Developing a Child Safeguarding Statement: A Guide For Early Years Services in Ireland.

Early Years Child Protection Programme 2018

EARLY YEARS CHILD PROTECTION

This publication updates and replaces our previous resource *"Developing a Child Protection & Welfare Policy: A Resource for Early Years Services"*.

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The aim of this document is to provide support and guidance for early years services in developing their Child Safeguarding Statement and accompanying Child Safeguarding Policies and Procedures. All the information in this guide is designed to be tailored to the age and number of children in the service, the type of service, the management structure, the number of employees and the other policies and procedures that are in operation.

This document is intended as a guide only and does not take the place of legal or other advice.

The information in this document is correct as of the publication date. It remains the responsibility of the service to ensure that their Child Safeguarding Statement and Child Safeguarding Policies and Procedures comply with all the relevant requirements. The information in this document assumes compliance with the Child Care Act 1991 (Early Years Services) Regulations 2016 and is aligned to the regulations.

Early Years Child Protection Programme 2018

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Purpose of this guide

The Children First Act, 2015 introduced a requirement for certain organisations that provide services to children and families to have a Child Safeguarding Statement. Early years services are also required to have accompanying Child Safeguarding Policies and Procedures.

The purpose of this guide is to support early years services to develop each part of a Child Safeguarding Statement and accompanying Child Safeguarding Policies and Procedures.

Who is this resource for?

- Full-day care services
- Part-time services
- Sessional services
- After school services
- Pre-school services
- Drop-in services
- Childminders registered with Tusla.

Section 1 gives an overview of what information a Child Safeguarding Statement must contain.

Section 2 provides guidance for early years services on how to develop each part of the Child Safeguarding Statement.

The information in this document has been derived from: *Children First: National Guidance for the Protection and Welfare of Children*[1], *Guidance on Developing a Child Safeguarding Statement*[2], and *Child Safeguarding: A Guide for Policy, Procedure and Practice*[3].

It is recommended that this resource is used in conjunction with:
- *Children First: National Guidance for the Protection and Welfare of Children*
- *Guidance on Developing a Child Safeguarding Statement*
- *A Guide for the Reporting of Child Protection and Welfare Concerns*[4]

Throughout this document 'parents' refers to the parent or guardian of a child.

[1] Department of Children and Youth Affairs, 2017. Available at www.tusla.ie.
[2] Tusla - Child and Family Agency, 2017. Available at www.tusla.ie.
[3] Tusla Child and Family Agency, 2018. Available at www.tusla.ie.
[4] Tusla - Child and Family Agency, 2017. Available at www.tusla.ie.

SECTION 1:
Child Safeguarding Statement: Introduction

This section contains:

An overview of the Child Safeguarding Statement

- What is a Child Safeguarding Statement and Which Services Need to Have One

Sample Template

- What a Child Safeguarding Statement looks like

Overview of the Child Safeguarding Statement

What is a Child Safeguarding Statement?

This is a written statement that specifies the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm.

Who needs to have a Child Safeguarding Statement?

Under the Children First Act, 2015 all "relevant services" are required to have a Child Safeguarding Statement. Services that meet both criteria below are legally required to have a Child Safeguarding Statement:

1. An establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991

and

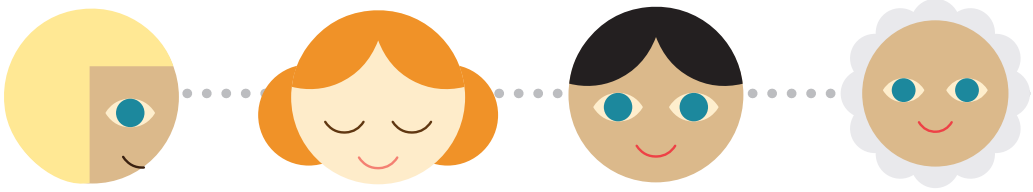
2. Employ one other person whether through contract, voluntary agreement or mutual agreement.

This means that if your service fits the definition of either a pre-school service or a school-age service under the Child Care Act, 1991, you are required to have a Child Safeguarding Statement.

The legal obligation to develop a Child Safeguarding Statement rests with the service provider (i.e. the owner or board of management).

When do services need to have a Child Safeguarding Statement?

This will be a legal requirement for existing services from March 11th, 2018. Services established after this date will have 3 months from opening to put a Child Safeguarding Statement in place.

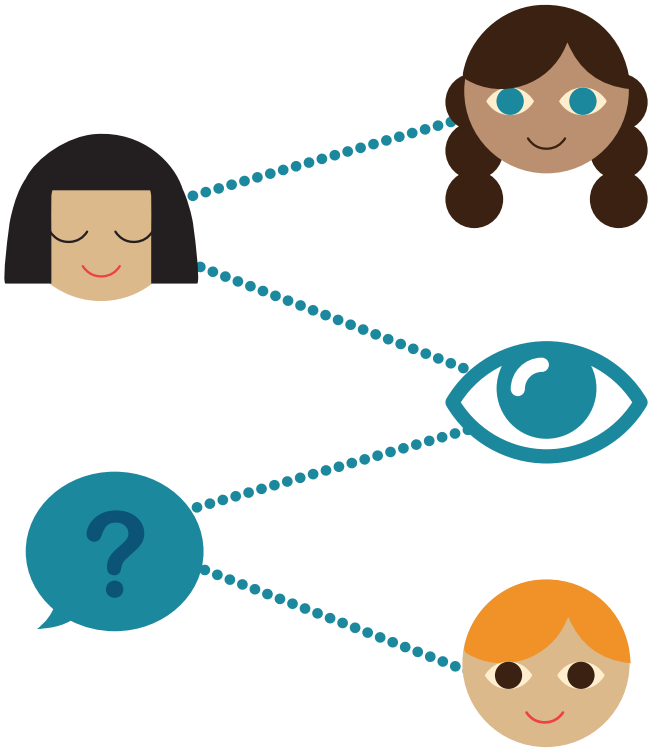


Do I need to make the Child Safeguarding Statement available?

The Child Safeguarding Statement must be circulated to all staff members. It must be displayed publicly and made available to parents and guardians, Tusla and members of the public upon request.

I have a Child Protection and Welfare Policy. Do I need to develop a Child Safeguarding Statement?

Yes. All early years services must have a Child Safeguarding Statement and accompanying Child Safeguarding Policies and Procedures. Your existing Child Protection and Welfare Policy will already contain many of the Child Safeguarding Policies and Procedures.



What is in a Child Safeguarding Statement?

Your Child Safeguarding Statement should include the following information:

1. Name of your service

2. Activities that you provide and your commitment to safeguard children from harm
Your Child Safeguarding Statement should outline the various activities and services you provide to children and young people. It should state your commitment to keep children safe.

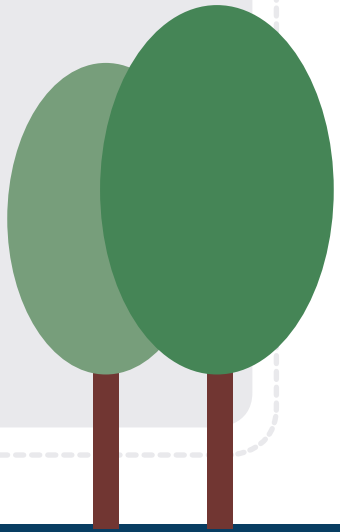
3. Risk assessment
Your Child Safeguarding Statement must include a written assessment of risk of 'harm' to a child while availing of your service. It must contain procedure to manage any risk identified. A sample risk assessment tool can be found in Section 2. *Children First: National Guidance 2017* provides further information on completing the risk assessment.

4. Child Safeguarding Policies and Procedures
The Act lists a number of procedures which must be specified in your Child Safeguarding Statement:

- Procedure for the management of allegations of abuse or misconduct against workers/volunteers
- Procedure for the safe recruitment and selection of workers and volunteers to work with children
- Procedure for provision of and access to child safeguarding training and information, including the identification of the occurrence of harm
- Procedure for the reporting of child protection or welfare concerns to Tusla
- Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons
- Procedure for appointing a relevant person

Many of the policies and procedures required in a Child Safeguarding Statement will already be in operation in your service. Information is given on how to develop these policies and procedures in Section 3.

5. Implementation
Your commitment to implement the Child Safeguarding Statement and review it. At a minimum, reviews must be carried out every 24 months.



Source: Guidance on Developing a Child Safeguarding Statement (Tusla)

1. Name of service being provided

2. Nature of service and principles to safeguard children from harm

(brief outline of what our service is, what we do and our commitment to safeguard children)

3. Risk assessment

We have carried out an assessment of any potential for harm to a child while availing of our services. Below is a list of the areas of risk identified and the list of procedures for managing these risks.

	Risk identified	Procedure in place to manage risk identified
1		
2		
3		
4		
5		

4. Procedures

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act, 2015, the *Children First: National Guidance 2017*, and Tusla's *Child Safeguarding: A Guide for Policy, Procedure and Practice*. 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:

- Procedure for the management of allegations of abuse or misconduct against workers/volunteers
- Procedure for the safe recruitment and selection of workers and volunteers to work with children
- Procedure for provision of and access to child safeguarding training and information, including the identification of the occurrence of harm
- Procedure for the reporting of child protection or welfare concerns to Tusla
- Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons
- Procedure for appointing a relevant person

Note: Early Years Services also require Policies and Procedures under *Children First: National Guidance 2017* – See p.17 for more details.

All procedures listed are available upon request.

5. Implementation

We recognise that implementation is an ongoing process. Our service is committed to the implementation of this Child Safeguarding Statement and the procedures that support our intention to keep children safe from harm while availing of our service. This Child Safeguarding Statement will be reviewed on _____, or as soon as practicable after there has been a material change in any matter to which the statement refers.

Signed: _____
(Provider)

Provider's name and contact details: _____

_____

_____

_____

For queries, please contact _____
Relevant Person under the Children First Act, 2015.

SECTION 2:
How to Develop your Child Safeguarding Statement

This section contains information on how to develop each part of a Child Safeguarding Statement:

Parts 1 & 2:

- Name of Service
- Nature of Service and principles to safeguard children from harm

Part 3:

- Carrying out a Risk Assessment

Part 4:

- Developing and Implementing Child Safeguarding Policies and Procedures

Part 5:

- Implementing your Child Safeguarding Statement

Steps to Developing a Child Safeguarding Statement:

	STEP	THINK ABOUT
1	Agree who is responsible and who will draft.	The board of management or the owner of the service have the legal obligation under the Children First Act, 2015. Who will draft the Child Safeguarding Statement?

2	List the management structure and the services offered.	• Location (one or multiple locations)?
		• Number of staff?
		• List all of the services/activities you provide
		  ◦ Describe the structure of your service.
		  ◦ What is the level of contact with children and families?
		  ◦ What is the age group you work with?
		  ◦ What is the level of ability of the children in your service?
		• Are there any factors that might make children more vulnerable to harm?

3	Carry out a Risk Assessment (see p.12).	• Do you already have a policy in place to manage an identified risk? • If not, what new policies/procedures are needed? • Who will draft them?
4	Check the List of Policies and Procedures that must be included.	• Do you already have a policy? • If not, who will draft them? • Have your reporting procedures been reviewed in light of new requirements?
5	Appoint a Relevant Person.	• Appointed by the board of management or service owner.
6	Draw up a list of Mandated Persons in the service.	• Who will be responsible for this?
7	Ratify.	• The board of management or the owner of the service ratify the Child Safeguarding Statement.
8	Display and Distribute.	• Has it been circulated? • Is it displayed publicly? • How will staff be informed of the Child Safeguarding Statement?

Parts 1 & 2

- **Name of Service**
- **Nature of Service and principles to safeguard children from harm**

Parts 1 and 2 of a Child Safeguarding Statement

Part 1

Part 1 of the Child Safeguarding Statement requires you to enter the name of your service.

Part 2

Part 2 of the Child Safeguarding Statement requires you to provide details of:
- the nature of your service (i.e. a brief outline of what your service is)
- the principles you follow to safeguard children from harm

In the example below, there is a sample of the principles that a service may adhere to. Please adapt it for your own service.

Name of Service: _____

We provide the following services/activities to children and young people:

_____

_____

_____

Principles to Safeguard Children from Harm:

1. Our service is committed to safeguarding the children in our care and to providing a safe environment in which they can play, learn and develop.

2. Our service believes that the welfare of the children attending our service is paramount. We are committed to child-centred practice in all our work with children.

3. We are committed to upholding the rights of every child and young person who attends our service, including the rights to be kept safe and protected from harm, listened to, and heard.

4. Our policy and procedures to safeguard children and young people reflect national policy and legislation and are underpinned by *Children First: National Guidance for the Protection and Welfare of Children 2017*, *Child Safeguarding: A Guide for Policy, Procedure and Practice,* 2018, and the Children First Act, 2015.

5. Our policy declaration applies to all paid staff, volunteers, committee/ board members and students on work placement within our organisation. All committee/ board members, staff, volunteers and students must sign up to and abide by the policies, procedures and guidance encompassed by this policy declaration and our child safeguarding policy and accompanying procedures.

6. We will review our Child Safeguarding Statement and accompanying Child Safeguarding Policies and Procedures every 2 years, or sooner if necessary due to service issues or changes in legislation or national policy.

Our Designated Liaison Person is _____
Contact details: _____
Our Deputy Designated Liaison Person is _____
Contact details: _____

Part 3

Carrying out a Risk Assessment

General Information on Carrying Out a Risk Assessment

Understanding what risks to assess

Risk Assessment

The risk assessment is carried out to identify whether a child or young person could be harmed while receiving your services. It should be noted that risk in this context is the risk of abuse and not general health and safety risk.

Your service then uses this risk assessment to draft a Child Safeguarding Statement and outline how these risks will be managed.

A risk assessment is an exercise where the provider of a service examines all aspects of the service, from a safeguarding perspective, to establish whether there are any practices, or features of the service, that have the potential to put children at risk. The risk assessment process enables your service 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

Source Children First: National Guidance 2017

Understanding What Risks to Assess

The Children First Act, 2015 defines risk as:
"any potential for harm to a child while availing of the service."

The Act 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, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances or otherwise."

Who Carries out the Risk Assessment?

The responsibility for the Risk Assessment rests with the board of management or the provider of the service. However, it is useful to have a range of staff members involved in the risk assessment, as people have different perspectives on risk depending on their role.

Risk Assessment Tool

The Children First Act, 2015 does not specify a risk assessment tool and there are many different ways to carry out risk assessment. A Risk Assessment Template is provided on p.15. Your risk assessment should include the following steps:

1. Identify the Potential Risks	• Think about who or what might cause harm to children in your service. • Ensure that different people in the service are involved, as different people will have different perspectives on risks.
2. Control or Manage the Risk	• Who is responsible for the risk? • What are we currently doing to reduce the risk? • What future actions might be needed?
3. Monitor & Review	• Have the actions taken been effective?

Risk Assessment Example

Recruitment of New Staff in a Service with a Board of Management	
1. Identify the Potential Risks	Having suitable and qualified staff working with children is key to protecting children from harm.
2. Control or Manage the Risk	The chairperson of the board of management has responsibility. A Recruitment Policy is in place in line with the Early Years Regulations – the policy is always followed when recruiting new staff. Induction Policy – all new staff are given clear information about all aspects of the service including information on the Code of Behaviour and the child safeguarding policies and procedures. Garda Vetting – new staff cannot commence work until they have satisfactory Garda Vetting.
3. Monitor & Review	The above policies are reviewed every 2 years.

Risk Assessment Tool

Risk identified	Who is responsible?	What is currently in place to manage the Risk?	What future actions are needed?

Part 4

Developing and Implementing Child Safeguarding Policies and Procedures

Guidance on how to develop, draft and implement best practice Child Safeguarding Policies and Procedures in an early years service.

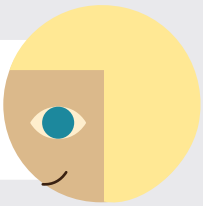
Information on what should be included in each of these policies and procedures.

Sample wording, for some policies, that you can adapt for your setting.

Child Safeguarding Policies and Procedures

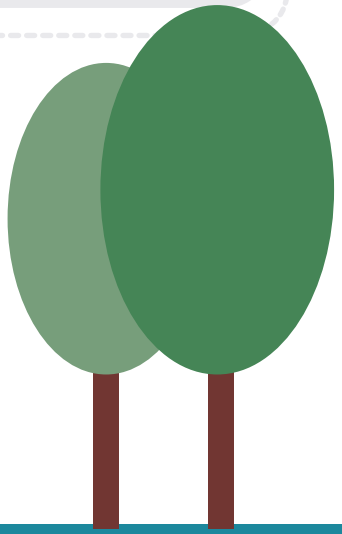
To be compliant with the Children First Act, 2015 and *Children First: National Guidance 2017* it is recommended that you have Child Safeguarding Policies and Procedures in the following areas:

It is important that Child Safeguarding underpins all of your policies & procedures.



Child Safeguarding Policies and Procedures

1. Key Roles in Safeguarding
2. Child Protection and Welfare Reporting Procedures
3. Confidentiality Policy
4. Dealing with Allegations of Abuse or Neglect Against Employees
5. Managing Child Protection Records
6. Recruitment Policy
7. Garda Vetting Policy
8. Code of Behaviour for Working with Children
9. Induction, Training, Supervision and Support of Staff
10. Complaints Policy
11. Policy for Managing Outings
12. Policy for Managing Accidents and Incidents
13. Social Media Policy



1. Key Roles in Safeguarding

Sample policy - this should be adapted to suit your service.

1.1 Designated Liaison Person

The Designated Liaison Person (DLP) is responsible for dealing with child protection and welfare concerns in accordance with *Children First: National Guidance 2017* and *Guidance on Developing a Child Safeguarding Statement*.

Designated Liaison Person	Deputy Designated Liaison Person
Name, post, contact details	Name, post, contact details

Fill in here

The Role of the DLP is to:

- Be a resource person for staff, students and volunteers who have a child protection concern
- Be accessible to all staff, students and volunteers
- Be knowledgeable about child protection and welfare and undertake any training considered necessary to keep updated on new developments
- Ensure that the child protection and welfare reporting procedures of the service are followed so that child protection and welfare concerns are referred promptly to Tusla
- Be responsible for reporting child protection concerns to Tusla or to An Garda Síochána either with the Mandated Person (for referrals under the Children First Act, 2015), or, directly for all other referrals

- Ensure that appropriate information is included in the referral and that it is submitted using the Child Protection and Welfare Report Form (available on www.tusla.ie)
- Liaise with Tusla, An Garda Síochána and other agencies as appropriate
- Keep appropriate people within the organisation informed of relevant issues, whilst maintaining confidentiality
- Ensure that an individual record is maintained of the action taken by the service, the liaison with other agencies and the outcome
- Advise the organisation of child protection training needs
- Maintain a central log or record of all child protection and welfare concerns in the service

Think About

Appointing a Designated Liaison Person

The role of Designated Liaison Person (DLP) is a very important one; it is important that the DLP:

- Is a senior staff member
- Has a good working knowledge of the organisation
- Has good listening and communication skills
- Has an understanding of abuse
- Is available

The DLP is appointed by either the board of management or the owner of the service. In general, it is the manager who is the DLP.

Services that operate in a range of sites may need to appoint more than one DLP, while ensuring that central records are maintained.

1.2 Mandated Persons

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

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

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

Mandated Persons have a responsibility to understand their obligations as set out in the Children First Act, 2015 and chapter 3 of *Children First: National Guidance for the Protection and Welfare of Children*.

Mandated Persons will make child protection referrals to Tusla, jointly, with the Designated Liaison Person.

Mandated Persons who do not fulfil their legal obligations may be subject to the Disciplinary Policy.

List of Mandated Persons

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

Mandated Persons have a legal obligation to report child protection concerns over a certain threshold to Tusla.

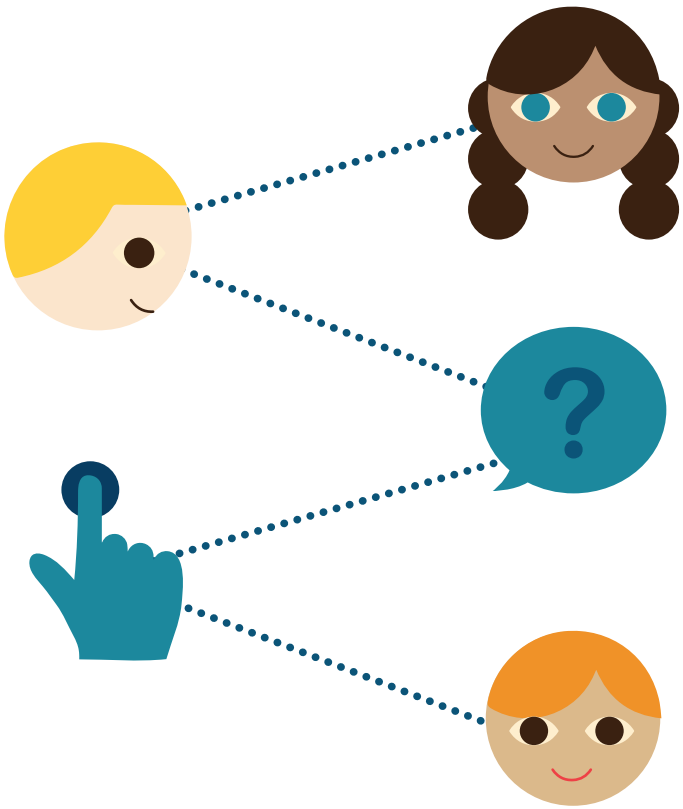
1.3 Relevant Person

Sample Policy

In accordance with the Children First Act, 2015 a relevant person has been appointed. Their role is to be the first point of contact in respect of the organisation's Child Safeguarding Statement.

Think About

The Relevant Person can be the same person as the Designated Liaison Person. Their role is to act as a contact person in relation to the Child Safeguarding Statement.



2. Child Protection and Welfare Reporting Procedures

Children First: National Guidance 2017 requires that you include the following information in your reporting procedure.

- Types of child abuse and how they may be recognised
- Legal obligations of mandated persons
- Reporting mandated concerns

You can find these in the appendices at the back of this guide.

Sample policy - this should be adapted to suit your service.

1. Recognising Child Protection & Welfare Concerns

- All staff and volunteers have a responsibility to safeguard children and to report child protection and welfare concerns in line with the policy outlined below.
- Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child.
- All staff and volunteers should be familiar with the definitions of abuse as outlined in *Children First: National Guidance 2017*. See Appendix 1, p.52.
- Under the Children First Act, 2015 Mandated Persons have a statutory obligation to report concerns which reach a particular threshold (as defined in section 2 of the Children First Act, 2015) to Tusla. Mandated Persons should be familiar with the threshold of harm for each form of abuse as outlined in *Children First: National Guidance 2017*. See Appendices 2 and 3, (pp. 56-58).
- All child protection concerns should be brought to the attention of the Designated Liaison Person[1] without delay.

[1] This sample policy assumes that the Designated Liaison Person is a Mandated Person under the Children First Act, 2015. If the DLP is not a Mandated Person, different procedures may be required.

2. Reasonable Grounds for Concern

Children First: National Guidance 2017 states that: 'Tusla should always be informed when a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.' (p.6)

Reasonable grounds for a child protection or welfare concern include:

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

All staff and volunteers are expected to bring any child protection concern which meets reasonable grounds for concern to the attention of the DLP and to seek their advice and guidance if unsure.

If you are unsure whether a concern meets the reasonable grounds for concern, the Tusla Duty Social Work Team can be contacted for advice and guidance using the informal consultation process.

3. Reporting Procedure–All Staff and Volunteers (including Mandated Persons):

All staff and volunteers (included Mandated Persons) should follow the procedures in this section when they have a concern that a child has been, is being, or is at risk of being abused, harmed or neglected. Mandated Persons should also consult the section below, "Reporting Procedures – Mandated Persons Only".

- When a staff member or volunteer (including a Mandated Person) has a child protection or welfare concern they should speak to the Designated Liaison Person without delay. This includes concerns which reach the threshold for a mandated report under the Children First Act, 2015. *See Appendices 2 and 3 (pp. 56–58).*
- The DLP will report the following child protection and welfare concerns using the Child Protection and Welfare Report Form to Tusla (available on www.tusla.ie):
    - Child protection and welfare concerns that meet reasonable grounds for concern but do not meet the threshold for mandated reporting.
    - Child protection and welfare concerns that meet reasonable grounds for concern and have been passed to them by persons who are not Mandated Persons.
- If the DLP is unsure if a child protection concern meets the reasonable grounds for concern they should contact the Tusla Duty Social Work Team for advice and guidance using the informal consultation process.
- Under no circumstances should a child be left in a situation that exposes him or her to harm or risk pending intervention from Tusla. In the event of an emergency and the unavailability of a Tusla Duty Social Worker, the DLP will contact An Garda Síochána.

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

Duty Social Work Team, Tusla Child & Family Agency	An Garda Síochána
Name, phone number and address	Name, phone number and address

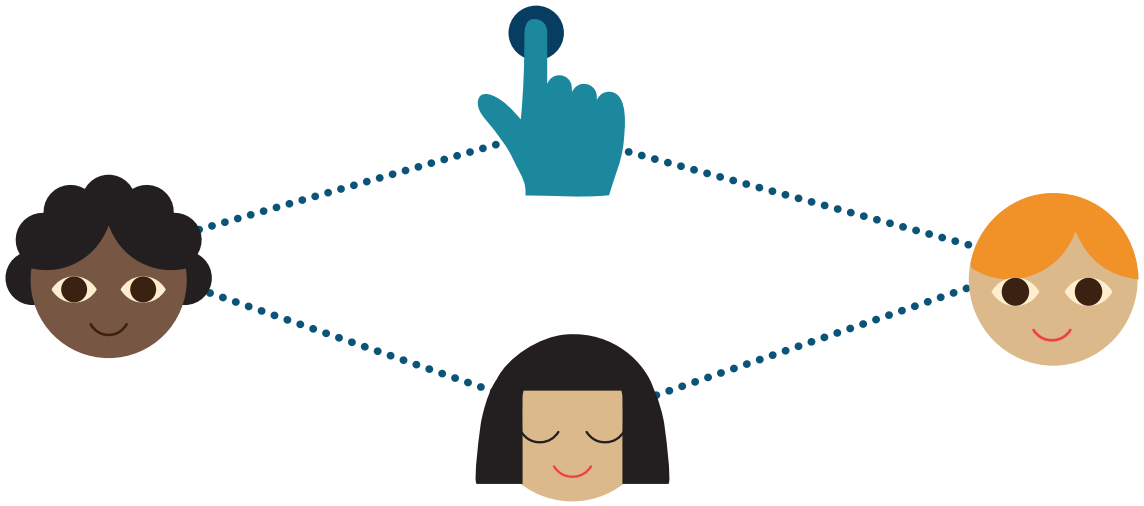
Fill in here

- The chairperson of the board of management/owner of service will be informed when a report is made to Tusla and An Garda Síochána under this policy. In accordance with the confidentiality policy, identifying information about the child and family is only shared with them on a need to know basis.

Think About

Duty Social Work Team Contact details

A list of all the duty social work teams can be accessed here: *http://www.tusla.ie/services/child-protection-welfare/contact-a-social-worker*



4. Reporting Procedures–Mandated Persons Only

- Under the Children First Act, 2015 Mandated Persons are legally required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed to Tusla. *See Appendix 2 (p.56).*
- Mandated Persons should bring any child protection concerns to the attention of the DLP without delay as stated above.
- If the child protection concern reaches the threshold of harm as defined in the Children First Act, 2015 it is a mandated report (See Appendices 2 and 3, (pp. 56-58).) The Mandated Person may seek advice and guidance from the DLP in relation to the child protection concern and the threshold of harm.
- Mandated reports will be made jointly by the Mandated Person who raised the concern and the DLP, using the Child Protection and Welfare Report Form (available on www.tusla.ie). The form must clearly indicate that the report is a mandated report.

Under the Children First Act, 2015 you are a Mandated Person if you are:

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

- If the child protection concern requires a more urgent intervention to make the child safe, the Children First Act, 2015 allows Mandated Persons to alert Tusla of the concern, by telephone or in person, in advance of submitting a written report. The mandated report must then be submitted to Tusla using the Child Protection and Welfare Report Form within 3 days.
- The statutory obligation of Mandated Persons to report under the Children First Act, 2015 **must be discharged by the Mandated Person and cannot be discharged by the Designated Liaison Person on their behalf**. Mandated Persons can, however, report jointly with another person.
- Where the Mandated Person or DLP is unsure if the report meets the threshold of harm as outlined in the Children First Act, 2015 advice and guidance should be sought through informal consultation with the Tusla Duty Social Work Team.

- If a child protection concern does not meet the criteria for a mandated report, it may meet reasonable grounds for concern for a report to Tusla and this possibility must be considered. If Reasonable Grounds for Concern exist, a report to Tusla will made by the DLP.
- The Mandated Person may submit the report to Tusla solely; however, the DLP must be informed that the report has been made and be given a copy of the Child Protection and Welfare Report Form.
- If a child protection concern has come to the attention of a number of Mandated Persons the report may be submitted jointly by a number of Mandated Persons.
- Mandated Persons are not required to make a report to Tusla where the sole basis of their knowledge, belief or suspicion of harm is as a result of becoming aware that another mandated person has made a report to Tusla.

Think About

If you are unsure whether your concern meets the legal definition of harm for making a mandated report, you can contact the Tusla Duty Social Work Team for advice and guidance through the informal consultation process

5. Informing Parents about Child Protection and Welfare Concerns

- Communication with parents is very important in ensuring best outcomes for children and any concerns about the health and well-being of a child will always be discussed with parents from the outset.
- Parents will always be informed by the DLP if a report is to be made to Tusla, unless doing so would further endanger the child, impair Tusla's ability to carry out a risk assessment, or put the reporter at risk of harm. The DLP may seek guidance from the Tusla Duty Social Work Team in relation to this.

6. Responding to a Retrospective Disclosure

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

7. Child Protection Concerns that are Not Reported to Tusla

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

- The reasons for not reporting should be recorded
- Any actions taken as a result of the concern should be recorded
- The staff member or volunteer who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla
- The staff member or volunteer should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána. The Protections for Persons Reporting Child Abuse Act, 1998 will apply to any staff member who wishes to make a report to Tusla.

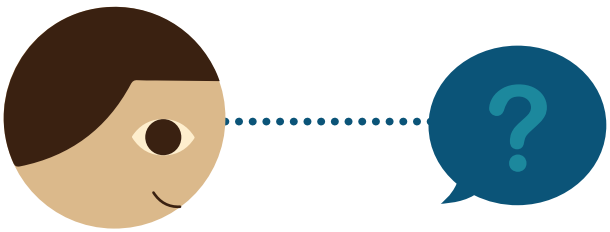
8. Recording Child Protection Concerns

- Written records will be kept of all child protection concerns (including those not reported to Tusla) and these will be managed by the DLP. Information will include: details of the concern, who raised it, who was contacted, details regarding informal consultation, any action taken, details regarding informing parents.
- If a child has made a disclosure of abuse, a written record will be made. If there are other grounds for concern that the child has been abused or neglected, a written record will be made.
- Records will be stored securely in line with the service's Record Policy and the Pre-school Regulations 2016.
- See p.30 for a Template Child Protection Concern Record.

Think About

Thinking About Implementation

- Do all staff and volunteers know who to contact if they have a concern about the welfare of a child?
- Are the numbers for the Duty Social Work Team and the Gardaí displayed for staff?



Child Protection Concerns – Record

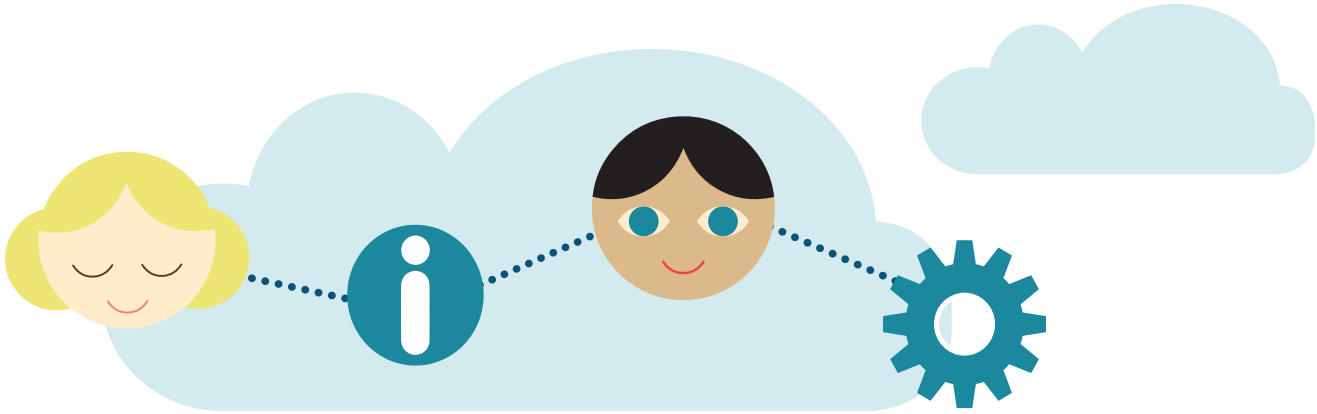
Date	Child's Name	Summary of Concern - Note where full details are stored	Person who Raised the Concern	Action Taken and by Whom Informal Consultation with Tusla?	If a Referral was made to Tusla - date and by whom.

- This Form should be used to record a summary of any child protection concerns arising under the Children First Act, 2015 or the *Children First: National Guidance 2017* and the action taken.
- Only factual information should be recorded.
- This Document is confidential and should be stored securely i.e. in a locked filing cabinet.

3. Confidentiality Policy

Sample policy - this should be adapted to suit your service.

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



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

- When developing procedures for dealing with allegations of abuse or neglect against employees[1] it is recommended that services seek legal advice and/or Human Resource Management advice.

The following should be considered when developing this section of your policy:

- The protection and welfare of the children in the service are paramount and their safety and well-being is the priority. However, the service also has a duty and responsibility, as an employer, in respect of its employees. It is important to note that there are two procedures to be followed when an allegation of abuse or neglect is made against an employee:

  1. Reporting procedure in respect of any child protection and welfare concern
  2. The procedure in respect of the allegation against the employee

It is recommended that two different people are nominated to manage each procedure. In small staff teams it may be necessary to call on external people who are independent to the parties.

- In general, it is the Designated Liaison Person who is responsible for any issues under the service's Child Protection and Welfare Reporting Procedures (such as reporting the matter to Tusla) while the employer is responsible for addressing the employment issues.
- Any child protection concerns arising through an allegation against an employee should be considered under the service's Child Protection and Welfare Reporting Procedures (see p.22) and reported to Tusla without delay if necessary.
- All staff and volunteers in the service should be aware of who to contact should they become aware of an allegation of abuse or neglect against any employee in the service.
- Written records are very important. If a disclosure is made by a child, a written record of the disclosure should be made as soon as possible by the person receiving it. Where an allegation of abuse or neglect is made by an adult, a written record of the allegation should be made and a written statement should be sought from this person.
- Where an employer becomes aware of an allegation of abuse by an employee while executing their duties, an employer should privately inform the employee of the following:
  (i) The fact that an allegation has been made against him/her
  (ii) The nature of the allegation.

[1] Note that Employee includes all ancillary staff, students and volunteers.

- The employee should be afforded the opportunity to respond, the response should be noted and passed onto Tusla with the formal report.
- All stages of the process should be recorded.
- An investigation may be required and the policy should note who will carry this out, the time involved and any appeal process. In small staff teams, independent, external parties may be called upon.
- Whether or not the matter is being reported to Tusla, the employer is always informed of an allegation of abuse or neglect against an employee.
- Confidentiality: It is essential that at all times the matter is treated in the strictest confidence and that the identity of the employee is not disclosed, other than as required under the procedures within the policy.
- Protective measures may be required while the allegation is being investigated. The principles of natural justice, the presumption of innocence and fair procedures should be adhered to. It is very important to note that protective measures are intended to be precautionary and not disciplinary.
- The employer should maintain regular and close liaison with Tusla and/or An Garda Síochána and ensure that no action by the service frustrates or undermines any investigation.
- Further action will be guided by employment legislation, the contract of employment, the other policies and procedures of the service (including the disciplinary policy) and the advice of the investigating agencies.

4.2 Parents and Allegations of Abuse or Neglect Against Employees

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

It is recommended that services always seek legal advice when dealing with allegations of abuse or neglect against an employee.

5. Managing Child Protection Records

The following should be considered when developing this section of your policy:

- Under the Child Care Act 1991 (Early Years Services) Regulations 2016, accurate and up to date records in relation to children, staff and service provision must be kept. The Early Years (Pre-school) Inspectorate will have access to files for inspection purposes.
- Parents may have access to the files and records of their own children on request but may not have access to information about any other child.
- Only employees involved with a particular child should have access to confidential files.
- Where there are child protection or welfare concerns, observations/records will be kept on an ongoing basis and information shared with Tusla as appropriate. It is important to note where these will be recorded and stored.
- Procedures are in place for archiving records.
- All records should be managed in line with the service's Data Protection Policy.

6. Recruitment Policy

Under the Children First Act, 2015, your Child Safeguarding Statement must include procedures for the selection or recruitment of staff with regard to that person's suitability to work with children.

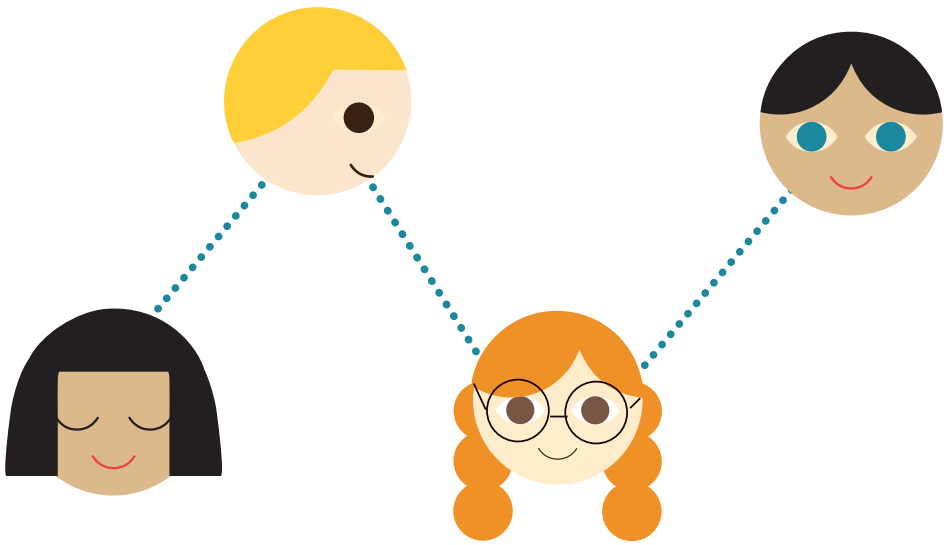
The Child Care Act 1991 (Early Years Services) Regulations 2016 also require pre-schools to have a recruitment policy for hiring employees and unpaid workers, including the steps to be taken to check and verify references, qualifications and vetting documentation.

The following should be considered when drafting your Recruitment Policy:

- All positions, including unpaid positions, should have a clear job description and person specification including qualifications, skills and duties.
- Vacancies should be advertised widely, both internally and externally.
- The use of application forms can support the collection of consistent information from candidates.
- A scoring sheet should be developed, based on the criteria set out in the job description and the person specification, and candidates should be shortlisted against this criteria.
- An interview panel should be appointed consisting of at least 2 people.
- Interview questions should be agreed in advance, based on the job description and person specification, and a scoring sheet used.
- Prior to an offer of employment being made, two references from previous employers (including the most recent) should be obtained. References from family members are not suitable. (Consult the Child Care Act 1991 (Early Years Services) Regulations 2016 for further guidance on references.)
- Prior to commencement in post, satisfactory Garda vetting must be obtained, in line with your service's Garda Vetting Policy.
- Identification should be verified and official forms of ID requested from new employees.
- All staff and unpaid workers should have written Terms and Conditions of Employment (Contract of Employment).
- Probation is an important part of the recruitment process. Procedures relating to probationary periods should be included in your recruitment policy.

7. Garda Vetting Policy

- Under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, it is a crime to employ someone in certain work or activities without undertaking Garda Vetting.
- The Child Care Act 1991 (Early Years Services) Regulations 2016 also require services to ensure satisfactory Garda vetting for every worker both paid and unpaid.
- Everyone including staff, board members and volunteers must have satisfactory Garda vetting.
- Services should have procedures which outline how Garda vetting will be carried out in line with the above and the procedures to be followed if a negative disclosure is returned from the National Vetting Bureau.
    - Workers should not commence work until satisfactory Garda vetting has been processed.
    - It is a requirement that all staff, board members and volunteers are re-vetted every 3 years.



8.1 Developing a Code of Behaviour

- A Code of Behaviour is an important part of Child Safeguarding as it sets out the standard expected from all employees and explains what is acceptable and what is not when employees are working with children.
- The Code of Behaviour can be used to:
  - Explain to new staff how we work with children and what is acceptable
  - Explain to parents what they and their child can expect from employees in the service
  - Create a shared understanding of best practice
  - Challenge an employee when practice is not at an acceptable standard
  - Challenge parents when behaviour in the service is not acceptable
  - As a training tool
- The Code of Behaviour relates both to interactions with children and to what is acceptable between adults while children are present; it applies to all adults in the service including parents.
- The Code of Behaviour is developed in consultation with employees, parents and children (if relevant) and will vary depending on the age of children in the service and the scope of the service.
- Some headings that might be found in a Code of Behaviour:
  - Managing/Supervising Activities
  - Use of Mobile Phones and Technology
  - One-to-One work
  - Touch and Physical Contact
  - Communication with Children

- All employees have a duty to adhere to the Code of Behaviour and to bring breaches of the code to the attention of their line manager. Breaches of the Code of Behaviour are dealt with through the disciplinary procedure.
- Information on the service's policy for managing behaviour could be included here or cross referenced with this section of the policy.

8. Code of Behaviour for Working with Children

- Your Code of Behaviour outlines your commitment to:
  - Valuing and respecting all children as individuals
  - Listening to children
  - Involving children in decision making as appropriate
  - Encouraging children to express themselves
  - Working in partnership with parents
  - Promoting positive behaviour
  - Valuing difference
  - Implementing and adhering to all relevant policies to keep children safe

Information on adult to child ratios in the service should be included in this section.

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

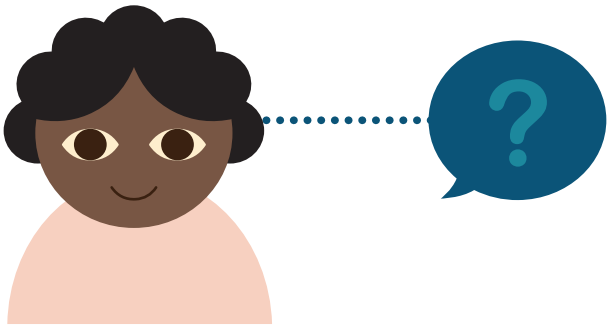
Think About

Developmentally Appropriate Practice: Positive Physical Contact

Touch and physical interaction are essential to the healthy development and well-being of young children. How you manage touch and physical contact with children should be included in your Code of Behaviour.

Points to Consider:

- Young children and babies require touch and physical contact to develop.
- Touch and Physical Contact are important in offering comfort and reassurance to a child – you can include information in your Code of Behaviour about how children are comforted in your service.
- Touch and physical contact should be governed by the age and developmental stage of the child, for example physical interaction with a 6-month old baby is very different to that with a 4 year old child.
- All children are different and may need assistance in different ways. Children should be assisted with toileting and dressing based on individual need.
- Touch should be in response to the needs of a child not the adult. However, young children should be given the opportunity for physical contact if they require it.
- Touch and physical contact is most positive when initiated by the child. It should be with the child's permission – resistance from the child should be respected.
- Touch and physical contact should be open and not secretive.



9.1 Induction Policy

Your induction Policy should include procedures to brief new employees (including paid and unpaid workers) on the safeguarding policies of the service, including obligations under the Children First Act, 2015 and the Code of Behaviour, within the first week of employment.

All new employees should be provided with a copy of the safeguarding policies and asked to confirm with their signature that they have read and understood them.

9.2 Training on Child Safeguarding

Your Staff Training Policy should take account of the following:

- The DLP and Deputy DLP will be released to attend Always Children First Training and/or other relevant training as identified and you will ensure that the DLP and Deputy DLP attend child protection training every 3 years.
- All management, staff and volunteers will be encouraged to attend child protection and other relevant training as identified.

- The Tusla e-learning course "Introduction to Children First" (available at www.tusla.ie) provides introductory information on *Children First* and can be used as part of the induction process. It is recommended that everyone involved in early years services completes this course.
- Have the DLP and Deputy DLP attended the Tusla Always Children First Training in the last 3 years?
- For more information on the Early Years Child Protection Training Programme contact your local childcare committee.

9.3 Staff Support and Supervision Policy

The management and supervision of workers and volunteers is an important part of child safeguarding, and your policy should outline the model that you use in your service, including who is responsible for conducting supervision, the frequency of supervision meetings, and how meetings are documented. You should also include details of appraisal or review processes.

The Child Care Act 1991 (Early Years Services) Regulations 2016 require pre-school services to have a supervision policy which outlines how employees, unpaid workers and contractors are supervised and supported in the service in relation to their work practices.

10. Complaints Policy

Sample policy - this should be adapted to suit your service.

Policy Statement:

We work in partnership with parents by seeking their views and encouraging parents to participate in any decision making in relation to the service. We welcome comments/suggestions on the delivery of the service.

Procedures for Responding to a Complaint:

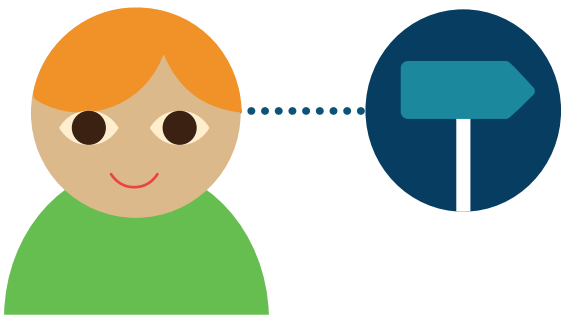
- We undertake to ensure all complaints are taken seriously and dealt with fairly, impartially and confidentially.
- We will endeavour to quickly and informally resolve complaints through discussion with parents and members of staff as appropriate.
- Parents will be made aware that there is a complaints procedure in operation as part of enrolment/intake.
- If we find that we have made a mistake or that something could have been done better we will change the way we do things to avoid making the same mistake in future.
- Complaints can be made by parents, guardians and other advocates on behalf of children.
- If a parent is not satisfied with any aspect of the service they are requested to resolve the issue informally through discussion with the room leader/ owner/manager.
- If the problem persists, re-occurs or the parent is not satisfied with the response, the complaint should be put in writing to the manager/ chairperson of the board of management. (Contact details could be inserted including email address.)

Services with a Board of Management

- The board of management may then nominate a committee member to meet with the manager or other staff member (as appropriate) and the person(s) making the complaint to try and resolve the issue. A note will be made of this meeting and copies made available to the person(s) making the complaint.

Other Services

- The manager or owner will meet with the person(s) making the complaint and any other staff as appropriate to try to resolve the issue. A note will be made of this meeting and copies made available to parents.
- Most complaints are resolved at this stage. However, if there are other or more serious issues arising from the complaint or it cannot be resolved then both sides may agree for a third party to mediate.
- Written records will be kept of all written complaints, the response, meetings and other actions and records kept for a minimum of 2 years.
- Written complaints will be acknowledged in writing.
- All complaints will be dealt with in a timely manner and the person making the complaint will be informed of the next steps of the process at every stage.
- Depending on the nature of the complaint the Disciplinary Procedures may also be followed.
- If a complaint is made to the Early Years Inspectorate about any aspect of our service, we will cooperate fully with the Inspectorate to resolve the issue.



11. Policy for Managing Outings

Sample policy - this should be adapted to suit your service.

Policy Statement

This service aims to provide children with a varied and wide experience and from time to time the service may organise day trips and outings. It is our policy to ensure the safety and well-being of children during these activities through planning, risk assessment, management and supervision of the activity. We operate in accordance with the Child Care Act 1991 (Early Years Services) Regulations 2016.

Managing Routine Outings

Sample Service uses the facilities in park/playground when weather permits. In managing and planning these activities we will:

- Inform parents at enrolment of the proposed activity, method of travel and supervision in place
- Seek written consent from the parents; children will not be able to participate in this activity unless this has been obtained
- Ensure an adequate number of personnel are present and that the children are supervised at all times
- Ensure that the person in charge will have access to the service mobile phone in case of emergency
- A risk assessment of the venue/facility will be carried out before each use if required (for example, public parks, playgrounds) and quarterly for other venues
- Ensure that adequate insurance is in place for the outing
- Ensure staff are familiar with emergency procedures

Managing and Planning Day Trips/Outings

This service aims to provide children with a varied and wide experience and from time to time the service will organise Day Trips. The following will be considered in planning these activities.

- All trips and outings will be planned in advance and a risk assessment will be carried out with regard to the following issues: safety in regard to method of transport, facilities, activities, accessibility for children with additional needs and emergencies.

Guidelines for Developing an Outings Policy/Procedure

In developing this section of the policy it is recommended that services refer to the Early Years Inspectorate guidelines for developing an Outings Policy/Procedure. See: *http://www.tusla.ie/uploads/content/Guidelines_for_Developing_an_Outings_Policy.pdf*

Sample Policy

- We will ensure that the method of transport complies with relevant safety requirements and insurance.
- We will ensure that adequate insurance is in place and that appropriate staff/child ratios are maintained in line with the pre-school regulations and the risk assessment.
- An outline of the details of the trip and related activities will be supplied in writing to parents and written consent by a parent specifically for each trip will be obtained. Parents will be asked to provide information about any allergies that their child has.
- Where appropriate, parents/carers may be invited to accompany their children on trips.
- If all staff are leaving the service, emergency contacts for all children will be brought on the trip.
- Children will be appropriately supervised at all times and the relevant adult/child ratios maintained.
- Safety measures such as frequent head counts/roll calls at key stages, name tags, hats, armbands may be used as appropriate.

Managing Emergencies and Critical Incidents

- A first aid box will be brought and a person with a first aid certificate will be present.
- The person in charge will have access to the service mobile phone in case of emergency.
- The service does its utmost to minimise risk and ensure the safety of all children at all times. However, it is important that staff are prepared for any emergencies that may arise and in this regard, a plan to deal with emergencies (such as critical incidents or an incident involving a missing child) will be developed for each outing. Staff will be reminded of any relevant policies and procedures prior to the day trip.

12. Policy for Managing Accidents and Incidents

Sample policy - this should be adapted to suit your service.

12.1 Policy Statement

It is our policy to promote the health, well-being and safety of all the children in our service through the implementation of robust policies and procedures and by developing and regularly reviewing accident prevention procedures and fire safety. Although we adhere to the Child Care Act 1991 (Early Years Services) Regulations 2016 and all safety precautions and guidelines, accidents may occur.

12.2 Procedures for Responding to an Accident/Incident

- We will ensure that all personnel are aware of emergency numbers and that they are prominently displayed.
- We will ensure that all relevant personnel have up to date First Aid Training and that a complete First Aid Box is accessible.
- The safety and welfare of the child is always the first consideration if a child is injured or an accident occurs.
- After an accident, as soon as practicable, the Accident Report Form is completed and recorded in the Accident Book/Log.
- The manager/owner/chairperson is informed of serious accidents or incidents.
- The Early Years Inspectorate are informed of serious incidents in line with the Child Care Act 1991 (Early Years Services) Regulations 2016, as soon as practicable.
- Parents are always informed of incidents or accidents involving their child and requested to sign the relevant form.
- The manager will review the accident and incident reports annually.

Purpose of Social Media Use:

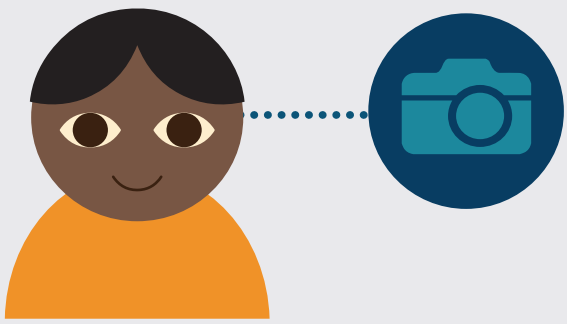
- The policy should include a written statement about the purpose of the engagement with social media and services should be clear about the purpose of their use of social media. Is it to communicate with parents? Market the service? Provide information to parents? Seek feedback? Provide information on community resources?
- Clear guidance is required for employees as to what is appropriate to post on the service's social media sites.
- Social media should only be used for communication in relation to professional matters relating to the service.

Social Media Administrator:

- A social media administrator should be appointed by the service to manage social media engagement. One of their roles is to verify all social media posts (including those by parents) before they are published online.
- Staff should not contact or engage with children who attend the service on social media platforms.
- Staff should not use their personal social media accounts (for example, Facebook, Twitter) to make or have contact with children who use the service or their families.

Consent & Images:

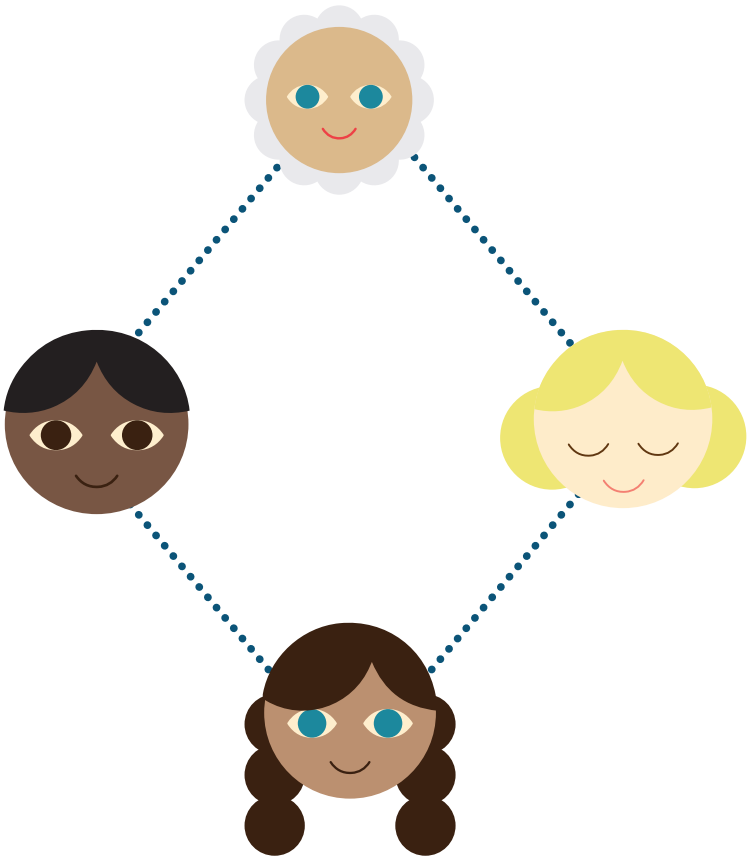
- Written permission is required from parents before an image of a child can be used on social media.
- Consider what devices are used to take images of children – this should be on service equipment not employee phones.
- Images of children are covered by Data Protection Legislation.
- The policy should state for how long the images will remain on the social media site.
- Social media pages that use images of children will be private with access by service users only.



- Always consider whether it is necessary to post the image of a child on-line. We are creating digital footprints for children which they are unable to consent to.
- Never post an image of a child with identifying information.
- Be mindful not to create a perception of division in groups of children or leave some children feeling left out; for example if not all the children have consent for their image to appear on Facebook then is a group shot appropriate?
- Ensure children are appropriately dressed before posting any image.

Service Events:

- Request that parents do not share images of other people's children online.



Part 5

Implementing your Child Safeguarding Statement

Part 5–Implementing your Child Safeguarding Statement

Part 5 of a Child Safeguarding Statement requires that you provide information on how your Statement will be implemented and when it will be reviewed.

The Child Safeguarding Statement must be reviewed every two years, or sooner if there has been a change in any of the elements to which it refers.

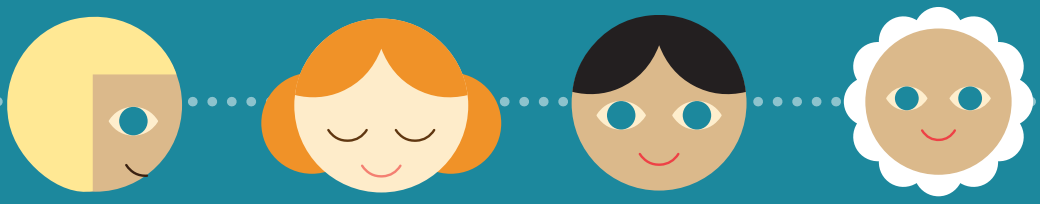
The following checklists can be used to help you implement and review your safeguarding policies and procedures.

Implementation Checklist

- ☐ The Child Safeguarding Statement is displayed in the service
- ☐ All staff, student and volunteers (including board members) have been Garda Vetted
- ☐ All staff, student and volunteers have read and are familiar with the Child Safeguarding Statement and accompanying Safeguarding policies
- ☐ Everyone in the service has completed the Tusla e-learning course: Introduction to Children First
- ☐ Staff know and understand their obligations under the Children First Act, 2015
- ☐ Everyone in the service knows who to speak to should they have a concern about the well-being of a child
- ☐ Parents are given information about the Safeguarding policies at intake meetings
- ☐ Information on the Safeguarding policies is part of the induction process for new employees, students and volunteers
- ☐ A Designated Liaison Person for child protection and a Deputy have been appointed
- ☐ Information naming the Designated Liaison Person and Deputy are displayed in the service
- ☐ The Designated Liaison Person and Deputy have attended up to date child protection training
- ☐ Contact details for the local Tusla Duty Social Work Team and An Garda Síochána are displayed

Checklist for Child Safeguarding Policies and Procedures

Do you have the following Safeguarding Policies and Procedures in place?	Yes	No	In Progress
1. Key Roles in Safeguarding			
- Appointment of DLP			
- List of Mandated Persons			
- Appointment of Relevant Person			
2. Child Protection and Welfare Reporting Procedures			
3. Confidentiality Policy			
4. Dealing with Allegations of Abuse or Neglect Against Employees			
5. Managing Child Protection Records			
6. Recruitment Policy			
7. Garda Vetting Policy			
8. Code of Behaviour for Working with Children			
9. Induction, Training, Supervision and Support of Staff			
10. Complaints Policy			
11. Policy for Managing Outings			
12. Policy for Managing Accidents and Incidents			
13. Social Media Policy			



Appendices

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

Types of child abuse and how they may be recognised

In this Guidance, 'a child' means a person under the age of 18 years, who is not or has not been married.

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

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

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

Neglect

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with poverty but not necessarily caused by it. It is strongly linked to parental substance misuse, domestic violence, and parental mental illness and disability.

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

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

Emotional abuse

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

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

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

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

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

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

Physical abuse

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

Physical abuse can include the following:

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

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

Sexual abuse

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

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

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

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

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in Chapter 3 of *Children First: National Guidance 2017.*

Appendix 2: The Legal Obligations of a Mandated Person

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

WHAT ARE THE LEGAL OBLIGATIONS OF A MANDATED PERSON?

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

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

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

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

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

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

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

'Where a child believes that he or she–

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

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

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

'harm means in relation to a child–

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

Appendix 3: Reporting Mandated Concerns

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

REPORTING MANDATED CONCERNS

Criteria for reporting: definitions and thresholds
As a mandated person, under the legislation you are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse are described in Chapter 2 of *Children First: National Guidance 2017*. The threshold of harm for each category of abuse at which mandated persons have a **legal** obligation to report concerns is outlined below.

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

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

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

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

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

SEXUAL ABUSE
If, as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla under the Children First Act, 2015.

Sexual abuse to be reported under the Children First Act, 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act, 2015.

A full list of relevant offences against the child which are considered sexual abuse is set out in Appendix 3 of *Children First: National Guidance 2017*.

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

Disclosures of abuse from a child

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

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

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

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

About

The Early Years Child Protection Programme has been developed by the National Early Years Children First Committee. The inter-agency committee was established by the Department of Children and Youth Affairs to support the implementation of Children First in the early years sector. The programme consists of a National Child Protection Training Programme for early years services and Child Protection and Welfare Policy implementation support.

This resource has been funded by the Department of Children and Youth Affairs.

The National Early Years Children First Committee is made up of the following organisations:

Na Naíonraí Gaelacha
Barnardos
Dublin City Childcare Committee
Fingal County Childcare Committee
Early Childhood Ireland
Early Years/Pre-School Inspection Service
Tusla – Early Years (Pre-School) Inspectorate
Childminding Ireland
Comhar Naíonraí na Gaeltachta

pobal
government supporting communities

An Roinn Leanaí agus Gnóthaí Óige
Department of Children and Youth Affairs