



This document is based on Children First Guidance 2011, Children First Act 2015, Children First National Guidance 2017 and HSE Child Protection & Welfare Policy 2017. It will be adapted to reflect future policy updates.

Sligo CIL is committed to safeguarding the well-being of children, young people and vulnerable adults and to ensuring its employees and others working on its behalf (e.g. directors, contractors, students, volunteers) are aware of their personal and professional responsibilities to promote children's and vulnerable adult's safety and welfare in accordance with relevant legislation and guidance documents. This policy is designed to assist Sligo CIL personnel in meeting standards of good practice in relation to safeguarding where relevant, in the course of their employment. All employees are required to familiarise themselves with the policy and procedures. While Sligo CIL employees in general do not work directly with children and young people, contact with is a feature of some roles or functions. It is important that people in such roles are aware of good safeguarding practice and of their responsibilities in relation to safeguarding children young people or vulnerable adults.

The Designated Liaison Person (DLP) is: Maria Pereira- Development Worker

The Deputy DLP is: Maria Mulligan CEO

The designated liaison person is responsible for ensuring that the standard reporting procedure is followed, so that suspected cases of child abuse or neglect are referred promptly to the Duty Social Worker in TUSLA or in the event of an emergency and the unavailability of TUSLA Duty Social Worker to An Garda Síochána. The designated liaison person will be knowledgeable about child protection and undertake any training considered necessary to keep them updated on new developments.

DEFINITIONS OF ABUSE

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.

NEGLECT

Neglect can be defined in terms of an omission, where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care. Neglect generally becomes apparent in different ways over a period of time rather than at one specific point for example a child who is deprived

of adequate nutrition, who consistently misses school or who lack necessary supervision and safety.

Neglect is measured both in terms of degree and duration. Moderate, severe or chronic neglect will impact on a child's development and well-being and may have serious consequences for their welfare. A distinction is made between 'wilful' and 'circumstantial' neglect and different responses may be required. However the impact for the child must always inform the approach and response made.

EMOTIONAL ABUSE

Emotional abuse is normally to be found in a relationship between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's developmental need for affection, approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning.

The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the partner/carer.

Examples may include:

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

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

- Severe physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking, or hair-pulling
- Terrorising with threats
- Observing violence
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness

- Allowing or creating a substantial risk of significant harm to a child

SEXUAL ABUSE

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others.

Children or young people can also be exploited sexually. Sexual exploitation involves situations where a child or young person receive 'something' (food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) in return for sexual activity. Children and young people engaged in prostitution or other forms of sexual exploitation are also victims of abuse.

Example of child sexual abuse include:

- Exposure of the sexual act intentionally performed in the presence of the child.
- Intentional touching molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification.
- Masturbation in the presence of the child or the involvement of the child in an act of masturbation.
- Sexual intercourse with the child, whether oral, vaginal or anal
- Sexual exploitation of a child, which included inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual act. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse, it should be noted that, for the purposes of criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls.

An Garda Siochana will deal with the criminal aspects of the case under the relevant legislation.

ON LINE SEXUAL EXPLOITATION

On line child sexual exploitation can occur when children or young people are exploited by others who have power over them by virtue of age, gender, intellect, physical strength and/or other resources.

DOMESTIC ABUSE

Domestic Abuse is defined as the use of physical or emotional force or the threat of same. In relation to children, exposure to domestic abuse is defined as emotional abuse. Children exposed to domestic abuse are also at higher risk of emotional and physical abuse.

RECOGNISING CHILD NEGLECT OR ABUSE

Child neglect or abuse can often be difficult to identify and may present in many forms. No one indicator should be seen as conclusive itself of abuse. It may indicate conditions other than child abuse.

All signs and symptoms must be examined in the context of the child's situation and family circumstances.

GUIDELINES FOR RECOGNITION OF CHILD ABUSE

The ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as it does on their knowledge and information. There are commonly three stages in the identification of child neglect or abuse:

1. Considering the possibility
2. Looking out for signs of neglect or abuse
3. Recording of information

RESPONSIBILITY TO REPORT CHILD ABUSE OR NEGLECT

Tusla, The Child and Family Agency 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. In Sligo CIL this is done through the Designated Liaison Person (DLP) who is responsible for receiving and passing on concerns. Child protection concerns should be supported by evidence that indicates the possibility of abuse or neglect.

Reasonable Grounds for Concern

Children First 2011, Section 3.2 notes that the Child and Family Agency 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. It is important that a person reporting suspected child abuse or neglect establish the basis for their concerns.

Reasonable grounds for concern include:

- an injury or behaviour that is consistent both with abuse and an innocent explanation, but where there are corroborative indicators supporting the concern that it may be a case of abuse
- consistent indication over a period of time that a child is suffering from emotional or physical neglect
- admission or indication by someone of an alleged abuse
- a specific indication from a child that he or she was abused
- an account from a person who saw the child being abused
- evidence (e.g. injury or behaviour) that is consistent with abuse and unlikely to have been caused in any other way

A suspicion which is not supported by any objective indication of abuse or neglect would not constitute a suspicion or reasonable grounds for concern.

DEALING WITH DISCLOSURES

If a child discloses abuse to you during your work.

- Be as calm and natural as possible
- Remember that you have been approached because you are trusted and possibly liked
- Do not panic
- Be aware that disclosures can be very difficult for the child
- Remember, the child may initially be testing your reactions and may only fully open up over a period of time.
- Listen to what the child has to say. Give them the time and opportunity to tell as much as they are able and wish to
- Do not pressurise the child. Allow them to disclose at their own pace using their own words.
- Conceal any signs of disgust, anger or disbelief
- Do not give an undertaking of secrecy
- Accept what the child has to say - false disclosures are very rare
- Don't ask the child to repeat the story
- Do make a detailed note of what the child disclosed to you, using the child's own words, as soon as possible

It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The child quite possibly may love or strongly like the alleged abuser

while also disliking what was done to them. It is important therefore to avoid expressing any judgement on, or anger towards, the alleged perpetrator while talking with the child.

It may be necessary to reassure the child that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed.

STANDARD REPORTING PROCEDURE

Sligo CIL has established the following procedures for reporting a concern in relation to the protection and welfare of children and young people.

- If a concern arises report the matter to the service's Designated Liaison Person (DLP). The DLP has responsibility for reporting concerns to the statutory authorities.
- Provide the DLP with a clear and accurate account of the nature of your concern including reasonable grounds for reporting. This might include a factual account of something you observed; a record of a disclosure by a child or young person or information provided to you by a third party.
- Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm while waiting for the Child and Family Agency intervention. In the event of an emergency where you think a child is in immediate danger and you cannot get in contact with the Child and Family Agency, you should contact the Gardaí. This may be done through any Garda station or by dialling 999 and giving your location.
- It is good practice that parents are informed that a report is to be made to the Child and Family Agency unless doing so would put the child at further risk.
- Before deciding whether or not to make a formal report, the DLP may wish to discuss a concern with a health professional or directly with the Child and Family Agency Children and Family Services (see the Child and Family Agency contacts in Appendix 2). This informal consultation can be done confidentially without identifying the child, family or service involved. However if advised that the concern warrants a formal report, full details must be given, in order to enable an effective and timely investigation to take place.

CONFIDENTIALITY

Where child protection and welfare concerns arise, information must be shared on a 'need to know' basis in the best interest of the child. No undertaking regarding secrecy can be given to either adults or children in relation to child protection concerns, disclosures or allegations. Sharing information in reporting child protection or welfare concerns is not a breach of confidentiality or data protection.

Sligo CIL will cooperate with the Child and Family Agency or An Garda Síochána on the sharing of information and records where a child welfare or protection issue arises. Relevant staff will attend and share information, as required, at formal child protection and welfare meetings as organised by the child and Family Agency i.e. Child Protection Conferences and Strategy Meetings.

Parents and children have a right to know if personal information is being shared, unless doing so could put the child at further risk.

Each staff member must be aware of their responsibilities under the Freedom of Information Act 2014 and the General Data Protection Regulation (2018). However it is critical that fears about information sharing must not impede the promotion of the welfare and protection of children.

Children First 2011, Section 3.9.4 notes the provision of information to the statutory service agencies for the protection of a child is not a breach of confidentiality or data protection.

The following should be noted:

- giving information to a person who has a bona fide need to know for the protection of a child is not a breach of confidentiality or data protection

- all information regarding a report or the assessment of a child protection or welfare concern should be shared with TUSLA in the interests of the child
- at the outset of contact with a service, healthcare staff should explain to clients/service users/ families openly and honestly, what and how information will, or could be shared and why, and seek their agreement
- the exception to this is where to do so would put the child, young person or others at increased risk of significant harm or if it would undermine the prevention, detection or prosecution of a serious crime, including where seeking consent might lead to interference with any potential child protection enquiry
- where a service user does not consent to disclosure of information but disclosure is required, the client's refusal should be clearly recorded and the service user informed that the information will be shared for the protection of the child
- where the disclosure of confidential information is necessary, then the 'need to know' principle should apply i.e. only those who need to know should be given the relevant information
- the service user should be notified in writing of the decision and informed about what information has been disclosed
- all cases of disclosure to a third party should be clearly documented
- best practice indicates that a written record should be made on file, that the limits of confidentiality have been explained
- clients/service users should be provided with written information about confidentiality
- healthcare professionals must always consider the safety and welfare of a child or young person when making decisions on whether to share information about them
- where there is concern that the child may be suffering, or is at risk of suffering significant harm, the child's safety and welfare must be the overriding consideration
- where the interests of the parents and the child appear to conflict, the child's interests must be paramount

MANAGEMENT SUPERVISION

All staff whose roles or duties include or may include contact with children, young people or vulnerable adults will receive appropriate support and supervision from their line manager or other appointed managers.

All staff will complete the TUSLA introduction to Children First E-Learning Programme

Code of Conduct in relation to working, or contact with children, young people or vulnerable adults

- The safety and welfare of children, young people or vulnerable adults is paramount and must be our first consideration in any contact with them
- Respect the rights, dignity and worth of every child, young person or vulnerable adult and treat each one equally regardless of age, gender, ability, ethnic origin, cultural background or religion
- Physical or verbal interactions with children, young people or vulnerable adults should never be punitive, aggressive, embarrassing or humiliating
- When meeting children, young people or vulnerable adults for the first time, introduce yourself and explain in age appropriate language, who you are and why you are visiting them
- Be aware of and sensitive to culture difference and engage with children, young people or vulnerable adults in a culturally sensitive way
- Do not spend time alone with children or young people in services you visit
- Always use positive, respectful and age appropriate language
- There should be no unnecessary physical contact between an adult and a child or young person although there are times when for example, placing a hand on a distressed child/young person's shoulder to comfort him/her would be appropriate. Physical contact should only be in response to the needs or initiative of the child and should be appropriate to their age and the level of development

- Be friendly, open, patient and polite to all children and adults, remembering always that you are a visitor to their services. Behave with courtesy, consideration and respect
- If you think you may have caused offence, however unintentionally, acknowledge and offer an apology or explanation as soon as possible

The Criminal Justice Act 2006 (Reckless Endangerment of Children) states that a person having authority or control over a child who intentionally or recklessly endangers a child by causing or permitting that child to be placed or left in a situation which creates substantial risk to the child of being a victim of serious harm or sexual abuse or fails to take reasonable steps to protect a child from such a risk is guilty of an offence under the Act.

The Criminal Justice Act 2012 (Withholding of information on Offences against Children and Vulnerable Persons). Under this Act It is an offence to withhold information from An Garda Síochána on certain offences which include: sexual offences and offences causing harm, abduction, manslaughter or murder of children and vulnerable adults.

The offence arises where a person knows or believes that a serious offence has been committed against a child or vulnerable person & that his/her information would be of material assistance in securing the apprehension, prosecution or conviction of another person for that offence & he/she fails without reasonable excuse to disclose this information as soon as it is practicable to An Garda Síochána

The offences are punishable by a fine and a minimum penalty of five years imprisonment. The offence applies to a person acquiring information after the passing of the Act on 18th July 2012. The offence exists even if the information acquired is about an offence which took place prior to the Act being enacted, and if the victim or vulnerable adult is no longer a child. The emphasis is on the person 'acquiring the information' and this does not apply to the child / adult to whom the information refers. While the commission of an offence can only apply to information not shared after the passing of the Act, it does not exclude information gathered prior to the Act which may become relevant in the present.

The Protections for Persons Reporting Child Abuse Act, 1998 makes provision for the protection from civil liability and penalisation by an employer of persons who have communicated child abuse reports 'reasonably and in good faith' to Designated Officers of the Child and Family Agency or to any member of An Garda Síochána. This means that even if a communicated report of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report. Section 4 of the Act protects employees from penalisation by employers for having made a report of child abuse.

The Act created an offence of false reporting in cases where a report was made knowing the statement to be untrue. A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege. This protection applies to staff that make a child protection or welfare report in good faith to the DLP (who has a bona fide need to know). The Protections for Persons Reporting Child Abuse Act 1998 also applies to staff that make reports to the Child and Family Agency as all Child and Family Agency Social Workers are Designated Officers under the Act.

The Protected Disclosures Act 2014 states that staff who hold concerns about certain types of risks to a patient/client can report their concern in good faith. This includes staff who report concerns they hold about a colleague's behaviour to any child/children. Protected disclosure means disclosure of relevant information, which in the reasonable belief of the worker tends to show one or more relevant wrongdoings which came to the attention of the worker in connection with their employment. "Relevant wrongdoings" are defined in an exhaustive list in the act and include the following:

- the commission of an offence
- a miscarriage of justice

- non-compliance with a legal obligation
- health and safety threats
- misuse of public monies or mismanagement by a public official
- damage to the environment

The Act provides whistle-blowers who act in good faith with the following specific protections

- protection from dismissal for having made a protected disclosure - an employee who claims to have been dismissed or threatened with dismissal for having made a protected disclosure can apply to the Circuit Court to restrain the dismissal
- protection from penalisation by the employer
- civil immunity from action for damages and a qualified privilege under defamation law
- a right of action in tort where a whistleblower or a member of his/her family experiences coercion, intimidation, harassment or discrimination at the hands of a third party
- protection of his/her identity (subject to certain exceptions)
- protection to all HSE employees who make a protected disclosure in good faith that the health/welfare of a patient/client or the public may be put at risk

Record Keeping

If abuse is suspected, it is important to establish the grounds for concern by obtaining as much detailed information as is available. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Reporting a child protection or welfare concern where there are reasonable grounds should not be delayed for the purpose of gathering information.

Accidents/ Incidents

It is the policy of CIL

- that all incidents are reported, investigated and acted on effectively and with the appropriate level of urgency
- the health and safety of those affected is the primary focus of attention

However, this should not delay reporting a concern to the Child and Family Agency as any untoward delay could, in and of itself, represent a risk to the child, the individual staff member / team or the organisation.

Complaints

CIL actively encourages service users to comment, compliment or complain about any service(s) provided by CIL. CIL also has a Grievance Procedure & Disciplinary Procedure in place.

The Health Act 2004 states that a “complaint is when a service user is dissatisfied about any action by a Service Provider that, it is claimed, does not accord with fair or sound administrative practice, and adversely affects the person by whom, or on whose behalf, the complaint is made”.

Should you observe or witness any action, behaviour or symptoms that indicate a concern in relation to a child’s safety or welfare, report the matter, in the first instance to the service manager and advise her/him of your obligations under this policy.

Approved by:

Maria Mulligan, CEO, SCIL

Date: April 2021