



Children's and Young Person's Protection & Welfare Policy

**St. Catherine's Community Services Centre
St. Joseph's Road
Carlow**

**Charity Number: CHY12882
Company Reg. No: 281504**

Reviewed By: Co-ordinators and DoS

Approved By: Chair

Reviewed: April 2020

Next Review: June 2022

1.1 Child Protection & Welfare Policy Statement

This policy is to be read in conjunction with the following policies

- Accidents and Incidents Policy
- Anti-Bullying Policy
- Complaints Procedure and Policy
- Customer Charter
- Data Protection Policy
- Home Visit Policy
- Lone Working Policy
- Media Policy
- One-to-One Working & Group Work Policy
- Outing Policy
- Use of Cars Policy
- Vetting Disclosures Policy

St. Catherine's Community Services Centre is committed to safeguarding the children in our care and to providing a safe environment in which they can play, learn and develop. We are committed to child centred practices in all our work with children and full compliance with Children First and Our Duty to Care.

We recognise the right of children to be protected from harm, treated with respect, listened to and have their views taken into consideration in matters that affect them. Management, staff, volunteers and students in this service recognise that the welfare of children is paramount and our service will endeavour to safeguard children by:

- Having procedures to recognise, respond to and report concerns about children's protection and welfare
- Having a confidentiality policy
- Having a code of behaviour for management, employees, students and volunteers
- Having a safe recruitment procedure
- Having procedures for managing/supervising employees, students and volunteers
- Having a procedure to respond to accidents and incidents
- Having a procedure to respond to complaints
- Having procedures to respond to allegations of abuse and neglect against staff members

As part of the policy, this service will:-

- Appoint Designated Liaison Persons for dealing with child protection concerns
- Provide induction training on the Child Protection and Welfare Policy to all staff, volunteers, students and members of the board of management
- Ensure that staff attend child protection training as appropriate
- Provide supervision and support for staff and volunteers in contact with children
- Share information about the Child Protection and Welfare Policy with families and children
- This policy will be shared with parents on enrolment with our service
- This policy will be reviewed each time an incident is reported or every 2 years if that is sooner by the policy review group and approved by the board of St. Catherine's Community Services Centre
- Work and cooperate with the relevant statutory agencies as required
- Ensure parents/carers are well-informed about the operation of services at the centre and are welcomed as contributors to the service

- Ensure the welfare of children and young people is a paramount consideration throughout St. Catherine’s Child Protection Policy and Procedures
- Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives. Where there are concerns about a child’s welfare, there should be opportunities provided for their views to be heard independently of their parents/carers

1.2 Overall Responsibility of all Employees, Board Members, Volunteers and Students

Although Designated Liaison Persons (see section 2 below) have a lead on issues relating to the protection and welfare of children, it is the responsibility of all service personnel to ensure the safety, protection and well-being of children in the care of the service. All staff, management, board members, relief staff and volunteers are required to read, understand and sign off on the Child Protection and Welfare Policy. It is expected that if staff, board members or volunteers have any questions about the policy or its implementation they speak with a Designated Liaison Person.

We will ensure that all personnel:

- Are aware of their responsibilities and their obligations under Children First
- Are aware of their responsibilities for reporting concerns and/or incidents regarding the safety or well-being of children to a Designated Liaison Person
- Attend child protection training as appropriate

This policy is applicable at all times when children are in the care of the service, including on day trips and outings. We will ensure this policy is observed by:

- Staff
- Board of Management
- Volunteers
- Students on placement
- Visitors to the service

1.3 Definition of a Child

For the purpose of this policy, a ‘child’ means anyone who is under 18 years of age.

2. Role of the Designated Liaison Person

Children First requires that every organisation providing services to children appoint a Designated Liaison Person (DLP) for reporting neglect or abuse. The DLP is responsible for dealing with child protection and welfare concerns in accordance with Children First and Our Duty of Care. The DLP will be appointed by the Director of Services to undertake the below duties. When DLP’s are on leave or unavailable for a long period of time concerns should be reported to the Director of Services.

Designated Liaison Person 1	Designated Liaison Person 2	Designated Liaison Person 3
Pauline Byrne	Bernie Loughman	Lorraine Farrell
St. Joseph’s Road	St. Joseph’s Road / Kilkenny Road	Kilkenny Road
059-9138704 ext 204	059-9137392	059-9137392

The Role of the DLP is to:

- Provide information and advice on child protection and welfare concerns and issues to the staff of the service
- Be accessible to all staff and act as a resource person to any staff member or volunteer who has a child protection concern
- 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 that the Child Protection and Welfare Policy and procedures of the service are followed
- Be responsible for reporting concerns about the protection and welfare of children to TUSLA (Child & Family Agency) or to An Garda Síochána
- Ensure that appropriate information is included in the report to TUSLA and that the report is submitted in writing (under confidential cover) using the Child Protection and Welfare Report Form ([see Appendix F](#))
- Liaise with TUSLA , An Garda Síochána and other agencies as appropriate
- Keep relevant people within the organisation informed of relevant issues, whilst maintaining confidentiality
- Ensure that an individual case record is maintained of the action taken by the service, the liaison with other agencies and the outcome
- Advise the organisation of child protection training needs
- Maintain a central log or record of all child protection and welfare concerns in the service

3. Role of Mandated Persons

The Children First Act, 2015 places a legal obligation on mandated persons to report child protection concerns, at or above a defined threshold, to Tusla. 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.

Under the Children First Act, 2015 the following persons are Mandated Persons:

- A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991
- A childcare staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991

Mandated Persons have a responsibility to understand their obligations as set out in the Children First Act, 2015 and chapter 3 of Children First: National Guidance for the Protection and Welfare of Children. Mandated Persons will make child protection referrals to Tusla, jointly, with the Designated Liaison Person. Mandated Persons who do not fulfil their legal obligations may be subject to the Disciplinary Policy.

A list of Mandated Persons is maintained by the Designated Liaison Person. They are responsible for updating and maintaining the list. It is available on request.

4. Recognising, Responding and Reporting Concerns about a Child's Welfare or Possible Abuse

4.1 Recognising Concerns

- Staff and/or volunteers 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/or Designated Liaison Person at any time

- All staff and volunteers should be familiar with the definitions of abuse as outlined in Children First and the signs and symptoms of abuse ([see Appendix A](#))

In accordance with *Children First*:

- Everyone must be alert to the possibility that children with whom they are in contact may be suffering from abuse or neglect
- 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. Child protection concerns should be supported by evidence that indicates the possibility of abuse or neglect.
- A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to TUSLA
- The guiding principles in regard to reporting child abuse or neglect may be summarised as follows:
 - (i) the safety and well-being of the child must take priority
 - (ii) reports should be made without delay to TUSLA
- Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child
- Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children. It states:

‘A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by – (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.’

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years

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

- A child tells you or indicates that she/he is being abused. This is called a disclosure (see [Appendix B](#) for guidance on responding to a disclosure from a child)
- An admission or indication from the 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 emotional or physical 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

All Personnel are expected to consult Children First and the Child Protection & Welfare Practice Handbook for detailed information on the signs and symptoms of abuse.

4.3 Procedures for Responding to a Child Protection or Welfare Concern - All Staff and Volunteers (including Mandated Persons)

All staff and volunteers (included 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, “Reporting Procedures – Mandated Persons Only”.

- When a staff member or volunteer (including a Mandated Person) has a child protection or welfare concern they should speak to the Designated Liaison Person without delay. This includes concerns which reach the threshold for a mandated report under the Children First Act, 2015. See Appendices C and D.
- The DLP will report the following child protection and welfare concerns using the Child Protection and Welfare Report Form to Tusla (available on www.tusla.ie and in Appendix F):
 - Child protection and welfare concerns that meet reasonable grounds for concern but do not meet the threshold for mandated reporting.
 - Child protection and welfare concerns that meet reasonable grounds for concern and have been passed to them by persons who are not Mandated Persons.
- If the DLP is unsure if a child protection concern meets the reasonable grounds for concern they should contact the Tusla Duty Social Work Team for advice and guidance using the informal consultation process.
- Under no circumstances should a child be left in a situation that exposes him or her to harm or risk pending intervention from Tusla. In the event of an emergency and the unavailability of a Tusla Duty Social Worker, the DLP will contact An Garda Síochána.
- 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.

**Duty Social Work Team, TUSLA –
Child & Family Agency**

059 9136570 or 056 7784713

An Garda Síochána

Carlow Garda Station 059-9136620
Or 999

- The chairperson of the board 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 about the child and family is only shared with them on a need to know basis.

4. 4 Reporting Procedures – Mandated Persons Only

- Under the Children First Act, 2015 Mandated Persons are legally 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 to Tusla. See Appendix C for the legal definition of harm.
- Mandated Persons should bring any child protection concerns to the attention of the DLP without delay as stated above.
- The Mandated Person and the DLP will consider jointly if the concern reaches the threshold of harm as defined in the Children First Act, 2015. If a concern reaches the legal definition of harm it is a mandated report. See Appendices C and D. The Mandated Person and the DLP will make the mandated report, jointly, using the Tusla Child Protection and Welfare Report Form (available on www.tusla.ie and in Appendix F). The form must clearly indicate that the report is a Mandated Report.

- If the child protection concern requires a more urgent intervention to make the child safe, the Children First Act, 2015 allows Mandated Persons to alert Tusla of the concern, by telephone or in person, in advance of submitting a written report. The mandated report must then be submitted to Tusla using the Child Protection and Welfare Report Form within 3 days.
- 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**. Mandated Persons can, however, report jointly with another person.
- Where the Mandated Person or DLP is unsure if the report meets the threshold of harm as outlined in the Children First Act, 2015 advice and guidance should be sought through informal consultation with the Tusla Duty Social Work Team.
- If a child protection concern does not meet the criteria for a mandated report, it may meet reasonable grounds for concern for a report to Tusla and this possibility must be considered. If Reasonable Grounds for Concern exist, a report to Tusla will be made by the DLP.
- The Mandated Person may submit the report to Tusla solely; however, the DLP must be informed that the report has been made and be given a copy of the Child Protection and Welfare Report Form.
- If a child protection concern has come to the attention of a number of Mandated Persons the report may be submitted jointly by a number of Mandated Persons.
- Mandated Persons are not required to make a report to Tusla where the sole basis of their knowledge, belief or suspicion of harm is as a result of becoming aware that another mandated person has made a report to Tusla.

4.5 Procedure when a referral is not made to TUSLA

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

- The reasons for not reporting should be recorded
- Any actions taken as a result of the concern should be recorded
- The staff member 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 staff member 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 Protections for Persons Reporting Child Abuse Act, 1998 will apply to any staff member who wishes to make a report to Tusla.

For definitions and examples of child abuse please see [Appendix A](#)

4.6 Informing Parents about Child Protection and Welfare Concerns

- Good communication with parents is very important in ensuring best outcomes for children and any concerns about the health and well-being of a child will always be discussed with parents from the outset.
- When a child protection concern is being reported to TUSLA, good practice indicates that parents should be informed about the report unless doing so may put the child at further risk. The DLP may seek advice from TUSLA Social Work Department in relation to this.

For guidelines on informing parents / carers of a child protection concern and notification please see [Appendix B](#)

4.7 Responding to a Retrospective Disclosure by an Adult of abuse as a child

- A retrospective disclosure is a disclosure from an adult about abuse that happened while they were a child. It is imperative that all child protection and welfare concerns are examined and addressed when a retrospective disclosure is made.
- If a staff member or volunteer becomes aware of a retrospective child protection concern they should follow the reporting procedures as outlined above.
- If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the service should report the concern to Tusla without delay using the Retrospective Abuse Report Form (available on www.tusla.ie and in [Appendix F](#)).

4.8 Recording Child Protection Concerns

- Written records will be kept of all child protection concerns (including those not reported to Tusla) and these will be managed by the DLP. Information will include: details of the concern, who raised it, who was contacted, details regarding informal consultation, any action taken, details regarding informing parents.
- If a child has made a disclosure of abuse, a written record will be made. If there are other grounds for concern that the child has been abused or neglected, a written record will be made.
- Records will be stored securely in line with the service's Record Policy and the Pre-school Regulations 2016.
- The Tusla Child Protection and Welfare Report Form is in [Appendix F](#)

5. Confidentiality Statement

- All information regarding a concern about child abuse or neglect should be shared on a need to know basis in the best interests of the child and be compliant with GDPR requirements
- No undertakings regarding secrecy can be given and this should be made clear to children and families using the service
- The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection
- Parents and children have a right to know if personal information is being shared, unless doing so could put the child at further risk
- Parents will always be informed if a report is being made to Tusla unless doing so would further endanger the child, impair Tusla's ability to carry out a risk assessment or put the reporter at risk of harm
- Under the Children First Act, 2015, information shared by Tusla with a Mandated Person in the course of carrying out an assessment, arising from a Mandated Report, shall not be disclosed to a third party unless Tusla has provided written authorisation to this effect

6. Allegations of Abuse or Neglect against Employees

6.1 Allegations of Abuse or Neglect against Employees, Students or Volunteers

Upon receipt of an allegation, the Designed Liaison Person will notify the Director of Services (DOS). If the allegation relates to the DOS, the Designed Liaison Person will notify the Board of the allegation. If the allegation relates to the Designated Liaison Person then another Designated Liaison Person will notify the DOS.

Where an allegation is made against an employee or a Designated Liaison Person (in these situations) there are two parts to the process, i.e. dealing with the allegation of abuse and dealing with the employee/volunteer. Where possible these two pieces will be dealt with by two different people. The Designated Liaison person will deal with all child protection issues as outlined in the Role of the Designated Liaison Person. The DOS or a Board member will deal with all Human Resource issues.

There are two different procedures that are followed:

1. The reporting procedure in respect of the child

- a) The safety of the child is the first priority and all necessary measures will be taken to ensure that the child and other children/young people are safe.
- b) The Designated Liaison Person will deal with the procedure involving the child/young person and the reporting to TUSLA (Please see reporting section above, section 3).

2. The procedure for dealing with the worker

- a) The Designated Liaison Person and the DOS will work in close co-operation with each other and with TUSLA and An Garda Síochána.
- b) If a formal report is being made, the DOS will notify the employee that an allegation has been made and what the nature of the allegation is. The employee has a right to respond to this and this response should be documented and passed on to TUSLA with the formal report.
- c) St. Catherine's will ensure that the principle of "natural justice" will apply whereby a person is considered innocent until proven otherwise.
- d) The DOS may suspend the employee/ volunteer with pay (where appropriate) while the allegation is being investigated. In the case where the worker is not suspended the level of supervision of the worker will be increased.
- e) The DOS will liaise closely with TUSLA /An Garda Síochána to ensure that the actions taken by the organisation will not undermine or frustrate any investigations.
- f) The protective measures which can be taken to ensure the safety of the children and young people can include the following:
 - Suspension of duties of the person accused
 - Re-assignment of duties where the accused will not have contact with children/young people
 - Working under increased supervision during the period of the investigation
 - Or other measures as deemed appropriate

Written records are very important. If a disclosure is made by a child, a written record of the disclosure should be made as soon as possible by the person receiving it. Where an allegation of abuse or neglect is made by an adult, a written record of the allegation should be made and a written statement should be sought from this person.

6.2 Parents and Allegations of Abuse or Neglect Against Employees

- Parents have the right to contact TUSLA to report an allegation of abuse or neglect about the employee or service.
- Parents 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 will be informed immediately.

7. Record Keeping

- 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 are kept. The Early Years (Pre-school) Inspectorate can access files for inspection purposes.
- Parents may access 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 may have access to that child's confidential files.
- Records are stored in compliance with Child Care Act 1991 (Early Years Services) Regulations 2016.
- Where there are child protection or welfare concerns, observations/records are kept on an ongoing basis and information shared with TUSLA as appropriate. These files are locked and stored in the office of the Director of Services.
- Procedures are in place for archiving records.
- All records are managed in line with our Data Protection Policy.

7. Code of Behaviour

- We recognise the importance of a Code of Behaviour between staff and children as recommended in Our Duty to Care. Our Code of Behaviour is kept under regular review. The Code of Behaviour supports all staff and volunteers to have a clear understanding of what is acceptable with respect to their behaviour with children.
- We recognise that children have an equal right to our service provision in line with the Equal Status Act and the National Disability Strategy
- We are committed to -
 - Valuing and respecting all children as individuals
 - Listening to children
 - Involving children in decision making as appropriate
 - Encouraging children to express themselves
 - Working in partnership with parents
 - Promoting positive behaviour
 - Valuing difference
 - Implementing and adhering to all relevant policies to keep children safe
- This code of behaviour applies to all staff in St. Catherine's Community Services Centre.
- All employees have a duty to adhere to the Code of Behaviour and to bring breaches of the code to the attention of their line manager. Breaches of the Code of Behaviour are dealt with through the disciplinary procedure.
- All employees and volunteers of St. Catherine's must make themselves aware of the organisations good practice guidelines and the Staff Handbook and must be familiar with the overall child protection policy and linked policies of the organisation and sign up to it.
- Parents of children involved with our work must be informed of our policy and procedures.
- St. Catherine's has appointed Designated Liaison Persons to deal with any complaints or issues arising, which concern the safety or welfare of any child / young person (see page 3 for identity of the Designed Persons of the organisation). They are appropriately trained and familiar with the procedures to be followed in the event of an allegation, concern or disclosure of child abuse
- St. Catherine's has put in place an anti-bullying policy. We will not tolerate any bullying behaviour by children/ young people or adults and will deal with any incidents immediately in accordance with our anti-bullying policy when working with children and young people. Where bullying amounts to any form of abuse it will be treated as such and recorded.
- St. Catherine's has put in place a complaints procedure, (See our Customer Charter and our Complaints Policy and procedures).
- Employees and volunteers should avoid working in isolation with children and favouritism

- St. Catherine's respects and promotes the principles of equality and diversity and works with all children in a culturally sensitive way within the context of the Irish Constitution and law and the Rights of the Child.

Our adult/child ratios are:

Full Day & Part time Day Care Services

Age Range	Adult/Child Ratio
1-2 years	1:5
2-3 years	1:6
3-6 years	1:8
ECCE Sessional	1:11

8. Safe Recruitment

The following included in our policy is in relation to the recruitment of new employees and volunteers:

- St. Catherine's Community Services Centre will ensure that all staff and volunteers are carefully selected in line with the Service Recruitment Policy and the Child Care Act 1991 (Early Years Services) Regulations 2016
- The following will be undertaken:
 - Development of job description which outlines the qualifications, skills and experience needed for each post
 - Advertising vacancies externally and as widely as practicable
 - Requesting candidates to supply personal information on an application form
 - Interviews will be conducted by more than one person. It is the responsibility of the interview panel and not one individual to appoint staff/volunteers
 - All processes should be consistent and transparent (i.e. interview questions agreed in advance, scoring sheets and feedback to candidates)
 - Prior to an offer of employment being made, two references from previous employers (including the most recent) should be supplied, verified and kept on file
 - For workers that work directly with children or young people references will be required to be checked verbally with the referee and in writing
 - Prior to commencement of position, proof of identity including address (passport, driving licence or ID card) will be requested and kept on file
 - Prior to commencement of position, satisfactory Garda vetting will be in place for all staff or volunteers and police reports for other jurisdictions if applicant has lived there for more than 6 months
- Any child protection and welfare concerns that arise through the recruitment process will be dealt with through the reporting procedures as outlined in Section 3
- All new appointments will be subject to a probationary period for a stated period and a review meeting held before the post is confirmed
- All employees will be provided with an employment contract

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 in employment.

Induction for new employees, students and volunteers:

- 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 and Child Safeguarding Statement 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 Protection and Welfare Policy and Child Safeguarding Statement. They are required to confirm that they have read and understand the Child Protection and Welfare Policy and Child Safeguarding Statement by signing the appropriate document.
- All management, staff, volunteers and students will complete the Tusla online “Introduction to Children First” module and furnish a copy of their completion certificate.

Training on Child Protection:

- The DLPs will be released to attend Children First Training and/or other relevant training as identified and we will ensure that the DLPs attend child protection training when required.
- All management, staff and volunteers will be encouraged to attend child protection and other relevant training as identified.
- Staff will be provided with information in relation to particular skills training to encourage professional development and best practice.

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 company.
- A written record of reviews will be kept.

APPENDICES

APPENDIX A - Types of Child Abuse and How they may be Recognised

Parents, guardians, carers (i.e. persons who while not parents have actual responsibility for a child) or others can harm children either by direct acts or by failure to provide proper care, or both. This document is concerned with suspected physical, sexual or emotional abuse or neglect or children (i.e. all those who are under the age of 18 years).

Child Abuse can be categorised into 4 different types: Neglect, Emotional abuse, Physical abuse and Sexual abuse. A child may be subjected to more than one form of abuse at any given time. *Children First: National Guidance for the Protection & Welfare of Children* (2011) adopts the following definitions of child abuse:

Neglect/Harm

Neglect is normally defined in terms of an omission, where a child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, or medical care.

Harm can be defined as the ill treatment or the impairment of the health or development of a child. Whether it is significant is determined by his/her health and development as compared to that which could reasonably be expected of a similar child.

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For instance, a child who suffers a series of minor injuries is not having his or her needs met for supervision and safety. A child whose on-going failure to gain weight or whose height is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation. The threshold of significant harm is reached when the child's needs are neglected to the extent that his or her wellbeing and /or development are severely affected.

Emotional Abuse

Emotional abuse is normally to be found in the relationship between a caregiver and a child rather than in a specific event or pattern of events. It occurs when a child's needs for affection, approval, consistency and security are not met. It is rarely manifested in terms of physical symptoms.

Examples of emotional abuse include:

- Persistent criticism, sarcasm, hostility or blaming
- Conditional parenting, in which the level of care shown to a child is made contingent on his or her behaviours or actions
- Emotional unavailability by the child's parent
- Unresponsiveness, inconsistent or inappropriate expectations of a child
- Premature imposition of responsibility on a child
- Un-realistic or inappropriate expectations of a child's capacity to understand something or to behave and control himself in a certain way
- Under or over protection of a child
- Failure to show interest in, or provide age appropriate opportunities for, a child's cognitive and emotional development
- Use of unreasonable or over harsh disciplinary measures
- Exposure to domestic violence
- Exposure to inappropriate or abusive material through technology

APPENDIX A - Types of Child Abuse and How they may be Recognised

Source: Children First National Guidance 2017,
Chapter 2: Child Abuse – What is it? How do I recognise it? How do I report it? (pages 7 – 11)

Note: In this Guidance, ‘a child’ means a person under the age of 18 years, who is not or has not been married

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

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- 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.

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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.

It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

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]

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- 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: National Guidance 2017.

Looking Out For Signs of Abuse

Some signs are more indicative of abuse than others. These include:

- Disclosure of abuse and neglect by a child or young person
- Age inappropriate or abnormal sexual play or knowledge
- Specific injuries or patterns of injuries
- Absconding from home or care situation
- Attempted suicide
- Underage pregnancy or sexually transmitted diseases
- Signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.

Questions Which May Help Workers When They Are Concerned About A Child's Welfare

What are the concerns?

- Is the child behaving normally for his/her age and stage of development?
- Does the child present a change in behaviour?
- For how long has this behaviour been observed?
- How often does it occur? Where?
- Has something happened which could explain the child's behaviour?
- Is the child showing signs of distress? If so, describe (e.g. behavioural, emotional, physical signs).
- Does the behaviour happen everywhere or just in the childcare setting?
- Is the child suffering?
- Does the behaviour interfere with the child's development?
- What effect, if any, does it have on others (e.g. other children)
- Does the behaviour restrict the child socially?
- What are the child's parents' views, if known?

Points to Remember

The severity of a sign does not necessarily equate with the severity of the abuse

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- Neglect is as potentially fatal as physical abuse
- Child abuse is not restricted to any socio economic group, gender or culture
- Challenging behaviour by a child or young person should not render them liable to abuse.
- It is sometimes difficult to distinguish between indicators of child abuse and other adversities suffered by children and their families.
- The aim of child protection services is to promote positive and enduring change in the lives children and their families.
- Society has a duty of care to our children.

APPENDIX B - Guidelines for Informing Parents / Carers of a Child Protection Concern and Notification

Parents/ Carers have a right to respect and should be consulted or involved in matters which concern their family, and therefore they need to be informed of any child protection concern and subsequent notification to the Health Service Executive Child and Family Services, / An Garda Síochána, unless doing so is likely to endanger the child or young person or undermine the investigation.

- St. Catherine's are committed to developing open and trusting communication between children, Workers and parents.
- Where a referral is to be made to the Health Service Executive Child and Family Services, parents/Guardians carers will be informed unless this may endanger the child.
- Where appropriate St. Catherine's Designated Liaison Person will keep parents informed.

There are four reasons why it is necessary to work in co-operation with parents/carers:

1. Effectiveness: Co-operation with families is essential to ensure the welfare of the child. It is more likely to be achieved if parents/carers are encouraged from the outset to participate in decision-making about the protection of their child/children.
2. Families as a Source of Information: Family and extended family members have unique knowledge and understanding of the child's situation. This means that they can contribute to discussions about what has or has not happened to the child and the best way to provide protection.
3. Rights: Family member may have rights to know what is said about them and to contribute to important decisions about their lives and those of their children. The consequences of their child's name being notified to the Health Service Executive Child and Family Services or An Garda Síochána because of a need for protection are such that parents and children should be given a proper opportunity to put their views to those who make this decision.
4. Empowerment: Involvement in decision-making helps parents/carers to build up their self-esteem and encourages them to feel more in control of their lives. This should have a beneficial effect on the wellbeing of both parents/carers and the child.

Staff of St Catherine's should observe the following procedures when informing parents/carers of a concern and subsequent notification:

- Inform parents/carers in an open and honest way, or existing concerns and reports about their child/children;
- Explain how information about the concern has been obtained
- Identify the professionals who are, or have been, contacted so far;
- Ensure that the parents/carer are aware of the St Catherine's Standard Notification Process and the Complaints Procedure.

Things to Remember

- Location – where privacy is respected and worker is protected.
- Record the discussion at the earliest opportunity.
- Communication – be clear and precise and use easy to understand language.
- Keep an open and non-judgemental approach to the discussion.
- Show professional empathy and sensitivity.
- Reaffirm support for the family and encourage on going engagement with the child/children and family.

You have a mandatory obligation to report any disclosure of child abuse received. Therefore you must at the earliest possible opportunity advise the child that the disclosure must be reported. This must be done in age appropriate manner.

Do not promise to keep secrets. At the earliest opportunity tell the child that:

- You acknowledge that they have come to you because they trust you
- 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 on-going hurt.

By refusing to make a commitment to secrecy to the child, you 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's confidence in yet another adult. By being honest, it is more likely that the child will return to you at another time.

Promises that cannot be kept should not be made to children.

Guidelines to support worker in receiving and responding to a child or young person's disclosure include:

- Be as calm and natural as possible
- Remember that you have been approached because you are trusted and possibly liked. Do not panic
- Be aware that disclosures can be very difficult for the child
- Remember, the child may initially be testing your reactions and may only fully open up over a period of time
- Listen to what the child has to say. Give them the time and opportunity to tell as much as they are able and wish to
- Do not pressurise the child. Allow him or her to disclose at their own pace and in their own language Conceal any signs of disgust, anger or disbelief
- Accept what the child has to say – false disclosures are very rare
- It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The child 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
- It may be necessary to reassure the child that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed

On-Going Support

Following a disclosure by a child, it is important that the workers continue in a supportive relationship with the child. At the earliest possible opportunity:

- Record in writing what the child has said, including, as far as possible, the exact words utilised by the child
- Inform your supervisor/manager who in turn should contact the designated officer immediately and agree measures to protect the child, i.e. report the matter directly to the Health Service Executive.
- In the absence of both designated officers it is the responsibility of the line manager to make the referral.
- Maintain appropriate confidentiality

Disclosure is a huge step for many children. Adults should continue to offer support, particularly through:

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

Any further disclosure should be treated as a first disclosure and responded to accordingly.

Response to Suspicion of Child Abuse

In situations where a suspicion/concern may be deemed vague i.e. where there is no specific allegation but there is some concern based on the emotional behaviour and/or physical presentation or behaviour of a child. It is recommended that the worker reports the concern to their supervisor who in turn facilitates contact with the designated liaison person who consults with a suitably qualified individual in the child protection and welfare field, e.g. one of the Health Service Executive Child and Family Services designated liaison persons, in order to assess whether or not a report is warranted. Details of the consultation should be recorded. A formal report to the Health Service Executive Child and Family Services may follow as advised.

APPENDIX C: The Legal Obligations of a Mandated Person

Source: Children First National Guidance 2017,
Chapter 3: Mandated Persons (pages 19 – 20)

WHAT ARE THE LEGAL OBLIGATIONS OF A MANDATED PERSON?

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.

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 D: Reporting Mandated Concerns

Source: Children First National Guidance 2017,
Chapter 3: Mandated Persons (pages 20 – 22)

REPORTING MANDATED CONCERNS

Criteria for reporting: definitions and thresholds

As a mandated person, under the legislation you 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 Chapter 2 of Children First: National Guidance 2017. The threshold of harm for each category of abuse at which mandated persons have a **legal** obligation to report concerns is outlined below.

If you are in doubt about whether your concern reaches the legal definition of harm for making a mandated report, Tusla can provide advice in this regard. You can find details of who to contact to discuss your concern on the Tusla website (www.tusla.ie). If your concern does not reach the threshold for mandated reporting, but you feel it is a **reasonable concern** about the welfare or protection of a child, you should report it to Tusla under Children First: National Guidance 2017.

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: National Guidance 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 p.23 of Children First: National Guidance 2017.

Disclosures of abuse from a child

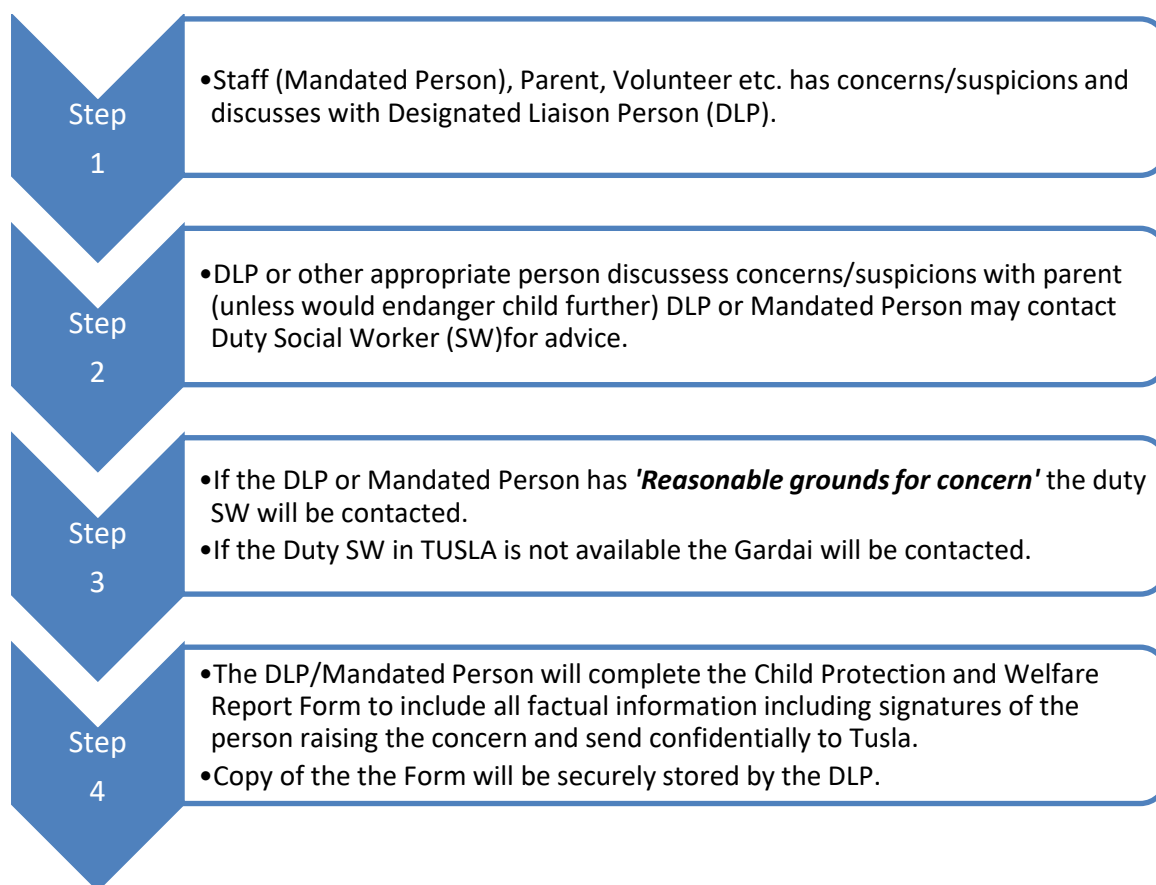
If, as a mandated person, you receive a disclosure of harm from a child, which is above the thresholds set out above, you must make a mandated report of the concern to Tusla. **You are not required to judge the truth of the claims or the credibility of the child.** If the concern does not meet the threshold to be reported as a mandated concern you should report it to Tusla as a reasonable concern under Children First: National Guidance 2017.

If you receive a disclosure of harm from a child, you may feel reluctant 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.

You should 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: National Guidance 2017 and legislation.

APPENDIX E: 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 Person 1	Designated Liaison Person 2	Designated Liaison Person 3
Pauline Byrne St. Joseph's Road 059-9138704 ext 204	Bernie Loughman St. Joseph's Road / Kilkenny Road 059-9137392	Lorraine Farrell Kilkenny Road 059-9137392
Duty Social Work Team, TUSLA – Child & Family Agency		An Garda Síochána

056 6177302

Carlow Garda Station 059-9136620
Or 999

