Franciscan missionaries of St Joseph will ensure that all staff are subject to our Safe Recruitment Practice Guidance – see Appendix 4.

17. Complaints

The Franciscan Missionaries of St Joseph take complaints very seriously and will always endeavour to find satisfactory solutions – please see separate Complaints Policy attached as Appendix 6

18. Review

This policy will be reviewed and updated at least annually and when any change in legislation necessitates a review.

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APPENDIX 1

Recognise the complexity of what constitutes abuse.

Abuse takes many forms and can happen in many different circumstances. Perpetrators of abuse employ many disguises to prevent their abuse becoming known and victims can be coerced into keeping silent through both fear and shame of the abuse being repeated.

The most common forms of abuse are:

- Physical abuse – includes assault, hitting, slapping, pushing, misuse of medication, use of restraint
- Sexual abuse – includes rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual photography, use of pornography, sex assault
- Psychological abuse – includes emotional abuse, threat of harms or abandonment, limitation of contact with others, humiliating, blaming, controlling, intimidation, coercion harassment, verbal abuse, cyber-bullying, withdrawal of service or support networks
- Spiritual abuse - - this involves using religious or spiritual beliefs for coercive control, manipulation or harm, exploiting faith to exert power over someone, often in a church, family or relationship. It involves leaders or individuals using authority to instil shame, guilt or fear, dictating actions, isolating victims or using scripture to justify abuse, leaving deep psychological scars.
- Discrimination abuse - includes bullying, harassment, racial abuse, abuse on the grounds of gender or gender identity, sexual orientation, disability, religion or age
- Financial abuse – includes theft, fraud, internet scamming, impersonation for financial gain, misuse of benefits, dishonesty on the part of someone given power of attorney. It may also involve coercion in relation to a person's financial affairs, in connection with wills, inheritance or financial transactions. Adults at risk may also become victims of internet scams, postal scams and unannounced doorstep criminals who may falsely claim property needs repairing etc.
- Domestic abuse or violence – includes psychological, physical, sexual, financial or emotional abuse occurring in the home of often perpetrators by a close relative. It may also involve coercive or controlling behaviours and includes so called 'honour' based violence

- Organisational abuse – includes settings such as hospitals or care homes but also in relation to care provided in a person's home. This may involve ill-treatment poor xxx practice or neglect, ignoring medical or physical needs, medication errors, failure to report falls/accidents inadequate diet etc. Discouraging visits from family, friends or lack of respect/privacy, misuse of medication, poor standards of care/lack of staff
- Self-neglect – covers a wide range of behaviour including lack pf personal hygiene, unclean surroundings sometimes caused by physical inability to undertake household tasks or do tasks such as cleaning and washing. It also includes poor diet and nutrition, living in unsanitary conditions, refusal to accept care in care settings is a safeguarding concern and must be raised as a concern to the person in a way that enhances their involvement, choice in control as well as improving the quality of life, well-being and safety

Patterns of abuse:

- Sexual abuse in which the perpetrator seeks out and grooms individuals
- Long term abuse in the context of an ongoing family relationship such as domestic violence or persistence psychological abuse
- Opportunistic abuse, such as theft occurring because money or jewellery has been in a place that is accessible to people

Signs of abuse:

- Bruises or other physical signs, self harming
- Deterioration in physical appearance and or unintentional loss of weight
- Lack of personal hygiene or unclean clothing
- Loss of confidence or low self esteem
- Withdraw from social life or family life
- Unexplained or sudden shortage of money or inability to pay bills
- Poor concentration, sleep disturbance

- Signed

Sister Maureen Murphy (M.T. Murphy)

Sister Maureen Murphy, fmsj

Safeguarding Lead