



SUNYATA
BUDDHIST CENTRE

CHILD PROTECTION AND WELFARE POLICY

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Sunyata Child Protection and Welfare Policy

Sunyata is committed to ensuring the safety and well-being of all children attending our services and to promote the rights of the child including the participation of children and young people in matters that affect them.

Sunyata's policy on child protection and welfare is in accordance with Children First National Guidance for the Protection and Welfare of Children (2017). Our vision for children and young people aligns with the national policy framework for children & young people, 'Better Outcomes, Brighter futures' (2014) which states that, "the rights of all children and young people are respected, protected and fulfilled; where their voices are heard and where they are supported to realise their maximum potential now and in the future".

Our Guiding Principles

- Our guiding principles are underpinned by Children First: National Guidance for the Protection and Welfare of Children (2017), Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice, the United Nations Convention on the Rights of the Child (1989) and current legislation such as the Children First Act (2015), Child Care Act (1991), Protections for Persons Reporting Child Abuse Act (1998) and the National Vetting Bureau Act (2012).
- All children and young people have an equal right to attend a service that respects them as individuals and encourages them to reach their potential, regardless of their background.
- We are committed to upholding the rights of every child and young person who attends our service, including the rights to be kept safe and protected from harm, listened to and heard.
- Our guiding principles apply to all staff, volunteers and board members in our organisation. All board members, staff and volunteers must sign up to and abide by these guiding principles and our child safeguarding procedures.
- Workers and volunteers must conduct themselves in a way that reflects the principles of our organisation.
- Our declaration of guiding principles is communicated to parents/guardians, management, board of trustees and volunteers.

Designated Liaison Person (DLP)

Sunyata identifies a Designated Liaison Person (DLP) and Deputy DLP who will manage all child protection and welfare concerns. All persons (volunteers, parents) attending Sunyata events are encouraged to bring their concerns regarding child protection and safety to the attention of the DLP. The DLP will hear the concerns and will support those involved in exploring the issue in line with Children First National Guidance for the Protection and Welfare of Children (2017).

In the case of a child protection and welfare concern the DLP will follow Children First National Guidance for the Protection and Welfare of Children and will contact the relevant social work department or, in emergency situations, An Garda Síochána. If a report is to be made to Tusla, it will be made jointly by the DLP and the person with the concern. Our child protection policy is available on our noticeboard and on our website.

Designated Liaison Person: Colm Kavanagh

Contact details: 0851288947

Deputy Designated Liaison Person: Elaine Dalton

Contact details: 0851554800

Roles and responsibilities of DLP/Deputy DLP

- Be fully familiar with Sunyata's duties in relation to the safeguarding of children.
- Have good knowledge of Sunyata's principles and child safeguarding procedures.
- Ensure that Sunyata's reporting procedure is followed, so that child protection and welfare concerns are referred promptly to Tusla.
- Receive child protection and welfare concerns from workers and volunteers and consider if reasonable grounds for reporting to Tusla exist.

- Consult informally with a Tusla duty social worker if necessary.
- Where appropriate, make a formal report of a child protection or welfare concern to Tusla on behalf of their organisation, using the Child Protection and Welfare Report Form.
- Inform the child's parents/guardians that a report is to be submitted to Tusla or An Garda Síochána, unless:
 - Informing the parents/guardians is likely to endanger the child or young person
 - Informing the parents/guardians may place you as the reporter at risk of harm from the family
 - The family's knowledge of the report could impair Tusla's ability to carry out an assessment
- Record all concerns or allegations of child abuse brought to DLP's attention as well as any action/inaction taken in response to these concerns.
- Provide feedback to the referrer, as appropriate.
- Ensure that a secure system is in place to manage confidential records.
- Act as a liaison with Tusla and An Garda Síochána, as appropriate.
- Where requested, jointly report with a mandated person.

If a concern relates to the DLP or Deputy DLP, reports should be made to the chairperson of the board.

More information about best practice regarding the DLP can be found in Appendix 5.

Implementation of this Policy

We recognise that policy implementation is an ongoing process. Sunyata is committed to the implementation of this Child Protection and Welfare Policy and the procedures that support our intention to keep children safe from harm while availing of our service. This policy will be reviewed every 2 years or as soon as practicable after there has been a material change in any matter to which the policy refers.

Recognising Child Protection and Welfare Concerns

Categories and indicators of abuse

Children First: National Guidance for the Protection and Welfare of Children (2017) defines four categories of abuse: neglect, emotional abuse, physical abuse and sexual abuse.

A child (defined as a person under the age of 18 years, who is not or has not been married) 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/ alleged perpetrator. 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 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.

Complicating factors in Child Protection

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives.

The following list identifies a range of issues in a child’s life that may place them at greater risk of abuse or neglect. It is important to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.

<p>Parent or carer factors:</p> <ul style="list-style-type: none"> ● Drug and alcohol misuse ● Addiction, including gambling ● Mental health issue 	<p>Child factors:</p> <ul style="list-style-type: none"> ● Age ● Gender ● Sexuality
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<ul style="list-style-type: none"> ● Parental disability issues, including learning or intellectual disability ● Conflictual relationships ● Domestic violence ● Adolescent parents 	<ul style="list-style-type: none"> ● Disability ● Mental health issues, including self-harm and suicide ● Communication difficulties ● Trafficked/Exploited ● Previous abuse ● Young carer
<p>Community factors:</p> <ul style="list-style-type: none"> ● Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction ● Culture-specific practices, including: <ul style="list-style-type: none"> – Female genital mutilation – Forced marriage – Honour-based violence – Radicalisation 	<p>Poor motivation or willingness of parents/guardians to engage:</p> <ul style="list-style-type: none"> ● Non-attendance at appointments ● Lack of insight or understanding of how the child is being affected ● Lack of understanding about what needs to happen to bring about change ● Avoidance of contact and reluctance to work with services ● Inability or unwillingness to comply with agreed plans
<p>Environmental factors:</p> <ul style="list-style-type: none"> ● Housing issues ● Children who are out of home and not living with their parents, whether temporarily or permanently ● Poverty/Begging ● Bullying ● Internet and social media-related concerns 	

These factors should be considered as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla

Responding to Child Protection and Welfare Concerns

Disclosures of abuse from a child

A child or young person may disclose to a worker or volunteer that they have been or are being harmed or abused. Children/young people will often have different ways of communicating that they are being abused. If a child or young person hints at or tells a worker or volunteer that he or she is being harmed by someone, be it a parent/carer, another adult or by another child/young person (peer abuse), it should be treated in a sensitive way.

If a staff member or volunteer receives a disclosure of harm from a child, there may be a reluctance to report this for a number of reasons. For example, the child may say that they do not want the disclosure to be reported, or you may take the view that the child is now safe and that the involvement of Tusla may not be desired by either the child or their family. However, **you need to 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.

Responding sensitively and professionally to a child who discloses abuse

The following approach is suggested as best practice for dealing with these disclosures:

- Do not panic. Remember that you have been approached because you are trusted and possibly liked.
- React calmly and as naturally as possible
- Conceal any signs of disgust, anger or disbelief
- Listen carefully and attentively
- Take the child seriously. Be aware that disclosures can be very difficult for the child/young person.

- Accept what the child or young person has to say – false disclosures are very rare
- Reassure the child that they have taken the right action in talking to you
- Do not promise to keep anything secret. *(There are secrets which are not helpful and should not be kept because they make matters worse. Such secrets hide things that need to be known if people are to be helped and protected from further on-going hurt. By refusing to make a commitment to secrecy to the child/young person, you do run the risk that they may not tell you everything (or, indeed, anything) there and then. However, it is better to do this than to tell a lie and ruin the child/young person's confidence in yet another adult. By being honest, it is more likely that the child/young person will return to you at another time).*
- Give them the time and opportunity to tell as much as they are able and wish to
- Remember, the child or young person may initially be testing your reactions and may only fully open up over a period of time.
- Do not pressure the child. Allow him/her to disclose at their own pace and in their own language.
- Check back with the child that what you have heard is correct and understood
- Do not express any opinions about the alleged abuser. It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The child/young person quite possibly may love or strongly like the alleged abuser while also disliking what was done to them. It is important therefore to avoid expressing any judgement on, or anger towards the alleged perpetrator while talking with the child/young person
- It may be necessary to reassure the child/young person that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed
- **Asking questions**
 - Questions should be supportive and for the purpose of clarification only
 - Avoid asking about intimate details or suggesting that something else may have happened other than what you have been told.
 - Do not ask leading questions such as asking whether a specific person carried out the abuse

- At the earliest opportunity, tell the child/young person that:
 - You acknowledge that they have come to you because they trust you
 - You will be sharing this information only with people who understand this area and who can help.
- Ensure that the child understands the procedures that will follow

Things to say to a child who discloses abuse

- I want to listen to what you have to say
- I am going to do my best to help you
- You did the right thing by telling me, this is what I am going to do next...
- You are not to blame
- Is there anything else you want to share?

Things Not to say

- Wait until I get my manager so you can tell him/her too
- I can't do anything
- I can't believe it, I'm shocked
- This is your fault
- Don't tell me any more

At the earliest possible opportunity

- Record in writing, in a factual manner, what the child/young person has said, including, as far as possible, the exact words used by the child/young person
- Inform the DLP immediately and agree measures to protect the child/young person, e.g. report the matter directly to Tusla
- Maintain appropriate confidentiality.

On-going support

Following a disclosure by a child/young person, it is important that the worker/volunteer continues in a supportive relationship with the child/young person. Disclosure is a huge step

for a child/young person. Workers/volunteers should continue to offer support, particularly by:

- Maintaining a positive relationship with the child/young person
- Keeping lines of communication open by listening carefully to the child/young person
- Continuing to include the child/young person in the usual activities.

Any further disclosure should be treated as a first disclosure and responded to as indicated above. Where necessary, immediate action should be taken to ensure the child/young person's safety.

Responding sensitively and professionally to an adult who discloses childhood abuse

- There are an increasing number of adults disclosing abuse that took place during their childhood. Often such disclosures come to light when people attend counselling. They also sometimes arise in adult services and services which work with parents/guardians and families.
- Where such a disclosure is made **it is essential to establish whether there may be current risk to any child or young person who may be in contact with the alleged abuser revealed in the disclosure.** This is important even where the children/young people about whom there may be a concern are still to be identified.
- If any risk is deemed to exist to a child/young person who may be in contact with an alleged abuser, follow your organisation's child protection and welfare reporting procedure
- If you are unsure about whether to report or not, consult with the DLP as a first step or the Tusla Duty Social Work Service in your area.
- All Mandated Persons have a statutory obligation to report concerns of harm which meet or exceed the threshold for 'harm' as defined in the Children First Act 2015(see

Children First: National Guidance for the Protection and Welfare of Children for further information).

- If, as a mandated person, you provide counselling, it is recommended that you let your clients know, before the counselling starts, **that if any child protection issues arise and the alleged perpetrator is identifiable**, you must pass the information on to Tusla. The reporting requirements under the Children First Act 2015 apply only to information that you, **as a mandated person**, received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, if you have a reasonable concern about past abuse, where information came to your attention before the Act and there is a possible continuing risk to children, you should report it to Tusla under this Guidance.
- Adults disclosing abuse may not choose to come forward personally to report their concerns. If you are aware that there may be an ongoing risk to a child from an identified alleged abuser you should discuss this with the DLP.
- The requirement to report such concerns should be made explicit to the client, prior to commencement of work, for example in a therapy or counselling contract.
- Reports by adults of childhood abuse will be assessed by Tusla.

The Retrospective Abuse Report Form (RARF) should be used to report disclosures of childhood abuse by adults. The form is available on the Tusla website

<https://www.tusla.ie/children-first/publications-and-forms/#SRP>

Concerns Developed Outside Of Professional Duties

- The legal obligation to report under the Act applies only to information that you acquire in the course of your professional work or employment. It does not apply to information you acquire outside your work, or information given to you on the basis of a personal rather than a professional relationship. While the legal obligation to report only arises for employment or professional duties, you should comply with the requirement of this guidance to report all reasonable concerns to Tusla.
- The requirement to report such concerns should be made explicit to the client, prior to commencement of work, for example in a therapy or counselling contract.

- If you are unsure about whether to report or not, consult with your DLP or the Tusla Duty Social Work Service in your area.
- Reports by adults of childhood abuse will be assessed by Tusla. If there are on-going child protection concerns Tusla will take necessary actions to ensure any child who may be at risk of harm is protected.

Responding to allegations of abuse made against staff or volunteers

The agreed reporting procedure will always be followed by the DLP. In addition, management will be alerted to the allegation by the reporter. The first priority is for the safety of the child/young person. Management must make sure no child or young person is exposed to unnecessary risk. Parents/guardians should be informed of any action planned while having regard to the confidentiality rights of others, such as the person against whom the allegation has been made. Legal advice should always be sought in any case involving an allegation against an employee.

An allegation of abuse may relate to a person who works/volunteers with children who has:

- Behaved in a way that has or may have harmed a child/young person
- Possibly committed a criminal offence in relation to a child/young person
- Behaved towards a child/young person or children/young people in a way that indicates they may pose a risk of harm to a child/young person
- Behaved in a way that is contrary to the organisation's code of behaviour for workers and volunteers
- Behaved in a way that is contrary to professional practice guidelines.

If an allegation is made against a staff member or volunteer, Sunyata will ensure that everyone involved is dealt with appropriately and in accordance with the Sunyata's guiding principles and child safeguarding procedures, the rules of natural justice and any relevant law. The organisation has a dual responsibility in respect of both the child/young person and the worker/volunteer.

There are two separate procedures to be followed

1. The reporting procedure to Tusla in respect of the child/young person and the alleged abuser
2. The internal personnel procedure for dealing with the worker/volunteer

The priority is to protect the child/young person while taking account of the worker/volunteer's right to due process. 'Protective measures' do not presume guilt.

- It is recommended that the same person should not have responsibility for dealing with the child protection reporting procedure and the employment/volunteering contractual issues, therefore:
- The DLP will be responsible for the child protection reporting procedure
- The board of trustees will manage procedures relating to employment/ volunteering issues (including any internal investigation)
- Any action taken should consider any applicable employment/volunteering contract and the rules of natural justice (the principle means that the employer/management must apply fair procedures and act reasonably at all times, particularly with regard to a disciplinary investigation concerning the employee)
<http://www.nuigalway.ie/media/humanresources/publicdocuments/policiesprocedures/Guidance-Note-on-the-Principles-of-Natural-Justice.pdf>
- When an allegation is made against a worker/volunteer a quick resolution should be sought for the benefit of all concerned
- The procedures for dealing with allegations of abuse against workers/volunteers should be objectively applied in a consistent manner
- All stages of the process must be recorded
- Care must be taken by the employer to ensure that any actions or investigations do not prejudice or compromise the statutory investigation or assessment
- Close liaison should be maintained between the employer and Tusla and An Garda Síochána (where appropriate)

Sunyata internal personnel procedures for dealing with the staff member or volunteer

In the context of an allegation of abuse against a worker/volunteer, Sunyata will implement its disciplinary procedure; will ensure that fair procedure is followed and take account of any employment/volunteering contract as well as the rules of natural justice.

- In making an immediate decision about the worker's/volunteer's presence in the organisation, management will as a matter of urgency take any measures necessary to protect the child/young person. These should be proportionate to the level of risk to the child/young person.
- The management should privately inform the worker/volunteer that an allegation has been made against him or her and the nature of the allegation.
- The worker/volunteer should be afforded an opportunity to respond.
- The management should note the response and pass on this information if making a formal report to Tusla.
- The worker/volunteer should be offered the option to have representation at this stage and should be informed that any response may be shared with Tusla
- While Tusla will not provide advice on employment matters, advice and consultation with regard to risk to children/young people can be sought from the local Tusla social work office
- The management will ensure that actions taken by the organisation do not frustrate or undermine any investigations or assessments undertaken by Tusla or An Garda Síochána.
- Sunyata will liaise closely with the investigating bodies to ensure this.
- If the concern does not need to be reported to Tusla (i.e. does not meet reasonable grounds for concern), it may still need to be addressed by the DLP or management, with the worker/volunteer. This would be the case, for example, if the concern related to poor practice or a breach of a Code of Behaviour rather than abusive behaviour.

Behaviours by a worker/volunteer that may cause concern include when a worker:

- Is secretive and evasive about their activities and time spent with children and young people
- Creates opportunities to spend significant amounts of time away from other workers/volunteers and with a single child or children/young people on a regular basis, e.g. invites child or young person to their home
- Seeks out vulnerable children and young people
- Sidesteps one-to-one supervision and management of work
- Has an unusual amount of physical contact with a child or children
- Touches a child or children in an inappropriate way
- Talks to a child or children in an inappropriate way
- Excludes a particular child or children from activities
- Disciplines a child or children inappropriately or punishes a child or children harshly
- Handles children/young people roughly
- Teases, taunts, insults or makes derogatory remarks about or to a child/young person
- Restrains a child/young person as a way of punishment
- Sexually harasses or uses sexual innuendo
- Humiliates and/or embarrasses children/young people
- Deprives children/young people of their basic rights
- Inappropriately uses social media

Reporting Child Protection and Welfare Concerns

All staff members and volunteers including mandated persons, should follow the procedures in this section when they have a concern that a child has been, is being, or is at risk of being abused, harmed or neglected. Mandated persons should also consult the section below for 'Mandated Reporting Only.'

Procedure for Reporting a Concern

Any child protection or welfare concerns should be reported to Sunyata's Designated Liaison Person (DLP), or, if they are not contactable, the Deputy DLP. Contact details are given on page 7. The DLP, in consultation with the person who raised the concern, will decide if reasonable grounds for concern exist. If reasonable grounds for concern exist, the DLP and individual will make a report to Tusla.

If neither DLP can be contacted, a report should be made to a Tusla duty social worker at 061 588688.

If a child is in immediate danger and the individual or the DLP cannot contact Tusla, An Garda Siochana should be contacted without delay.

If the DLP decides not to make a report, the individual with the reasonable concern is still entitled to make a report to Tusla under Children First: National Guidance for the Protection and Welfare of Children (2017), should they wish to do so. The individual has protections under the Protection for Persons Reporting Child Abuse Act (1998), should they report independently.

The DLP will always inform Tusla if there are 'reasonable grounds for concern' that a child may have been, is being, or is at risk of being abused or neglected. Reports will be made by

the DLP or Deputy DLP by telephone or in writing (using the Report Form or through the web portal) to the local social work duty service in the area where the child lives.

If the DLP is concerned about a child but unsure whether it should be reported to Tusla, the DLP may contact Tusla to informally discuss the concern. This provides an opportunity to discuss the query in general and to decide whether a formal report of the concern to Tusla is appropriate at this stage. If the concern is below the threshold for reporting, Tusla may be able to provide advice in terms of monitoring the child and other services that may be more suitable to meeting the needs of the child and/or family.

Online Report

Tusla has developed a web portal for professionals to securely submit Child Protection and Welfare Report Forms (CPWRFs). To use the portal, you will first need to create an account. The portal has recently been updated to allow users to print off CPWRFs they submit via the portal.

<https://www.tusla.ie/services/child-protection-welfare/concerns/>

<https://www.tusla.ie/children-first/web-portal/>

What information to include in the report

To help Tusla staff assess the reasonable concern, they need as much information as possible. The DLP will endeavour to provide as much relevant information as possible about the child, his/her home circumstances and the grounds for concern. These could include:

- The child's name, address and age
- Names and addresses of parents or guardians
- Names, if known, of who is allegedly harming the child or not caring for them appropriately
- A detailed account of your grounds for concern (e.g. details of the allegation, dates of incidents, and description of injuries)

- Names of other children in the household
- Name of school the child attends
- Person's name who is reporting, contact details and relationship to the child

Deciding not to Report- Feedback to staff member or volunteer from the DLP

If a Designated Liaison Person decides not to report a concern to Tusla, the following steps should be taken:

- The reasons for not reporting are to be recorded
- If any actions are taken as a result of the concern, these should be recorded
- The worker or volunteer who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla
- The worker or volunteer should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána.
- The worker or volunteer who raised the concern should also be reassured that if they do choose to further pursue the matter, they are covered by the Protections for Persons Reporting Child Abuse Act (1998)

Talking to parents/guardians about child protection or welfare concerns

While the Children First Act 2015 does not make it a requirement to inform the family that a report under the legislation is being made to Tusla, 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, you do not need to inform the family if you reasonably believe that by doing so it may place you at risk of harm from the family.

Where the DLP has any doubt as to whether to inform a parent/carer that a report concerning his or her child is being made to Tusla, the DLP shall seek the advice of Tusla.

Workers/volunteers may feel uncomfortable approaching a parent about a concern. You may have to discuss a concern about the welfare or protection of a child/young person or an issue which relates to the child/young person's developmental needs. The following best practice tips may be useful:

- Make sure parents/guardians have prior awareness of your guiding principles, procedures and duties to safeguard children
- Be straightforward and clearly explain the nature of the concern or issue, e.g. by using facts and records of observations made
- Think about the time and place to have the conversation. Find a time when parents/guardians are not in a hurry
- Find a place that is quiet and allows privacy
- Consider arranging to meet parents/guardians
- Consider who is the best person/who are the best people to have the conversation with the parents/guardians
- Use a calm and gentle tone, consider the language used
- Start with positive comments and observations about the child/young person. Ensure that the parents/guardians know that you care about the welfare of their child and recognise their strengths
- Refer to how the situation may be affecting the child/young person
- Start with positive comments and observations about the parents/guardians. Most parents/guardians are trying to do their best for their children and will appreciate your acknowledgement of how challenging parenting can be at times
- Give the parents/guardians an opportunity to talk; ask them for an explanation and acknowledge their feelings
- Take the approach that you are working together to address any issues in the best interests of the child/young person
- Don't blame, don't get defensive and don't take things personally
- Ensure that you are supportive but also address the issue
- Refer to your guiding principles and child safeguarding procedures for support

- Offer possible solutions, where appropriate
- Advise parents/guardians how you plan to follow up and keep them informed and involved, where appropriate.

Where it is not possible to contact the parents/guardians to discuss a concern you may need to discuss the concern with the DLP or Tusla duty social worker.

Remember if a report needs to be made to Tusla, do not delay. It is best practice that parents/guardians are informed if a report is to be made to Tusla, unless doing so might further endanger the child, impair Tusla's ability to carry out a risk assessment or put the reporter at risk of harm (Children First: National Guidance for the Protection and Welfare of Children (2017)).

Identifying 'Reasonable Grounds for Concern'

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.

There are many reasons a worker/volunteer may be concerned about the welfare or protection of a child or young person. Children First: National Guidance for the Protection and Welfare of Children (2017) states that "Tusla should always be informed when a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected". Children/young people are sometimes abused by members of their own family, by peers or by others outside the family environment such as strangers,

workers or trusted adults. Children First: National Guidance for the Protection and Welfare of Children (2017) lists the following as reasonable grounds for concern:

- 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 a child being abused

Wherever appropriate, any issues should be checked with the parents/guardians when considering whether a concern exists, unless doing so may further endanger the child or the person considering making the report.

In addition to a report to Tusla, if there is a criminal or suspected criminal aspect to the child protection concern, An Garda Síochána will be notified by the Mandated Person or DLP as appropriate.

Shannon Garda Station, Tullyvarraga, Shannon, Co. Clare V14 VH27. 061 365900

The Chairperson of the Board of Management/ Trustees will be informed when a report is made to Tusla and An Garda Síochána under this policy. In accordance with the confidentiality policy, identifying information is not generally shared, but may be shared on a need to know basis.

Mandated Reporting only

Definition of a mandated person can be found at: <https://www.tusla.ie/children-first/mandated-persons>. 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 [Tusla].”

In this section the term ‘harm’ is used as defined in the Children First Act 2015:

“‘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, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise”.

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 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 this Guidance. 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 14 of this Guidance.

A Mandated Person will 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 [Tusla].”

- Best practice requires that the DLP is informed of all such reports and a joint report may be made between the DLP and the Mandated Person.
- Mandated persons are required under the Children First Act 2015 to report any concern that meets or exceeds the threshold for reporting under the legislation.
- If reporting independent of the organisational DLP, the mandated persons should inform the DLP that a report under the Children First Act 2015 has been made.
- 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 DLP on their behalf.
- Mandated persons can make a joint mandated report with their DLP or another person, mandated or otherwise. If, however, your organisation, or your DLP, does not wish to report to Tusla, you, as a mandated person, should proceed with making a report. The Protections for Persons Reporting Child Abuse Act 1998 will apply in this instance.
- Where a mandated person has a concern that they believe does not reach the threshold for a mandated report, they should consider whether the concern meets reasonable grounds for concern.
- If the mandated person thinks the concern does meet reasonable grounds for concern, they should report the concern to their DLP.
- The mandated person retains their right to report independently, should the DLP choose not to report the concern.
- The provisions of the Protection for Persons Reporting Child Abuse Act 1998 would apply in this circumstance.

If you as a mandated person are in any doubt about whether your concern reaches the legal definition of harm for making a mandated report, Tusla can provide advice in this regard.

Clare Dedicated Contact Point, TUSLA, Child and Family Agency, Unit 3, St. Camillus Hospital, Shelbourne Road, Limerick. 061 588688

Making a Mandated Report

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

- A report of a mandated concern to Tusla will be submitted using the required report form, on which a Mandated Person should indicate that he/she is a mandated person and that the report is about a mandated concern.
- The Mandated person should 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 Child Protection and Welfare Report Forms (CPWRFs) can be accessed at the following Tusla website link: <https://www.tusla.ie/children-first/mandated-persons/how-do-i-report-a-concern-about-a-child/>

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). The mandated report form can either be posted or submitted electronically to Tusla.

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

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.**

Designated Liaison Persons and Mandated Persons

Some designated liaison persons will be working in organisations where mandated persons are also employed. 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.

If you are a mandated person and also have the role of designated liaison person in your organisation, **you must fulfil the statutory obligations of a mandated person**. 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.

Joint reporting

A mandated person may make a report jointly with any other person, whether that person is also a mandated person or not. For example, this could arise in situations where a child is admitted to the hospital emergency department and could be seen by a number of health professionals, or in a school where the teacher, the special needs assistant (SNA) and the principal all have concerns about the same child and wish to make a joint report to Tusla.

Making a Mandated Report Out of Hours

Mandated reporters can now access Tusla's emergency out-of-hours social work service. If you are a mandated reporter and wish to report a case of child harm to Tusla, you can contact our out-of-hours social work service on 0818 776 315 between 6pm and 6am every night and between 9am and 5pm on Saturdays, Sundays and bank holidays.

Information sharing and record-keeping

Sunyata will maintain written records of all child protection concerns (including those not reported to Tusla). These records will be managed by the DLP.

Records on child protection concerns, allegations, and disclosures will be stored securely in line with General Data Protection Regulation (GDPR) and Sunyata's Privacy Policy.

The DLP is responsible for maintaining all records in relation to Child Protection and Welfare.

- Records will be kept in the main office and in a secure location
- Records will be factual and include details of contacts, consultations and any actions taken
- Staff/ volunteer/ DLP/ Mandated Person will note carefully what they have observed and when they observed it
- Signs of physical injury shall be described in detail and, if appropriate, sketched
- Any comment by the child concerned, or by any other person, about how an injury occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made
- The record of the discussion will be signed, dated and given to the DLP who will retain it
- The DLP will record all concerns or allegations of child abuse brought to his or her attention, and the actions taken following receipt of a concern or allegation of child abuse
- Records will only be used for the purpose for which they are intended
- Sunyata will retain these records for an indefinite period of time
- Child protection records will be updated as required and reviewed regularly by the DLP
- The DLP will retain a copy of every report submitted by him or her to Tusla and will keep a record of any further actions to be taken by the DLP and of any further communications with Tusla, An Garda Síochána or other parties in relation to that report
- All records created shall be regarded as highly confidential

Confidentiality

- Where child protection and welfare concerns arise, information will be shared on a 'need to know' basis in the best interest of the child/young person with the relevant statutory authorities and with parents/guardians
- No undertakings regarding secrecy can be given. This will be communicated to all staff and volunteers and to parent(s) / guardian(s)
- The proportionate provision of information to the statutory agencies necessary for the protection of a child is not a breach of confidentiality or data protection
- Parents/guardians and children/young people have a right to know if personal information is being shared, unless doing so could put the child/young person at further risk or may put the reporter at risk
- Information that Tusla shares with Sunyata's DLP or Mandated Person in the course of a child protection assessment will not be disclosed to a third party, unless Tusla has given the DLP or Mandated Person written authorisation to do so. To share information with a third party is an offence under section 17 of the Children First Act (2015). Failure to comply with this section of the Act is an offence liable to a fine or imprisonment for up to six months or both

Code of Behaviour

Sunyata promotes good practice in the management of volunteers to ensure children's welfare is paramount at all times. This involves a clear code of behaviour which provides clarity regarding acceptable and unacceptable practices with all activities involving children in Sunyata.

Sunyata has an ethos where all adults are welcome to become involved in a volunteering capacity with various activities in Sunyata. Activities include gardening, maintenance, building, cooking, cleaning, supporting retreats, and working directly with children and adults. Parents of children attending Family Camp may also become involved in supporting the running of the camp. It is therefore essential that this code of behaviour applies to all parents and volunteers. Parents are asked to communicate relevant parts of this code to their children in a way they can easily understand.

Safe Supervision of Children and Young People

- Children and young people are less likely to experience accidents or incidents if they are supervised properly.
- Parents will ensure that their child is not left unsupervised while at Sunyata.
- Parents are the primary carer and are responsible for their child's wellbeing and safety during their stay in Sunyata.
- Parents will continue to maintain the boundaries they have established with their child at home.
- Parents and volunteers will communicate effectively to ensure children are not left unattended.
- Parents will take full responsibility for, and seriously consider whether they feel comfortable with, leaving their child under the supervision of others.
- Children are not permitted to use any potentially dangerous equipment. Sunyata is an active site with construction and maintenance ongoing. Parents will ensure that their children understand these safety boundaries.

- It is not envisaged that adults would need to carry out one-to-one work with a child. However if it is the case that a volunteer or worker is required to do so (for example sitting with a sleeping child), this is agreed with the parent's consent. Parents will give serious consideration to their child's safety and security.
- Parents will ensure their child has used the toilet before leaving their child in supervised activities.

Positive Physical Contact with Children and Young People

- Touch and physical interaction are essential to the healthy development and well-being of young children.
- Touch and physical contact are important in offering comfort and reassurance to a child.
- Young babies require physical contact very differently to 3 and 4 year old children. Touch and physical contact will be based on the child's age and developmental level.
- Touch and physical contact is most positive when initiated by the child. Hugs and embraces are based on the child's needs, not the adult's. Touch and physical contact should therefore be with the child's permission and any resistance from the child should be respected.
- Touch and physical contact should be open and not secretive.
- Adults supervising children during organised activities will respond to children's physical need for touch, affection and contact warmly and in an appropriate way that respects and preserves the dignity and personal space of the child.
- If, during supervised activities, a child needs to use the toilet, the person supervising should, in the first instance, seek the assistance of the child's parent. If the parent is not available a volunteer will take the child to the toilet and will also bring an additional older child with them. The volunteer will preserve the dignity, respect and privacy of the child and will only assist if the child needs help.
- Volunteers and workers will not change babies' nappies as this is an intimate care routine where trust between the baby and carer is paramount.

- If a child becomes soiled or wet during organised activities and it is felt the child is in discomfort as a result, a volunteer or worker will bring it to the parent's attention.

Outings

- A parent or volunteer will not take another child (of another family) for a walk or activity without the explicit consent of the child's parent/guardian.
- If a parent or volunteer is taking children (other than their own child) for a walk or activity away from the the centre, another adult will accompany them. There will be two adults present on all walks and activities away from the main site.
- A first aid kit will be taken on any excursions/walks, with a designated person tasked with this responsibility.
- A charged mobile phone will be taken on any excursions/walks, with a designated person tasked with this responsibility.
- A volunteer leader will always be first and last in the group of adults and children going on planned excursions/walks.

Technology Use:

- Everyone is asked not to use mobile phones or similar technological devices in the public areas of Sunyata.
- A separate mobile phone will be taken on excursions/outings/walks by a designated person.

Photographs and (or) Video

- Photographs or video should not be taken of children without the consent of the child's parent/guardian.
- At Family Camp, all parents will be invited to sign a photo/video consent form upon registration at Sunyata. This will permit Sunyata to take legitimate photos and (or) videos of parents and children who give consent. These images and videos will be shared via email with those who attend the camp. Images and videos taken by

Sunyata volunteers or workers will be deleted from the device once emailed to those involved.

- Photos should not be taken of a child if the child is not appropriately dressed or if the child's dignity is compromised in any way.
- Images of children are covered by Data Protection Legislation. Photographs or videos taken of children will not be posted on any social media forum (eg. Facebook, Instagram, Twitter) by anyone at Sunyata without prior consent from the child's parent. In addition, photos of children will not have children's names or any other identifying information linked with them.

Appendix 1: Schedule of Mandated Persons in Sunyata, under the Children First Act 2015

Louise Shanagher

Sister Jinho

Appendix 2: Useful web links

- Children First Act 2015

<https://data.oireachtas.ie/ie/oireachtas/act/2015/36/eng/enacted/a3615.pdf>

- National Guidance for the Protection and Welfare of Children

https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

- Guidance on Developing a Child Safeguarding Statement (TUSLA, 2017)

<https://www.tusla.ie/uploads/content/4214->

[TUSLA Guidance on Developing a CSS v3.pdf](#)

- Child Safeguarding: A Guide for Policy, Procedure and Practice

[https://www.tusla.ie/uploads/content/Tusla - Child Safeguarding -](https://www.tusla.ie/uploads/content/Tusla_-_Child_Safeguarding_-_)

[A Guide for Policy, Procedure and Practice.pdf](#)

Appendix 3: Useful Contact Details

To discuss/report a concern

TUSLA, Child and Family Agency, Unit 3, St. Camillus Hospital, Shelbourne Road, Limerick.
061 588688

TUSLA Children First Information and Advice Officers

Tusla employs Children First Information and Advice Officers who are available to liaise with voluntary and community organisations and provide advice and guidance on Children First. If you would like to enquire about Children First training you should contact your local Children First Information and Advice Officer.

County Clare

Laura Nee

Children First Information and Advice Officer, Child and Family Agency, Civic Offices,
Limerick Road, Nenagh, Co. Tipperary

Mobile: 087 7987854

E-mail: laura.nee@tusla.ie

National Adult Counselling Services – over 18 experienced abuse as a child

National Counselling Service, Tel: HSE West 1800 234 115 (office hours)

CONNECT, Tel: 1800 477 477 (Wed. – Sun. 6pm – 10pm) (Also for partners and relatives)

See www.connectcounselling.ie

Appendix 4: Children First E-Learning Programme

Tusla has worked with the DCYA and HSE to develop a universal e-learning training programme called 'Introduction to Children First'. The programme has been written to support people of all backgrounds and experience in recognising concerns about children and reporting such concerns if they arise.

The programme is based on *Children First: National Guidance for the Protection and Welfare of Children* and the Children First Act 2015.

The programme takes approximately 1.5 hours to complete but it can be done in a number of sittings. The programme will allow you to log back in and resume where you left off.

It covers topics including:

- Recognising and reporting child abuse;
- The role of mandated persons;
- The responsibilities of organisations working with children to safeguard children;
- The role of designated liaison persons.

Access the e-learning training programme at the following link:

<https://www.tusla.ie/children-first/children-first-e-learning-programme/>

Appendix 5: Designated Liaison Person (DLP)

Both public and private organisations that provide services for children/young people and families should consider appointing a Designated Liaison Person (DLP).

Best practice requires that your organisation undertakes the following:

- **Appointing at least one person as a DLP.** This person will liaise with statutory agencies responsible for child protection and welfare and will be the resource person to any worker or volunteer who has child protection concerns.

- **Appointing a Deputy DLP.** In the event that the DLP is not available (e.g. due to annual leave, sick leave, etc.), a Deputy DLP should be delegated responsibility. Contact details for the DLP and deputy DLP should be publicly displayed.
- **Ensuring that the DLP/Deputy DLP is accessible.** It is important that the DLP is accessible to staff. If activities and events are organised outside the DLP's working hours, there should be an agreed procedure on what workers are to do if they have any child protection concerns.
- **Ensuring that the DLP/Deputy DLP is knowledgeable** about child protection and has undertaken any training considered necessary.
- **Ensuring that the DLP/Deputy DLP is aware of their responsibility** for making sure that the reporting procedure within the organisation is followed so that suspected cases of child abuse or neglect are referred promptly to Tusla or, in an emergency and the unavailability of Tusla, to An Garda Síochána.
- **Developing procedures** for liaison between the DLP/Deputy DLP and mandated persons in relation to child protection or welfare concerns which may arise for mandated persons.

Appendix 6: Legal Framework

There are a number of key pieces of legislation that relate to child welfare and protection. The information here gives a brief overview of some of the relevant legislation. It is not intended as legal opinion or advice and, if in doubt, you should consult the original legislation.

CHILD CARE ACT 1991

This is the key piece of legislation which regulates child care policy in Ireland. Under this Act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

PROTECTIONS FOR PERSONS REPORTING CHILD ABUSE ACT 1998

This Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015. This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege.

You can find the full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, on the website of each agency (www.tusla.ie and www.hse.ie).

CRIMINAL JUSTICE ACT 2006

Section 176 of this Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by: 1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or 2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

CRIMINAL JUSTICE (WITHHOLDING OF INFORMATION ON OFFENCES AGAINST CHILDREN AND VULNERABLE PERSONS) ACT 2012

Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána.

The provisions of the Withholding legislation are in addition to any reporting requirements under the Children First Act 2015.

NATIONAL VETTING BUREAU (CHILDREN AND VULNERABLE PERSONS) ACTS 2012–2016

Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

CHILDREN FIRST ACT 2015

The Children First Act 2015 is an important addition to the child welfare and protection system as it will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong organisational culture of safeguarding in all services provided to children; a provision for a register of non-compliance; and the statutory underpinning of the existing Children First Interdepartmental Implementation Group which promotes and oversees cross-sectoral implementation and compliance with Children First.

CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017

This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a

child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

FREEDOM OF INFORMATION ACTS 1997, 2003 & 2014

Any reports which are made to Tusla may be subject to the provisions of the Freedom of Information Acts, which enable members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the Freedom of Information Acts also provide that public bodies may refuse access to information obtained by them in confidence. The exemptions and exclusions which are relevant to child protection include the following: (a) protecting records covered by legal professional privilege; (b) protecting records which would facilitate the commission of a crime; (c) protecting records which would reveal a confidential source of information. A board of management established under section 14 of the Education Act, 1998 other than a board of management of a school established or maintained by an Education and Training Board, is currently exempt from the Freedom of Information Acts. However, boards of management should note that records forwarded to a public body by a school and held by that body may be subject to the provisions of the Freedom of Information Acts.