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# **Child Protection and Welfare Policy**

**Policy Number: STP0026**

**St Paul's Child and Family Care Centre (CFCC)**

<b>Date</b>	<b>Revision No.</b>	<b>Change</b>	<b>Reference Section(s)</b>
July 2015	2	Throughout	
Sept 2015	3	Throughout	
March 2016	4	Amended	3.1, 4.7, Staff Reporting Procedure Graph (pg.7)
October 2016	5	Amended	3.1, 4.5, 4.6 Reporting procedure and Graph (pg. 7)
May 2017	6	Throughout	
July 2018	7	Throughout	
April 2019	8	Amended	1, 6, 8,9,13,19 Reporting procedure and Graph (pg. 17) Names of Social Worker / Interim Director of Services
April 2021	9	Amended Throughout	Most Sections
November 2022	10	Added / Amended /Removed	Contents,1.0, 2.2, Reporting Chart,7.2, 7.3,8.1,9.0,10.0,12.0, 15.0, 20.0
April 2024	11	Added/ Removed	19.0, 19.1 Dealing with a retrospective allegation

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**Authorised by: St Paul's Director of Service & Medical Director**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **Table of Contents:**

- 1.0** Introduction
- 2.0** St Pauls CFCC's Safeguarding Principles
- 3.0** Purpose
- 4.0** Children First Act 2015
- 5.0** Examples of abuse
- 6.0** Tusla National Approach to Practice: The Signs of Safety
- 7.0** Reporting mandated concerns
- 8.0** Summary of Reporting Guidance's
- 9.0** Making Mandated Report
- 10.0** Disclosure of Abuse from a child
- 11.0** Mandated person who works with adults
- 12.0** Consequences of non-reporting
- 13.0** Mandated Assisting
- 14.0** Peer Abuse
- 15.0** Protection from civil liability
- 16.0** Confidentiality
- 17.0** Informing the family that a report is being made
- 18.0** Record keeping
- 19.0** Dealing with a retrospective allegation
- 20.0** Training and Education
- 21.0** Information Technology (I.T.) Policy and Safeguarding Children's Use of Computers, Electronic Communication and Information Technology
- 22.0** Implementation

## **Appendices**

# **Section 1**

## **1.0 Introduction**

On the 1<sup>st</sup> January 2014 the Child and Family agency (Tusla) became an independent legal entity, comprising HSE Children and Family Services, the Family Support Agency and the National Educational Welfare Board as well as incorporating some Psychological Services and a range of services responding to domestic, sexual and gender based violence.

The agency operates under the Child and Family Act 2013, a progressive piece of legislation with children at its heart and families viewed as the foundation of a strong healthy community where children can flourish. Partnership and co-operation in the delivery of a seamless service to children and families are also central to the Act.

### **Remit**

Under the Child and Family Act 2013 the Child and Family Agency is charged with:

- Offering care and protection for children in circumstances where their parents have not been able to, or are unlikely to, provide the care that a child needs. In order to discharge these responsibilities, the Agency is required to maintain and develop the services needed in order to deliver these supports to children and families and provide certain services for the psychological welfare of children and their families.
- Responsibility for ensuring that every child in the State attends school or otherwise receives an education and for providing educational welfare services to support and monitor children's attendance, participation and retention in education.
- Ensuring that the best interests of the child guide all decisions affecting individual children.
- Consulting children and families so that they help to shape the agency's policies and services.
- Strengthening interagency co-operation to ensure seamless services responsive to needs.
- Undertaking research relating to its functions and providing information and advice to the Minister regarding those functions; and
- Commissioning services relating to the provision of child and family services

### **Services**

The Child and Family Agency's services include a range of universal and targeted services:

- Child protection and welfare services;
- Educational welfare services;
- Psychological services.
- Alternative care;
- Family and locally based community support;
- Early years services;
- Domestic, sexual and gender-based violence services.

## Scope

St Pauls CFCC has implemented this Child Protection Policy to underpin its commitment to the safety and welfare of children and young people who engage with its services.

This Child Protection Policy applies to all staff. Unless otherwise stated, reference to staff includes the following:

- Staff employed directly by St Pauls CFCC on permanent, fixed term and casual contracts,
- Self-employed or contractors, Students, and Volunteers.

For the purposes of this policy a child/young person means a person under the age of 18 years, excluding a person who is or has been married.

## **2.0 St Pauls CFCC Safeguarding Principles**

The safety, welfare and development of children and young people are a core objective and key priority for St Pauls CFCC. Every staff member has a responsibility and duty of care to ensure that every child/young person availing of our service is safe and protected from harm (physical/emotional/sexual abuse or neglect). The policies and procedures outlined in this Child Safeguarding Statement apply to all St Pauls CFCC's staff (employees, students, trainees, volunteers, contractors and any person performing any role or function in, or on behalf of, the St Pauls CFCC). This Child Safeguarding Statement is informed by the following risk assessment.

### **2.1 Risk Assessment**

St. Pauls CFCC has carried out a risk assessment for all three Designated Centres and have put in place measures to ensure that our service is safe. St Paul's CFCC has also completed six risk assessments as laid out in the Children's First Act 2015 for all Relevant Services. These risk assessments informed our Child Safeguarding Statement which is displayed prominently in all designated areas.

### **2.2 Procedures**

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, the Children First: National Guidance, and Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice. In addition to the procedures listed in our risk assessment for each Designated Centre, the following procedures support our intention to safeguard children while they are availing of our service: (All procedures listed are available upon request)

- Procedure for the management of allegations of abuse or misconduct by a staff member, volunteers, third party or student of a child availing of our service will be investigated through the HSE's Trust in Care Policy. Trust in Care training will be provided to all staff members annually
- "An Introduction to Children First" mandatory eLearning training and information session for all staff.
- Procedure for the safe recruitment and selection of workers and volunteers to work with children as per the Recruitment Selection Policy STP0061
- Procedure for the reporting of child protection or welfare concerns to Tusla
- Requirement on St Pauls CFCC to maintain a list of mandated persons.

- Risk Management Policy STP0054 to assess and manage any risk of harm.
- **St Paul's CFCC Safety Statement** to inform St Paul's CFCC management of any incident where a child has been harmed whilst availing of the service
- Please read this policy in conjunction with policy Safeguarding Vulnerable persons at risk of abuse STP0065 for service users over 18 years of age

### 3.0 PURPOSE

The purpose of this policy is to set out the management of child protection and welfare concerns in St Paul's CFCC. It seeks to keep children safe by promoting children's rights and their well-being, by encouraging an environment across the organisation where children are listened to and where staff work together with the children, they supported but are also supported in their safeguarding responsibilities.

There is a requirement for all St Paul's CFCC staff to be aware of their duty of care to children and young adult under Children First legislation and guidance and Safeguarding Vulnerable Adult. This policy provides:

- Procedures for managing child protection or welfare concerns
- Details of the roles and responsibilities in relation to child protection and welfare concerns
- Guidance on recognising signs of child abuse and neglect
- Information on legal responsibilities

It is the responsibility of every staff member in St. Paul's CFCC to ensure that s/he has read; is familiar with and complies with this policy and will thereafter ensure that this policy is adhered to in the management of child protection and welfare cases.

St Paul's CFCC has a Complaints Policy which deals with complaints in line with Your Service Your Say guidelines.

### 4.0 CHILDREN FIRST ACT 2015

The need to revise the Children First: National Guidance for the Protection and Welfare of Children came about because of the enactment of the Children First Act 2015. This Act places several statutory obligations on specific groups of professionals and on particular organisations providing services to children. This revised Guidance includes information on the statutory obligations for those individuals and organisations under the Act. It also sets out the best practice procedures that should be in place for all organisations providing services to children.

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

- Raise awareness of child abuse and neglect
- Provide for mandatory reporting 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 legislation also contains a provision that removes the defence of reasonable chastisement in relation to corporal punishment as part of court proceedings.**

## **Section 2 – Information and procedure in recognising and reporting Child Protection Concerns**

### **5.0 Examples of abuse**

As per Children First, a child means a person under the age of 18 years excluding a person who is or has been married.

Where an individual in St. Pauls CFCC reaches the age of 18 and is still attending the service, St Pauls CFCC will follow the “Safeguarding of Adults and Vulnerable Persons at Risk of Abuse: National Policy & Procedures” HSE 2014) and St Paul’s Safeguarding Vulnerable Persons at risk of Abuse Policy (SPT0065).

**Harm:** Where the word “harm”, in relation to a child, is used in this Policy, it should be taken to include:

- 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
- Sexual abuse, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise.

### **5.1 Examples of Abuse**

Abuse 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 or 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 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.

#### **5.1.1 Examples of neglect**

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.

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

### 5.1.2 Examples of emotional abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

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

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

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

### 5.1.3 Examples of physical abuse

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

Physical abuse can include the following:

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

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

### 5.1.4 Examples of sexual abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

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

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:



- Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
- Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
- Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

## **6.0 Tusla National Approach to Practice: The Signs of Safety**

Tusla has adopted the Signs of Safety approach as a way of working with children and their families. The Signs of Safety approach is helpful, as it gives a clear and effective way to assess risk and find solutions.

It uses four simple questions to ask when thinking about and working with a family:

1. What are we worried about?
2. What's working well?
3. What needs to happen?
4. How worried are we on a scale of 1 to 10?

These questions provide a sound and well-structured focus for the conversations that take place when we believe children's needs are not being met and something else is needed to improve outcomes for children. The questions below in Step 1 have been developed using the Signs of Safety approach. They provide a focus for your consideration before you contact us. The information you provide can help us to ensure children and families get a timely and appropriate response.

### **– Questions you might ask yourself and the family**

Before making the decision to make a report to Tusla, there are some useful questions you might ask yourself if you have concerns about a child.

#### **What am I worried about?**

What have I seen or heard that worries me about the child?

If nothing changes, what am I most worried about that will happen to the child?

What are the adults that are caring for the child doing that is bad for or harming the child?

What has been the impact of their behaviour on the child?

What would the child say they are most worried about?

#### **What is working well?**

Who helps or supports the family and child?

How do they help?

Thinking about the problems I am worried about who has helped the child and family deal with this problem in the past?

What do I like about the child/parents?

What would the child say are the best things about their life?

**What needs to happen?**

What do I think needs to happen to make the situation better?

Who do I think is best placed to help this family?

What services do I think the family/parent/children need most?

It may not always be appropriate or necessary to ask all of these questions and you should use your **professional judgement** in each situation.

You may not always have all this information about a family. However, if you are concerned about a child but unsure if you should report it to Tusla, you can contact the Designated Liaison Officer or Tusla (informally) to discuss your concerns.

## Reporting Process for Child Protection and Welfare Concern in St Paul's CFCC

Respite staff have a Child Protection concern → Ensure the child's safety → Inform PIC → Report Concern to Tusla (As all staff in St Paul's CFCC are Mandated Persons under the Children's First Act 2015 it is your responsibility to report concern to Tusla)

MDT staff / Management as Mandated Persons must report any child protection concerns to Tusla. All Child Protection concerns originating in the school or by school staff should be reported to the School Principal / Teacher however if you become aware of a Child Protection concern from School Staff you must clarify which organisations reporting procedure is being followed. If in doubt over referral you must make a referral to Tusla.

### Making a referral to Tusla:

Respite staff can link in with their PIC / Designated Liaison Person around any Child Protection Concern they may have and if it is deemed to have reached the criteria for a referral to Tusla (Reasonable Grounds / Thresholds). Please note Respite Staff are Mandated Persons and it is their responsibility to make the referral to Tusla. The family that the Child Protection Concern relates to should be informed prior to the report being submitted unless however it is deemed it would endanger the child. PIC and staff can link in with SW for assistance.

All MDT staff are Mandated Persons, they must make a referral to Tusla if they deem it appropriate and concern reaches the criteria laid out by Tusla (Reasonable Grounds / Thresholds). MDT staff should inform parent that a referral is being made prior to submitting referral unless it is deemed this information would endanger the child. MDT staff can link in with SW if needed.

### Out of hours

**Any child protection concerns arising out of hours must be reported to** Tulsa out of hours - 0818 776 315 between 6pm and 6am or call the Gardai Operations on Call Manager (Mater Hospital) must be informed and can be linked with for support.

### Other Concerns

If a staff notices a child protection risk to the child from another member of staff at any time, staff should ensure the child's safety and inform PIC. If out of hours, staff should contact the Operations on Call Manager (Mater Hospital) staff should inform child's parents / emergency contact and arrange collection of children. Gardaí should be called along with Tulsa **out of hours - 0818 776 315** between 6pm and 6am

If a staff member notices the potential of a Child Protection issue from a peer immediately try and ensure the safety of the child, record concerns and inform PIC if out of hours staff should contact the Operations on Call Manager (Mater Hospital) If the child's safety cannot be insured contact the child's parents for collection

## 7.0 RESPONSIBILITIES

All staff is responsible for ensuring the protection and welfare of children in St Pauls CFCC. Some staff has additional responsibilities arising in relation to their position as a senior manager or line manager, or in relation to specific role they may hold, such as Mandated Person or Named Person. These roles and responsibilities are outlined below.

### 7.1 All Staff

**The welfare and protection of children is the responsibility of all St Pauls CFCC staff.** Staff must commit to supporting each other and working in partnership in the best interests of children and young people, as well as committing to ensure full organisational compliance with the law and policies governing Children First in Ireland. All staff must be aware of and understand their responsibilities under the relevant Children First in Ireland. All staff must be aware of and understand their responsibilities under the relevant Children First legislation, guidance and safeguarding policies. Staff must ensure they:

- Have read and understand:
- Completion of Children's First Training
- This policy document
- The St Paul's CFCC Child Safeguarding Statement
- Children First National Guidance (2017) and relevant Tusla reporting guidance, and/or have access to same as relevant to their role
- Complete the HSE eLearning module 'An Introduction to Children First' in line with requirements, and attend additional training as appropriate to their role
- Social Worker completed a Child Protection Briefing which all staff must complete along with questionnaire
- Are aware if they are Mandated Person under the Children First Act 2015, and are familiar with their role in this regard
- Report child protection and welfare concerns in accordance with the procedures outlined in this policy
- Provide any necessary assistance to assist Tusla in their assessment of a child protection and welfare of children
- Concerns that have not reached the threshold for reporting to Tusla, but which have been a subject of consultation within and/or outside St Pauls CFCC are discussed with line managers and records are retained/stored in line with St Paul's CFCC Child Protection and Welfare record keeping.
- Safeguard children and support families as relevant to their role

### 7.2 Relevant Person

All organisations that provide services to children are required to develop specific policies and procedures and complete risk assessments in relation to Child Protection to ensure a safe environment for all children using the service. This is also part of the services compliance with the Children's First Act 2015 and its obligations of being a Relevant Service. St Pauls CFCC has appointed the **Senior Social Worker** as the Relevant Person to develop its guiding principles and child safeguarding procedures. The roles and responsibilities of a named person include:

- Leading the development of guiding principles and child safeguarding procedures in St Pauls CFCC and for ensuring that policies and procedures are consistent with best practice as detailed in Children First Act 2015
- Liaise with all staff and volunteers who have relevant roles and responsibilities.
- S/he will also assist with the policy review process.

- Keep copies of all Child Protection and Welfare reports to Tusla in the designated secured cabinet in line with St Pauls CFCC Child Protection and Welfare Record.
- Complete Child Welfare risk assessments as laid out by the Children's First Act 2015 and update Child Protection Safeguarding Statement
- St Paul's CFCC Procedure for Maintain a list of Mandated Persons STP –P017 in place to ensure all Mandated Person are aware of their responsibilities
- St Paul's CFCC Procedure for Appointing a Relevant Person STP –P016 is in place to ensure there is an appropriate Relevant person in place to oversee the implementation of Children's First 2015 in the service
- Display Child Safeguarding Statement in a prominent place in each Designated Centre

## **Section 3 - Further Information**

### **7.3 Persons in Charge (PICs)**

Persons in Charge are required to support the Family Supports and Child Protection Awareness Committee in the implementation of this policy. Roles and responsibilities of line managers include ensuring that:

- Staff within their area of responsibility are clear on their roles as outlined in above
- This policy forms part of the induction process for new staff
- They provide assistance to staff who have child protection or welfare concern and can support staff to make a referral to Tusla / Gardai
- Ensure St Paul's CFCC reporting procedure is followed where there is a child protection or welfare concern
- Ensure all staff completes the HSE eLearning Programme 'An Introduction to Children First', as well as any other additional training appropriate to their role. A certificate of completion should be retained on the staff file.
- Complete Child Protection briefing
- Copies of all reports sent to Tusla and An Garda Síochána are forwarded to the Named Person in line with St Paul's CFCC Child Protection and Welfare record keeping
- Records of concern that have not reached the threshold for reporting to Tusla, but which have been subject of consultation within and/or outside St Pauls CFCC are retained in line St Paul's CFCC Child Protection and Welfare record keeping.
- They are clear on their role in ensuring that staff are compliant with the management of child protection and welfare concerns as outlined in 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 Child Protection and Welfare Policy in their area of responsibility

### **7.4 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.

(Please consult the full list of people who are classified as mandated persons under the Act in Appendix 1 to establish if you are a mandated person).

It is the responsibility of the appropriate line manager (Person In Charge, Assistant Director of Service, Director of Service) to ensure that when new staff are recruited the mandated list and appropriate form is complete where appropriate.

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

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

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

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

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

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

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

*'Where a child believes that he or she–*

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

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

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

*'harm means in relation to a child–*

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

See appendix for list of mandated persons.

If you believe a child is in immediate danger you should contact An Garda Síochána immediately

## **7.5 Family Supports and Child Protection Awareness Committee**

The purpose and focus of the Family Support and Child Protection Awareness Committee are:

- **To focus on supports for the family of identified children**
- To support families who are struggling through advocacy around practical supports as well as linking families in with other members of the MDT

- All Child Protection concerns raised at the Family Supports Committee and Child Protection Awareness meetings would and should have been assessed at the time the concern first arose - at just mentioned point any concern that meets the Reasonable Grounds or Threshold of concern for a Mandated Report to Tusla a referral would and should have been submitted to Tusla. Tusla assesses all referrals themselves and they may have deemed the referral not meeting the criteria for a Child Protection concern - these families and other families not involved with Tusla but considered vulnerable will be supported by the committee through advocacy for supports, however, **any future child protection concerns should be actioned in real time by the staff member who has identified a concern and they must not wait until the next meeting to raise their concern.**
- An opportunity for St Paul's CFCC and St Paul's Special School to come together and discuss concerns and implement and seek supports for identified families and children.
- Discuss any children in the care system or any families currently involved with Tusla.
- To review and update the Child Protection and Welfare Policy as required.
- To ensure all staff are informed and aware of their responsibilities under Children First: National Guidance for the Protection and Welfare of Children 2017 and are updated on any developments through training or other as required.
- To keep an up-to-date list of Mandated Persons within St Paul's CFCC.
- To update St Paul's Safeguarding Statement and Child Protection Risk Assessments.

## 7.6 Senior Management

St. Paul's CFCC fully endorses arrangements for the vetting of all staff working directly within St Paul's CFCC and those in regular contact with the children. Please see St. Paul's Volunteer Policy (STP 0057), Contract of Employment, and St Paul's CFCC Selection and Recruitment Policy.

Medical Director and Director of Service are responsible for ensuring that this policy is implemented throughout St Paul's CFCC. Senior management have a key role in ensuring the necessary structures are in place and in overseeing compliance. This includes ensuring that all divisions within their area of responsibility:

- Ensure line managers fulfil their roles and responsibilities as outlined above
- Delegate any necessary actions or functions to line managers (and/or to identified staff) to ensure the effective implementation of this policy
- Ensure all procedures identified in St Paul's CFCC Child Safeguarding Statement are in place and operating effectively
- Ensure that all systems and processes in relation to Children First, as outlined in this policy are compliant with the General Data Protection Regulations.
- The Director of Service to keep a list of all Mandated Persons of the MDT and the PIC of each house to keep a list of all Mandated Persons
- Social Worker to update service regarding active Tusla cases and referrals.
- The Director of Service ensures the return of data to the HSE on a periodic basis (via IMR Meetings) which will reflect the number of staff who has attended training in child protection and welfare.

## 8.0 REPORTING MANDATED CONCERNS

As a mandated person, under the legislation you are required to report any knowledge, of a concern that meets Reasonable Grounds and Thresholds criteria as laid out by Tusla.

### 8.1 Respite Staff reporting a Child Protection a concern to your PIC

The following reporting procedure should be followed:

- As all staff in St Paul's CFCC are Mandated Person it is the staffs reasonability to report a concern to Tusla / Gardai. Staff can link with their PIC for assistance

**There are two guidance's provided by Tusla to assist us in deciding if a concern reaches a certain level for a referral to Tusla they are: Thresholds and Reasonable Grounds**

### 8.2 Thresholds

The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse have been described above.

The threshold of harm for each category of abuse at which mandated persons have a **legal** obligation to report concerns is outlined below. If your concern does not reach the threshold for mandated reporting, but you feel it is a **reasonable concern** about the welfare or protection of a child, you should report it to Tusla under the new Guidance.

#### 8.2.1 Neglect

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

#### 8.2.2 Emotional abuse/ill-treatment

Ill-treatment is defined as 'to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated'. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015.

The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

#### 8.2.3 Physical abuse

Physical abuse is covered in the references to assault in the Children First Act 2015. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result the



child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

#### **8.2.4 Sexual abuse**

If, as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla under the Children First Act 2015. Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

A full list of relevant offences against the child which are considered sexual abuse is set out in Appendix 4.

**As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, you must submit all concerns about sexual abuse as a mandated report to Tusla.**

### **8.3 Reasonable Grounds**

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

Reasonable grounds for a child protection or welfare concern include:

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

### **8.4 Summary of reporting Guidance**

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

- The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made
- Reports of concerns should be made without delay to Tusla
- If you believe a child is in immediate danger you should contact An Garda Síochána immediately

- Any suspicion of sexual abuse on a child immediate action should be taken by contacting Tusla or the Gardai.

## 9.0 MAKING A MANDATED REPORT

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

As all staff in St Paul's CFCC are Mandated Persons you are required to submit a report of a mandated / welfare concern to Tusla using the Tusla Web Portal on [www.Tusla.ie](http://www.Tusla.ie). You will need to register with your email the first time you use it. There are a guidance documents and video's available to assist you on how to correctly submit your report. Contact Designated Officer/ PIC or Social Worker for assistance / guidance if required.

The key steps are elaborated below and summarised below in *Figure 1: Reporting Process for Mandated Persons on Child Protection and Welfare Concern in St Paul's CFCC*

You should include as much relevant information as possible in the report as this will aid effective and early intervention for the child and may reduce the likelihood of Tusla needing to contact you for further information.

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

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

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

You are not required to report the same concern more than once. However, if you become aware of any additional information, a further report should be made to Tusla.

In addition, you are not required to make a report where the sole basis for your knowledge, belief or suspicion of harm is as a result of becoming aware that another mandated person has made a report to Tusla about the child.

It is important to note that the statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the designated liaison person on their behalf.

Child protection concerns should be supported by evidence that indicates the possibility of abuse or neglect.

## 9.1 Joint Reporting

As a mandated person, you may make a report jointly with any other person, for example, this could arise in situations where a child attends respite or is in residential placement and could be seen by several healthcare professionals and all have concerns about the same child and wish to make a joint report to Tusla.

While mandated persons have statutory obligations to report mandated concerns, s/he may make a report jointly with another person, whether the other person is a mandated person or not.

Respite staff who has a child protection concern should advise their PIC of this concern. The concern should be discussed – PIC and staff can link in with Social Worker if needed. If a referral to Tusla is required both PIC and staff can complete a co mandated report. **Parents of child should be informed prior to referral that a referral is being made.**

MDT staff / management and other staff can link in with Social Worker or School Principal if the concern is in or raised by school staff.

## 10.0 DISCLOSURE OF ABUSE FROM A CHILD

If you receive a disclosure of harm from a child immediately ensure the safety of the child and report your concern to Tusla / Gardai immediately. Link with PIC or Social Worker for support if needed.

If you receive a disclosure of harm from a child, you may feel reluctant to report this for several reasons. For example, the child may say that they do not want the disclosure to be reported, or you may take the view that the child is now safe and that the involvement of Tusla may not be desired by either the child or their family. However, you need to inform Tusla of all risks to children above the threshold, as the removal of a risk to one child does not necessarily mean that there are no other children at risk. The information contained in a disclosure may be critical to Tusla's assessment of risk to another child either now or in the future.

You should deal with disclosures of abuse sensitively and professionally. The following approach is suggested as best practice for dealing with these disclosures.

React calmly

Listen carefully and attentively

Take the child seriously

Reassure the child that they have taken the right action in talking to you

Do not promise to keep anything secret

Ask questions for clarification only. Do not ask leading questions

Check back with the child that what you have heard is correct and understood

Do not express any opinions about the alleged abuser

Link in with PIC and Social Worker. After which link in with parents for more information

Make a written record of the conversation as soon as possible, in as much detail as possible

Treat the information confidentially, subject to the requirements of the Guidance and legislation

## **11.0 WORKING WITH PERSONS 18 AND OVER**

On occasion some children turn 18 when in our service. Once 18 this service user is then covered by Safeguarding Vulnerable Adults of Risk of Abuse National Policy and Procedures 2014. See St Paul's Policy Safeguarding Vulnerable Adults STP0065 for further information. You can also link in with Social Worker for further information.

## **12.0 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, you should be aware that there are possible consequences for a failure to report. There are a number of administrative actions that Tusla could take if, after an investigation, it emerges that you did not make a mandated report and a child was subsequently left at risk or harmed.

Tusla may:

Make a complaint to the Fitness to Practise Committee of a regulatory body of which you are a member

Pass information about your failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could therefore be disclosed to your current or future employers when you are next vetted

In general, many employers consider a failure to report a child protection concern to be a disciplinary matter. Employers are encouraged to include references to obligations in relation to mandated reporting in codes of conduct and contracts of employment for relevant persons.

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

## **13.0 MANDATED ASSISTING**

Tusla may request assistance from mandated persons when assessing a concern which has been the subject of a mandated report, regardless of who made the report.

Assistance will be relevant where a mandated person's existing knowledge of a child and/or their family are essential to the assessment or where a mandated person's professional expertise is required to ensure that the child's best interests are met. It may be that a verbal telephone report is sufficient or that the mandated person is asked for copies of existing reports, records or correspondence. Tusla may also request that a mandated person contributes their own professional report to the overall social work assessment.

### 13.1 Sharing Information

If you are required to share information with Tusla when assisting in the assessment of risk to a child, you are protected from civil liability under Section 16 (3) of the Children First Act 2015.

**Section 17 of the Children First Act 2015 provides that information shared by Tusla must not be disclosed to a third party unless authorised by Tusla in writing.**

### 14.0 PEER TO PEER ABUSE

**Sexual abuse:** Any concern of a sexual nature between peers in respite must be reported to Tusla as there is no Threshold for sexual abuse of a child. This includes witnessing other children masturbating, exposing themselves. Both children should be reported to Tusla due to the sexual nature of the incident. Both families should be informed of the incident immediately also

**Physical abuse:** If staff feels an incident between peers meets the criteria of Reasonable Grounds / Thresholds then a referral to Tusla should be made for both children. Inform parents of incident and referral to Tusla

**Emotional abuse:** If staff feels an incident between peers meets the criteria of Reasonable Grounds / Thresholds then a referral to Tusla should be made for both children. Inform parents of incident and referral to Tusla

### 15.0 PROTECTION FROM CIVIL LIABILITY

If you are required to share information with Tusla when assisting in the assessment of risk to a child, you are protected from civil liability. Section 16(3) of the Children First Act 2015 states:

*'If a mandated person furnishes any information (including a report), document or thing to the Agency pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.'*

## **16.0 CONFIDENTIALITY**

The effective protection of a child often depends on the willingness of the staff in statutory and voluntary organisations involved with children to share and exchange relevant information. It is therefore critical that there is a clear understanding of professional and legal responsibilities with regard to confidentiality and the exchange of information.

All information regarding an alleged child abuse or neglect should be shared on a 'need to know' basis in the best interests of the child with relevant third party. No undertakings regarding secrecy can be given. Those working with a child and family will make this clear to all parties involved.

The provision of information to TUSLA for the protection of a child is not a breach of confidentiality or data protection.

Parents/guardians and children/young people have a right to know if personal information is being shared, unless doing so could put the child/young person at further risk or may put the reporter at risk.

It must be clearly understood that information gathered for one purpose must not be used for another without consulting the person who provided that information.

An employee or volunteer may be expected to attend and share information as required at child protection and welfare meetings as organised by St Paul's CFCC and/or by TUSLA Child & Family Agency.

## **17.0 INFORMING THE FAMILY THAT A REPORT IS BEING MADE**

All families should be informed of referral made to Tusla before the report is submitted unless it is thought that informing the family could endanger or put the child at further risk.

It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment.

Also, you do not need to inform the family if you reasonably believe that by doing so it may place you at risk of harm from the family.

### **17.1 Working in partnership with parents/guardians and families**

Working in partnership with parents/guardians and families helps to safeguard children and young people. Forming positive relationships encourages mutual trust and reassures them that the organisation sees the welfare of the child/young person as paramount.

It is important that staffs are aware of the family structure and endeavour to involve all family members who play a key role in the child's life. This may include mothers, fathers, grandparents, foster carers, etc.

For a parent/guardian/family member to believe that they can work in partnership with professionals they need to feel respected and valued. One of the ways this can be done is to assure them that, wherever appropriate, they will be consulted/spoken with if a concern

arises about their child/young person or before information is passed on to another agency about a concern. If you feel that you might put the child/young person at risk of further harm by informing the parents/guardians that a report is going to be made to Tusla, you should discuss this concern with the Designated Officer (Senior Social Worker) or Tusla social worker prior to talking to the parents/guardian.

Discussing an issue with parents/guardians helps them to better understand the issue and gives them an opportunity to respond (*see appendix 7 for further tips on talking to parents/guardians about child protection and welfare concerns*)

## **18.0 RECORD KEEPING**

Clear, accurate and detailed recording of information and observations is essential. Facts should be distinguished from professional opinions and observations. The source of all information should be clearly recorded. Records may be requested under the Freedom of Information Act and/or subpoenaed to court. Recording should be contemporaneous and kept up to date. While the case is active records should be securely stored in a way that they are easily retrievable at short notice. See St. Paul's Healthcare Record Management and Storage Policy (STP0014) and Access to St. Paul's Information Policy (STP 0053).

The service retains a folder of records relating to child welfare or concerns, which is kept in a locked filing cabinet. All records are kept in line with St. Paul's Health care Record Management and Storage Policy STP 0014, Data Protection and Access to Information Policy and GDPR requirements.

## **19.0 DEALING WITH RETROSPECTIVE ALLEGATION**

Note: A recent Court of Appeal judgement (December 2023) has resulted in major changes for reporting requirements to Tusla, Child & Family Agency under the Children First Act 2015, when an adult makes a disclosure of childhood abuse or harm.

19.1 A mandated person is not required to make a report of an adult's retrospective disclosure of childhood abuse, unless, based on the information received from the adult disclosing abuse, the Mandated Person knows, believes or has reasonable grounds to suspect a child is being harmed or is at risk of being harmed, or the adult making the disclosure consents or requests that they do so.

- Retrospective Abuse Report Form is available on Tusla website: [www.tusla.ie](http://www.tusla.ie) or you can make a Retrospective Abuse Report online via the Tusla Portal.

## **20.0 TRAINING AND EDUCATION**

St Paul's staff and volunteers should be offered training in child protection to maintain high standards and good practice. There are opportunities for all staff, students and volunteers to develop and maintain the necessary attitudes, skills and knowledge to keep children safe.

Everyone who comes into contact with children has a role to play in their protection. To carry out this role confidently and effectively they need to be aware of child protection issues and to have the necessary knowledge and skills to keep children safe.

The Senior Social Worker is responsible for and will ensure the delivery of an information session on St Paul's CFCC Child Protection and Welfare Policy and Reporting Procedure on an annual basis to all staff.

### **20.1 Criteria for maintaining standards and good practice**



All staff, students and volunteers who work with children must take part in the induction programme covering St Paul's policy and procedures on child protection, when they join St Paul's Service.

Staff, students and volunteers must complete the Children First eLearning programme on HSELandD website every three years.

Children First Briefing session will be provided to all staff, students and volunteers including information about St Paul's reporting procedure of allegations of child abuse or neglect. To maintain high standards and good practice generally, training will be provided twice a year.

## **20.2 Ways of providing evidence of meeting objective Standards**

The following documents can be used to provide evidence that the Training Standard has been met:

- Copies of training plans or programmes with dates and times of implementation.
- Records of course attendance for all attendees.
- Induction programmes and attendance documentation.
- Copy of eLearning certificate

## **21.0 INFORMATION TECHNOLOGY (I.T.) POLICY AND SAFEGUARDING CHILDREN USE OF COMPUTERS, ELECTRONIC COMMUNICATION AND INFORMATION TECHNOLOGY**

St Paul's CFCC is committed to having a clear Communications and Information Technology (I.T.) Policy, and consider and review against local risk factors:

Computers which can be accessed by children or young people should always employ appropriate filtering software which is upgraded appropriately.

All the computers in St Paul's Administration Hub are monitored by Mater Hospital I.T Department to ensure that they are being used in accordance with the stated policy. Respite houses have laptops that are not connected to the Mater network, all access to these computers by children should be supervised by staff and all laptops should not be left unattended as a child could gain unsupervised access.

It is important for St Pauls CFCC to develop guidance to reduce the risks to children that may arise in the course of their access to the internet through Wi-Fi.

Such risks include:

- Being groomed online by paedophiles.
- Experiencing online bullying.
- Accessing or being exposed to inappropriate or harmful material.
- Having their personal contact details accessed and circulated.
- Having personal images uploaded and used without consent.

St Pauls CFCC will consider how its staff, students and volunteers use images (such as photographs and film) of children in publications or on websites. Guidance needs to be developed to ensure that:

- The content of photographs and film material is appropriate.
- There is an agreed approach as to whether and in what manner children may be identified in photographs and other images likely to be published in print media or on the Internet.



- The consent of parents or guardians and of children for the use of an image is obtained and such consent is recorded.
- Parents and children are aware of the way the image will be used to represent the organisation or activity.
- Any one-to-one photo sessions with children are supervised.

## **22.0 IMPLEMENTATION**

To keep children safe, policies, procedures and plans have to be implemented in St Pauls CFCC. Checks are needed to ensure this is happening consistently. The views of those involved inside and outside of St Pauls CFCC can help to improve the effectiveness of any measures undertaken.

### **22.1 Implementing and Monitoring the Standards**

St Pauls CFCC is committed to the implementation of the Standards, including the development and reviewing of its Child Protection Policy Document. St Pauls CFCC is committed to:

- Apply the policy and procedures demanded by national legislation.
- Create and maintain a safe environment for children in receipt of our services.
- Take the necessary steps to ensure that all staff, students and volunteers undergo the required vetting checks.
- Family Supports and Child Protection Awareness Committee

St Pauls CFCC has secured systems in place for the recording and safe storage of all child protection concerns and files.

## **Section 4**

### **APPENDIX 1:**

#### **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 practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises 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 of that profession.
9. Social worker who practises 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.
10. 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).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
  - manager of domestic violence shelter;
  - manager of homeless provision or emergency accommodation facility.
  - manager of asylum seeker accommodation (direct provision) centre.
  - addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
  - psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies.
  - manager of a language school or other recreational school where children reside away from home.
  - member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community.
  - director of any institution where a child is detained by an order of a court.
  - 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.

- childcare staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.
- person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

16. Youth worker who—

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 is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

17. Foster carer registered with the Agency.

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

## APPENDIX 2:

### **St Paul's Child & Family Care Centre (St Paul's CFCC) Family Supports and Child Protection Awareness Committee Terms of Reference**

<b>Title</b>	St Paul's Child & Family Care Centre (St Paul's CFCC) Family Supports and Child Protection Awareness Committee
<b>Review Date</b>	April 2022 – completed / Next Review April - 2023
<b>Accountability &amp; Scheme of Delegation</b>	The Family Supports and Child Protection Awareness Committee of St Paul's CFCC is chaired by St Paul's CFCC Snr Social Worker. See section below regarding the purpose and responsibilities of the Committee.
<b>Purpose</b>	<ul style="list-style-type: none"><li>• To discuss the needs and possible supports that could be offered or advocated for, for families that have being brought to Social Workers, PIC's, Teachers, respite staff</li></ul>

	<p>or any other members of staff attention as potentially needing more inputs.</p> <ul style="list-style-type: none"> <li>• To update on progress on children in care and their Child In Care Review Meeting with Tusla</li> <li>• To note any other involvement by Tusla in a family</li> <li>• To discuss Child Protection training and reporting procedures in the service</li> </ul>
<b>Responsibilities</b>	<ul style="list-style-type: none"> <li>• <b><u>To focus on supports for the families of identified children</u></b></li> <li>• To support families who are struggling through advocacy regarding practical supports, in addition to linking families in with other members of St Paul's CFCC MDT.</li> <li>• All Child Protection concerns raised at the Committee meetings would and should have been assessed at the time the concern first arose. On this point, any concern that meets the Reasonable Grounds or Threshold of concern for a Mandated Report to Tusla a referral would and should have been submitted to Tusla. Tusla assesses all referrals and they may have deemed the referral not to meet the criteria for a Child Protection concern - families involved with Tusla, and other families not involved with Tusla but considered vulnerable, will be supported by the Committee through advocacy for support. However, <b>any future child protection concerns should be actioned in real time by the staff member who has identified a concern and they must <u>not</u> wait until the next Committee meeting to raise their concern.</b></li> <li>• An opportunity for St Paul's CFCC and St Paul's Special School to come together and discuss concerns, and implement and seek supports for identified families and children.</li> <li>• Discuss any children in the care system or any families currently involved with TUSLA.</li> <li>• To review and update the Child Protection and Welfare Policy, as required.</li> <li>• To ensure all staff are informed and aware of their responsibilities under Children First: National Guidance for the Protection and Welfare of Children 2017 and are updated on any developments through training or other as required.</li> <li>• To keep an up to date list of Mandated Persons within St Paul's CFCC.</li> <li>• To update St Paul's CFCC Safeguarding Statement and Child Protection Risk Assessments.</li> </ul>
<b>Reporting</b>	This Committee reports to St Paul's CFCC Quality & Safety Committee.
<b>Regular Reports received</b>	N/A
<b>Committee Members</b>	<p>St Paul's CFCC Medical Director</p> <p>St Paul's CFCC Director of Service/Administration</p>

	<p>St Paul's CFCC Senior Social Worker Principal of St Paul's Special School</p> <p><b>Temporary members:</b></p> <p>If a child who attends respite is up for discussion at a Family Supports and Child Protection Awareness Committee meeting Social Worker will contact the Person in Charge (PIC) of the child's respite house so they can attend the meeting.</p> <p>Social Worker may link in with School Principal and discuss if a teachers presence would be needed in a discussion around a child, if available and deemed beneficial, teacher should attend meeting.</p> <p>Temporary members should only stay for the section of the meeting relevant to them to ensure privacy for other children and families.</p>
<b>Chair</b>	St Paul's CFCC Senior Social Worker
<b>Minute Taker</b>	On rotation
<b>Secretary</b>	N/A
<b>Agenda</b>	Agenda is prepared in advance of meeting by Chair
<b>Minutes Distribution, storage</b>	<p><b>Distribution of agenda and minutes:</b></p> <ul style="list-style-type: none"> <li>• The agenda will be set in consultation with committee members and circulated by the Chair in advance of the meeting.</li> <li>• Committee members will take turns taking minutes on a rotation system.</li> <li>• Minutes will be distributed electronically, by the minute taker via email - no later than 7 days from the date of the committee meeting.</li> <li>• An electronic record of the minutes is retained at Front Office.</li> <li>• A hard copy of the minutes is retained in the Family Supports and Child Protection Awareness Folder- held in the Accounts Office.</li> </ul> <p>The Persons in Charge will retain minutes pertinent to their Designated Centre and these minutes are to be stored in a locked area.</p>
<b>Frequency-of meetings</b>	<ul style="list-style-type: none"> <li>• Once per month</li> <li>• Meetings will be scheduled around the availability of the Chair in light of the Chair being in possession of detailed information regarding family and child support needs. In exceptional circumstances, where the Chair is not able to be present, it will be decided upon by the other Committee Members.</li> </ul>
<b>Quorum</b>	<ul style="list-style-type: none"> <li>• A minimum of 3 committee members is required for a meeting to take place. In the absence of a quorum and if</li> </ul>

	no new concerns arise, updates will be communicated via email.
<b>Attendance requirements</b>	<ul style="list-style-type: none"> <li>• Full attendance is required.</li> <li>• If a Committee Member is unable to attend, they should notify the Chair. Non attendances at 3 consecutive meetings without issuing apologies will result in expulsion from the committee</li> </ul>
<b>Non-attendance communication</b>	Planned non-attendance must be notified to the Chair in advance of the committee meeting, where possible.

Signed:.....

Mr Tony O'Brien

Chair to St Paul's Child & Family Care Centre Designated Activity Company

Date: .....

### **APPENDIX 3: SEXUAL OFFENCES AS SET OUT IN THE CHILDREN FIRST ACT 2015 [AS AMENDED BY SECTION 55 OF THE CRIMINAL LAW (SEXUAL OFFENCES) ACT 2017]**

Schedule 3 of the Children First Act 2015 sets out offences for the purposes of paragraph (a) of the definition of 'sexual abuse' in section 2 as:

Rape.

Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.

Sexual assault.

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

An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).

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

An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993 (soliciting or importuning for purposes of commission of sexual offence).

An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).

An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 17 years).

9A. An offence under section 3A of the Criminal Law (Sexual Offences) Act 2006 (offence by person in authority).

10. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998:

section 3 (child trafficking and taking, etc., child for sexual exploitation);

section 4 (allowing child to be used for child pornography);

section 4A (organising etc. child prostitution or production of child pornography);

section 5A (participation of child in pornographic performance).

11. An offence under section 5 of the Criminal Law (Human Trafficking) Act 2008 in so far 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).

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

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

14. An offence under any of the following provisions of the Criminal Law (Sexual Offences) Act 2017:

(a) section 4 (invitation etc. to sexual touching);

(b) section 5 (sexual activity in the presence of child);

(c) section 6 (causing child to watch sexual activity);

(d) section 8 (use of information and communication technology to facilitate sexual exploitation of child)

## **Appendix 4:**

### **Contact details for TUSLA Child and Family Agency (Duty Social Work)**

<b>Section A: Contact details for local TUSLA, Children and Family Agency (Duty Social Work)</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Dublin North City</b>	Child and Family Agency, Wellmount Health Centre, Wellmount Park, Finglas, Dublin 11	01 8567704
<b>Dublin North</b>	Child and Family Agency, 80-189 Lakeshore Drive, Airside Business Park, Swords, Co. Dublin.	01 8708000

Other Tusla area offices contact details can be found on [www.Tusla.ie](http://www.Tusla.ie)

## **Appendix 5: Contact details for local Garda Siochána**

*(see the Garda Siochána station directory at [www.garda.ie/stations/default.aspx](http://www.garda.ie/stations/default.aspx))*

<b>Location</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Balbriggan</b>	Balbriggan Garda Station, Drogheda Road, Balbriggan, Co. Dublin	01 802 0510
<b>Ballymun</b>	Ballymun Garda Station, Main Street, Ballymun, Dublin 9	01 666 4400 01 666 4483 01 666 4493
<b>Clontarf</b>	Clontarf Garda Station, 43, Clontarf Road, Clontarf,	01 6664800



	Dublin 3.	
<b>Santry</b>	Santry Garda Station, 35-37, Shanowen Road, Santry, Dublin 9.	0 1 666 4000

## Appendix 6:

### Tip box

#### Talking to parents/guardians about child protection or welfare concerns

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

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

#### **Remember if a report needs to be made to Tusla, do not delay.**

It is best practice that parents/guardians are informed if a report is to be made to Tusla, unless doing so might further endanger the child, impair Tusla's ability to carry out a risk assessment or put the reporter at risk of harm (*Children First: National Guidance for the Protection and Welfare of Children*).

If you believe a child is in immediate danger you should contact An Garda Síochána immediately

## Appendix 7: Child Protection Policy Review Checklist

<b>Best Practice Theme 1</b> <b>Guiding principles</b>	<b>Fully in place</b> <b>(working well)</b>	<b>Requires work (not working well)</b>	<b>Action required</b>
Declaration of guiding principles is in place			
Name of organisation and the services and activities provided to children and young people are listed with your declaration of guiding principles			
Your declaration of guiding principles specify to whom they apply.			
Your declaration of guiding principles is communicated to children, young people, parents/guardians, workers and volunteers			

<b>Best Practice Theme 2</b> <b>Key roles in safeguarding</b>	<b>Fully in place</b> <b>(working well)</b>	<b>Requires work (not working well)</b>	<b>Action required</b>
A named person is appointed			
The DO has been appointed			
The role and responsibilities of the DO is outlined			
The role and responsibilities of mandated persons are outlined			
A procedure for maintaining a list of mandated persons is in place			

<b>Best Practice Theme 3</b> <b>Responding to and reporting child protection and welfare concerns</b>	<b>Fully in place</b> <b>(working well)</b>	<b>Requires work (not working well)</b>	<b>Action required</b>
Guidance on roles and responsibilities related to your reporting procedure are available.			
Guidance on reasonable grounds for concern is included in your			

reporting procedure.			
Definitions and features of child abuse as per <i>Children First: National Guidance for the Protection and Welfare of Children</i> are included or referenced in your reporting procedure.			
Guidance on mandated persons' responsibility to report child protection concerns is included in your child safeguarding procedures.			
Reporting procedure that clearly outlines the steps to be followed in reporting child protection or welfare concerns is in place.			
Guidance on confidentiality is included in your child safeguarding procedures.			
Guidance on dealing with disclosures is included in your child safeguarding procedures.			
Guidance on dealing with adult disclosures of childhood abuse, where it is identified there may be current risk to a child/young person, is included in your child safeguarding procedures.			
Guidance on information sharing and record-keeping is included in your child safeguarding procedures.			
Procedure to deal with any allegations of abuse against workers/volunteers/ management are included in your child safeguarding procedures.			

<b>Best Practice Theme 4</b>			
<b>Working safely with children and young people</b>	<b>Fully in place (working well)</b>	<b>Requires work (not working well)</b>	<b>Action required</b>
In compliance with the Children First Act 2015 a recruitment and selection procedure is in place with regard to a person's suitability to work with children/young people and applies to all workers and volunteers			
The organisation has a training strategy for child safeguarding training based on a training needs analysis			

Child safeguarding training provided is consistent with <i>Children First: National Guidance for the Protection and Welfare of Children</i> and Children First legislation			
All workers/volunteers have attended child safeguarding training relevant to their role in the organisation			
A record-keeping system with regard to what safeguarding training workers/volunteers have attended is in place			
There are policies and procedures in place to support the safe management of activities			
An accident/incident procedure is in place			
There is a code of behaviour for workers and volunteers which specifies acceptable and unacceptable practices with regard to working with children/young people			
There is a supervision policy and appropriate supervision is provided to all workers and volunteers			
The responsibility for all workers/volunteers to report concerns that they may have about a colleague's practices is clearly stated in policy			
A disciplinary procedure is in place			

<b>Best Practice Theme 5</b>			
<b>Procedures for sharing your guiding principles and child safeguarding procedures and involving parents, guardians, families, children and young people</b>	<b>Fully in place (working well)</b>	<b>Requires work (not working well)</b>	<b>Action required</b>
A procedure to provide a copy of your policy declaration to parents/guardians upon request are in place			
Children and young people have been made aware of their right to be protected, consulted and treated with respect			

An anti-bullying policy has been developed and is on display			
A communications policy has been developed and is on display			
A policy for working in partnership with parents/guardians has been developed and is on display			
A complaints policy is in place and has been communicated to children/young people and their parents/guardians			

<b>Best Practice Theme 6</b>			
<b>Implementing, monitoring and reviewing your guiding principles and child safeguarding procedures</b>	<b>Fully in place (working well)</b>	<b>Requires work (not working well)</b>	<b>Action required</b>
Implementation plan for your guiding principles and child safeguarding procedures is in place			
A review of your guiding principles and child safeguarding procedures is planned			
Processes for monitoring, review and evaluation of the implementation of your guiding principles and child safeguarding procedures is in place			

## References

1. Children First Act 2015
2. Children First, National Guidance for the Protection and Welfare of Children, Department of Children and Youth Affairs (2017).
3. Trust in Care: Policy. Health Service Executive (2005),
4. Safeguarding Vulnerable Persons at Risk of Abuse – National Policy and Procedures – (HSE 2014).
5. [www.tusla.ie](http://www.tusla.ie)
6. Child and Family Agency Act 2013