
Child Safeguarding Statement, Policy & Procedures

Offaly Traveller Movement

Approval date: September 2021

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| 1.Responsibility for approval of policy | <i>Board of Management</i> |
| 2.Responsibility for implementation | <i>Managing Director</i> |
| 3.Responsibility for ensuring review | <i>Managing Director</i> |
| 4.Applicable to | <i>Board of Management, Employees & Volunteers/Students</i> |

DEFINITIONS

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| Agency | Tusla - Child and Family Agency |
| Assault | see Physical Abuse. |
| Employee | means a full-time, part-time and voluntary employee of OTM. |
| Member(s) of OTM | means a person who is involved in the operation of OTM including all employees, contractors, students and voluntary workers. |
| Associated Organisations | means contractors, visitors, external parties who are granted access to OTM but who are not under the direct management of the organisation |
| Child | means a person under the age of 18 years, excluding a person who is or who has been married, as defined in The Child Care Act 1991. |
| Child Safeguarding Statement | means a written statement specifying the service being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm pursuant to section 11 of the 2015 Act. |
| Child Protection Procedures | means the detailed procedures in place in OTM for dealing with and the reporting of child protection concerns, working safely with children; recruiting and managing staff child safeguarding awareness and training, involving parents and children; implementing and reviewing the safeguarding strategies, in compliance with the 2017 Guidance. |
| Designated Liaison Person (DLP) | means the person nominated by OTM Governance in accordance with the 2017 National Guidance to act as the liaison person for OTM to deal with the Child and Family Agency, Tusla and/or An Garda Síochána and other parties in connection with allegation(s) of and/or concerns about child abuse. For the purpose of this procedure, the DLP will also be the Relevant Person. |
| 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.

Ill-treatment means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated.

Neglect means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care.

Mandated Person means a Member of OTM who by virtue of their occupation, falls under the classes of persons are specified as Mandated Persons for the purposes of Schedule 2 of the 2015 Act.

Mandated Report means a report made by a Mandated Person in accordance with Sections 14(1) & 14(2) of the 2015 Act.

Non –Mandated Person means a Member of OTM who is not a Mandated Person.

Non-Mandated Report means any report made to Tulsa or An Garda Síochána in accordance with these procedures or in accordance with *Children First* National Guidance 2017 or Children First 2015, other than a mandated report.

Parent means a foster parent, a legal guardian appointed under the Guardianship of Children Acts, 1964 to 1997, as amended by the Children and Family Relationships Act 2015 or other person acting in *loco parentis* who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.

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| Physical Abuse | means 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. |
| Relevant Service 2015. | means a service as set out in Schedule 1 of the Children First Act |
| Relevant Person | means a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the providers child safeguarding statement. |
| Sexual Abuse | means, in relation to a child <ul style="list-style-type: none"> a) an offence against the child, specified in <u>Schedule 3</u> of the Children First Act 2015, b) willful exposure of the child to pornography, or c) willful sexual activity in the presence of the child; |
| A Scheduled Offence | means an offence as specified in Schedule 1 or Schedule 2 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. |
| The 2015 Act | means the Children First Act 2015. |
| The 2017 National Guidance | means the <i>Children First: National Guidance for the Protection and Welfare of Children</i> , 2017 as published by the Department of Children and Youth Affairs. |
| OTM Child Safeguarding Statement and Child Procedures | means this document will replace and override any pre-existing Child Protection Policies and other Child Protection Procedures in existence in OTM. |
| Vulnerable adult | means a person <ul style="list-style-type: none"> (a) who: |

(i) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or

(ii) has an intellectual disability, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person, or

(b) who is suffering from an enduring physical impairment or injury, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both.

In certain cases, and pursuant to certain offences under law, this definition can apply to a child aged 17 and over.

Welfare

means, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child

AIMS AND OBJECTIVES

The purpose of these procedures is to

- a) Ensure compliance with statutory obligations, in particular to ensure compliance with the requirements of the 2015 Act;
- b) Ensure compliance with non-statutory best practice including the 2017 Guidance;
- c) List the procedures that are in place in OTM to keep children safe from harm;
- d) Ensure that children are safe from harm while availing of OTM services;
- e) Raise awareness of child abuse and neglect amongst all members of OTM;
- f) Provide information for all members of OTM to recognise child abuse and neglect and in relation to the identification of the occurrence of harm;
- g) Set out a clear framework for all members of OTM to show how concerns of child abuse and neglect are to be reported to Tusla and/or An Garda Síochána;
- h) Ensure that provision is made for the appropriate:
 - training of members of OTM;
 - displaying of the OTM Child Safeguarding Statement and the risk assessment;
 - review of the potential for harm is carried out;
 - management of risk as identified in the risk assessment;
 - safe selection and recruitment of any person as a member of staff with regard to that persons suitability to work with children.
- i) Set down procedures in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service;
- j) Ensure the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm;
- k) Enable the reporting to the Agency by the provider or a member of staff of the provider (whether a Mandated Person or otherwise) in accordance with the 2015 Act;
- l) A list is maintained of all of the Mandated Persons in OTM and;
- m) The appointment of a Relevant Person for the purposes of the 2015 Act and;
- n) The appointment of a Designated Liaison Person (DLP) for the purposes of the 2017 Guidance.

This procedure applies to all Members of OTM and it is the duty of each member to comply with this Child Safeguarding Statement.

LEGAL FRAMEWORK

Relevant Legislation

There are a number of key pieces of legislation that relate to child welfare and protection. A brief overview of the relevant legislation listed below is contained in Appendix 6.

- Child Care Act 1991
- Non-Fatal Offences Against the Person Act 1997
- Protections for Persons Reporting Child Abuse Act 1998
- Criminal Justice Act 2006 - Reckless Endangerment
- Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act 2012
- National Vetting Bureau (Children And Vulnerable Persons) Acts 2012–2016
- Children First Act 2015
- Criminal Law (Sexual Offences) Act 2017
- Freedom of Information Acts 1997, 2003 & 2014
- The Data Protection Acts, 1998 And 2003
- General Data Protection Regulation (GDPR).

Statutory Obligations

The 2015 Act places specific obligations on organisations, which provide services to children and young people, including the requirement to:

- Keep children safe from harm while they are using OTM facilities;
- Carry out a risk assessment to identify whether a child or young person could be harmed while attending OTM or availing of OTM facilities;
- Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified in the OTM risk assessment;
- Appoint a Relevant Person to be the first point of contact in respect of OTM's Child Safeguarding Statement.

Non Statutory Guidance

Children First: National Guidance for the Protection and Welfare of Children (The 2017 Guidance) has been revised on three occasions, most recently in 2017 because of the enactment of the Children First Act 2015. The 2015 Act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

The schedule of Relevant Services under the Children First Act 2015 is contained in Appendix 4 of these procedures.

A full schedule of Mandated Persons under the Children First Act 2015 is contained in Appendix 5 of these procedures.

The procedures contained in this procedure are based on *the Children First National Guidance 2017* and in compliance with the 2015 Act, these procedures:

- Set out the statutory responsibilities for Mandated Persons and organisations under the 2015 Act
- Set out the best practice procedures that should be in place for all organisations providing services to children.
- Provide guidance in identifying and reporting child abuse and neglect and in dealing effectively with concerns
- Include information on the statutory obligations for individuals and organisations
- Provide information about how the statutory agencies respond to reports of concerns made about children.

Child Protection Contact Details

| Contact | Name | Contact Details |
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| Designated Liaison Person /Relevant Person | Sandra McDonagh | T: 057 93 52438 M: 086 6043806 E: sandra@otm.ie |
| Deputy Designated Liaison Person | | T: Aislinn Daly M:086 0139819 E: aislinn@otm.ie |
| An Garda Síochána | An Garda Síochána, Patrick Street Tullamore | T:057 932 7600 |
| Tusla Child and Family Agency | Duty Social Work Team | T:044 935 3997 T: E: |

CHILD SAFE GUARDING STATEMENT

Name of Service being Provided

Offaly Traveller Movement is a Traveller led community development organisation working to achieve full equality for the Traveller community throughout County Offaly. Offering programmes and services in health promotion, mental health, accommodation, youth and education to advance the health and welfare of Travellers and to encourage active participation in society.

At OTM we deliver a high quality, child centered service for children and young people.

We provide an afterschool programme, youth club activities and youth café for school aged children

We provide a Local Training Initiative (LTI) Programme

We have a designated youth space where all activities take place

We take children on trips and outings

Nature of Service and Principles to Safeguard Children from Harm

OTM is a Relevant Service as set out in Schedule 1 of the Children First Act 2015. OTM provides programmes and activities to under 18's. These services include after school clubs, education and training, sporting activities, summer camps, cultural activities, and many other activities, which permit children to remain on site for periods without their parents.

- OTM recognises that the welfare of the child is paramount, that children should be protected, treated with respect, listened to, and have their views taken into consideration.
- OTM recognises its responsibility to promote and safeguard the welfare of children, young people and vulnerable persons.
- OTM acknowledges that all children should be valued and treated in an equitable and fair manner regardless of ability, age, gender, religion, social and ethnic background or political persuasion.

OTM is committed to adopting and upholding the highest possible standards in child protection and shall take all reasonable steps in relation to the protection and welfare of children, young people and vulnerable persons who may be present within its facilities, avail of its services, or participate in organised outings.

OTM has developed the Child Safeguarding Statement including a Risk Assessment in compliance with the requirements of the Children First Act 2015 which

- a. examines all aspects of the services OTM provides to children to establish whether there are any practices or features of the service/s that have the potential to put children at risk.
- b. outlines the policies and procedures which are in place to manage the risks that have been identified

Risk Assessment

OTM has undertaken a risk assessment in which it has assessed potential harm to a child while availing of services provided and details the procedures in place to for managing these risks.

| List of OTM Activities | Risk of Harm in respect of the activity | Procedures / Protocols in place to address risk of harm identified |
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| 1: OTM PREMISES | | |
| Children visiting the OTM Youth | Risk of harm to children by members of OTM or members of the public. | <p>OTM provides all members and contractors with a copy of the Child Safeguarding Statement.</p> <p>Children First, Child Protection training is conducted at the OTM at regular intervals.</p> <p>Health & Safety training is conducted and Health & Safety Policy & Procedures adhered to</p> <p>Appropriate Management and supervision of all members</p> |
| 2: MEMBERS | | |
| Child Protection Training for OTM members | <p>Risk of harm to children by members of the OTM or members of the public.</p> <p>Harm / Abuse not being reported properly and promptly by personnel.</p> | <p>Designated Liaison Person (DLP) /Deputy Designated Liaison Person (DDL) avail of training provided by professional organisations.</p> <p>Garda Vetting of all staff, volunteers and students completed prior to commencement</p> <p>Managing Director/Line Managers are responsible to ensure staff attend the appropriate level of Children First, Child Protection training and maintain staff training records.</p> |

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| | | <p>All OTM staff/volunteers/students who have contact with / engage with children are requested to do the Tusla Children First training and provide a copy of the certificate to the Managing Director</p> <p>The OTM Child Safeguarding Statement is available to all members of OTM.</p> <p>All members of staff who work with children are required to sign the 'OTM Acceptance of OTM Child Safeguarding Statement' and return to the Managing Director</p> |
| Specific Training for Mandated Persons | Risk of harm to children not being recognised by OTM staff. | <p>Managing Director to maintain a list of Mandated Persons within the organisation.</p> <p>OTM request all Mandated staff to undertake Children's First training</p> <p>All concerns are required to be reported to the DLP and where necessary, a joint report is issued to Tusla.</p> |
| Provision of child protection information for OTM members | <p>Indicators of harm /abuse not being recognised by OTM members.</p> <p>Harm / Abuse not being reported properly and promptly.</p> | <p>The OTM Child Safeguarding Statement are brought to the attention of members during their induction programme.</p> <p>These procedures are available online.</p> <p>The name and contact details of the DLP is prominently displayed in OTM</p> <p>All OTM members who have contact with / engage with children as part of their studies /work placements receive appropriate information on</p> |

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| | | reporting procedures. |
| Recruitment of OTM staff | <p>Risk of a child being harmed by an OTM member.</p> <p>Indicators of harm /abuse not being recognised by OTM personnel</p> | <p>Management issue job description for each position detailing the required qualifications and the job role being recruited for.</p> <p>Staff with appropriate qualifications and experience.</p> <p>OTM recruitment procedures in place.</p> <p>Candidates undertake a formal interview.</p> <p>Reference checks are completed on successful candidates.</p> <p>Management must ensure compliance with the legal requirements in relation to vetting of all employees who conduct relevant work.</p> <p>It is compulsory for OTM to ensure that anyone who is carrying out relevant work with children or vulnerable adults undergo the University vetting process.</p> <p>All new recruited staff undergo a probationary period.</p> <p>The OTM Child Safeguarding Statement is made available to all members of OTM.</p> <p>OTM request all staff working with children to undertake the Children's First online training</p> <p>Training records are maintained on personnel files.</p> <p>All concerns shall be reported to the DLP.</p> |
| Student Placements where students have access to | Risk of harm to children by students on placement. | The OTM Child Safeguarding Statement is made available to |

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| <p>children.</p> | <p>Indicators of harm /abuse not being recognised by students.</p> | <p>all students on placement.</p> <p>Student Garda Vetting programme in place for students.</p> <p>OTM request students to complete the Tusla online training module prior to engaging with children</p> <p>Students are required to review the OTM's child safeguarding procedures. a</p> <p>Placement students are supervised by OTM staff at all times</p> |
| <p>Volunteers involved in activities in OTM.</p> | <p>Risk of child being harmed by a volunteer / parent person while child participating in OTM activities.</p> <p>Risk of Harm / Abuse not being reported properly and promptly by Volunteers/ Parents.</p> | <p>Child safeguarding controls shall be included in activity management plan</p> <p>All volunteers involved in relevant OTM activities shall undertake the OTM vetting process.</p> <p>All volunteers who deal with or work with children shall be required to undergo Children's First training</p> <p>All volunteers involved in OTM activities are provided with a copy of the UL Child Safeguarding Statement.</p> |
| <p>Peer Interaction</p> <p>Bullying</p> | <p>Risk of harm/abuse/bullying by peers. Young person to other young person during OTM activities</p> | <p>Bullying policy for young people and young people all made aware of contents and agree to adhere.</p> <p>Code of behavior in place and young people adequately informed.</p> <p>Appropriate supervision of young people by staff, managing behaviour and adequate ratios of staff to young people</p> |

| 3. COMMUNICATION | | |
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| Images | | |
| Use of camera / mobile phone camera | Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images. | <p>Photographs and/or recorded images of children cannot be used or shared without the prior approval of parents/legal guardians and the children themselves.</p> <p>Photographs and/or recorded images of children cannot be used or shared without the prior approval of parents/legal guardians and the children themselves.</p> |
| Posting of team photographs/cultural photographs on social media | Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images. | <p>GDPR training is provided to OTM staff.</p> <p>Photographs and/or recorded images of children are not permitted to be used or shared without the prior approval of parents/legal guardians and the children themselves.</p> |
| Online Engagement Cyber safety | <p>Concerns relating to the online activity of young people while engaging in OTM programmes/courses etc.</p> <p>Risk of harm/ inappropriate content and online safety risks posed to young people.</p> | <p>Parental consent is given for online communication and conduct for young people.</p> <p>Online safety policy for all young people engaging to be fully understood and agreed to by young people.</p> |
| 4. OFF-SITE ACTIVITIES | | |
| Use of members to support activities involving children. | <p>Risk of a child being harmed by a member of the OTM</p> <p>Indicators of harm /abuse</p> | <p>Safe recruitment & selection procedures observed.</p> <p>A risk assessment must be conducted by the programme organiser to confirm the</p> |

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| | not being recognised by OTM members. | <p>required staff vetting and organise necessary controls while children are off-site.</p> <p>OTM staff to undertake the Tusla training module</p> <p>OTM provides all staff and contractors with a copy of the OTM Child Safeguarding Statement.</p> |
| Management of activities | Risk of harm to the child | <p>Registration completed for each child documenting name, address, contact numbers, medical details and emergency contact details.</p> <p>Parental consent form signed</p> |
| 5. TRIPS | | |
| Use of members to support trips involving children. | <p>Risk of a child being harmed by a member of OTM</p> <p>Indicators of harm /abuse not being recognised by OTM personnel.</p> | <p>OTM provides all staff with a copy of the Child Safeguarding Statement.</p> <p>Safe recruitment & selection procedures observed.</p> <p>A risk assessment must be conducted by the programme organiser to confirm required staff vetting and organise necessary controls while children are off-campus.</p> <p>Organiser ensure appropriate staff numbers accompany children on trips.</p> |
| Management of trips | Risk of harm to the child | <p>Registration completed for each child documenting name, address, contact numbers, medical details and emergency contact details.</p> <p>Parental consent form signed</p> <p>Accident/Incident Procedures</p> |

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| | | in place |
| 7. RECORD KEEPING | | |
| Records kept of all child protection training. | That compliance with the legal requirements has not/ is able to be shown. | Management is responsible for ensuring appropriate staff/volunteers and students complete Child Protection training. Staff are requested to submit a soft copy of the Tusla eLearning training programme certificate to management. Management maintain staff records for Children First Child Protection training courses on personnel files |
| Records kept of mandated and non-mandated reports | Risk of Harm / Abuse not being reported properly and promptly by mandated/non mandated persons. | All concerns with child protection at OTM shall be reported to the DLP. DLP records all information and stores records in a safe and secure manner. |
| Records kept for each child | Risk of harm, health and safety of child | Records kept for each child documenting name, address, contact numbers, medical details and emergency contact details. Accident/Incident Procedures in place |

Procedures for Managing Risks

In addition to the procedures listed in our risk assessment, the following procedures support our intention to safeguard children while they are availing of our service:

- i. The management of allegations of abuse or misconduct against staff/volunteers/students of a child availing of our service.
- ii. The safe recruitment and selection of staff and volunteers to work with children.
- iii. The provision of and access to child safeguarding training and information, including the identification of the occurrence of harm.
- iv. The reporting of child protection or welfare concerns to Tusla.
- v. The maintaining a list of the persons (if any) in the relevant service who are Mandated Persons.
- vi. The appointing of a Relevant Person.

Activities Involving Children – Best Practice

All members who work with children and young people must familiarise themselves with these procedures and sign an Acceptance of the OTM Child Safe Guarding Statement which can be found in Appendix 9. This signed document will be kept in the member's personnel file.

Students who work with children and young people must be made aware of this procedure by their Practice Teacher and they must sign an Acceptance of the OTM Child Safeguarding Statement (Appendix 9). The student shall return the completed form to their practice teacher for retention on file.

Members of the OTM must ensure that they:

- always work in an open environment (i.e., avoiding private or unobserved situations). Do not allow yourself to be left alone with a child;
- treat all children equally, and with respect and dignity;
- demonstrate exemplary behaviour in the presence of children;
- provide a safe, appropriately monitored environment for any children visiting the service;
- adopt the safest possible practices to minimise the possibility of harm or accidents happening to children;
- give enthusiastic and constructive feedback instead of negative criticism;
- never use physical punishment;
- always refer child abuse, welfare and safety issues to the DLP.

Recruitment Procedures and Requirements for Vetting

OTM must ensure compliance with the legal requirements in relation to vetting of all employees and personnel who have or may have unsupervised access to children or vulnerable adults.

Under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 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.

Vetting should not take the place of normal recruitment procedures. In addition, comprehensive procedures for the checking of the person's suitability to work with children or vulnerable adults are an essential element of child protection practice. Thorough recruitment procedures are essential. Vetting is to be used as part of those procedures. See OTM'S Vetting Policy.

Child Protection Training

Effective child protection depends on the skills, knowledge and values of personnel working with children and families, as well as co-operation between agencies (interagency) and within Agencies (intra-agency).

Training and education is an important means of achieving this. It is imperative that management ensure that all personnel are familiar with these procedures to enable them to fulfil their responsibilities therein. This will be achieved by OTM developing a culture of awareness and knowledge of these procedures amongst all members and, where necessary, ensure that appropriate training is undertaken.

Children First, Child Protection training is conducted at regular intervals and is coordinated by the Managing Director. Children First, Child Protection training records are maintained by the Managing Director

Members of OTM whose role involves working with children are requested and all other staff are requested to undertake the Tusla Children First eLearning programme. The eLearning training programme is 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 and is available on:

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

Implementation

- i The DLP responsible for dealing with all child protection concerns in OTM is the Managing Director/Social Worker: Sandra McDonagh Phone 057 93 52438
- ii In the absence of the DLP the Deputy Designated Liaison Person (DDLDP) responsible for dealing with child protection concerns is (TBC)
- iii Local Emergency contact numbers are as follows:

An Garda Síochána- Patrick Street Tullamore Phone 057 93 27600.

Tusla Child and Family Agency, Duty Social Work Team, Primary Care Centre, Harbour Road, Mullingar, Co. Westmeath. Phone 044 9353997

- iv OTM management recognises that child protection and welfare considerations must be reflected in all of the university's policies, procedures, practices and activities. In adhering to the following key principles of best practice in child protection and welfare all members of OTM will:
 - recognise that the protection and welfare of children is of paramount importance, regardless of all other considerations;
 - fully comply with statutory obligations under the Children First Act 2015 and other relevant legislation relating to the protection and welfare of children;
 - fully co-operate with the relevant statutory authorities in relation to child protection and welfare matters;
 - adopt safe practices to minimise the possibility of harm or accidents happening to children and protect staff from the necessity to take unnecessary risks that may leave them open to accusations of abuse or neglect;
 - where appropriate, develop a practice of openness with parents and encourage parental involvement in the education of their children; and fully respect confidentiality requirements in dealing with child protection matters.

All members of OTM will also adhere to the above principles in relation to any adult with a special vulnerability.

v The following procedures/measures are in place:

- In relation to any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child attending OTM, members of OTM will adhere to the relevant procedures set out in this Child Safeguarding Statement and Child Protection procedures and to the relevant agreed disciplinary procedures for OTM staff.
- In relation to the reporting of child protection concerns to Tusla, all members of OTM are required to adhere to the OTM Child Safeguarding Statement, including in the case of Mandated Persons reporting under the Children First Act 2015. Please note: All child protection concerns must be channeled through the DLP, namely Sandra McDonagh, who is the person responsible for making reports to Tusla, An Garda Síochána, OTM Board of Management and other external agencies. (In the event that the concern relates to the DLP the concern must be reported to the Chairperson of the Board of Management).
- OTM has appointed the above named DLP as the 'Relevant Person' (as defined in the Children First Act 2015) to be the first point of contact in respect of the OTM Child Safeguarding Statement.
- In accordance with the Children First Act 2015, OTM has carried out an assessment of any potential for harm to a child while attending OTM or participating in OTM activities.
- This Child Safeguarding Statement will be reviewed every 24 months or as soon as practicable after there has been a material change in any matter to which this statement refers.
- All external parties, subsidiary companies, organisations, agencies and groups engaging with children operating both within OTM and on behalf of OTM are required to have a Child Safeguarding Statement, in line with the requirements of Children First (2017) before entering into a contractual relationship with OTM. All such subsidiary companies, organisations, agencies and groups will be required to furnish the OTM DLP with a copy of their Child Safeguarding Statement.

vi **OTM will ensure the following procedures/measures are in place:**

- Ensure in relation to the provision of information and, where necessary, instruction and training in respect of the identification of the occurrence of harm (as defined in the 2015 Act)
- A copy of the OTM Child Safeguarding Statement including the risk assessment is made available to all members;
- All members avail of appropriate training as has been identified in the risk assessment;
- A record is maintained of training undertaken by members.
- In relation to the selection or recruitment of staff and their suitability to work with children, OTM will adhere to the OTM vetting process and to the wider duty of care guidance set out in relevant OTM recruitment procedures.
- A register of all Mandated Persons within the organisation is compiled, maintained and regularly updated.

- An updated copy of the register of Mandated Persons is maintained by the DLP.
 - The OTM Child Safeguarding Statement, including the risk assessment, can be accessed via the OTM website, will be made available on the Bright Hr System and by request to the Managing Director/DLP
 - The name and contact details of the DLP are displayed prominently near the main reception area of OTM.
 - All members of OTM must sign and return an 'Acceptance of the OTM Child Safeguarding Statement' to the Managing Director/DLP.
 - Where appropriate, the OTM Child Safeguarding statement including the risk assessment is readily accessible to parents and legal guardians on request.
- vii The OTM Child Safeguarding statement, including the risk assessment shall be published on the OTM website and will be made available to the OTM Board of Management.
- viii This Child Safeguarding Statement will be reviewed every 24 months or as soon as practicable after there has been a material change in any matter to which this statement refers.
- ix The OTM Board of Management has agreed the Child Safeguarding Statement set out in this document.

The OTM Child Safeguarding Statement was adopted by the OTM Board of Management on
20TH March 2021

Signed: Lily Ward

Chairperson, Board of Management

Date: 20TH March 2021

For queries, please contact: Sandra McDonagh T: 057 93 52438 M: 086 6043806

Relevant Person under the Children First Act 2015.

General

All Offaly Traveller Movement all members have a responsibility and duty of care to ensure that children/young people availing of, or attending a service, are safe and protected from harm (physical/emotional/sexual abuse or neglect). With the full commencement of the Children First Act 2015, there are legal obligations for certain staff known as mandated persons. This Child Protection and Welfare Policy sets out the roles, responsibilities and procedures assigned to ensure the effective management of child protection and welfare concerns in the Offaly Traveller Movement.

The ultimate responsibility for the adoption and implementation of these procedures' rests with the Board of Management of OTM. Adoption and implementation of these procedures can only be achieved where the Line Manager of each Department ensures full implementation the Child Safeguarding Statement

Tusla must always be notified where there is a reasonable suspicion or reasonable grounds for concern that a child may have been, is being or is at risk of being harmed. Any reasonable concern or suspicion of harm to a child must elicit a response. Ignoring signals or failing to intervene may result in ongoing or further harm to the child.

The Line Manager of each Department operating within OTM must ensure that all personnel managed by them are made aware of their duties and responsibilities as outlined in these procedures and where necessary are adequately trained.

Appendix 8 of these procedures outlines the **types of child abuse and how they may be recognised including neglect, emotional abuse, physical abuse, sexual abuse and bullying.**

All members of OTM shall familiarise themselves with these signs and symptoms of child abuse to enable them to meet their reporting obligations under these procedures. All members of OTM should liaise with the DLP where they have a concern that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect.

Guiding Principles

The safety, welfare and development of children and young people are core objectives and key priorities for OTM. The following guiding principles are informed by Children First guidance and legislation. They underpin this Policy and inform best practice within the organisation. The guiding principles are:

- The safety and welfare of children is everyone's responsibility.
- The best interests of the child should be paramount.

- Early intervention is vital for better outcomes. Early intervention and family support should be available to promote the welfare of the child
- A proper balance must be struck between protecting children and respecting the rights, needs and duties of others, such as OTM staff, parents/carers and families. Where there is conflict, the child's welfare must come first.
- Children have a right to be heard, listened to and to be 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.
- All children must be treated equally in line with the Equal Status Acts 2000 and 2012, and have the right to be protected from harm and discrimination. Parents have a right to respect and should be consulted and involved in matters that concern their family.
- Child protection is a multi-agency, multidisciplinary activity. Agencies and professionals must work together in the interests of children.
- Effective prevention, detection and treatment of child abuse or neglect requires clarity of responsibility and training of staff involved in services working with children.

It is important that every individual working with children and families is aware of their own role and the roles of other professionals. All staff have a responsibility to report concerns to Tusla without delay, where there is a reasonable concern in relation to the safety or welfare of a child.

Staff Training

- A copy of Children's First 2017 is available to all staff on the premises at Harbour Street, Tullamore and on the Bright HR system. It is the responsibility of all staff to have read and understood these national guidelines. Children's First National Guidance for the Protection and Welfare of Children can be downloaded from:
http://www.dcy.gov.ie/documents/child_welfare_protection/ChildrenFirst.pdf
- OTM will ensure staff receive adequate and appropriate child welfare and protection training. All staff must complete the E-Learning Programme *An Introduction to Children's First*.
- Staff are required to follow all procedures in this policy
- Adequate safeguards for vetting, recruiting and inducting appropriately qualified staff will be employed as per OTM's Vetting Policy, Recruitment Policy and Induction Policy

- OTM recognises that dealing with child protection can be distressing; staff will be appropriately supervised and supported by their Line Manager. The Employee Assistance Programme is also available to all staff.

Roles and Responsibilities

All staff are responsible for ensuring the protection and welfare of children in the OTM. Some staff have additional responsibilities arising in relation to their position as a Line Manager or Managing Director, or in relation to a specific role they may hold, such as a Mandated Person or Designated Officer. These roles and responsibilities are:

- **All Staff**

The welfare and protection of children is the responsibility of all OTM staff. Staff members must support each other and work in partnership in the best interests of children and young people, as well as ensuring full organisational compliance with the law and policies governing Children First guidance and legislation in Ireland. All staff must be aware of and understand their responsibilities in terms of Children First guidance, legislation and safeguarding policies. Members of staff must ensure they:

- Have read, understand and incorporate into practice:
 - This Policy document,
 - OTM's Child Safeguarding Statement
- Are familiar with and consult as necessary:
 - Children First National Guidance for the Protection and Welfare of Children (2017)
 - Relevant Tusla reporting guidance.
- Complete the mandatory HSE E-Learning module 'An Introduction to Children First', and attend additional training as appropriate to their role.
- If they are a Designated Officer under the Protections for Persons Reporting Child Abuse Act 1998, be familiar with the role and responsibilities.
- If they are a mandated person under the Children First Act 2015, and be familiar with the role and responsibilities.
- Inform service users, and parents/guardians, about their roles and responsibilities in relation to child protection and safeguarding children as relevant.
- Report and record child protection and welfare concerns in accordance with the procedures outlined in this Policy.
- Provide any necessary and proportionate assistance to support Tusla in its assessment of a

child protection or welfare concern.

- Where a staff member has a concern regarding unsafe practices taking place within the organisation, they should inform their Line Manager/Managing Director, or consider making a Protected Disclosure as soon as possible.

• **Line Managers**

Line Managers are required to support the Managing Director in the implementation of this Policy and may be delegated responsibilities in addition to those outlined below. Roles and responsibilities of Line Managers include ensuring within their area of responsibility that:

- Staff understand their roles and responsibilities as outlined in this Policy and have signed the signature sheet in Appendix 9 to that effect.
- This Policy forms part of the induction process for new staff
- They provide consultation and assistance to staff who have a child protection or welfare concern.
- The OTM Child Protection and Welfare Reporting Procedure is followed where there is a child protection or a welfare concern.
- All staff complete the mandatory HSE E-Learning Programme “An Introduction to Children First” and refresher training as required, as well as any other additional training appropriate to their role. A certificate of completion must be retained on the staff file.
- Confidential information relating to child protection or welfare concerns is shared on a need-to-know basis in line with the requirements of this Policy.
- They raise awareness of child protection and welfare issues through supervision, support, training, assistance and advice.
- They monitor and advise of any issues affecting the implementation of the OTM Child Protection and Welfare Policy to the Managing Director.
- In addition to making a report of a child protection or welfare concern to the DLP, Tusla and or An Garda Síochána, the Managing Director must be informed in writing of any incident where a child has been harmed or is at risk of harm, whilst availing of the service.

• Designated Liaison Person (DLP)

A designated liaison person is the resource person for any staff member or volunteer who has child protection concerns and will liaise with outside agencies. The designated liaison person is responsible for ensuring that OTM reporting procedures are followed, so that child welfare and protection concerns are referred promptly to Tusla. The deputy designated liaison person (DDL) will assume responsibility when the designated liaison person is not available or on leave. The DLP is also considered to be a mandated person. The name and contact details of the DLP and DDL are recorded in the Child Safeguarding Statement and displayed in a prominent position at reception.

The Offaly Traveller Movement has appointed the Managing Director/Social Worker as the DLP responsible for ensuring that the child protection reporting procedures within OTM are followed promptly and correctly.

In the absence of the DLP the Deputy DLP (DDL) responsible for dealing with child protection concerns is

The DLP/ DDL is also considered to be a Mandated Person.

The DLP is also responsible for

- Complying with Children First Act 2015 and ongoing implementation.
- Ensuring Line Managers fulfil their roles and responsibilities.
- Delegating any necessary actions or functions to Line Managers and/or to identified staff to ensure the effective implementation of this Policy.
- Acting as a resource person to any member of OTM who has a child protection concern.
- Fulfilling the requirements under the Children First Act 2015 to complete a Risk Assessment of any potential harm of abuse to a child while availing of the service.
- Fulfilling the requirements under the Children First Act 2015 to have a Child Safeguarding Statement in place.
- Ensuring all procedures identified in the Child Safeguarding Statement are in place and operating effectively.
- Recording all concerns or allegations of child abuse brought to her attention, and the actions taken in relation to a concern or allegation of child abuse
- Reporting concerns or suspicions of child abuse to Tusla, the Garda Síochána and other agencies as required
- Seeking advice from Tusla in situations where the DLP is not sure whether to report the matter to Tusla or whether a report should be submitted as a mandated report
- Ensuring all relevant subsidiary companies / external parties are compliant with requirements in relation to Children First guidance and legislation.
- Maintain records of all child protection and welfare reports to Tusla and/or An Garda Síochána in an appropriate and secure filing system in accordance with Data Protection.
- Ensuring all records relating to child protection are maintained in a safe and secure manner
- Maintain appropriate records of all child protection and welfare concerns that do not reach the threshold for a report to Tusla and consider any patterns of concerns that may be identifiable over time.
- The name and contact details of the DLP and DDL are recorded in the Child Safeguarding Statement. The name and contact details of the DLP will be displayed in a prominent position at the reception area and on the OTM website.
- Where an allegation or suspicion of child abuse concerns a member of OTM the DLP shall also report the matter to the Managing Director / Chairperson Board of Management

• **Mandated Persons**

Mandated persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. Mandated persons include professionals working with children in education, health, justice, youth and childcare sectors. The schedule of Mandated Persons under the Children First Act 2015 is in Appendix 6

Mandated persons have two main legal obligations under the Children First Act 2015. These are:

1. To report, suspected or disclosed harm to a child, 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

• **Mandated Reporting**

A mandated person is required to report to Tusla without delay, any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. This includes where a child discloses their belief to a mandated person that they have been, are being or are likely to be harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances.

If a mandated person has any concern regarding the protection or welfare of a child, which does not meet the threshold for making a mandated report the Reporting Procedure must be followed, and the concern reported to Tusla where there is Reasonable Grounds for Concern.

• **Mandated Assisting**

The Children's First Act 2015 provides that all mandated persons can be asked by Tusla to provide any necessary and proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report. You must comply with this request, regardless of who made the report. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting.

Mandated persons in OTM must inform and provide a copy of the report to the DLP/Managing Director if a mandated report has been made.

As a Mandated person, you should be aware that the legal obligations under the Children's First Act 2015 to report mandated concerns rest with you and not the designated liaison person.

• **Designated Liaison Persons and Mandated Persons**

If you are a mandated person and also have the role of designated liaison person in OTM, you must fulfil your statutory obligations as a mandated person. 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 mandating 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 can make a report jointly with another person. This means that a mandated person can make a joint report with a designated liaison person.

Garda Vetting

It is compulsory for Offaly Traveller Movement to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children. Please see OTM Garda Vetting Policy

Confidentiality

Confidentiality or anonymity cannot be assured where there may be a child protection concern. It is best practice to outline the limits of confidentiality with service users, families and others.

All information regarding concerns of possible child abuse and neglect should be shared only on a “need to know” basis in the best interests of the child. Giving information to those who need to have that information, for the protection of a child who may have been abused or neglected, or is being abused and neglected, or is at risk of abuse or neglect is not a breach of confidentiality.

Section 17 of the Children First Act 2015 makes it an offence for the DLP and/or Mandated Person to disclose information to a third party, which has been shared by Tusla during the course of an assessment, unless Tusla has given you written authorisation to do so.

Reporting Thresholds

A) Reasonable Grounds for Concern

In accordance with the Children First National Guidance 2017, Tusla must always be informed where there are any reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. To meet the requirements of Children First Guidance 2017 any member of OTM who has such reasonable grounds for concern must inform the DLP. The DLP must then act in accordance with the procedures outlined in Section 7 and 8.

Reasonable grounds for concern exist where a child may have been, is being, or is at risk of being abused or neglected. It is not necessary for a staff member to prove that abuse has occurred - all that is required is that there are reasonable grounds for concern. It is Tusla’s role to assess concerns that are reported. Reasonable grounds for concern may include but are not limited to the following:

- 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 they have been abused.
- Admission or indication by an adult or a child of an alleged abuse they committed.
- An account from a person who saw the child being abused.

Where a member of OTM is unsure whether or not a report should be made to the DLP, they may seek advice from the DLP. Where the DLP is unsure whether or not to report the matter to Tusla they may seek advice from Tusla.

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

- a) The safety and well-being of the child must take priority over concerns about the adult against whom an allegation may be made
- b) Reports of concerns should be made without delay to Tusla / An Garda Síochána by the DLP.

B) Threshold of Harm

Under the Children First Act 2015 the threshold of harm, at which a report must be submitted to Tusla by a Mandated Person, is reached when there are reasonable grounds to suspect that a child has been, is being or is at risk of being “harmed”.

Where a Mandated Person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect he or she shall, without delay, report the matter to the DLP.

The thresholds of harm for each category of abuse at which Mandated Persons have a legal obligation to make mandated reports are as follows:

Neglect The threshold of harm at which a Mandated Person must make a mandated report to Tusla is reached when s/he knows, believes or has 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/III-Treatment The threshold of harm, at which a Mandated Person must make a mandated report to Tusla is reached when s/he knows, believes or has 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 The threshold of harm, at which a Mandated Person must make a mandated report to Tusla is reached when s/he knows, believes or has 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 A threshold does not apply as all sexual abuse falls within the category of seriously affecting a child’s health, welfare or development. If a Mandated Person knows, believes or has

reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then the Mandated Person must make a mandated report to Tusla.

Sexual abuse is an offence against the child as specified in Schedule 3 of the 2015 Act and which schedule is reproduced in Appendix 9 of these procedures.

Important note: As all sexual abuse falls within the category of seriously affecting a child’s health, welfare or development, all concerns about sexual abuse must be submitted as a mandated report to Tusla. There is one exception, which deals with certain sexual activity between older teenagers.

Dealing with Disclosures from Children

An abused child is likely to be under severe emotional stress and may disclose abuse to any member of OTM whom they feel they can trust.

Any disclosures of abuse or neglect from a child must be reported to the DLP who must in turn seek advice and/or report the matter to Tusla. It is not the role of any OTM individual to judge the truth of the claims or the credibility of the child. It is the function of Tusla to investigate all concerns and disclosures.

While the involvement of Tusla may not be desired by either the child or their family, Tusla must be advised of all disclosures by children, 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.

It is important to deal with any allegation of abuse or neglect in a sensitive and competent way through listening to and facilitating the child to tell about the problem, rather than interviewing the child about details of what happened.

| DO | DO NOT |
|--|---|
| Stay calm – Do not rush into taking rash or inappropriate actions | Do not panic – or allow your feelings to be evident. |
| Reassure the child – That they are not to blame. Confirm that you know how difficult it must be to confide in someone. Tell them that they have done the right thing in informing or disclosing what has occurred. Reassure them that information will only be shared on a ‘need to know’ basis. | Do not make promises you cannot keep and never agree to keep it secret – explain that you will need to tell other people e.g. DLP |
| Listen sympathetically – To what the child says and show that you take them seriously. The experience of telling should be a positive one | Do not make the child repeat the story unnecessarily. Do not make any judgmental statements about the person against whom allegation is made |

| | |
|--|--|
| | Do not speculate or make assumptions |
| Be compassionate – Understand that the child has decided to tell something that is very important to them and that the child is taking a risk by disclosing what has happened to you. | Do not probe for more information than is offered |
| Keep questions to the minimum – The child should not be questioned unless the nature of what he/she is saying is unclear. Open, non-specific questions should be used such as “Can you explain to me what you mean by that?” | Do not ask leading questions –avoid leading questions such as who, when, where |
| Report the disclosure to a) the DLP | Do not take sole responsibility |
| Make a written record immediately afterwards using, insofar as is possible, the child’s own words. The record should be signed and given to the DLP | Do not make copies of the record. The only copy should be the one supplied to the DLP. |

Disclosures of Retrospective Abuse

Some adults may disclose abuse that took place during their childhood. If such a disclosure is made to any member of OTM and there is a reasonable concern about a continuing risk to children who may be in contact with the alleged abuser revealed in such disclosures, the concern must be reported to DLP. The DLP will report the concern to Tusla / An Garda Síochána in accordance with the reporting procedures outlined in these procedures.

Service users should be informed at the outset of contact with a service, as appropriate, that if any child protection issues arise, including disclosures of retrospective abuse, that this information must be passed on to Tusla where there are reasonable grounds for concern that abuse occurred, as there may be a current or potential risk to children (identifiable or not).

Where a service user does not feel able to support the report to Tusla, Tusla may be seriously constrained in their ability to respond to the retrospective allegation of abuse. Staff need to be sensitive and supportive to the needs of the adult disclosing abuse. In circumstances where the adult may be vulnerable to psychological distress, self-harm or suicide as a result of reporting the concern, the staff member and/or line manager should have an informal consultation with Tusla, with a view

to considering how best to support the adult who discloses, whilst ensuring that the welfare of any child who may currently be at risk of abuse remains the paramount consideration.

Where a service user advises that an alleged abuse was previously reported to Tusla or An Garda Síochána, it is still necessary for the staff member to report the concern to Tusla or An Garda Síochána, in order to ensure that the report has been fully investigated.

The HSE National Counselling Service is available to offer support to any adult who has experienced childhood abuse.

The Tusla Retrospective Abuse Report form is available in Appendix 3 or can be downloaded at: [https://www.tusla.ie/uploads/content/Retrospective Abuse Report Form FINAL.pdf](https://www.tusla.ie/uploads/content/Retrospective%20Abuse%20Report%20Form%20FINAL.pdf)

Concerns about an adult who may pose a risk to children

Sometimes concerns arise in relation to whether an adult may pose a risk to children. For example, an adult discloses that they themselves have engaged in abusive behaviour towards a child in the past. An adult discloses that they are having thoughts in relation to abusing a child (identifiable or not). On the basis of known or suspected past behaviour, a concern could exist about the risk an individual may pose to children with whom he or she may have contact.

Any such reasonable concerns should be reported to the DLP who will contact Tusla, in accordance with the OTM reporting procedures to establish whether any child is currently at risk from the individual in question. Where concerns arise as to whether an adult may pose a risk to children (even if there is no specific child named in relation to the concern) and the DLP is not sure whether to report the matter to Tusla, the DLP shall seek advice from Tusla.

While Tusla will make every effort to examine such cases, it is a very complex area involving the accused's constitutional rights to their good name, privacy and the right to earn a living, as well as the requirements of natural justice. Tusla must work within the Constitution, the law, the legal system and the demands of natural justice to balance the conflicting rights of those involved. This may limit how much feedback Tusla can provide to the person who reported the concern on the progress or outcome of the case. Tusla's examination can be greatly improved if the alleged victim feels able to co-operate with Tusla in its assessment or investigation.

Peer Abuse

In a situation where abuse is alleged to have been carried out by another child, the abusive behaviour should be considered a child protection and welfare concern for both children, and the HSE Child Protection and Welfare Reporting Procedure should be followed for both the victim and the person subject to the allegation of abuse, i.e. two separate reports should be submitted to Tusla where there are reasonable grounds for concern.

Anonymous Reports

No assurance of anonymity can be given to a member of the public reporting a concern, as their identity may be accessible under Freedom of Information legislation or through a court process. It should be noted that:

In all cases where a staff member receives a report of a child protection or welfare concern, the Child Protection and Welfare Reporting Procedure should be followed.

OTM staff members have a duty of care to safeguard children, and when making reports to Tusla in their professional capacity there should be no expectation of anonymity.

Staff members who receive an anonymous report from a service user or member of the public should make the person aware that the capacity of Tusla to respond to a report is more limited when reports are made anonymously.

Malicious Reports

Malicious false reporting is not a common occurrence, but when it occurs can have a significant impact on the innocent person. The Protections for Persons Reporting Child Abuse Act 1998 makes it an offence to report child abuse to the appropriate authorities 'knowing that statement to be false'. In the event that any staff member is concerned that a report is malicious, it should be discussed immediately with the DLP and Managing Director.

Record Keeping

When child abuse or neglect is suspected, it is essential that a written record of all the information available is made. Therefore, any member of OTM reporting a concern to the DLP shall be expected to make a detailed account of:

- the grounds for the concerns (e.g. details of the allegation, dates of incidents, and description of injuries).
- 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 names, if known, of who is allegedly harming the child or not caring for them appropriately should also be recorded.

All written records should be factual and objective. The name, contact details and relationship to the child of the person bringing the concerns must be included in the written record.

All records shall include the name of the person bringing the concerns, be signed and dated. All records must then be passed onto the DLP.

Records made by members of OTM will be passed onto Tusla in the event that a referral is made. Consequently, members of OTM may subsequently be invited to attend at a child protection conference or any proceedings where the matter is being investigated.

Inform the Family

Wherever possible, service users/parents or guardians should be informed of any child protection or welfare concern, and where a report is being made to Tusla or An Garda Síochána, and the reasons for that decision. Sharing information with a parent in relation to a concern can promote open and honest relationships and can support the parent to effect positive change. It is the responsibility of the DLP, who is submitting a report to Tusla or An Garda Síochána, to inform the parent/legal guardian of the child that a report is being made and the reasons for the decision to report. In cases, where a Mandated Person is submitting a report to Tusla, it is the DLP, rather than the Mandated Person concerned, who shall assume the responsibility for informing the parent/legal guardian.

The exceptions to informing a parent regarding a report include where doing so may:

- Place the child at further risk of harm,
- Place you or others at risk of harm,
- Impair Tusla's ability to carry out a risk assessment, or
- Impair the prevention, detection or prosecution of a serious crime by An Garda Síochána.

A record shall be made, by the DLP, of the information communicated to the parent/legal guardian. A decision not to inform a parent/legal guardian shall be recorded, by the DLP, together with the reasons for not doing so.

Important note. Where the DLP has any doubt as to whether or not to inform a parent/legal guardian that a report is being made the DLP shall seek the advice of Tusla.

Reporting to OTM Management

The DLP must report to the Managing Director, as soon as possible in the event that an allegation of abuse is made against any OTM staff member, volunteer, contractor or visitor whether or not the matter is being reported to Tusla / An Garda Síochána.

A child protection report, including a child protection concern that arises from alleged bullying behaviour involving children, is made to Tusla or An Garda Síochána as appropriate.

It is the responsibility of the Managing Director to report any such matters to the Board of Management

Please Note: In the interest of protecting the anonymity of the child, no details of the case should be disclosed to the Board of Management or any member of OTM unless there are issues, which need to be addressed directly by them.

Relevant Person

The Offaly Traveller Movement has appointed the DLP as the "Relevant Person" under section 11 of the Children First Act, 2015 for the purposes of being the first point of contact in respect of the company's Child Safeguarding Statement.

Reporting Procedure for Non-Mandated Members of OTM

If a member of OTM receives an allegation or has a suspicion that a child may have been abused or neglected, or is being abused or neglected, or is at risk of abuse or neglect he/she shall, without delay, report the matter to the DLP.

The OTM Child Safeguarding Statement requires that all concerns are channelled through the DLP. It is the responsibility of the DLP to get advice and/or make a report to Tusla and/or An Garda Síochána.

Accordingly, the DLP will

- request a written record from the OTM person making a child protection report to them.
- make a written record of any concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to the concern or allegation.
- Ensure all written records are kept in a secure location.

Reporting to Tusla / An Garda Síochána

If the DLP is satisfied that there are reasonable grounds for the suspicion or allegation then they will report the matter to Tusla immediately. The reporting of all suspicions or allegations of child abuse must be made to the appropriate officials in Tusla – normally the social work department that deals with child protection issues in the area where the child resides.

The local Offaly contact details for making referrals are:

Tusla- The Child and Family Agency, Primary Care Centre, Harbor Road, Mullingar, Co. Westmeath T: 044 9353997.

Contact details of the local frontline services to children and families in each county if the child's residence is not in Offaly can be found at: <https://www.tusla.ie/services/child-protection-welfare/contact-a-social-worker/offaly-duty-social-work-team/>

Tusla has two forms for reporting child protection and welfare concerns – the Child Protection and Welfare Report Form (CPWRF) and the Retrospective Abuse Report Form (RARF). The Child Protection and Welfare Report Form is to be completed and submitted to Tusla for concerns about children under the age of 18. The Retrospective Abuse Report Form is to be completed and submitted to Tusla for cases of adults disclosing childhood abuse.

In cases of emergency, where a child appears to be at immediate and serious risk, and it is not possible to make contact with Tusla, An Garda Síochána must be contacted immediately. This may be done at any Garda Station. Under no circumstances should a child be left in a dangerous situation pending intervention. Emergency numbers are 999 or 112.

The DLP will be required to complete and forward the reporting form to Tusla as soon as possible after making the initial referral (whether made initially in person, by phone or in writing to either Tusla or An Garda Síochána). A copy of the Tulsa report forms are available in Appendix 3 to this procedure.

Although all information requested might not be available to the person making a report, the forms must be completed as comprehensively as possible.

Reporting Procedures made by Mandated Persons of OTM

Under the Children First Act, 2015, all Mandated Persons that have concerns about a child or who receive a disclosure that meets or exceeds the threshold of harm have a statutory obligation to make a report to Tusla.

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. However, a Mandated Person who makes a mandated report to Tusla jointly with the DLP meets his or her statutory obligation to report to Tusla under the Children First Act 2015.

The statutory obligation to make a mandated report under the Act applies only to information that a Mandated Person acquires in the course of his or her employment or profession as such a Mandated

Person. It does not apply to information acquired outside of his or her work, or information given to him or her on the basis of a personal rather than a professional relationship.

Note: In OTM all child protection concerns must be channelled through the DLP therefore it is imperative that all concerns or disclosures (whether brought by Mandated or Non-Mandated persons) are brought to the attention of the DLP.

Joint Reporting Procedures

The following joint reporting procedures apply to all Mandated Persons in OTM.

Where a Mandated Person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect he or she shall without delay, report the matter to the DLP.

The DLP shall:

- request a written record from the member of OTM making a child protection report
- make a written record of any concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to the concern or allegation.
- Ensure all written records are kept in a secure location.

The DLP and the Mandated Person must consider whether there are reasonable grounds for concern (as described in these procedures) about the welfare and protection of the child.

If the DLP and the Mandated Person both agree that the concern is at or above the defined threshold of harm at which a mandated report must be made, the concern shall, as soon as practicable, be submitted as a mandated report jointly by the DLP and the Mandated Person concerned using the Tusla report form.

Where the DLP is unsure whether to report a concern to Tusla or whether a report should be submitted as a mandated report, the DLP shall seek advice from Tusla. The DLP shall inform the Mandated Person concerned that such advice is being sought and shall, when received, inform the Mandated Person of the advice provided.

Where Tusla advises that a mandated report should be made, the DLP and the Mandated Person concerned shall act on that advice and a mandated report shall, as soon as practicable, be submitted to Tusla jointly by the DLP and the Mandated Person concerned in accordance with these procedures.

In any case (including where the DLP has sought and considered the advice of Tusla) where the DLP and the Mandated Person are both satisfied that the concern is not at or above the defined threshold of harm for a mandated report but both consider that it constitutes reasonable grounds for concern the DLP shall as soon as practicable, report the concern to Tusla in accordance with these procedures. In such cases, the Mandated Person is not required to submit a report to Tusla.

In any case (including where the DLP has sought and considered the advice of Tusla) where either the DLP or the Mandated Person, has any remaining doubt as to whether the concern is at or above the defined threshold of harm for a mandated report, the DLP or the Mandated Person (or both where applicable) shall submit the report to Tusla as a mandated report in accordance with the reporting procedures.

The Tusla report form, available on the Tusla website www.tusla.ie, shall be completed as comprehensively as possible and indicate, in the manner required that it is a mandated report under the Children First Act, 2015.

Please Note: The Tusla report form can be filled in and submitted online. However, it is imperative that a copy of the form is printed off and stored securely by the DLP.

Tusla has two forms for reporting child protection and welfare concerns – the Child Protection and Welfare Report Form (CPWRF) and the Retrospective Abuse Report Form (RARF). The Child Protection and Welfare Report Form is to be completed and submitted to Tusla for concerns about children under the age of 18. The Retrospective Abuse Report Form is to be completed and submitted to Tusla for cases of adults disclosing childhood abuse. Mandated Persons are not required to report the same concern more than once. However, if a Mandated Person becomes aware of any additional information a further report shall be made.

In an urgent situation where there is an immediate risk to a child a report can be submitted to Tusla or An Garda Síochána by phone or email. However, the Tusla report form must be completed and returned to Tusla 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 it is considered that a child is in immediate danger and Tusla cannot be contacted, An Garda Síochána should be contacted without delay.

Local Contact Numbers for An Garda Síochána include Tullamore Garda Station, 057 93 27600 or 999/112.

TUSLA Out-of-Hours

Tusla provides an Out of Hours Social Work Service between 6 p.m. and 7 a.m. every night and between 9 a.m. and 5 p.m. on Saturdays, Sundays and Bank Holidays.

- Mandated persons can access Tusla's Out of Hours Social Work Service directly on 0818 776 315 between 6 p.m. and 7 a.m. every night and between 9 a.m. and 5 p.m. on Saturdays, Sundays and Bank Holidays.
- In situations where there is a concern of immediate or serious risk to a child, staff may contact An Garda Síochána who can bring a child to a place of safety and access Tusla's Out of Hours Social Work Service.

Decision Not to Report

Where the DLP has decided not to report to Tusla or has decided not to submit the report as a mandated report to Tusla, the DLP shall:

- Advise the Mandated Person that it still remains open to that person to seek advice from Tusla and to report his or her concern, or to report that concern as a mandated report to Tusla where he or she still considers that such a report is warranted.
- Give the Mandated Person a clear statement in writing as to the reasons why action is not being taken and a copy of that statement shall be retained by the DLP. If, in such circumstances, the Mandated Person decides to report the concern to Tusla he/she shall provide a copy of that report to the DLP. The DLP shall inform the Managing Director.

Exceptions from the Obligation to Make a Mandated Report

A Mandated Person is not required to make a report where the sole basis for his or her knowledge, belief or suspicion of harm is as a result of information he or she has acquired, received or become aware of

- from another Mandated Person and that Mandated Person has made a report to Tusla in respect of the child concerned or
- from a person other than a Mandated Person, who has reported jointly with a Mandated Person that that person has made a report to Tusla in respect of the child concerned, or
- pursuant to assisting Tusla in assessing a concern where requested to do so by Tusla in accordance with the Children First Act 2015.

Certain Underage Sexual Activity

Under the Criminal Law (Sexual Offences) Act, 2006 the legal age of consent is 17 years. A sexual relationship where one or both parties is under 17 years of age is illegal. However, a Mandated Person is exempted from making a mandated report to Tusla in relation to underage sexual activity where certain specified criteria are met. Section 14(3) of the Children First Act, 2015 sets out this exemption from reporting underage sexual activity. It provides that if a Mandated Person is satisfied that all of the following criteria are met *then a report to Tusla is not required*:

- The child concerned is aged between 15 and 17 years old.
- The age difference between him or her and the other party to the sexual activity is not more than 24 months.
- There is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned.
- The relationship between the parties engaged in the sexual activity concerned is not intimidatory or exploitative of either party and
- The child concerned makes known to the Mandated Person that he or she does not want any information about the activity to be disclosed to Tusla.

In effect, this means that if all of the above criteria are met, Mandated Persons do not have a statutory obligation to make a mandated report to Tusla in respect of sexual activity between such older children. However, it should be noted that the above exemption does not apply where a child believes that he or she has been harmed, is being harmed or is at risk of being harmed and discloses that belief to the Mandated Person. In addition, all persons, including Mandated Persons, must uphold the key principle that the welfare of the child is paramount and if a Mandated Person has any concerns, even where all the above criteria are met, a report can still be made to Tusla. In such cases, the reporting procedures shall be followed.

What happens after a concern is reported to Tusla?

Tusla's first consideration on receiving a report of a concern is always the immediate safety of the child. All reports and information are "screened" on the day that they are received, to determine if emergency action is necessary to protect the child. Tusla reviews the reports to determine whether they are appropriate to their welfare and protection services and, if so, what intervention is appropriate to meet the needs of the child and their family.

Tusla will always seek to acknowledge a report of a concern, and are legally required to acknowledge a mandated report. The Tusla Duty Social Worker will check to see if there is a record of any previous contact with the child's family. They may also contact other professionals (such as the general practitioner, teacher, public health nurse, speech and language therapist, childcare worker, family support worker, or psychologist) to see if they have any concerns about the child. The aim of this process is to help the social worker understand the child's history and circumstances, to identify unmet needs, and to determine if there is a risk of harm to the child. This will allow the social worker to decide on the most appropriate response.

Where a further assessment is required, the social worker will seek to work in cooperation with parents or guardians to determine the appropriate supports or interventions to ensure the safety and welfare of the child. There are a number of possible outcomes to Tusla's social work assessment:

- The case is closed to Tusla social work services. For example, it is not appropriate to Tusla's child welfare and protection services, or no unmet need or risk in relation to the child was found. Where appropriate, the case may be referred to another support service or specialised service not operated by Tusla (e.g. mental health or disability services)
- A family support service may be initiated if the assessment indicates that the child has some unmet needs, but is not at risk of harm. Tusla provides and works with a range of community-based support services that deliver practical support to children and parents (e.g. Meitheal).
- The child is found to have welfare needs that require a Tusla social work led response and intervention.
- There is a child abuse concern that requires a child protection social work response and intervention by Tusla. Where the harm is deemed to be abusive, the concern is reported to An Garda Síochána. A Child Protection Conference may be arranged and the child may be listed on the Child Protection Notification System.

If having made a report to Tusla's social work service, you remain concerned about the safety or welfare of a child, you should contact the Social Work Team in the area where the child resides to discuss the concern. It may be necessary to make subsequent reports where there are ongoing concerns, where further information is available, or where additional or new concerns arise. Do not assume that a child is safe because a report has been made. You are entitled to contact the Duty Social Worker to request information in relation to what action may be taken in response to your report, however, there may be some limits to what Tusla may discuss due to the confidentiality rights of children and families. For further information, see Tusla's *A Guide for the Reporting of Child Protection & Welfare Concerns*.

Consequences of Non-Reporting

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

In that regard Tusla may:

- make a complaint to the Fitness to Practise Committee of a regulatory body of which the Mandated Person is a member

- pass information regarding the failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could potentially be disclosed to current or future employers when the Mandated Person is next vetted.

Seeking Advice from Tusla

The DLP should seek advice from Tusla in all situations where he/she is not sure whether to report the matter to Tusla or whether or not the matter should be reported as a mandated report.

Advice should be sought from the child and family services where the child resides. In consulting Tusla, the DLP shall be explicit that he or she is requesting advice and consultation and that he or she is not making a report. At this informal stage the DLP need not give details that could identify the child.

Details of who to contact to discuss concerns with can be found on the Tusla website (www.tusla.ie).

In all cases the DLP shall retain a record of the consultation with Tusla, which should note the date, the name of the official and the advice given.

Decision Not to Report

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

- The reasons for not reporting should be recorded
- Any actions taken as a result of the concern should be recorded
- The person who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla
- The person who raised the concern should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána. In the event that a person makes a report to Tusla or An Garda Síochána, they shall provide a copy of the report to the DLP.

Accusations against a member of OTM

While the most important consideration is the protection of children, and their safety and well-being must be the priority, OTM also has a duty and responsibility in respect of all members of the organisation. While priority must be given to the rights and interests of children, OTM management must ensure that any person against whom an allegation is made have their rights respected.

In the context of allegations or suspicions of child abuse or neglect regarding a member of the OTM, the primary goal is to protect the child. However, any member of OTM may be subject to erroneous or malicious allegations. Therefore, any allegation of abuse or neglect shall be dealt with sensitivity. Support including counselling shall be provided for personnel where necessary. Personnel shall be treated fairly which includes the right not to be judged inappropriately.

In dealing with any concerns or allegations of abuse, involving a member of OTM, management should also be aware of and comply with employment legislation and other appropriate employee policies such as agreed grievance and disciplinary procedures.

The Chairperson of the Board of Management, Managing Director or their nominee, is authorised to take immediate action on behalf of the organisation to deal with any employee against whom an allegation or concern is made.

The Chairperson of the Board of Management, the Managing Director or nominee is required to seek legal advice and to consult with Tusla and/or an Garda Síochána/Human Resources and other agencies/ professional personnel as may be necessary to enable them to decide what action should be taken in the immediate aftermath of an allegation being made against a member of OTM.

Allegations or Concerns Involving Members of OTM

Members of OTM who receive allegations of abuse or neglect against another member of OTM or who themselves have concerns of abuse or neglect being perpetrated by a member of OTM shall report the matter without delay to the DLP. In such cases, the DLP shall follow the procedures set out for dealing with the allegation or concern.

If the allegation or concern relates to the DLP the matter should be reported, without delay, to the Managing Director and Chairperson of the Board of Management.

Procedures to be Followed

In the event that an allegation is made against any member of OTM there are two procedures to be followed:

- a) the reporting procedure in respect of the allegation/suspicion;
- b) the procedure for dealing with the person against whom the allegation is made.

In general, the same person shall not have responsibility for dealing with both procedures. The DLP is responsible for reporting the matter to Tusla and/or An Garda Síochána while the Managing Director, Chairperson of the Board or nominee is responsible for addressing the appropriate procedural / reporting issues applicable in respect of a member of OTM.

The DLP shall:

- Seek advice from Tusla / Gardai in relation to the risk to children.
- immediately act in accordance with the procedures with regard to getting a written statement, reporting to Tusla and informing parents;

The Managing Director/Chairperson of the Board of Management, or nominee, shall:

- a) seek legal advice as circumstances can vary from one case to another and it is not possible in these procedures to address every scenario;
- b) Arrange to privately inform the person against whom the allegation was made of the following:
 - the fact that an allegation has been made against him/her;
 - the nature of the allegation;
 - whether or not the matter has been reported to Tusla.

- c) provide a copy of the written record and/or allegation, and any other related documentation to the person against whom the allegation is made – having due regard to ensuring that appropriate measures are in place to protect the child
- d) If, following the advice offered at a), the nature of the allegation warrants immediate action the person against whom the allegation is made shall be directed to absent himself/herself from the organisation with immediate effect.

Where the Managing Director, Chairperson of the Board of Management, or nominee, has directed a member of OTM to absent himself/herself from the organisation with immediate effect, such an absence should not imply any degree of guilt on the part of the person against whom the allegation is made.

Where such an absence involves a paid employee, HR shall be contacted immediately for advice.

At all stages it should be remembered that the first priority is to ensure that no child is exposed to unnecessary risk. The Managing Director, Chairperson of the Board of Management or nominee shall, as a matter of urgency, ensure that any necessary protective measures are taken. These measures should be proportionate to the level of risk and should not unreasonably penalise the person against whom the allegation is made, financially or otherwise, unless necessary to protect children. Where protective measures penalise the person against whom the allegation is made, it is important that early consideration be given to the case.

It is essential that at all times the matter is treated in the strictest confidence and that the identity of the person against whom the allegation is made shall not be disclosed inappropriately, other than as required under the procedures within this document, until such time as that person has been offered the opportunity to address and/or be represented to management.

The principles of natural justice, the presumption of innocence and fair procedures shall be adhered to. It is very important to note that the actions described here are intended to be precautionary and not disciplinary.

Please note: Where the allegation/suspicion relates to the DLP, the Managing Director or Chairperson of the Board of Management or nominee, shall assume the responsibility for seeking advice from Tusla and/or for reporting the matter to Tusla.

Right of Reply

Once the matter has been reported to the person against whom the allegation is made, he/she shall be offered the opportunity to respond to the allegation in writing to the Chairperson of the Board of Management, Managing Director or nominee within a specified period of time. That person shall be told that his/her explanation shall also be passed on to Tusla and/or Gardaí as appropriate.

Feedback from Tusla and Further Follow Up

The Designated Liaison Person will request information on the progress of a child abuse investigation involving a member of OTM. The Chairperson of the Board of Management should be notified of the outcome of the Tusla and Garda investigations. This will assist management

in reaching a decision about the action to be taken in the longer term concerning the person against whom the allegation was made.

The Chairperson of the Board of Management and other members of management must ensure that actions taken by them do not undermine or frustrate any assessment/investigation being conducted by Tusla and/or An Garda Síochána. In order to achieve that close liaison with these authorities must be maintained.

Appendix 1: The Role of Tusla and An Garda Síochána

The Role of Tusla

The specific role of Tusla is to promote the welfare of children who are at risk of not receiving adequate care and protection. Under the Child Care Act 1991, Tusla is obliged to coordinate information from all relevant sources about a child who may not be 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.

Tusla has the statutory responsibility to assess all reports of child welfare and protection concerns. Assessments are carried out by Tusla social workers. If concerns are found after the initial checks, further evaluation involving a detailed examination of the child and family's circumstances will follow. If concerns about a child's welfare are found, but do not involve a child protection issue, then the family may be referred to community or family support services. If no concerns are found, then the information gathered is recorded and kept on a confidential file where it will be examined if further concerns or more information comes to light.

Tusla operates through duty teams of social workers that receive child protection reports, assess and prioritise referrals and provide protective interventions to children and their families. Each team deals with the concerns that arise in its specific geographical area by reference to the home address of the child. You can find contact details for each team on the Tusla website (www.tusla.ie).

If it is decided that a social work assessment is needed, the social worker will contact the family to ask for their cooperation in carrying out an examination of the child's and family's needs. The aim is to work in cooperation with parents or legal guardians to determine the appropriate supports or interventions to ensure the safety and welfare of the child. Further information on this process is contained in Chapter 5 of Children First 2017 available at <http://www.tusla.ie/children-first/children-first-2017>.

Tusla will normally acknowledge reports made to it, and may contact the person who made the report for further information, if necessary. However, to protect the privacy of the child and family, it may not be possible for Tusla to inform those that report of the progress or outcome of Tusla's contact with the child or family, unless that person is involved in discussions around family support or child protection plans.

The Role of An Garda Síochána

The role of An Garda Síochána is to investigate alleged crimes and it is the responsibility of the Director of Public Prosecutions (DPP) to decide on and carry out prosecutions.

*The National Vetting Bureau of An Garda Síochána issues vetting disclosures to organisations employing people who work on a full-time, part-time, voluntary or student placement basis with children and/or vulnerable adults. The National Vetting Bureau does **not** decide on the suitability of any person to work with children and vulnerable adults. Rather, in response to a written request for vetting, the National Vetting Bureau releases criminal history and other specified information on the person to be vetted to the prospective recruiting organisation. Decisions on suitability for recruitment*

rest at all times with the recruiting organisation, and the results of vetting should form only one part of the recruitment decision.

Joint Working Between Tusla and An Garda Síochána

Joint working between Tusla and An Garda Síochána forms an integral part of the child protection and welfare service. If Tusla suspects that a crime has been committed and a child has been wilfully neglected or physically or sexually abused, it will formally notify the Gardaí without delay. The specific focus of An Garda Síochána concerning child abuse and neglect is on preserving life; vindicating the human rights of each individual; and preventing, investigating and detecting criminal offences. On the basis of the investigation, An Garda Síochána may prepare a file for the Director of Public Prosecutions, who will decide whether to initiate a prosecution.

Where a child is at immediate risk of harm, Tusla and An Garda Síochána will work together to ensure the safety of the child. If a member of the Gardaí has reasonable grounds for believing that there is an immediate and serious risk to the health or welfare of a child, and it would not be sufficient for the protection of that child to await the making of an application for an emergency care order by Tusla, they may, under section 12 of the Child Care Act 1991, remove the child from danger and bring them to a place of safety. The child is then delivered to the care of Tusla as soon as possible. An emergency out-of-hours social work service provides social work consultation and advice to the Gardaí. The Gardaí have access to an on-call social worker and placements for children who need them due to the immediate risk to their safety. Tusla has a network of emergency foster carers available to receive a child removed from their family in an emergency.

If, in the course of their duties, the Gardaí become aware of a child welfare and protection concern, it should be formally reported to Tusla. As members of An Garda Síochána are Mandated Persons under the Children First Act 2015, if the concern is at or above the threshold of a mandated concern, this should be reported to Tusla.

A protocol (Tusla and An Garda Síochána Children First – Joint Working Protocol for Liaison between both Agencies) is in place between the two agencies that details how they cooperate and interact in dealing with child welfare and protection concerns. This protocol specifically covers the formal communication required between the two agencies about notifications of child welfare or protection concerns, and record keeping about joint working and recording of decisions. You can find this protocol on the websites of both agencies (www.tusla.ie and www.garda.ie).

Appendix 2: Additional Child Safeguarding Risk Assessment Template

Carrying Out a Risk Assessment

In order to comply with the statutory obligations OTM is required to review on a 24-month basis the overarching OTM Risk Assessment and to:

- identify additional risks (not already identified in the overarching OTM Child Safeguarding Risk Assessment) and the procedures / policies that are in place in the organisation to manage those risks
- notify the DLP of the additional risks and the procedures / policies that are in place to manage those risks.

The DLP must then include additional risks identified and the procedures to manage them in the overarching OTM Child Safeguarding Risk Assessment. The risk assessment process is intended to enable the organisation to:

- Identify potential risks;
- Develop policies and procedures to minimise risk by responding in a timely manner to potential risks;
- Review whether adequate precautions have been taken to eliminate or reduce these risks.

| Activity / Practice | Risk of harm identified in respect of this activity /practice | Procedures / policy in place to address the risks of harm identified in this activity / practice |
|---------------------|---|--|
| | | |
| | | |
| | | |
| | | |

Important Note: It should be noted that risk in the context of this risk assessment is the risk of “harm” as defined in the Children First Act 2015 and not general health and safety risk.

This additional risk assessment has been completed by _____(insert name of person) on behalf of the organisation on[date].

It shall be reviewed as part of the annual review of its Child Safeguarding Statement.


Signed _____ Date _____

Title:

Appendix 3: Tusla Report Forms

Form can be downloaded at:

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

| | | | |
|---|--|---|--------------------------|
|  | | <small>An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency</small> | |
| <h2 style="margin: 0;">Child Protection and Welfare Report Form</h2> <p style="margin: 0; font-weight: normal; color: #0070C0;"> <i>MANDATED PERSONS AND NON MANDATED PERSONS (Children First Act 2015 & Children First National Guidance)</i> </p> | | | |
| Is this a Mandated Report made under Sec 14, Children First Act 2015?* | | Yes | <input type="checkbox"/> |
| Mandated Person's Type | | No | <input type="checkbox"/> |
| 7. Details of Other Persons Where a Joint Report is Being Made | | | |
| First Name | | Surname | |
| Address if reporting in a professional capacity, please use your professional address | | Organisation | |
| | | Position Held | |
| | | Mobile No. | |
| | | Telephone No. | |
| Eircode | | Email Address | |
| First Name | | Surname | |
| Address if reporting in a professional capacity, please use your professional address | | Organisation | |
| | | Position Held | |
| | | Mobile No. | |
| | | Telephone No. | |
| Eircode | | Email Address | |
| 8. Parents Aware of Report | | | |
| Are the child's parents/carers aware that this concern is being reported to Tusla?* | | Yes | <input type="checkbox"/> |
| If the parent/carer does not know, please indicate reasons: | | No | <input type="checkbox"/> |
| 9. Relationships | | | |
| Details of Mother | | | |
| First Name | | Surname | |
| Address | | Mobile No. | |
| | | Telephone No. | |
| | | Email Address | |
| Eircode | | | |
| Is the Mother a Legal Guardian?* | | Yes | <input type="checkbox"/> |
| Is the Mother a Legal Guardian?* | | No | <input type="checkbox"/> |
| Details of Father | | | |
| First Name | | Surname | |
| Address | | Mobile No. | |
| | | Telephone No. | |
| | | Email Address | |
| Eircode | | | |

Child Protection and Welfare Report Form

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

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

10. Household Composition

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

11. Details of Person(s) Allegedly Causing Harm

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

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

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

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

Child Protection and Welfare Report Form

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

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

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

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

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

Thank you for completing the report form.

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

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

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

| |
|------------------------------------|
| Mandated Report Acknowledgement by |
|------------------------------------|

Child Protection and Welfare Report Form

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

| | | | | | |
|------------|--|---------|--|-----------|--|
| First Name | | Surname | | Date Sent | |
|------------|--|---------|--|-----------|--|

| | |
|------------------------------|--|
| Authorised Person Signature* | |
| Date* | |

| | | | | |
|------------------------|-----|--------------------------|----|--------------------------|
| Child Previously Known | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Allocated Case No | | | | |

Retrospective Abuse Report Form

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



Use block letters when filling out this form.
Fields marked with an * are mandatory.

| | |
|--|----------------------|
| 1. Tusla Area (this is where the person subject to allegations of abuse resides (PSAA))* | <input type="text"/> |
|--|----------------------|

| | |
|--------------------|----------------------|
| 2. Date of report* | <input type="text"/> |
|--------------------|----------------------|

| | |
|---|----------------------|
| 3. Date information was received by reporter* | <input type="text"/> |
|---|----------------------|

4. Reporter details if third party*

| | | | |
|---|----------------------|---------------|----------------------|
| First name | <input type="text"/> | Surname | <input type="text"/> |
| Address if reporting in a professional capacity, please use your professional address | <input type="text"/> | Organisation | <input type="text"/> |
| | | Position held | <input type="text"/> |
| | | Mobile no. | <input type="text"/> |
| | | Telephone no. | <input type="text"/> |
| Eircode | <input type="text"/> | Email address | <input type="text"/> |

| | |
|--|----------------------|
| Reporter's relationship to adult complainant | <input type="text"/> |
|--|----------------------|

| | | | | |
|--|-----|--------------------------|----|--------------------------|
| Is this a mandated report made under Sec 14, Children First Act 2015?* | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|--|-----|--------------------------|----|--------------------------|

| | |
|------------------------|----------------------|
| Mandated person's type | <input type="text"/> |
|------------------------|----------------------|

5. Details of other persons where a joint report is being made

| | | | |
|---|----------------------|---------------|----------------------|
| First Name | <input type="text"/> | Surname | <input type="text"/> |
| Address if reporting in a professional capacity, please use your professional address | <input type="text"/> | Organisation | <input type="text"/> |
| | | Position Held | <input type="text"/> |
| | | Mobile No. | <input type="text"/> |
| | | Telephone No. | <input type="text"/> |
| Eircode | <input type="text"/> | Email Address | <input type="text"/> |

| | | | |
|---|----------------------|---------------|----------------------|
| First Name | <input type="text"/> | Surname | <input type="text"/> |
| Address if reporting in a professional capacity, please use your professional address | <input type="text"/> | Organisation | <input type="text"/> |
| | | Position Held | <input type="text"/> |
| | | Mobile No. | <input type="text"/> |
| | | Telephone No. | <input type="text"/> |
| Eircode | <input type="text"/> | Email Address | <input type="text"/> |

Retrospective Abuse Report Form

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

6. Details of person disclosing abuse (adult complainant)*

| | | | |
|------------|--------------------------|----------------------------|--------------------------|
| First name | | Surname | |
| Male | <input type="checkbox"/> | Female | <input type="checkbox"/> |
| Address | | Date of birth | |
| | | Estimated age | |
| | | Previous address, if known | |
| Eircode | | | |

7. Type of abuse being reported*

| | | | |
|-----------------|--------------------------|----------------|--------------------------|
| Emotional abuse | <input type="checkbox"/> | Physical abuse | <input type="checkbox"/> |
| Neglect | <input type="checkbox"/> | Sexual abuse | <input type="checkbox"/> |

8. Details and description of alleged abuse*

| | | | |
|---------------------------|--|--------------------------------|--|
| Date of alleged abuse | | Period of alleged abuse | |
| Location of alleged abuse | | Reason for report at this time | |

Further detail (include, if known, age of adult complainant at time of abuse, age of PSAA at time of abuse). Please attach additional sheets if necessary.

9. Details of person subject to allegations of abuse (PSAA)

| | | | |
|-------------|--------------------------|---------------|--------------------------|
| First name* | | Surname* | |
| Male* | <input type="checkbox"/> | Female* | <input type="checkbox"/> |
| Address | | Date of birth | |
| | | Estimated age | |
| | | Mobile no. | |
| | | Telephone no. | |
| Eircode | | Email address | |
| Occupation | | | |

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10. Details of PSAA's social and employment status

| |
|--|
| |
|--|

11. PSAA household composition

| First name | Surname | Relationship | Date of birth | Estimated age | Additional information, e.g. school, occupation, etc. |
|------------|---------|--------------|---------------|---------------|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

12. Does the PSAA have contact with children?* Yes No

If Yes, please complete information below. If No, proceed to 11.

| Details of child | | | | | |
|-----------------------------------|--------------------------|----------------------|--------------------------|---------|--------------------------|
| First name | | Surname | | | |
| Address | | Mobile no. | | | |
| | | Telephone no. | | | |
| | | Email address | | | |
| | | Date of birth | | | |
| Eircode | | Age | | | |
| Parent/carers' names | | Parent/carers' names | | | |
| Relationship to adult complainant | | Relationship to PSAA | | | |
| Frequency of contact, if known | | | | | |
| Male | <input type="checkbox"/> | Female | <input type="checkbox"/> | Unknown | <input type="checkbox"/> |

Please attach additional sheets for additional children, if necessary.

13. Based on information known at this time, is the PSAA known to the Tusla Social Work Department? Yes No

If yes, please provide detail:

14. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department? Yes No

If yes, please provide detail:

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| | | | | | |
|---|----------------------|-------------------------|--------------------------|----|--------------------------|
| 15. Based on information known at this time, has a report been made to An Garda Síochána? | | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Garda name: | <input type="text"/> | Telephone no. | <input type="text"/> | | |
| Garda district: | <input type="text"/> | Email: | <input type="text"/> | | |
| Address: | <input type="text"/> | PULSE ID number: | <input type="text"/> | | |
| | | Date notification made: | <input type="text"/> | | |
| Eircode | <input type="text"/> | Date report made | <input type="text"/> | | |

| | | | | |
|--|-----|--------------------------|----|--------------------------|
| 16. Is the PSAA aware of this report? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| If yes, please provide further details: <input type="text"/> | | | | |

| | | | | |
|---|-----|--------------------------|----|--------------------------|
| 17. Any additional information | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Please provide any further information that will assist Tusla in assessing and prioritising this report: <input type="text"/> | | | | |

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

Please ensure you have indicated if this is a mandated report in section 2.

Thank you for completing the report form.

18. For completion by Tusla authorised person on receipt of report

| | | | | | |
|------------------------------------|----------------------|---------|----------------------|-----------|----------------------|
| Report received by | | | | | |
| First name | <input type="text"/> | Surname | <input type="text"/> | Date | <input type="text"/> |
| Mandated report acknowledgement by | | | | | |
| First name | <input type="text"/> | Surname | <input type="text"/> | Date sent | <input type="text"/> |

Retrospective Abuse Report Form

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

| | |
|------------------------------|--|
| Authorised person signature* | |
| Date* | |

| | | | | |
|------------------------|-----|--------------------------|----|--------------------------|
| Child previously known | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| Allocated case no | | | | |

Appendix 4: Schedule of Relevant Services under The Children First Act 2015

Schedule 1 of the Children First Act 2015 defines Relevant Services as:

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
 - (a) an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,
 - (b) a school or centre of education, both within the meaning of the Education Act 1998,
 - (c) any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children, (d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities,
 - (e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,
 - (f) a children detention school within the meaning of section 3 of the Children Act 2001,
 - (g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
 - (h) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.
2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.
3. Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.
4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
5. Any work or activity which consists of the provision of—
 - (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,
 - (b) care or supervision of children, or
 - (c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.
6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.

7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.
8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or legal guardian.
9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with children.

Appendix 5: Schedule of Mandated Persons under The Children First Act 2015

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practices as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practices as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the
9. register of that profession.
10. Social worker who practices as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
11. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
12. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
13. Teacher registered with the Teaching Council.
14. Member of An Garda Síochána.
15. Guardian *ad litem* appointed in accordance with section 26 of the Child Care Act 1991.
16. Person employed in any of the following capacities:
 - (a) manager of domestic violence shelter;
 - (b) manager of homeless provision or emergency accommodation facility;
 - (c) manager of asylum seeker accommodation (direct provision) centre;
 - (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
 - (f) manager of a language school or other recreational school where children reside away from home;
 - (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - (h) director of any institution where a child is detained by an order of a court;

- (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
- (j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
- (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

17. Youth worker who—

- (a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
- (b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

18. Foster carer registered with the Agency.

19. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Appendix 6: Relevant Legislation

Child Care Act 1991

This is the key piece of legislation, which regulates childcare 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 childcare act also sets out the statutory framework for taking children into care, if necessary.

Non Fatal Offences Against The Person Act 1997

This act codifies the criminal law on offences against a person and includes the offences of assault causing harm, endangerment and abduction. Generally speaking, the act does not limit in terms of age and can apply to offences against a person perpetrated by a child and an offence suffered by a child. The defence of assault was previously defensible by virtue of a common law defence of reasonable chastisement, and this defence was removed in the children first act.

It is worth noting that a number of offences, such as assault causing harm, are scheduled offences under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 and accordingly information on such an offence must be notified to an Garda Síochána.

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 a person reports 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. A person who makes a report in good faith and in the child's best interests, may also be protected under common law by the defence of qualified privilege.

The act created an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or of the Health Service Executive (HSE) or to a member of an Garda Síochána "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

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

Criminal Justice Act 2006

Reckless Endangerment

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. Accordingly, it is very important to note that -

- The fact that a member of OTM has dealt with a child protection or welfare concern in accordance with these procedures and/or reported it under the children first act, 2015 does not absolve that person of his or her statutory obligation to disclose information to an Garda Síochána under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 where that person has information that falls within the scope of that act or

The fact that a member of OTM has disclosed information to an Garda Síochána does not absolve that person of his or her obligations to report concerns to Tusla in accordance with the requirements of these procedures and/or in accordance with requirements of 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

This act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

The schedule of relevant services under the children first act 2015 is contained in Appendix 6 of these procedures.

A full schedule of Mandated Persons under the children first act 2015 is contained in Appendix 7 of these procedures.

Through the provisions of the act, it is intended to:

- Raise awareness of child abuse and neglect or harm against a child;
- Provide for mandatory reporting of instances of harm by key professionals;
- Improve child safeguarding arrangements in organisations providing services to children;

Provide for cooperation and information-sharing between agencies when Tusla – child and family agency, is undertaking child protection assessments.

The Children First Act 2015 will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

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.

OTM management should note that records forwarded to a public body by all members of OTM and held by that body may be subject to the provisions of the freedom of information acts.

The Data Protection Acts, 1998 And 2003

The data protection acts are designed to protect the rights of individuals with regard to personal data. The law defines personal data as “data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller”.

The acts give a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

GDPR (General Data Protection Regulation)

Is a regulation in EU law on data protection and privacy for all individuals within the European Union. It also addresses the export of personal data outside the EU. It came into force on May 25th 2018, giving individuals more control over how our data is used, and putting more responsibility on businesses who use it.

Appendix 7: Schedule of Offences as set out in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

Offences against children for purposes of offence under section 2

1. Murder.
2. Manslaughter.
3. Common law offence of false imprisonment.
4. Rape.
5. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
6. Sexual assault.
7. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
8. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
9. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
10. An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993.
11. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
12. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under the age of 17 years).
13. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998—
 - (a) section 3 (child trafficking and taking, etc., child for sexual exploitation),
 - (b) section 4 (allowing child to be used for child pornography).
14. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule.
15. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008—
 - (a) section 2 (trafficking, etc., of children),
 - (b) section 5 insofar as it relates to a child who has been trafficked

for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person),

(c) section 7 insofar as it relates to an offence under section 2 of that Act or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998.

16. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).

17. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).

18. An offence under any of the following provisions of the Non-Fatal Offences against the Person Act 1997—

(a) section 3 (assault causing harm),

(b) section 4 (causing serious harm),

(c) section 5 (threats to kill or cause serious harm),

(d) section 13 (endangerment),

(e) section 15 (false imprisonment),

(f) section 16 (abduction of child by parent, etc.),

(g) section 17 (abduction of child by other persons).

19. An offence under section 246 of the Children Act 2001 (cruelty to children).

20. An offence under any of the following provisions of the Criminal

Justice (Female Genital Mutilation) Act 2012—

(a) section 2 (offences of female genital mutilation, etc.),

(b) section 3 (offence of removal from State for purpose of female genital mutilation),

(c) section 4 (acts, etc., done outside State).

Offences against vulnerable persons for purposes of offence under section 3

1. Common law offence of false imprisonment.

2. Rape.

3. Rape under section 4 of the Criminal Law (Rape)

(Amendment) Act 1990.

4. Sexual assault.

5. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.

6. An offence under section 1 of the Punishment of Incest Act

1908 (incest by males).

7. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).

8. An offence under either of the following provisions of the Criminal Law (Sexual Offences) Act 1993—

(a) subsection (1) of section 5 insofar as it provides for an offence of having sexual intercourse, or committing an act of buggery, with a person who is mentally impaired within the meaning of that section (other than a person to whom the alleged offender is married or to whom he or she believes with reasonable cause he or she is married),

(b) subsection (2) of section 6 insofar as it provides for an offence of soliciting or importuning a person who is mentally impaired within the meaning of that section (whether or not for the purposes of prostitution) for the purposes of the commission of an act that would constitute an offence under section 5(1) (insofar as it is referred to in *paragraph (a)*) of that Act or an offence referred to in section 2 of the Criminal Law (Rape) (Amendment) Act 1990.

9. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule to the extent that it is so specified.

10. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008—

(a) section 4 (trafficking of persons other than children),

(b) section 5 insofar as it relates to a person in respect of whom an offence under subsection (1) or (3) of section 4 of that Act has been committed (soliciting or importuning for purposes of prostitution of trafficked person),

(c) section 7 insofar as it relates to an offence under section 4 of that Act.

11. An offence under section 3 of the Non-Fatal Offences against the Person Act 1997 (assault causing harm).

Appendix 8: Definition and Recognition of Child Abuse

Types of child abuse and how they may be recognised

The Children First Guidance 2017 provides that 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.

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 is defined as 'to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care'.

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

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.

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 covered in the references to assault in the Children First Act 2015.

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 defense of reasonable chastisement in court proceedings. This defense 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 defense 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 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.

As all sexual abuse falls within the category of **seriously affecting a child's health, welfare or development**, all such concerns must be reported to the relevant statutory services.

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.

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:
 - a. 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]
 - b. Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
 - c. 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.

Circumstances which may make children more vulnerable to harm

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.

In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

In addition, a child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

A list of the range of issues in a child's life that may place them at greater risk of abuse or neglect is contained in Chapter 2, p11, of Children First 2017

Retrospective Disclosures by Adults

Some adults may disclose abuse that took place during their childhood. If such a disclosure is made to any member of OTM and **there is a reasonable concern about a continuing risk to children** who may be in contact with the alleged abuser revealed in such disclosures, **the concern must be reported to Tusla / An Garda Síochána** in accordance with the reporting procedures outlined in these procedures. The Tusla Retrospective Abuse Report form is available in Appendix 4 or can be downloaded at:

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

Bullying

It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.

Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others.

It is behaviour that is intentionally aggravating and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion.

Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.

While bullying can happen to any child, some may be more vulnerable. These include: children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral may need to be made to Tusla and/or An Garda Síochána in accordance with the OTM reporting procedures.

Appendix 9: Acceptance of the OTM Child Safeguarding Statement

I have read the OTM Child Safeguarding Statement and Child Safeguarding Risk Assessment.

I agree to abide by its contents and act in accordance with the OTM Child Safeguarding Statement.

There is no reason why I would be considered unsuitable to work with children or young people.

Name: _____

Department _____

Signed: _____

Date: _____

Return the completed form to the Managing Director for retention on file

