

13. CHILD AND ADULT PROTECTION POLICY AND PROCEDURE

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Child Care Act 1991 (Early Years Services) Regulations 2016 (Síolta Standard 15 Legislation and Regulation, Síolta Standard 9: Health and Welfare) (National Standard 3: Working in Partnership with Parents or Guardians, National Standard 4: Records, National Standard 5: Organisation and Management, National Standard 7: Complaints, National Standard 11; Child Protection)

Statement of Intent:

The welfare of the child is paramount to us. Therefore, we want to make sure that the children in the service are protected and kept safe from harm while they are in our care. We do this by:

- Making sure that our staff and students are carefully selected, trained and supervised.
- Having procedures to recognise, respond to and report concerns about children's protection and welfare.
- Making sure all staff are Garda vetted prior to engagement.
- Having clear codes of behaviour for management, staff and students.
- Having a procedure to respond to accidents and incidents.
- Giving parents/guardians, children and staff information about what we do and what to expect from us.
- Letting parents/guardians and children know how to voice their concerns or complain if there is anything they are not happy about. Having a procedure to respond to these complaints.
- Having a clear reporting procedure to be followed should a staff member have a concern about a child with regard to *Children First (2017)* and *The Children First Act 2015*.
- Having a procedure to respond to allegations of abuse and neglect against staff members.
- Having a system where the policy and safeguarding statement is reviewed annually by the Management.

Policy:

Children First: National Guidance for the Protection and Welfare of Children published by the Department of Child and Youth Affairs in 2017 and *Our Duty to Care* form the basis of our services Child Protection Policy and Procedures.

<https://www.DCEDIY.gov.ie/documents/publications/20171002ChildrenFirst2017.pdf>

https://www.DCEDIY.gov.ie/documents/publications/ODTC_Full_Eng.pdf

See also the Child protection and Welfare Practice Handbook available at http://www.tusla.ie/uploads/content/CF_WelfarePracticehandbook.pdf

- This policy is applicable at all times when children are in the care of the service, including outings.
- For the purpose of this policy, a “child” means anyone who is under 18 years of age who is not or has not been married.
- All staff and persons who work within the service must read and understand this policy and procedures and the Child Safeguarding Statement and it will be part of a new staff member’s induction training. Clarification on any point may be sought from the Designated Liaison Person or Manager.

Our Statutory Obligations

One of the main objectives of the Children First Act 2015 is to ensure that our service keeps children safe from harm while availing our service. We will prevent, as far as practicable, deliberate harm or abuse to the children availing of our services. While it is not possible to remove all risk, from our service, we have put in place policies and procedures to manage and reduce risk to the greatest possible extent.

The Act places specific obligations on us including the requirement to:

- Keep children **safe from harm** while they are using our service.
- Carry out a **risk assessment** to identify whether a child or young person could be harmed while receiving our services.
- Develop a **Child Safeguarding Statement** that outlines the policies and procedures which are in place to manage the risks that have been identified. *See APPENDIX 8*
- Appoint a **relevant person** to be the first point of contact in respect of the our Child Safeguarding Statement. *See APPENDIX 7*

As part of the policy, our service will:

- Appoint both a Designated Liaison Person (DLP) for dealing with child protection concerns and a Deputy Liaison Person.
- Provide induction training on the Child and Adult Protection Policy to all staff and students and ensure that they understand their obligations as a ‘Mandated Person’ under the Children First Act 2015.
- Maintain a list of persons in the service who are Mandated Persons under the Children First Act 2015. *see APPENDIX 9*
- Ensure that all staff attend child protection training as appropriate.
- Provide supervision and support for staff and students in contact with children.
- Share information about the Child and Adult Protection Policy with families.
- Ensure this policy will be shared with parents/guardians on enrolment to our service.
- Work and co-operate with the relevant statutory agencies as required.

The Designated Liaison Person:

We will at all times have an appointed Designated Liaison Person and a Deputy Liaison Person in the event of the Designated Liaison Person being unavailable. We will endeavour to send the Designated Liaison Person(s) on any necessary or new training courses available.

We have appointed a Designated Liaison Officer and a Deputy Designated Liaison Officer. Their details and contact details are displayed on the parents/guardians’ board.

The Role of the Designated Liaison Persons is to:

- Establish contact with the Duty Social Worker responsible for child protection in the organisations catchment area and ensure that the organisation’s Child Protection Policy and procedures are followed where **Criteria for Reporting: Definitions and Thresholds are reached or Reasonable Grounds for Concern** exist about individual children.

- Be accessible to all staff.
- Ensure that they are knowledgeable about child protection and welfare and that they undertake any training considered necessary to keep updated on new developments.
- Ensure the Child and Adult Protection Policy and Procedures of the service are followed.
- Be responsible, as a Mandated Person, for reporting concerns about the protection and welfare of children to Tusla – Child and Family Agency or An Garda Síochána.
- Ensure the appropriate information is included in the report to the Child and Family Agency and that the report is submitted in writing (under confidential cover) using the Standard Reporting Form See *Appendix 1*.
- To liaise with Tusla, the Child and Family Agency, An Garda Síochána and other agencies as appropriate [the Mandated Person who has a concern and makes a report also has a responsibility to liaise with the agencies as required]
- To provide information and advice on child protection and training within the organisation.
- Keep relevant people within the organisation informed of relevant issues, whilst maintain confidentiality.
- Ensure that an individual case record is maintained of the action taken by the service, the liaison with other agencies and the outcome.
- Maintain a central log or record of all child protection and welfare concerns in the service.
- Ensure appropriate information is available at the time of referral and that the referral is confirmed in writing, under confidential cover.

Mandated Persons

Children First 2017: Chapter 3 and Appendix 2 refers.

All childcare staff are 'Mandated Persons' under The Children First Act 2015.

The Children First Act 2015 places a legal obligation on certain people, to report child protection concerns at or above a defined threshold to Tusla - Child and Family Agency. These Mandated Persons must also assist Tusla, on request, in its assessment of child protection concerns about children who have been the subject of a mandated report.

Mandated Persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. Mandated Persons include professionals working with children in early years settings.

Mandated Persons have two main legal obligations under the Children First Act 2015.

These are:

1. To report the harm of children above a defined threshold to Tusla;
2. To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

See APPENDIX 5 Mandated Persons Responsibilities (Children First Act 2015)

See APPENDIX 9 List of Mandated Persons in Our Service

IMPORTANT NOTE

It is important to note that the statutory obligation of Mandated Persons to report under the Children First Act 2015 must be discharged by the Mandated Person and cannot be discharged by the Designated Liaison Person on their behalf. Within our setting the DLP's will also fulfil the role of Mandated Persons. This means that if, as a Designated Liaison Person, you are made aware of a concern about a child that meets or exceeds the thresholds of harm for mandated reporting, you have a statutory obligation to make a report to Tusla arising from your position as a Mandated Person.

While Mandated Persons have statutory obligations to report mandated concerns, they may make a report jointly with another person, whether the other person is a Mandated Person or not. In effect, this means that a Mandated Person can make a joint report with a Designated Liaison Person.

Criteria for Reporting: Definitions and Thresholds

Chapter 3 Page 20 Children First – National Guidance for the Protection and Welfare of Children (2017).

Mandated Persons within our setting are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse are described in *APPENDIX 2*. The threshold of harm for each category of abuse at which Mandated Persons have a **legal** obligation to report concerns is outlined below.

NEGLECT: Neglect is defined as ‘to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care’. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child’s needs have been neglected, are being neglected, or are at risk of being neglected to the point where **the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

EMOTIONAL ABUSE/ILL-TREATMENT: Ill-treatment is defined as ‘to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated’. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where **the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

PHYSICAL ABUSE: Physical abuse is covered in the references to assault in the Children First Act 2015. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result **the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

SEXUAL ABUSE: If, as a Mandated Person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla under the Children First Act 2015. Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015. A full list of relevant offences against the child which are considered sexual abuse is set out in ***Appendix 3 of Children First (2017).***

As all sexual abuse falls within the category of **seriously affecting a child’s health, welfare or development**, you must submit all concerns about sexual abuse as a mandated report to Tusla. There is one exception, which deals with certain consensual sexual activity between teenagers, which is outlined on ***page 23 Children First (2017).***

The service endorses that the ***Children First (2017) Guidelines*** advise that the ability to recognise child abuse depends as much on a person's willingness to accept the possibility of its existence as it does on knowledge and information. It is important to note that child abuse is not always readily visible.

Reasonable Grounds for Concern

Chapter 2, Page 06 Children First (2017)

The DLPs or Mandated Persons should always inform Tusla when you have **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. We understand that if this is neglected or ignored, it could result in ongoing harm to the child. We understand that it is not necessary for us to prove that abuse has occurred to report a concern to Tusla. All that is required of us is that we have **reasonable grounds for concern**. It is Tusla's role to assess concerns that are reported to it.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way.
- Any concern about possible sexual abuse.
- Consistent signs that a child is suffering from emotional or physical neglect.
- A child saying or indicating by other means that he or she has been abused.
- Admission or indication by an adult or a child of an alleged abuse they committed.
- An account from a person who saw the child being abused.

The guiding principles on reporting child abuse or neglect may be summarised as follows:

1. The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made.
2. Reports of concerns should be made without delay to Tusla.

Recognising Concerns:

Staff and students may at times be concerned about the general welfare and development of children they work with and they can discuss any concerns with their Manager and/ Designated Liaison Person at any time.

All staff and students should be familiar with the definitions of abuse and the signs and symptoms of abuse as outlined in *Children's First (2017)*

see **APPENDIX 2: TYPES OF CHILD ABUSE AND HOW THEY MAY BE RECOGNISED**

Disclosures of Abuse from a Child

If a Mandated Person within our setting receives a disclosure of harm from a child, which is above the thresholds set out in **Criteria for Reporting: Definitions and Thresholds** they must make a mandated report of the concern to Tusla. **They are not required to judge the truth of the claims or the credibility of the child.** If the concern does not meet the threshold to be reported as a mandated concern you should report it to Tusla as a **reasonable concern**.

It is our duty within this setting to report any disclosure even if there is a reluctance to do so for a number of reasons, for example the child may say that they do not want the disclosure to be reported. However, we inform Tusla of all risks to children above the threshold, as the removal of a risk to one child does not necessarily mean that there are no other children at risk. The information contained in a disclosure may be critical to Tusla's assessment of risk to another child either now or in the future.

Professionals within our setting will deal with disclosures of abuse sensitively and professionally. The following approach is suggested as best practice for dealing with these disclosures.

- React calmly.
- Listen carefully and attentively.

- Take the child seriously.
- Reassure the child that they have taken the right action in talking to you.
- Do not promise to keep anything secret.
- Ask questions for clarification only. Do not ask leading questions.
- Check back with the child that what you have heard is correct and understood.
- Do not express any opinions about the alleged abuser.
- Ensure that the child understands the procedures that will follow.
- Make a written record of the conversation as soon as possible, in as much detail as possible.
- Treat the information confidentially, subject to the requirements of Children First (2017) and legislation.

Ongoing Support:

Following a disclosure by a child, it is important that staff continue in a supportive relationship with the child. Disclosure is a huge step for many children.

Staff should continue to offer support, particularly through:

- Maintaining a positive relationship with the child.
- Keeping lines of communication open by listening carefully to the child.
- Continue to include the child in the usual activities.
- Any further disclosure should be treated as a first disclosure and responded to as in Reporting Procedures in this policy.

Procedure when a referral is not made to the Child and Family Agency:

A suspicion which is not identified by **Criteria for Reporting: Definitions and Thresholds or Reasonable Grounds for Concern.**

- In this case, the concern and any informal consultation will be documented and kept confidentially and securely.
- The DLP will inform the member of staff or student who raised the concern that it is not being referred in writing, indicating the reasons. The DLP will advise the individual that they may make a report themselves **see Mandated Persons and Making a Mandated Report**. The provision of the *Protection for Persons Reporting Child Abuse Act, 1998* will apply.
- Persons reporting suspected child abuse or neglect should not interview the child or the child's parents/guardians in any detail about the alleged abuse. This may be more appropriately carried out by the TUSLA Duty Social Worker or An Garda Síochána.
- If staff, students or volunteers have any concerns these should be discussed immediately with the Designated Liaison Person.

Making a Mandated Report

Chapter 3, Page 24 Children First (2017)

Section 14 of the Children First Act 2015 requires Mandated Persons to report a mandated concern to Tusla 'as soon as practicable'.

Mandated Persons will:

- Submit a report of a mandated concern to Tusla using the required report form, on which you should indicate that you are a Mandated Person and that your report is about a mandated concern.
- Include as much relevant information as possible in the report as this will aid effective and early intervention for the child and may reduce the likelihood of Tusla needing to contact you for further information. The report form and contact details on the Tusla website (www.tusla.ie). See also APPENDICES 1 and 4
- Post or submit electronically the mandated report form to Tusla.

- Not report the same concern more than once. However, if the Mandated Person becomes aware of any additional information, a further report should be made to Tusla. In addition, Mandated Persons are not required to make a report where the sole basis for your knowledge, belief or suspicion of harm is as a result of becoming aware that another Mandated Person has made a report to Tusla about the child.

NOTE

If the concern may require urgent intervention to make the child safe, section 14(7) of the Children First Act 2015 allows the Mandated Person to alert Tusla of the concern in advance of submitting a written report. The Mandated Person must then submit a mandated report to Tusla on the report form within three days.

A Mandated Person who makes a report to an authorised person is protected from civil liability under the Protections for Persons Reporting Child Abuse Act 1998.

Details on how Tusla deals with concerns received can be found in *Chapter 5 of Children First (2017)*

Under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If you think the child is in immediate danger and you cannot contact Tusla, you should contact the Gardaí.

Informing the Family That a Report is Being Made

Chapter 3, Page 25 Children First (2017)

The Children First Act 2015 does not require you to inform the family that a report under the legislation is being made to Tusla. However, it is good practice to tell the family that a report is being made and the reasons for the decision.

It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment. Also, the family do not need to be informed if by doing so it may place staff in the service at risk of harm from the family.

Consequences of Non-reporting

Chapter 3, Page 2 Children First (2017)

The Children First Act 2015 does not impose criminal sanctions on Mandated Persons who fail to make a report to Tusla. However, all staff should be aware that there are possible consequences for a failure to report. There are a number of administrative actions that Tusla could take if, after an investigation, it emerges that Mandated Persons did not make a mandated report and a child was subsequently left at risk or harmed.

The Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report under the Act is a criminal offence under that legislation. This obligation is **in addition to** any obligations under the Children First Act 2015.

NOTE

Failure to report a child protection concern may invoke the Disciplinary Policy of this service.

A concern could come to attention in a number of ways:

- A child tells you or indicates that he/ she is being abused. This is called a disclosure.
- An admission or indication from alleged abuser.
- A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable.
- Information from someone who saw the child being abused.
- Evidence of an injury or behaviour that is consistent with abuse and unlikely to be caused in any other way.
- Consistent indication over a period of time that a child is suffering from physical or emotional neglect.
- An injury or behaviour which is consistent with abuse, but an innocent explanation is given.
- Concern about the behaviour or practice of a colleague.

NOTE

All personnel are expected to consult *Children First 2017 [Chapter 2, Page 07 Children First (2017)]* and the *Child Protection and Welfare Practice Handbook* for detailed information on the signs and symptoms of abuse. See **APPENDIX 2: TYPES OF CHILD ABUSE AND HOW THEY MAY BE RECOGNISED**

The Reporting Procedure:

Any member of staff who has a concern about a child in the service currently being abused, abused in the past, or likely to be at risk of abuse, is obliged to verbally relay their concern to the Designated Liaison Person as a matter of urgency. **See Criteria for Reporting:**

Definitions and Thresholds.

1. Mandated staff who have a concern should record in writing what the child has said, including as far as possible, the exact words utilised by the child.
2. The mandated staff must inform the Designated Liaison Person.
3. Details must be recorded by mandated staff on the TUSLA Standard Reporting Form, which is in the Forms Folder in the Office, which must then be signed by the person making the report. See *Appendix 1: Standard Reporting Form* or <http://www.tusla.ie/services/child-protection-welfare/publications-and-forms> **See Making a Mandated Report**
4. Unless it would put the child at further risk to do so, the **Designated Liaison Person or Manager** will make every effort to contact the parents/guardians to discuss the concern made by the child. A written record will be kept of this meeting with the parents/guardians.
5. The Designated Liaison Person will examine the **Criteria for Reporting: Definitions and Thresholds** or determine if **Reasonable Grounds for Concern** are present. ***Remember Mandated Persons, should be aware that the legal obligations under the Children First Act 2015 to report mandated concerns rest with the Mandated Person and not with the designated liaison person.***
6. Immediate action must be taken to protect the child in question and indeed any other children who may be considered at 'risk'.
7. A child will never be interviewed regarding the concern by any staff. However, all comments made by the child will be noted.

8. Allegations against staff will be dealt with separately and the disciplinary procedure will be followed as necessary.
9. In cases of emergency, where a child is deemed to be at immediate and serious risk and a Duty Social worker is unavailable, An Garda Síochána should be contacted. **Under no circumstances should a child be left in a dangerous situation pending TUSLA intervention.**
10. The service will take care to ensure that actions taken by them do not undermine or frustrate any investigations being conducted by TUSLA or An Garda Síochána. Close liaisons will be maintained with these authorities to achieve this.
11. Where there are reasonable grounds a report should be made to TUSLA **See Making a Mandated Report.** Each area has a social worker on duty for a certain number of hours each day. The duty social worker is available to meet with, or talk on the telephone, to persons wishing to report child protection concerns. The Duty Social Worker will assess the information available. *See APPENDIX 4: Contact Details.*
12. Once a report is submitted, the duty social worker may need to speak with the person who had the initial concern.
13. In the event that the Designated Liaison Person makes a decision not to report to TUSLA, full details of the decision must be recorded including the reasons for not reporting plus any action taken. This report should be stored as confidential by the Designated Liaison Person in the child's records and kept by the service in a secure place. ***Remember as a Mandated Person, you should be aware that the legal obligations under the Children First Act 2015 to report mandated concerns rest with the Mandated Person and not with the Designated Liaison Person.***
14. Allegations or concerns should not be investigated by the Designated Liaison Person or a staff member but passed on to TUSLA /Garda to follow through.

Dealing with a Retrospective Disclosure by an Adult of Abuse as a Child:

Chapter 3, Page 23 Children First (2017)

Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light when an adult attends counselling, or is being treated for a psychiatric or health problem.

The reporting requirements under the Children First Act 2015 apply only to information that Mandated Persons, who received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, if they have a reasonable concern about past abuse, where information came to their attention before the Act and there is a possible continuing risk to children, they should report it to Tusla under ***Children First (2017) Guidance.***

Confidentiality Statement:

The Data Protection Acts 1988 and 2003 do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection. Tusla has the authority to share information concerning a child who is the subject of a risk assessment with a Mandated Person who has been asked to provide assistance. Tusla must only share what is necessary and proportionate in the circumstances of each individual case. Information that Tusla shares with the Mandated Person, if assisting it to carry out an assessment, must not be shared with a third party, unless Tusla considers it appropriate and authorises in writing that the information may be shared.

Section 17 of the Children First Act 2015 makes it an offence to disclose information to a third party which has been shared by Tusla during the course of an assessment, unless Tusla has given written authorisation to do so. Failure to comply with this section, may result in liability of a fine or imprisonment for up to six months or both. This offence can also be applied to an organisation. *Chapter 3, Page 27 Children First (2017)*

Within our setting:

- Confidentiality is of the utmost importance and extends to all areas of our service. Confidentiality is about treating sensitive information that arises in a trusting relationship and doing so in a manner that is respectful, professional and purposeful.
- It is our policy to keep all personal information about our children, families, and staff private. Confidential and personal information about our children/parents/guardians will only be shared by the Manager and Designated Liaison Person in relation to child safety, in line with this Child Protection Policy. Any breach of confidentiality by any member of staff will lead to disciplinary action. (For further information see our Confidentiality Policy).

Allegations Against Staff:

As the Manager is the Designated Liaison Person the Board of Directors should deal with the HR investigation. It is required to separate these issues and manage them independently. Therefore the Board of Directors may outsource this function to somebody with expertise outside the service. This allows the Manager to deal with TUSLA and the child's family.

Policy and Procedure on Response to Allegations of Abuse against Employees, Volunteers and Students:

Child Protection is about promoting the welfare of children who attend a Child Care service/school. To this end it also encompasses the monitoring of professional practice within an organisation.

An organisation has a legal and moral responsibility to respond to any allegation of abuse either verbal or physical of a child by a member of staff, student or volunteer.

This procedure is in line with the guidance given in *Children First (2017)*

Response to allegations of abuse against employees, volunteers, students

Allegations of abuse may be made against adults working with children, employees, volunteers, students and childminders. The following guidelines should be followed in the event of such an allegation of abuse against an employee during the execution of that employee's duties or where information about an employee in relation to a situation outside of the work context is reported.

Our first duty of care in this situation is to the child and our first priority is to ensure that no child is exposed to unnecessary risk.

- If an allegation is made against an employee or other person working within the service to another employee or other person, they must inform the Designated Liaison Persons verbally and simultaneously record what they have been told or what they may have observed. Action taken in reporting an allegation of child abuse against an employee should be based on an opinion formed reasonably and in good faith.
- The details of this concern must be recorded on the Standard Reporting Form, which is in the Forms Folder in the Office, which must then be signed by the person making the report and they will be reminded of the need for confidentiality in this matter.
- The Manager will inform the member of staff that an allegation has been made against them. The disciplinary procedure for staff will be followed in this instance.

The Manager must privately inform the employee, about whom the allegation is made, of the following:

- The fact that an allegation has been made against him/her
- The nature of the allegation

- The employee should be afforded an opportunity to respond. The Manager should note the response and pass on this information when making a formal report to TUSLA.
- The employee should also be informed of their right to an adjournment of the meeting until such time as they can seek appropriate representation. The action will be guided by the agreed procedures (Disciplinary Procedure), the applicable employment contract and the rules of natural justice. While adhering to the principle of natural justice enshrined within our constitution in relation to the rights of the accused, the vulnerability of the alleged victim must be foremost in our mind, therefore any postponement must be afforded within a reasonable time frame that is 24 hours.
- The parents/guardians of the alleged victim must be informed immediately by the Designated Liaison Person.
- The name or any identifying information of the reporting adult would generally be given to the staff member or worker against whom the allegation has been made by the Manager. There may be exceptional circumstances pending TUSLA advice or consultation, where this may not be the case.
- When an allegation is received it will be assessed promptly and carefully.
- The Manager may then ask the member of staff who the allegation has been made against to leave the premises immediately and they will be suspended on full pay until the matter has been fully investigated.
- However, all allegations may not require a worker to be sent home i.e. allegations of poor practice where increased levels of supervision may be sufficient until matter is sorted out. Poor practice will be dealt with under the Disciplinary Procedure as necessary.
- At this point in the process it will be necessary to decide whether a formal report should be made to TUSLA – this decision should be based on **reasonable grounds for concern**.
- If it is felt that there are grounds for concern all matters relating to the allegations, it should be reported to the Duty Social Worker.
- At this point the Disciplinary Procedure will be invoked. This will be a separate process and will be overseen by the Manager or Board of Directors, not the Designated Liaison Person.
- Should a staff member, following the investigation, be reinstated with no disciplinary action this should be taken as evidence that no blame/fault/suspicion attaches to them.
- Where the complaint is not upheld, management should ensure that the reputation and career prospects of the staff member concerned are not adversely affected by reason of the complaint having been brought against him/her. The staff member (who had the allegation made against them) should be offered counselling and any other support necessary to restore his/her confidence and morale.
- The staff member who made the complaint should be reassured that management appreciates that the complaint was made in good faith. If required management will ensure that the staff member receives support e.g. external counselling, if requested or warranted.

Parents/Guardians and Allegations of Abuse or Neglect against Employees:

- Parents/guardians have the right to contact the Tusla to report an allegation of abuse or neglect about the employee or service.
- Parents/guardians of children who are named in an allegation of abuse or neglect will be kept informed of actions planned and taken, having regard to the rights of others concerned.
- If there is any concern that a child may have been harmed, their parents/guardians will be informed immediately.

Record Keeping:

- The service will conform to the provisions of the Data Protection Act 1998 and the Data Protection (Amendment) Act 2003 plus any future amendments.
- Under the Child Care Act 1991 (Early Years Services) Regulations 2016, accurate and up to date records in relation to children, staff and service provision must be kept. The Early Years Inspectorate will have access to files for inspection purposes.
- Parents/guardians may have access to the files and records of their own children on request but may not have access to information about any other child.
- Only employees involved with a particular child should have access to confidential files and will be used to inform staff on how best to meet the needs of the child.
- Records are stored in compliance with the Child Care Act 1991 (Early Years Services) Regulations 2016.
- Where there are child protection or welfare concerns, observations/ records will be kept on an ongoing basis and information shared with Tusla as appropriate.
- These will be stored securely
- Procedures are in place for archiving records.
- All records are managed in line with our Data Protection Policy.
- We aim to ensure that all records are factual and written impartially.
- The service will only share information with other professionals or agencies, with consent from parents/guardians or without their consent in terms of legal responsibility in relation to a Child Protection issue.
- Records or reports should not be altered or adjusted, if there are new developments then a new record of this information should be completed.

(For further information see our policies on Observations, Record Keeping and Data Protection)

Code of Behaviour for Staff:

For the protection of staff, volunteers and children this code of behaviour has been introduced to provide clarity on what is expected and what is not accepted, with respect to their behaviour as recommended in *Our Duty to Care*. Our code of behaviour is kept under regular review.

- We recognise that children have an equal right to our service provision in line with the *Equal Status Act* and the *National Disability Strategy*.
- Staff should be sensitive to the risks involved in participating in contact sports or other activities.
- While physical contact is an appropriate way of comforting, reassuring and showing concern for children, it should only take place when it is acceptable to all persons concerned. Staff should be aware of children's signals that they do not want to receive physical comfort.
- Staff should never physically punish or be in any way verbally abusive to a child, nor should they even tell jokes of a sexual nature in the presence of children.
- Staff should be sensitive to the possibility of developing favouritism, or becoming over involved or spending a lot of time with any one child.
- Children should be encouraged to report cases of bullying to either a designated person, or a worker of their choice. Complaints must be brought to the attention of management.
- It is recommended that Child Care services develop a positive attitude amongst workers and children that respects the personal space, safety and privacy of individuals.
- It is not recommended that staff give lifts in their cars to individual children, especially for long journeys.

(This code has been adapted from Our Duty to Care Fact sheet 1)

Visitors/Students:

Visitors - including inspectors, contractors, students etc. should never be left alone with the children. If they are going to address the children it is incumbent upon the Management to check their credentials and to ensure that the content of the address is appropriate.

All students will be carefully supervised and monitored by the Manager. Secondary school pupils who come to the service for 'work experience' will also be carefully supervised and monitored and must not be left alone with the children.

We are committed to:

- Valuing and respecting all children as individuals.
- Listening to children.
- Involving children in decision making s appropriate.
- Encouraging children to express themselves.
- Working in partnership with parents/guardians.
- Promoting Positive Behaviour.
- Valuing differences.
- Implementing and adhering to all relevant policies to keep children safe.

Working in a safe environment – Protection of Adults and Children

Management will ensure a safe environment exists for staff and children by monitoring that all staff:

- Follow toileting and nappy changing procedures (*For further information see Nappy Changing/Toileting Policies*).
- Are listened to and any concerns expressed about unacceptable practice or behaviour of colleagues are followed up by management.
- Are supported when dealing with challenging behaviour of children and staff understand and follow positive behaviour management strategies. (*For further information see Managing Behaviour Policy*).

Staff Ratios:

The adult/child ratios are governed by the Child Care Act 1991 (Early Years Services) Regulations 2016. The service will follow the adult/child ratios as defined in the below Regulations.

| SERVICE: | AGE: | ADULT/CHILD RATIO: |
|--------------------------|-------------|--------------------|
| Full/Part Time Day Care: | 0 – 1 Year | 1:3 |
| | 1 – 2 Years | 1:5 |
| | 2 – 3 Years | 1:6 |
| | 3 – 6 Years | 1:8 |

The Code of Behaviour is given to all staff, students and volunteers at induction and it is expected that all staff, students and volunteers are familiar with the code and they will raise any questions arising with the Manager.

All employees have a duty to adhere to the Code of Behaviour and to bring breaches of the code to the attention of the Manager. Breaches of the Code of Behaviour are dealt with through the disciplinary procedure.

Recruitment and Selection Procedure:

The service carries out a comprehensive and detailed recruitment procedure in order to protect our children attending the service.

All applicants should be made aware and reminded throughout the recruitment period that their application and the follow up process of recruitment will be dealt with in the strictest of

confidence. The information supplied by the applicant and any other information supplied on their behalf should only be seen by persons directly involved in the recruitment procedure.

Applicants will receive a clear job description and information on the organisation. Additional information, including a copy of the service's Child Protection Policy should also be supplied to each applicant. *(For further information see our Recruitment Policy)*

Personnel File:

An up to date and accurate personnel file is kept for each member of staff that includes the following records:

- Proof of identity and that the person is over 18 years of age.
- Proof of satisfactory Garda Vetting.
- Two validated references, including a reference from the most recent place of employment.
- Verification of qualifications.
- Investigation of any gaps of employment.

Induction:

- As part of the induction process, all new management, staff, volunteers and students will be briefed on all the elements of the Child Protection and Welfare Policy including the ethos of the service, child centred practice and the Code of Behaviour, within the first week of employment.
- All management, staff, volunteers and students will be required to commit to and abide by the Child and Adult Protection Policy. They are required to confirm that they have read and understand the Child and Adult Protection Policy with their signature and a record will be kept on file.
- The Code of Behaviour is given to all management staff, students and volunteers at induction and it is expected that all staff, students and volunteers are familiar with the code and they will raise any questions arising with the Manager.

Staff Supervision and Support:

- Regular supervision and support is available to staff and volunteers, through one to one meetings or group meetings.
- Staff will be supported while dealing with a child protection concern and outside support will be sought where necessary, the costs of this will be borne by the service.

Garda Vetting:

In accordance with the Child Care Act 1991 (Early Years Services) Regulations 2016 we will ensure that all staff members are Garda vetted.

Our policy is that Garda vetting will be completed **prior to starting work at the service for employees** working directly with children. Repeat Garda vetting may be completed at any time during a contract of employment and will be completed at three year intervals and records will be held for 5 years. *(See the Garda Vetting Policy for further information).*

Partnership with Parents/Guardians:

The service recognises the importance of working with parents/guardians. It has an "open door" policy where families are always welcome but where the needs of all of the children in our care are always the first priority. Parents/guardians will be made feel welcome and regular exchange of information with parents/guardians and staff will enable a two-way process of support.

Parents/guardians will be made aware of any observations, records and notes kept by us about their children including patterns of behaviour, conversations and any injuries/bruising they may have upon arrival to the service.

All records will be made available upon request and are kept confidentially and securely.

All parents/guardians will be made aware of our policies and procedures. *(For further information see our Partnership with Parents/Guardians Policy)*

Complaints:

- Our children/staff/parents/guardians have the right to voice their opinions and concerns. It is our policy to welcome all suggestions, comments and complaints in relation to our service. Any comments or suggestions can be made to any member of staff. We will give careful attention and prompt and courteous response to any suggestions, comments or complaints. *(For further information see our Complaints Policy)*.
- If a complaint involves a child protection concern, the reporting procedure will be followed in line with this Child Protection Policy.

Management of Day Trips/Outings:

The service aims to provide children with a varied and wide experience and from time to time may organise day trips/outings. It is our policy to ensure the safety and well-being of children during these activities through planning, risk assessment, management and supervision of the activity. In managing and planning these activities we:

- Inform parents/guardians of the proposed outing, method of travel and supervision.
- Seek written consent from the parents/guardians – children will not be able to participate in the activity unless this has been obtained.
- Ensure an adequate number of personnel are present and that the children are supervised at all times.
- Ensure that the person in charge has access to a mobile in case of an emergency.
- A risk assessment of the venue or facility will be carried out and reviewed annually.
- Ensure that adequate insurance is in place for the outing.
- Ensure staff are familiar with emergency procedures.
- Ensure that the method of transport complies with relevant safety requirements and insurance.
- We will ensure that the appropriate staff/child ratios are maintained in line with the Child Care Act 1991 (Early Years Services) Regulations 2016 and the risk assessment.
- Where appropriate, parents/guardians may be invited to accompany their children on the outing.
- Emergency contact details for all children will be brought on the trip.
- Safety measures such as: frequent head counts/ roll calls and name tags will be used.
- A first aid box will be brought and a qualified first aider will be present.
- The service does its utmost to minimise risk and ensure safety at all times. However, it is important that staff are prepared for any emergencies that may arise.

(see Outings and Missing Child Policies)

Accidents and Incidents:

The Safety, Health & Welfare at Work Act, 2005 and Child Care Act 1991 (Early Years Services) Regulations 2016, are the governing legislation.

It is our policy to promote the health, wellbeing and personal safety of all our children and staff. Through developing and regularly reviewing accident prevention procedures and fire safety. Although we adhere to all safety precautions and follow TUSLA guidelines, accidents can occur. *(For further information see our Accidents and Incidents Policy)*

Social Media, Social Networking and Blogging:

- Personal blogs should have clear disclaimers that the views expressed by the author in the blog is the author's alone and do not represent the views of the service. Be clear and write in first person. Make your writing clear that you are speaking for yourself and not on behalf of the service.
- Information published on your blog(s) should comply with our confidentiality policy. This also applies to comments posted on other blogs, forums, and social networking sites.
- Be respectful to the service, management, other employees, customers, partners, and competitors.
- Staff may not use social networking sites to befriend parents/guardians whose children attend the service or to exchange any information about the service or children attending the service.
- Social media activities should not interfere with work commitments. *Refer to Internet and Email Usage Policy.*
- Your online presence may reflect the service.
- Do not publish any information regarding any child, family or colleague.
- Respect copyright laws, and reference or cite sources appropriately. Plagiarism applies online as well.
- Company logos and trademarks may not be used.

Note: Social Networking websites includes a range of websites such as - Facebook, YouTube, and Twitter etc.

Under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If you think the child is in immediate danger and you cannot contact Tusla, you should contact the Gardaí.

Any breach of this policy may invoke the disciplinary policy.

This Child and Adult Protection Policy may be updated from time to time either from within or in line with legislation.

CHILD PROTECTION POLICY APPENDICES:

APPENDIX 1: STANDARD REPORTING FORM

APPENDIX 2: TYPES OF CHILD ABUSE AND HOW THEY MAY BE RECOGNISED

THE UN CONVENTION ON THE RIGHTS OF THE CHILD (1989)

DUTY SOCIAL WORKER AND LOCAL GARDA CONTACT INFORMATION

MANDATED PERSONS RESPONSIBILITIES

REASONABLE GROUNDS FOR CONCERN

REPORTING PROCEDURES

CHILD SAFEGUARDING STATEMENT

LIST OF MANDATED PERSONS IN OUR SERVICE

APPENDIX 1: STANDARD REPORTING FORM

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Use block letters when filling out this form.

Fields marked with an * are mandatory.

1. Tusla Area (this is where the child resides)*

2. Date of Report*

3. Details of Child

| | | | |
|-------------|--------------------------|----------------|--------------------------|
| First Name* | | Surname* | |
| Male* | <input type="checkbox"/> | Female* | <input type="checkbox"/> |
| Address* | | Date of Birth* | |
| | | Estimated Age* | |
| | | School Name | |
| | | School Address | |
| Eircode | | | |

4. Details of Concerns*

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child's view, if known. Please attach additional sheets, if necessary

Please see 'Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns' for additional assistance on the steps to consider in making a report to Tusla

5. Type of Concern

| | | | |
|-----------------------|--------------------------|----------------|--------------------------|
| Child Welfare Concern | <input type="checkbox"/> | | |
| Emotional Abuse | <input type="checkbox"/> | Physical Abuse | <input type="checkbox"/> |
| Neglect | <input type="checkbox"/> | Sexual Abuse | <input type="checkbox"/> |

6. Details of Reporter

| | | | |
|---|--|---------------|--|
| First Name | | Surname | |
| Address if reporting in a professional capacity, please use your professional address | | Organisation | |
| | | Position Held | |
| | | Mobile No. | |
| | | Telephone No. | |
| Eircode | | Email Address | |



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

| | | | | |
|--|-----|--------------------------|----|--------------------------|
| Is this a Mandated Report made under Sec 14, Children First Act 2015?* | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Mandated Person's Type | | | | |

7. Details of Other Persons Where a Joint Report is Being Made

| | | | |
|---|--|---------------|--|
| First Name | | Surname | |
| Address If reporting in a professional capacity, please use your professional address | | Organisation | |
| | | Position Held | |
| | | Mobile No. | |
| | | Telephone No. | |
| Eircode | | Email Address | |

| | | | |
|---|--|---------------|--|
| First Name | | Surname | |
| Address If reporting in a professional capacity, please use your professional address | | Organisation | |
| | | Position Held | |
| | | Mobile No. | |
| | | Telephone No. | |
| Eircode | | Email Address | |

8. Parents Aware of Report

| | | | | |
|---|-----|--------------------------|----|--------------------------|
| Are the child's parents/carers aware that this concern is being reported to Tusla?* | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| If the parent/carer does not know, please indicate reasons: | | | | |

9. Relationships

| | | | |
|-------------------|--|---------------|--|
| Details of Mother | | | |
| First Name | | Surname | |
| Address | | Mobile No. | |
| | | Telephone No. | |
| | | Email Address | |
| Eircode | | | |

| | | | | |
|----------------------------------|-----|--------------------------|----|--------------------------|
| Is the Mother a Legal Guardian?* | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|----------------------------------|-----|--------------------------|----|--------------------------|

| | | | |
|-------------------|--|---------------|--|
| Details of Father | | | |
| First Name | | Surname | |
| Address | | Mobile No. | |
| | | Telephone No. | |
| | | Email Address | |
| Eircode | | | |



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

| | | | | |
|----------------------------------|-----|--------------------------|----|--------------------------|
| Is the Father a Legal Guardian?* | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|----------------------------------|-----|--------------------------|----|--------------------------|

10. Household Composition

| First Name | Surname | Relationship | Date of Birth | Estimated Age | Additional Information e.g. school, occupation, other |
|------------|---------|--------------|---------------|---------------|--|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

11. Details of Person(s) Allegedly Causing Harm

| | | | |
|---------------|--------------------------|---------------|--------------------------|
| First Name* | | Surname* | |
| Male* | <input type="checkbox"/> | Female* | <input type="checkbox"/> |
| Address | | Date of Birth | |
| | | Estimated Age | |
| | | Mobile No. | |
| | | Telephone No. | |
| Eircode | | Email Address | |
| Occupation | | Organisation | |
| Position Held | | | |

| | |
|--|--|
| Relationship to Child | |
| Address at time of alleged incident | |
| If name unknown please indicate reason | |

| | | | |
|---------------|--------------------------|---------------|--------------------------|
| First Name* | | Surname* | |
| Male* | <input type="checkbox"/> | Female* | <input type="checkbox"/> |
| Address | | Date of Birth | |
| | | Estimated Age | |
| | | Mobile No. | |
| | | Telephone No. | |
| Eircode | | Email Address | |
| Occupation | | Organisation | |
| Position Held | | | |

| | |
|--|--|
| Relationship to Child | |
| Address at time of alleged incident | |
| If name unknown please indicate reason | |



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Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

12. Name and Address of Other Organisations, Personnel or Agencies Known to be Involved Currently or Previously with the Family

| Profession | First Name | Surname | Address | Contact Number | Recent Contact e.g. 3/6/9 months ago |
|---------------------|------------|---------|---------|----------------|--------------------------------------|
| Social Worker | | | | | |
| Public Health Nurse | | | | | |
| GP | | | | | |
| Hospital | | | | | |
| School | | | | | |
| Gardaí | | | | | |
| Pre-school/ crèche | | | | | |
| Other | | | | | |

13. Any Other Relevant Information, Including any Previous Contact with the Child or Family

Please ensure you have indicated if this is a mandated report in section 6.

Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

14. For Completion by Tusla Authorised Person on Receipt of Report

| Report Received by | | | | |
|--------------------|--|---------|--|------|
| First Name | | Surname | | Date |

Mandated Report Acknowledgement by

Child Protection and Welfare Report Form

*MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)*

| | | | | | |
|------------------------------|--|---------|--------------------------|-----------|--------------------------|
| First Name | | Surname | | Date Sent | |
| Authorised Person Signature* | | | | | |
| Date* | | | | | |
| Child Previously Known | | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Allocated Case No | | | | | |

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger, and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser.

The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised.

Neglect

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences. Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect. Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability. A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision.
- Malnourishment, lacking food, unsuitable food or erratic feeding.
- Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation.
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation.
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture.
- Lack of adequate clothing.
- Inattention to basic hygiene.
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age.
- Persistent failure to attend school.
- Abandonment or desertion.

Emotional abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a

child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen. A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection.
- Lack of comfort and love.
- Lack of attachment.
- Lack of proper stimulation (e.g. fun and play).
- Lack of continuity of care (e.g. frequent moves, particularly unplanned).
- Continuous lack of praise and encouragement.
- Persistent criticism, sarcasm, hostility or blaming of the child.
- Bullying.
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions.
- Extreme overprotectiveness.
- Inappropriate non-physical punishment (e.g. locking child in bedroom).
- Ongoing family conflicts and family violence.
- Seriously inappropriate expectations of a child relative to his/her age and stage of development.

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour. It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical abuse

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

- Physical punishment.
- Beating, slapping, hitting or kicking.
- Pushing, shaking or throwing.
- Pinching, biting, choking or hair-pulling.
- Use of excessive force in handling.
- Deliberate poisoning.
- Suffocation.
- Fabricated/induced illness.
- Female genital mutilation.

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement.

in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

Sexual abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography. Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members. Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child.
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification.
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation.
- Sexual intercourse with a child, whether oral, vaginal or anal.
- Sexual exploitation of a child, which includes:
 - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means].
 - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act.
 - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse.
- Exposing a child to inappropriate or abusive material through information and communication technology.
- Consensual sexual activity involving an adult and an underage person.

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation. In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in **Chapter 3 of Children First (2017)**.

APPENDIX 3: THE UN CONVENTION ON THE RIGHTS OF THE CHILD (1989)

The Convention stipulates the following general principles:

- States shall ensure each child enjoys full rights without discrimination or distinctions of any kind.
- The child's best interests shall be a primary consideration in all actions concerning children, whether undertaken by public or private social institutions, courts, administrative authorities or legislative bodies.

- Every child has the right to life and states shall ensure, to the maximum extent possible, child survival and development.
- Children have the right to be heard.

The Convention stipulates the following substantive provisions:

Civil Rights and Freedom:

- The right to a name and a nationality.
- The right to a sense of identity.
- The right to freedom of expression.
- The right to freedom of thought, conscience and religion.
- The right to freedom of association.
- The right to privacy.
- No child shall be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

Family Environment and Parental Guidance:

- States must respect the responsibilities of parents/guardians and extended family members to provide guidance for children.
- The Convention gives parents/guardians a joint and primary responsibility for raising their children.
- Children should not be separated from their parents/guardians unless this is deemed to be in the child's best interests.
- Children and their parents/guardians have the right to leave any country and to enter their own for purposes of reunion.
- Children have the right to an adequate standard of living.
- The Convention obliges the state to provide special protection for children deprived of a family environment.
- The state has the obligation to prevent and remedy the kidnapping or retention of children abroad by a parent or third party.
- To protect children from all forms of abuse or neglect.
- It is the responsibility of the state to ensure – in cases of children victims of armed conflict, torture, neglect, maltreatment or exploitation – that they receive appropriate rehabilitative care and treatment to facilitate their recovery and social integration into society.
- A child placed by the state for reasons of care, protection or treatment is entitled to have that placement regularly evaluated.

Basic Health and Welfare of Children:

- Every child has the right to life.
- Parties shall ensure to the maximum extent the survival and development of the child.
- The child has the right to the highest attainable standard of health.
- Disabled children have the right to special treatment, education and care.
- Children have the right to benefit from social security.
- Every child has the right to a standard of living adequate for the child's mental, physical, spiritual, value systems and social development.

Education, Leisure and Recreation:

- Children have the right to education.
- The aims of education are geared towards developing children's personalities as well as their mental and physical abilities to the fullest extent.
- Children have a right to enjoy leisure, recreation and cultural activities.

SPECIAL PROTECTION MEASURES:

(a) Situations of armed conflict:

- State parties shall take all feasible measures to ensure that children under 15 years of age take no part in hostilities and that no child below 15 is recruited into the armed forces.
- State parties shall take all feasible measures to ensure protection and care of children who are affected by armed conflict.
- Children have the right to appropriate treatment for their recovery and social reintegration.
- Special protection shall be given to refugee children or to a child seeking refugee status.

(b) In situations where children are in conflict with the law:

- Regarding the administration of juvenile justice, children who come in conflict with the law have the right to treatment that promotes their dignity and self-worth, and also takes into account the child's age and aims at his/her integration into society.
- Children are entitled to basic guarantees as well as legal or other assistance for their defence and judicial proceedings and institutional placements shall be provided wherever possible.
- Any child deprived of liberty shall not be kept apart from adults unless it is in the child's best interests to do so.
- A child who is detained shall have legal and other assistance as well as contact with his/her family.

(c) In situations of exploitation:

- Children have the right to be protected from economic exploitation and from work that threatens their health.
- Children have the right to protection from the use of narcotic and psychotropic drugs as well as from being involved in their production and distribution.
- Children have the right to protection from sexual exploitation, and abuse, including prostitution and pornography.
- It is the States obligation to make every effort to prevent the sale, trafficking and abduction of children.

d. In situations of children belonging to a minority or indigenous group:

- Children of minority communities and indigenous populations have the right to enjoy their own culture and to practice their own religion and language.

APPENDIX 4: DUTY SOCIAL WORKER AND LOCAL GARDA CONTACT INFORMATION

Child Protection Social Work Services:

Duty Social Work Department, 180-189 Lakeshore Drive, Airside Business Park, Swords, Co. Dublin01 8708000

Details may also be found at this link

<http://www.tusla.ie/get-in-touch/duty-social-work-teams>

If the Duty Social Worker is not available at the time of contact the caller should give sufficient details to the secretary to enable the Duty Social Worker to prioritise a response.

Local Garda Station:

Coolock Garda 01 6664200

Details may also be found at this link

<http://www.garda.ie/stations/default.aspx>

(Children First Act 2015)

Section 14(1) of the Children First Act 2015 states:

‘...where a Mandated Person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a Mandated Person, that a child–

- (a) has been harmed,*
- (b) is being harmed, or*
- (c) is at risk of being harmed,*

he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency.’

Section 14(2) of the Children First Act 2015 also places obligations on Mandated Persons to report any disclosures made by a child:

‘Where a child believes that he or she–

- (a) has been harmed,*
- (b) is being harmed, or*
- (c) is at risk of being harmed,*

and discloses this belief to a Mandated Person in the course of a Mandated Person’s employment or profession as such a person, the Mandated Person shall, ... as soon as practicable, report that disclosure to the Agency.’

Section 2 of the Children First Act 2015 defines harm as follows:

‘harm means in relation to a child–

- (a) assault, ill-treatment or neglect of the child in a manner that seriously affects, or is likely to seriously affect the child’s health, development or welfare, or,*
- (b) sexual abuse of the child.’*

APPENDIX 6: REASONABLE GROUNDS CONCERN

Chapter 2, Page 06 Children First (2017)

You should always inform Tusla when you have **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. If you ignore what may be symptoms of abuse, it could result in ongoing harm to the child. It is not necessary for you to prove that abuse has occurred to report a concern to Tusla. All that is required is that you have **reasonable grounds for concern**. It is Tusla’s role to assess concerns that are reported to it. If you report a concern, you can be assured that your information will be carefully considered with any other information available and a child protection assessment will be carried out where sufficient risk is identified.

Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way.
- Any concern about possible sexual abuse.
- Consistent signs that a child is suffering from emotional or physical neglect.
- A child saying or indicating by other means that he or she has been abused.
- Admission or indication by an adult or a child of an alleged abuse they committed.
- An account from a person who saw the child being abused.

The guiding principles on reporting child abuse or neglect may be summarised as follows:

1. The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made.
2. Reports of concerns should be made without delay to Tusla.

If you think a child is in immediate danger and you cannot contact Tusla, you should contact the Gardaí without delay.

APPENDIX 7:Child Protection Reporting Procedure Steps 1 – 4

NOTE: In the case where the Designated Liaison Person or Mandated Person reaches the conclusion that reasonable grounds do not exist that they will not report the concern of the employee, student or volunteer to the relevant TUSLA Social Work Department or An Garda Síochána, the individual employee, student or volunteer who raised the concern should be given a clear written statement of the reasons why the DLP is not taking action. The employee, student or volunteer should be advised that, if they remain concerned about the situation, they are free to consult with, or report to, the TUSLA Social Work Department or An Garda Síochána.

As a Mandated Person, you should be aware that the legal obligations under the Children First Act 2015 to report mandated concerns rest with you and not with the Designated Liaison Person.

| Designated Liaison Persons | Duty Social Worker | Local Garda |
|----------------------------|---|---------------------------------|
| Sandra Cully Karen Daly | Duty Social Work Department, 180-189 Lakeshore Drive, Airside Business Park, Swords, Co. Dublin, 01 8708000 | Coolock Garda Station01 6664200 |