

**CHILDREN'S GRIEF CENTRE  
CHILD PROTECTION POLICY  
AND  
SAFEGUARDING HANDBOOK**

**2020**

# Table of Contents

Chapter	Page
<b>1. INTRODUCTION and Glossary of Terms .....</b>	<b>4</b>
<b>2. CHILD SAFEGUARDING STATEMENT .....</b>	<b>5</b>
<b>3. CHILD PROTECTION POLICY.....</b>	<b>8</b>
CGC Roles and Responsibilities.....	9
<b>4. RECRUITMENT AND SELECTION OF STAFF .....</b>	<b>11</b>
<b>5. CODE OF BEHAVIOUR.....</b>	<b>11</b>
<b>6. STAFF AND VOLUNTEER TRAINING .....</b>	<b>13</b>
<b>7. CONFIDENTIALITY.....</b>	<b>14</b>
<b>8. RECORD KEEPING.....</b>	<b>15</b>
<b>9. ISSUES REGARDING CHILDREN, PARENTS AND FAMILY .....</b>	<b>16</b>
<b>10. WORKING IN PARTNERSHIP .....</b>	<b>17</b>
<b>11. DEFINITION AND RECOGNITION OF CHILD ABUSE.....</b>	<b>18</b>
Recognising Child Abuse .....	18
CGC Policy on Domestic Violence.....	18
Early Detection is Important.....	19
Guidelines for Recognition .....	19
<b>12. REPORTING CHILD PROTECTION CONCERNS TO THE DLP.....</b>	<b>21</b>
Overview .....	21
Statement on Child Protection Concerns.....	22
Receiving Disclosures of child abuse .....	22
Procedure for Receiving a Disclosure from an Adult .....	23
Responsibility to Report Concerns of Child Abuse to Designated Liaison Person.....	24
Procedure for bringing Concerns to the Designated Liaison Person.....	24
<b>13. REPORTING SUSPECTED CHILD ABUSE TO THE STATUTORY AUTHORITIES.....</b>	<b>26</b>
DLP's contact with adult members of a family alleging child abuse by CGC staff- member/volunteer.....	26
Basis for Reporting to TUSLA Child and Family Agency .....	28
Standard Reporting Procedure.....	29
Information required when a Report is being made.....	30
Exemptions from Requirement to Report.....	31
<b>14. ALLEGATION OF CHILD ABUSE AGAINST EMPLOYEES OR VOLUNTEERS.....</b>	<b>32</b>
Introduction / CGC Commitment to Child Safety .....	32
CGC's Responsibility as an Employer to Report to Statutory Authorities .....	32
Overview .....	32
Procedural Guidelines .....	33
Child Protection.....	33
Responding to a Report.....	34
<b>15. COMMENTS, COMPLIMENTS AND COMPLAINTS.....</b>	<b>36</b>
<b>16. ACCIDENT AND INCIDENTS .....</b>	<b>37</b>
<b>17. CGC VETTING POLICY.....</b>	<b>38</b>

<b>APPENDICES.....</b>	<b>Page</b>
<b>1. Role and Responsibilities of Designated Liaison Person .....</b>	<b>41</b>
<b>2. Role and Responsibilities for Board of Directors .....</b>	<b>43</b>
<b>3. CGC Confidentiality Statement .....</b>	<b>44</b>
<b>4. CGC Conditions of Employment Form .....</b>	<b>45</b>
<b>5. CGC Charter .....</b>	<b>46</b>
<b>6. Signs and Symptoms of Abuse .....</b>	<b>47</b>
<b>7. TUSLA Child Protection Report Form for all CGC Staff and volunteers.....</b>	<b>56</b>
<b>8. CGC Accident/Incident Report Form .....</b>	<b>57</b>
<b>9. Relevant legislation.....</b>	<b>58</b>

## **1. INTRODUCTION**

This Safeguarding Handbook is intended to direct and support the members of the Children's Grief Centre (CGC), whether Staff, Volunteers or Board members, in safeguarding all children with whom they come into contact.

### **Glossary of Terms**

#### **Child**

A "child" is defined under the Child Care Act 1991 as anyone under the age of 18 years who is not married.

#### **Age of Consent**

Under the Sexual Offences Act 2006 the legal age of consent is 17. Any sexual relationship where one or both parties are under 17 is illegal, although it might not be regarded as constituting child sexual abuse.

#### **Volunteer**

The term Volunteer in this document refers to any Support Workers, board members or others that work voluntarily (without pay or reward) for the CGC.

#### **Mandated Persons**

The Children First Act 2015 places a legal obligation on certain people to report child protection concerns 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.

Mandated persons are people who have contact with children and/or families and who because of their qualifications, training and/or employment role are in a key position to help protect children from harm. All CGC staff who undertake direct work with children operate as mandated persons. As mandated persons, they have a legal obligation under the Children First Act 2015 to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. This responsibility rests with the mandated person and not with the Designated Liaison Person.

The CGC considers a failure to report a child protection concern a disciplinary matter.

## 2. CHILD SAFEGUARDING STATEMENT

The Children's Grief Centre **Child Safeguarding Statement** has been developed in line with requirements under the Children First Act 2015, *Children First: National Guidance for the Protection and Welfare of Children* (2017), and Tusla's *Child Safeguarding: A Guide for Policy, Procedure and Practice*.

The Children's Grief Centre is a support service for school-aged children and young people affected by loss through death, separation and divorce. The Centre provides support to children up to 18 years who have experienced a bereavement or parental separation. It offers a safe and supportive place for children and their families who are grieving.

In addition, the Children's Grief Centre strives to raise awareness in the community that grieving is an important part of life and is essential to an individual's ongoing growth and development.

The Children's Grief Centre is committed to protecting children from harm. Management and staff recognise that the welfare of children is paramount and our service endeavours to safeguard children.

The Children's Grief Centre aims to create a safe and healthy environment for the young people with whom we work and we are committed at all times to ensure the safety and welfare of children. The Children's Grief Centre believes in promoting the general welfare, health, development and safety of children. The welfare of children is of paramount importance.

### **Risk assessment**

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

**1. Risk Identified:** *Allegation of abuse or misconduct against workers/volunteers of a child availing of our service.* **Procedure in Place to Manage Risk Identified:** The Children's Grief Centre Child Protection Policy clearly outlines the procedure for the management of allegations of abuse or misconduct against workers/volunteers of a child availing of our service (*page 00*). The only time a child is alone with an adult is in the art room with their Support Worker. Children's Grief Centre has placed glass panels on all the child art rooms.

**2. Risk Identified:** *Safe Recruitment:* **Procedure in Place to Manage Risk Identified:** Children's Grief Centre Child Protection Policy outlines the procedure for the safe recruitment and selection of workers and volunteers (pages 8ff). Children's Grief Centre practice was amended to comply with the provisions of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016. All Children's Grief Centre staff and volunteers are Garda Vetted. All appointments or contracts of employment with Children's Grief Centre are offered subject to Garda Vetting. Employment will not commence until the vetting process has been completed.

**3. Risk Identified:** *Child Protection Concern / Training:* **Procedure in Place to Manage Risk**

**Identified:** Children's Grief Centre provides ongoing child protection training to all staff and volunteers to raise awareness within the organisation about potential risks to children's safety and welfare. All staff, volunteers, support workers, board members and fundraisers are made aware of their duty to report concerns or disclosures of abuse that they receive in the course of their duties to the Children's Grief Centre Designated Liaison Person.

**4. Risk Identified: Reporting Child Protection Concerns from staff/volunteers: Procedure in Place to Manage Risk Identified:** The roles and responsibilities of the Designated Liaison Person are outlined in (page 00) of the Children's Grief Centre Child Protection Policy. The Reporting Child Protection Concerns Form for all Children's Grief Centre Staff and Volunteers (page 38) in the Children's Grief Centre Child Protection Policy needs to be completed by the staff member. Failure to do so is a failure in duty to care and can lead to disciplinary action. If the Designated Liaison Person is unavailable, the Safeguarding Representative can be contacted.

The roles and responsibilities of the Child Protection Officer are outlined in (page00) in the Children's Grief Centre Child Protection Policy. The Designated Liaison Person acts as a resource person to staff members who have any child protection concerns. The names of the Designated Liaison Persons and the Child Protection Officer is displayed in prominent locations throughout the centre. Any changes will be immediately amended on the displayed notices. As defined in the Children First Act 2015, mandated persons have a statutory obligation to report concerns which reach a particular threshold to TUSLA.

**5. Risk Identified: Reporting Child Protection Concerns to TUSLA: Procedure in Place to Manage Risk Identified:** The Designated Liaison Person and Safeguarding Representative names and contact details are displayed in all relevant areas of the Children's Grief Centre. The Designated Liaison Person acts as a liaison person with outside agencies and also as a resource person to staff members or volunteers who have any child protection concerns.

The Child Safeguarding Statement is provided to all staff, volunteers or any other persons involved with the service. The Child Safeguarding Statement is also published on the Children's Grief Centre website [www.Children's Grief Centre.ie](http://www.Children's Grief Centre.ie). The Child protection Statement and Children's Grief Centre policies are available to parents, guardians on request and a copy of these will be made available to TUSLA on request.

**6. Risk Identified: Confidentiality: Procedure in Place to Manage Risk Identified:** All Children's Grief Centre staff, volunteers, support workers, board members and fundraisers are required to sign a confidentiality agreement. The Children's Grief Centre respects the client's right to privacy and anonymity inside and outside of the Centre.

**7. Risk Identified: Record Keeping: Procedure in Place to Manage Risk Identified:** The Children's Grief Centre has clear procedures in relation to record-keeping of all child protection and welfare concerns. All records are kept securely.

**8. Risk Identified: Working in Partnership/Joint Working: Procedure in Place to Manage Risk**

**Identified:** The Children's Grief Centre's policy is to cooperate with TUSLA Child and Family Agency on the sharing of their records where a child welfare or protection issue arises. The Children's Grief Centre seeks to work in partnership with any other agency/service when such a liaison will benefit the child and their family. This includes statutory and non-statutory services. The Children's Grief Centre is committed to sharing information in relation to child protection with TUSLA Child and Family Agency and support workers are available to liaise in the best interest of the child. The Children's Grief Centre will share what is necessary and proportionate in the circumstances of each individual case. This is in keeping with Data Protection principles which recognise that in certain circumstances information can be shared in the interests of child protection.

**9. Risk Identified: *Physical injury to a child*: Procedure in Place to Manage Risk Identified:**

Children remain under adult supervision at all times on Children's Grief Centre premise and are not left unattended. The procedures for dealing with any accident or injury to a child are outlined in the Children's Grief Centre Child Protection Policy. (page 58).

**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 in December 2022, or as soon as practicable after there has been a material change in any matter to which the statement refers.

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 provision of and access to child safeguarding training and information, including the identification of the occurrence of harm.
- A clear reporting procedure to respond to concerns around children's welfare and safety.
- A code of behaviour for staff and volunteers.
- A safe recruitment procedure.
- A procedure to respond to accidents.
- A procedure to respond to complaints.
- Appointment of a suitably trained DLP and a Child Protection Officer.
- Provision of induction training to staff in relation to CGC's child protection policy.
- Provision of supervision and support for staff and volunteers in contact with children.
- Sharing of information about the child protection policy and good practices with families and children
- Reviewing CGC's child protection policy and practices on a regular basis.

All CGC policies are available upon request.

Signed: \_\_\_\_\_

**3. CHILD PROTECTION POLICY**

The participation of children and young people is at the heart of the work of the CGC. As board members, staff, and volunteers with the CGC, we undertake to do all in our power to create a safe environment for children and young people and to ensure their protection from neglect and from physical, sexual and emotional abuse. This Child Protection Policy is based on Children First Act 2015; *Children First: National Guidance for the Protection and Welfare of Children* (2017); and Tusla's *Child Safeguarding: A Guide for Policy, Procedure and Practice*.

**We are committed to safeguarding children by:**

- Having a Child Safeguarding Statement (cf. **2.1** below).
- Having a reporting procedure to respond to concerns around children's welfare and safety
- Having a confidentiality statement
- Having a code of behaviour for staff and volunteers/students
- Having a safe recruitment procedure
- Having a procedure to respond to accidents
- Having a procedure to respond to complaints

**As part of the policy, the CGC:**

- Has a Designated Liaison Person (DLP)
- Provides induction training around the CGC's child protection policy
- Provides supervision and support for staff and volunteers in contact with children
- Shares information about the child protection policy and good practices with families and children
- Reviews the CGC's child protection policy and practices on a regular basis

**The CGC, in line with national guidance, is committed to:**

- Ensuring that the welfare of children is of paramount importance.
- Adopting and consistently applying a safe and clearly defined method of recruiting and selecting staff and volunteers.
- Developing guidance and procedures for staff and volunteers who may have reasonable grounds for concern about the safety and welfare of children involved with the organisation.
- Appointing a DLP to act as a liaison with outside agencies and a resource person to any staff member who has child protection and welfare concerns.
- Ensuring that the organisation has clear, written procedures on the action to be taken if allegations of abuse against employees/volunteers are received
- Raising awareness within the organisation about potential risks to children's safety and welfare.
- Developing effective procedures for responding to accidents and complaints.
- Ensuring that clear procedures in relation to record-keeping of child protection and welfare concerns are in place.



## **CGC's Roles and Responsibilities**

This policy has been drawn up to ensure that CGC acts at all times for the protection of children in keeping with the principles of the Children First Act 2015 and subsequent national guidance. It will also act to prevent abuse of any kind occurring within the organisation and to take effective action in response to allegations or disclosures of abuse within the service or by members of staff or any allegations that come to our attention.

### **Responsibility**

The responsibility to uphold this policy and all policies is finally that of the Board of Directors. They, through their nominees, implement this policy and ensure its application throughout the organisation.

### **Scope**

This policy applies to all staff, volunteers, support workers, board members and fundraisers working with CGC. All staff are supplied with a copy of this document.

### **Duty of staff and volunteers to report**

All staff, volunteers, support workers, board members and fundraisers have a duty to report concerns or disclosures of abuse that they receive in the course of their duties to CGC's Designated Liaison Person. We recognize that this sometimes may be difficult, but failure to do so is a failure in duty to care and can lead to disciplinary action.

### **Training and Support**

All staff and volunteers are introduced to CGC's child protection policy on the prevention and reporting of abuse when recruited. The DLP acts as a resource person to staff members who have any child protection concerns. Support workers may also be supported by external supervision and case management meetings.

### **Designated people for reporting and investigation of abuse.**

The Designated Liaison Person is responsible for the reporting of child abuse concerns. The Designated Liaison Person acts as a liaison person with outside agencies and also as a resource person to staff members or volunteers who have any child protection concerns.

### **Monitoring**

The Designated Liaison Person ensures that detailed records are kept of all child protection issues brought to his/her attention. The records include details of all action taken, including reporting to external agencies. The Board of Directors will regularly monitor all aspects of this policy.

#### **4. RECRUITMENT AND SELECTION OF STAFF, SUPPORT WORKERS, BOARD MEMBERS, FUNDRAISERS & VOLUNTEERS**

Putting in place good procedures in recruitment and training practice is a central element in ensuring the safety and welfare of all adults and young people involved in the organisation.

##### **Introduction**

The following procedures outline the precautions that CGC takes to ensure that all employees and volunteers are properly interviewed and their suitability assessed, before they begin working for CGC

##### **Application Form**

All those seeking to carry out paid or volunteer work, must provide a full CV, a covering letter and details of at least two referees that CGC can contact.

##### **Appointment of Staff and Volunteers**

Only nominees of the Board of Directors have the authority to appoint staff and volunteers based on recommendations from the interview panel.

##### **Interviews**

All appointed staff, volunteers, support workers, board members and fundraisers are interviewed by at least three people and told there is an expectation to disclose any convictions or if they have been given the benefit of the Probation Act.

##### **References**

All relevant professional qualifications are validated by awarding and/or registering bodies.

References are taken up and no one is appointed to a post without written references. Open testimonials are not accepted as references

##### **Investigations and checks**

All career breaks, sudden job changes and dismissals are investigated.

Employment does not commence without Garda vetting

## **5. CODE OF BEHAVIOUR**

### **Key principles of best practice in child protection and welfare**

The key principles that should inform best practice in child protection and welfare are:

- The welfare of children is of paramount importance.
- A proper balance must be struck between protecting children and respecting the rights and needs of parents/carers and families. Where there is conflict, the child's welfare must come first.
- Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives. Where there are concerns about a child's welfare, there should be opportunities provided for their views to be heard independently of their parents/carers.
- Parents/carers have a right to respect and should be consulted and involved in matters that concern their family.
- Factors such as the child's family circumstances, gender, age, stage of development, religion, culture and race should be considered when taking protective action. Intervention should not deal with the child in isolation; the child's circumstances must be understood within a family context.
- The criminal dimension of any action must not be ignored.
- The prevention, detection and treatment of child abuse or neglect requires a coordinated multidisciplinary approach, effective management, clarity of responsibility and training of personnel in organisations working with children.

Safe practice is essential in our work and we are committed to following the procedures to govern our work with children and young people:

### **Procedures**

The following procedures exist within CGC to ensure that best practice is maintained with respect to child protection issues. Children must be respected at all times and any form of disrespect of children is unacceptable from staff.

### **Line management**

All staff, volunteers, and support workers have a designated line manager.

### **Job description**

All staff, volunteers, and support workers have a job description that clearly states the range of responsibilities their job entails. Staff will be given a copy of CGC's Child

Protection Policy. All staff, volunteers, support workers, board members and fundraisers are required to sign a confidentiality statement (Appendix 4) and CGC's Conditions of Employment form (Appendix 5).

## **Induction**

Following their appointment, all new staff, volunteers, support workers, board members and fundraisers will take part in the first available CGC induction course. They receive training on all elements of CGC's work, including general and child protection policies and procedures.

## **Best practice**

Line managers engage in regular supervision and consultation with all staff regarding practice issues related to their position.

## **Code of ethics**

All support workers are bound by the CGC Code of Ethics. All staff and volunteers undertake to work in accordance with the CGC Charter (Appendix 6).

## **Prevention and reporting of abuse**

All staff are aware of and trained in the policy and guidelines on the prevention and reporting of abuse within CGC and know how to contact the DLP.

All staff are made aware that they have a responsibility to report concerns about possible or actual abuse to the DLP. Failure to do so could result in disciplinary action.

## **6. STAFF AND VOLUNTEER TRAINING**

### **CGC's Commitment to staff and volunteer training**

CGC is committed to ensuring that all staff, volunteers, support workers, board members and fundraisers are appropriately trained to a high standard in keeping with the responsibilities incumbent on them in their particular roles. CGC training is reviewed annually.

### **CGC training in child protection has a number of objectives:**

- To ensure that personnel are equipped with appropriate skills, knowledge and values to deliver an effective service to children.
- To ensure that personnel are aware of relevant legislation, national guidelines and local child protection procedures and protocols.
- To translate learning into a better service for children and families in collaboration with other service providers.
- To strengthen relationships through inter-agency training.
- All relevant staff are trained in the recognition of signs of abuse and what immediate action to take.
- CGC is committed to providing the training necessary to staff to enable them to deal safely with disclosures, reports, allegations and concerns regarding child abuse, protection and welfare and to refer the individual/s concerned to the correct person within CGC or to another organisation. Staff are trained to pass on concerns from any source to the Designated Liaison Person.
- Support workers are trained to share information with children in an age appropriate way. Support workers are trained in ways to respond therapeutically and responsibly to disclosures of abuse, or concerns regarding welfare, that arise in the context of working with children.
- Support workers are trained in ways to respond therapeutically and responsibly to disclosures, reports or allegations and concerns regarding child abuse. Support workers are trained to ensure there are no child protection concerns in relation to retrospective disclosures of child sexual abuse when working with adults.

## **7. CONFIDENTIALITY**

### **Statement of CGC's confidentiality policy**

All CGC staff, volunteers, support workers, board members and fundraisers are required to sign a confidentiality agreement (Appendix 3, page 41). All CGC staff must keep confidential all information regarding all CGC's clients. They must respect the client's right to privacy and anonymity inside and outside of the Children's Grief Centre.

All staff and volunteers have a professional and legal responsibility with regard to confidentiality and the exchange of information. Any information with child protection implications will be shared with relevant individuals/agencies on a need to know basis in the best interest of the children.

No undertaking of secrecy can be given and this is made clear to all family members. Clients and families are provided with a confidentiality form explaining the limits to confidentiality. Confidentiality cannot be guaranteed for ethical and legal reasons.

Ethical and statutory codes concerned with confidentiality and data protection provide general guidance.

Information gathered for one purpose must not be used for another without consulting the person who provided that information. Any research or evaluation cannot be done without clients' consent.

The area of confidentiality is part of the training provided for all staff, volunteers, support workers, board members and fundraisers.

## **8. RECORD KEEPING**

### **Child Protection Records**

The Designated Liaison Person is responsible for keeping the following records related to Child Protection in a locked filing cabinet. The Director, Designated Liaison Person, and the child's support worker are the only people who have access to these records:

- All Parental/Guardian Consent Forms.
- Any complaints about the safety and welfare of children/young people while attending CGC.
- Any disclosures, concerns or allegations of child abuse.
- The follow up to any complaints, disclosure, concerns or allegations, including informal advice from TUSLA, reports to TUSLA and informing parents/guardians.
- Support Worker notes and files.

### **Support Worker Notes**

All records are the property of CGC and can be released by consent of the organisation and in keeping with the provisions of the Data Protection Acts. All files are kept for seven years from the date of the primary clients 18<sup>th</sup> birthday. After this time period the Director will decide whether a file may be destroyed or whether it needs to remain archived. Even when a file is destroyed, the Director ensures that a copy of the End Report is retained.

### **Vetting Forms**

The Management team are responsible for keeping all vetting forms in a locked filing cabinet.

## **9. ISSUES REGARDING CHILDREN, PARENTS AND FAMILY**

### **Introduction**

To establish CGC's therapeutic and working relationship with parents/carers and other family members the policies are as follows:

### **Co-operation with parents**

The child is the primary client of the CGC, but the CGC is committed to working in partnership with parents or caregivers of child clients and are available to provide support and guidance for them as appropriate. The focus of any work with parents/carers remains the care of the child. Parents/carers meet the support worker at the end of each session with a child. Support workers consult with parents in relation to children requiring assistance with tasks of a personal nature. Leaflets are provided with information for parents/carers of children attending CGC services.

### **Consent of Parents and Guardians**

CGC requires the consent of a custodial parent, guardian, or carer to engage in support work with children. Efforts must also be made to obtain the consent of any non-custodial parent.

### **Siblings**

CGC is available to provide support work to child siblings of our young clients.

### **CGC's statement on conflict of interests**

Where the interests of the parents and child appear to conflict, the child's interests will be paramount. CGC will ensure that appropriate external agencies and statutory bodies are aware of the conflict when appropriate to promote the child's welfare. Parents/carers will be informed if a report is being made to TUSLA Child and Family Agency unless doing so would put the child at further risk.



## **10. WORKING IN PARTNERSHIP**

### **Introduction / Inter-agency co-operation**

CGC is in full agreement with inter-agency co-operation. The statutory bodies with primary responsibilities for child welfare and protection are TUSLA and An Garda Síochána. TUSLA has responsibility for child welfare and protection services, family support, emotional welfare and a range of other services, including those related to domestic, sexual and gender-based violence. An Garda Síochána has overall responsibility for the direction of any criminal investigations.

### **Joint working**

CGC seeks to work in partnership with any other agency/service when such a liaison will benefit the child and their family. This includes statutory and non- statutory services. CGC is committed to sharing information in relation to child protection with TUSLA Child and Family Agency and support workers are available to liaise in the best interest of the child. CGC will share what is necessary and proportionate in the circumstances of each individual case. This is in keeping with the principles of Data Protection which recognise that in certain circumstances information can be shared in the interest of child protection.

### **Joint Training**

CGC seeks to engage in joint training programmes, with statutory and non- statutory services, to share information, knowledge and best practice methods to improve care for children and families.

## 11. DEFINITION AND RECOGNITION OF CHILD ABUSE

This section outlines the different types of child abuse. It is designed as a training tool for all CGC staff and volunteers to provide guidance on recognising abuse.

### Recognising Child 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.

**Child abuse can often be difficult to identify and may present in many forms.**

- **Neglect:** Where a child's need for food warmth, shelter, nurturance and safety are not provided, to the extent that the child suffers significant harm.
- **Emotional abuse:** Where a child's needs for affection, approval and security are not being met and have not been met for some time by their parent or carer.
- **Physical abuse:** Where a child is assaulted or injured in some way that is deliberate. The Children First Act 2015 includes a provision that abolishes the common law defence of chastisement in court proceedings.
- **Sexual abuse:** Where a child is used for the sexual gratification of another. Further Guidance in relation to definitions of the different types of child abuse and potential signs and symptoms is presented in Appendix 12 .

It is important to stress that no one indicator should be seen as conclusive in itself of abuse; it may indeed indicate conditions other than child abuse.

**CGC policy on domestic violence is to always consider the child's immediate safety first.**

If it comes to the Support Worker's attention that a child is witnessing domestic violence, then ongoing support work may not be appropriate or in the best interest of the child. Safety is a prerequisite for ongoing support work. Support work cannot provide a protective function; protection must always come before support work. Domestic violence is a child protection issue and needs to be reported to the TUSLA. Before support work can commence, child protective measures need to be implemented and living arrangements need to be stabilised.

Research findings show that prolonged or regular exposure to domestic violence can have serious impact on a child's development and emotional wellbeing. A child who asks for help may be at increased risk because of disclosing the domestic violence.

## **Early detection is important.**

Statutory Child Protection agencies examine all signs and symptoms in the total context of the child's situation and family circumstances. CGC staff/volunteers must share any concerns about child protection or welfare with the Designated Liaison Person who reaches a decision as to whether sufficient grounds exist to make a report to the appropriate external agencies.

TUSLA Child and Family Agency have overall responsibility for the assessment and management of child protection concerns. An Garda Síochána have responsibility for the investigation of alleged offences.

## **Guidelines for Recognition**

The ability to recognise child abuse depends 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 abuse. These are:

- Considering the possibility
- Being alert to signs of abuse
- Recording of information

### **Stage One: Considering the Possibility**

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should also be considered if the child displays unusual or fearful responses to parents/carers.

### **Stage Two: Being alert to Signs of Abuse**

Signs of abuse can be of a physical, behavioural, or developmental nature. They can exist in the relationships between children and parents/carers or between children and other family members. A group or pattern of signs is likely to be more indicative of abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures.

### **Disclosures should always be believed, and reported to the Designated Liaison Person.**

Less obvious signs and concerns should be noted and discussed with the Designated Liaison Person. Play situations such as drawing or story telling may reveal information. It is important not to directly question a child as a way of exploring your own concerns.

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

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

Most signs are non-specific and must be considered in the child's social, developmental and family context. It is important to always be open to alternative explanations for physical or behavioural signs of abuse. Sometimes, a specialist TUSLA assessment may be required to clarify if particular concerns indicate abuse.

### **Stage Three: Recording of Information**

If abuse is suspected, the Designated Liaison Person needs to pass on as much detailed information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant.

## **12. REPORTING CHILD PROTECTION CONCERNS TO THE D L P**

This section:

- Informs staff and volunteers of the procedures to follow if they, on CGC's behalf, receive a disclosure or report of child abuse;
- Outlines the standard reporting procedure, to be used in passing information to the Designated Liaison Person about child protection concerns.

### **Overview**

Allegations and/or disclosures of child abuse of any kind may come to CGC through many sources. All will be dealt with in a similar way through the Designated Liaison Person. Allegations and/or disclosures may come from:

- Children engaged in support work with CGC
- A parent
- Members of the public in person
- Members of CGC staff and volunteers

CGC offers a service to parents and concerned adults to allow them to explore, in anonymity if they choose, their concerns regarding any child or children. The aim of this is to support them in taking any necessary steps towards reporting reasonable concerns to the statutory services. It is our experience that families feel less threatened and better able to work in partnership with TUSLA and An Garda Síochána for the protection of their children when they have made the initial contact themselves. However, clients are informed initially that if any child protection concerns arise and the alleged perpetrator is identifiable, we are obliged to pass all this information on to TUSLA.

Children in support work may make disclosures of previously unreported abuse. These are explored with the Director and the Designated Person and referred to TUSLA Child and Family Agency for investigation.

By the nature of CGC's work any of our staff and volunteers, both support workers and non-support workers alike, may come in contact with individuals (children and adults) who have child protection concerns.

Members of CGC staff and volunteers who may be concerned or who suspect that children are being harmed or at risk of harm should discuss this concern with the Designated Liaison Person.

Concerns that a CGC staff member or volunteer has abused a child will be reported in the same way as other child protection concerns. Additional procedures also apply and are discussed in this document.

## **Statement on Child Protection Concerns**

CGC is committed to reporting allegations and incidents of child abuse that come to our attention.

Allegations of abuse may come to our attention during the course of support work, during processing of referrals to our service, or in the course of our outreach work in schools and community settings.

CGC staff are liable to receive disclosures and reports even when off duty, simply because of their involvement with CGC.

Staff and volunteers may have concerns regarding a child or situation in the same way as the general public.

The safety and welfare of children is our first and paramount consideration following any allegation of child abuse.

## **Receiving Disclosures of child abuse**

It should at all times be remembered that the process of disclosure is painful, requiring very considerable courage.

### **Procedure for receiving a disclosure or allegation from a child/young person: it is important to:**

- Listen carefully and attentively
- Do not promise secrecy – explain your duty to report if you have identifying information
- Stay calm
- Take everything you are told seriously
- Allow the child set the pace
- Do not ask leading questions
- Check to ensure that what has been heard and understood accords with what was actually said – using the same words that the child used
- If the child is anxious, reassure them, let them know that they had a right to be kept safe and they are not to blame for what happened
- Thank the child for telling you, letting them know that telling is the right thing to do.
- Make no promises that cannot be kept
- Explain what will happen next, discussing details of who else needs to know and how they will be told
- Respond to any questions that the child / young person asks. If you do not have the answer, attempt to find it.

- Consider the child's wishes as regards their involvement in telling the others who need to know, e.g. – Do they want you to tell their parent/s for them, in their presence? Or do they want to tell them themselves in your presence?
- Accompany the child to his or her parent or guardian, unless, of course, the parent or guardian is the person complained about. In which case, consult the Designated Liaison Person immediately. In an emergency, contact the local Tusla office immediately.
- Otherwise, tell the parent or guardian exactly what the child has said
- Explain to the parent or guardian CGC's procedure for dealing with allegations of abuse including the policy on reporting to TUSLA Child and Family Agency.
- Notify the Designated Liaison Person, of what has occurred and provide them with a precise written record on the Reporting Child Protection Concerns Form for all CGC Staff and Volunteers.

## **Procedure for Receiving a Disclosure or Allegation from an Adult**

It is important to:

- Listen carefully and attentively
- Do not promise secrecy
- Stay calm
- Do not ask leading questions
- Check to ensure that what has been heard and understood accords with what has actually been said
- Make no promises that cannot be kept
- Explain CGC's policy on reporting reasonable knowledge or suspicions of child abuse to TUSLA Child and Family Agency if any current child protection risk is deemed to exist. In these situations, it is essential that consideration be given to the potential risk to any child who may be in contact with the alleged abuser.
- Answer any questions in relation to confidentiality. Explain what will happen next, including details of whom else needs to know and how they will be told.
- Consider their wishes as regards their involvement in bringing the complaint to the Designated Liaison Person.
- Offer information, regarding the external agencies to which they can report.
- Make a careful written record of what the complainant has alleged.
- Notify the Designated Liaison Person of what has occurred and provide him/her with a precise written record, using the *Reporting Child Protection Concerns Form for all CGC Staff and Volunteers*. (Appendix 8)

## Responsibility to Report Concerns of Child Abuse to the D L P

The guiding principles in regard to reporting child abuse may be summarised as follows:

- The safety and well-being of the child or young person must take priority.
- Reports should be made without delay to the Designated Liaison Person.
- While the basis for concern must be established as comprehensively as possible, children or parents should not be interviewed in detail about the suspected abuse.
- Any reasonable suspicion of abuse must be acted upon. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child or young person.

If a member of CGC staff or volunteer has misgivings about the safety of a child and would find it helpful to discuss their concerns with a professional, they should contact the Designated Liaison Person who will meet them without delay.

### Procedure for Bringing Concerns to the Designated Liaison Person

CGC staff and volunteers have a duty to report disclosures or allegations of abuse, which they receive in the course of their duties, to the Designated Liaison Person.

The Designated Liaison Person is available to discuss any child protection issue, or concern, with staff/volunteers at their request. ***In crisis situations, for example, if a person raising an immediate concern is on the premises or on the telephone, the staff member or volunteer who is engaging with them may seek their permission to involve the Designated Liaison Person.***

The staff member/volunteer should, without delay, fill in the **Reporting Child Protection Concern Form for all CGC Staff and Volunteers** (Appendix 8) as completely as possible and send it, preferably by email, marked **URGENT**, to the Designated Liaison Person.

**In case of emergency, where a child appears to be at immediate and serious, the risk Duty Social Worker and/or An Garda Síochána should be contacted by any of the above.**

### Retrospective Disclosures by Adults

Investigation of disclosures by adult victims of past abuse frequently uncovers current incidents of abuse and is therefore an effective means of stopping the cycle of abuse. In recent years there have been increasing numbers of disclosures by adults of abuse that took place during their childhood. These revelations may come to light in the context of the family attending CGC. **In these situations, consideration must be given to the current risk to any child who may be in contact with the alleged abuser.** If any risk is deemed to exist, the Support Worker involved will encourage the adult to report the allegation to TUSLA Child and Family Agency and will support the client in this regard. The Support Worker involved will follow agreed procedures in reporting child protection concerns to the Designated Liaison Person.

If the client is unable or unwilling to make the report themselves and;



- If identifying information has been received,
- A risk is deemed to exist
- The alleged offender has not previously been identified to TUSLA Child and Family Agency,

the Support Worker will report the allegation to the Designated Liaison Person without delay. The Designated Liaison Person will follow the standard procedures for dealing with child protection concerns.

The reporting requirements under the Children First Act (2015) states that if you have a reasonable concern about past abuse, then a mandated person must report to TUSLA if there is a continuing risk to children, whether the information came to light before or after the Act.

### **13. REPORTING SUSPECTED CHILD ABUSE TO THE STATUTORY AUTHORITIES**

This section:

- Outlines procedures for the Designated Liaison Person to follow in evaluating concerns for child safety.
- Outlines the standard procedure to be used by the Designated Liaison Person for the further reporting of the concern to the statutory bodies, as necessary.

#### **Relevant Legislation**

The Protections for Persons Reporting Child Abuse Act, 1998 provides immunity from civil liability to persons who report child abuse “reasonably and in good faith” to designated officers of TUSLA Child and Family Agency or any member of An Garda Síochána. This means that, even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted reasonably and in good faith in making the report.

#### **Response to receiving a Child Protection Concerns Form**

Upon receipt of a Reporting Child Protection Concerns Form, the Designated Liaison Person must arrange an appointment to meet with the signatory without delay.

The Designated Liaison Person must ensure that the Reporting Child Protection Concerns Form has been completed in sufficient detail in accordance with the DLP Policy. If gaps have been left, these must be addressed in the context of the meeting, and relevant information must be added if supplied.

The agenda for the meeting is to begin to explore the grounds for concern in as much detail as possible, with a view to establishing if current grounds reach the criteria of ‘reasonable grounds’ as defined by the Children First National Guidance for the Protection and Welfare of Children (2017). A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern.

Decisions taken at this meeting are recorded on the Reporting Child Protection Concerns Form, which will be signed by those present at the meeting.

A confidential file is stored in a secure location to protect the identity of all concerned.

The Designated Liaison Person may consult with the Director or another Designated Liaison Person

Decisions taken at any meetings, or in consequence of any consultations, in relation to the concern will be recorded and stored in the confidential file.

The Designated Liaison Person acts as a liaison with outside agencies and is responsible for

ensuring that reports of allegations or suspicions of child abuse are passed to TUSLA Child and Family Agency and/or An Garda Síochána as appropriate.

In a case where the Designated Liaison Person decides not to refer concerns to TUSLA Child and Family Agency or An Garda Síochána, the individual staff member or volunteer who raised the concern will be given a clear written statement of the reasons why this action is not being taken. The Designated Liaison Person can ring the Duty Social Worker to discuss the case. The Staff member or volunteer will be advised that if they remain concerned about the situation, they are free to consult with or report to TUSLA Child and Family Agency or An Garda Síochána. They will be further advised that the provisions of the Protections for Persons Reporting Child Abuse Act, 1998 apply once they report “reasonably and in good faith”.

### **Designated Liaison Person’s contact with adult members of a family alleging child abuse by CGC staff member/volunteer**

Where an allegation of abuse is made against an employee of CGC, the following will be put in place:

- The reporting procedure in respect of the child;
- The procedure for dealing with the employee.

In the case of the allegation being against an employee of CGC, the same person will not deal with both the young person and the alleged abuser. Employment/contractual issues will be dealt with separately. The Designated Liaison Person will follow the normal reporting procedures of CGC. It will be the responsibility of the Director to deal with a staff member against whom an allegation has been made. If there is an allegation or suspicion in relation to the Designated Liaison Person, the Director will deal with all aspects of the case, including the reporting procedure.

The safety of the child is always the first priority of CGC and all necessary measures will be taken to ensure that the child is safe. The measures taken will be proportionate to the level of risk.

CGC will ensure that no other children/young people are at risk during this period

The measures which can be taken to ensure the safety of children and young people can include the following: suspension from duties of the person accused; re-assignment of duties where the accused will not have contact with children/young people; working under increased supervision during the period of the investigation; or other measures as deemed appropriate.

If a formal report is being made the employer will notify the employee that an allegation has been made and what the nature of the allegation is. The employee has a right to respond to this and this response should be documented and retained.

CGC will ensure that the principles of 'natural justice' will apply whereby a person is considered innocent until proven otherwise.

It should at all times be remembered that the process of disclosure is painful, requiring very considerable courage.

In so far as is practicable, a support person should be available to provide assistance and information to the complainant.

The DLP, on meeting the complainant, will explain the CGC procedure for responding to complaints of child abuse against staff/volunteers and, in particular, point out that:

- The family should also give consideration to reporting the complaint to the Gardaí and TUSLA Child and Family Agency.
- Every effort will be made to safeguard confidentiality so that only people who need to know will receive information about the complaint. However, no guarantee of complete confidentiality can be given.
- CGC procedures for dealing with employment issues in relation to the accused staff member will involve CGC in seeking the future co-operation of the complainant in so far as it may be necessary. Care will be taken to ensure that such a procedure will not interfere with or be prejudicial to the administration of justice in any state criminal investigation or civil suit.
- CGC operates a policy of reporting reasonable knowledge of child abuse to TUSLA Child and Family Agency.

The Designated Liaison Person will ask the complainant to provide a detailed account of the wrongful acts alleged and their background and circumstances. The Designated Liaison Person will carefully record what is said, and check with the complainant the accuracy of what has been recorded. Ample time will be allowed for this.

The Designated Liaison Person will try to identify the wishes, intentions and expectations of the complainant, and will explain the role of CGC in regard to the complaint.

### **Basis for Reporting to TUSLA Child and Family Agency**

The TUSLA Child and Family Agency is always informed when a CGC Designated Liaison Person has reasonable grounds to believe that a child may have been abused, or is being abused, or is at risk of abuse, unless the designated statutory authorities have previously investigated that concern. Previously undisclosed abuse will automatically be reported. Such reporting is necessary to ensure that suitable interventions can be offered to the family concerned and so that the child and/or other children can be protected from the identified or alleged offender.

It is important that the Designated Liaison Person reporting suspected child abuse to TUSLA Child and Family Agency should establish the basis for their concerns.

## Reasonable Grounds for Concern

TUSLA must be informed when there are reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. If you ignore what may be symptoms of abuse, it could result in ongoing harm to the child. It is not necessary to prove that abuse has occurred to report a concern to TUSLA. CGC does not carry out risk assessments. TUSLA's role is to assess child protection concerns that are reported to them and a child protection assessment will be carried out where sufficient risk is identified.

### Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example, an injury or behaviour, that is consistent with abuse and 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

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

- The safety and well-being of the child must take priority over concerns about adults against whom an allegation may be made
- Reports of concerns should be made without delay to TUSLA

If you think a child is in **immediate danger** and you cannot contact TUSLA, you should contact the Gardaí without delay.

## Standard Reporting Procedure

- If child abuse is suspected or alleged, identifying details have been obtained, and the criteria for making a report have been met, the Designated Liaison Person in each Centre is responsible for ensuring that the investigation is initiated by the making of a report.
- A report will be made to the appropriate TUSLA Child and Family Agency Social Worker.
- Oral reports will be followed up in writing on the TUSLA Child Protection Report form.
- The Designated Liaison Person, or a person nominated by them, will inform the parents/carers if a report is to be submitted to TUSLA Child and Family Agency or An Garda Síochána, unless doing so is likely to endanger the child.

- **In case of emergency, where a child appears to be at immediate and serious risk, and the Duty Social Worker is unavailable, the Designated Liaison Person or his or her agent should contact An Garda Síochána. In the event of an allegation against a CGC staff member or volunteer, no child will be left at risk within CGC pending such a report or investigation.**

## **Information Required when a Report is being Made**

As much as possible of the following detail is recorded on the TUSLA Child Protection Report Form:

- Accurate identifying information as far as it is known. This should include the names, addresses and ages of the child and all children in the family as well as the parents'/ carers' names and address;
- Name and address of the person alleged to be causing harm to the child;
- A full account of what constitutes the grounds for concern about the welfare and protection of the child or children;
- The source of any information which is being discussed with TUSLA Child and Family Agency;
- Dates when the concern arose, or a particular incident occurred;
- Circumstances in which the concern arose, or the incident occurred;
- Any explanation offered to account for the risk, injury or concern;
- The child's own statement, if relevant;
- Any other information regarding difficulties which the family may be experiencing. These may include illness, recent bereavement or separation, financial situation, addiction, disability, mental health problem;
- Any factors which may be considered supportive or protective of the family. These may include helpful family members, neighbours, useful services or projects with whom they have contact;
- Name of child or children's school;
- Name of child and/or family's general practitioner;
- The reporter's own involvement with the child and parents/carers;
- Details of any action already taken about the risk or concern;
- Names and addresses of any agencies or key persons involved with the parents/carers;
- Identity of reporters including name, address, telephone number, occupation, and relationship with the family.

The staff member who has received any of the above information will be asked to complete relevant sections of the report form.

## **Exemptions from Requirement to Report**

There are certain exemptions from reporting underage consensual sexual activity under section 14(3) of the Children First Act 2015. If you are satisfied that all of the following criteria are met, you are not required to make a report to TUSLA:

- The young person(s) concerned are between 15 and 17 years old
- The age difference between them is not more than 24 months
- There is no material difference in their maturity or capacity to consent
- The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person
- The young persons concerned state clearly that they do not want any information about the activity to be disclosed to TUSLA.

If all of the above criteria are met, you as a mandated person do not have to report consensual sexual activity between older teenagers as sexual abuse to TUSLA.

## **14. ALLEGATION OF CHILD ABUSE AGAINST EMPLOYEES OR VOLUNTEERS**

### **Introduction / CGC Commitment to child safety**

CGC is an organisation that provides direct services to children. We seek to ensure that none of the children in our care are at risk of harm from our employees or volunteers.

Each child client is given a leaflet detailing what CGC can offer him/her. This includes a comment/complaint form that they can fill in and send to CGC. They are also told about other people that they can go to if they want to make a complaint. (Appendix 9)

### **CGC's Responsibility as an Employer to Report to Statutory Authorities**

Where any member of staff or volunteer becomes aware of an allegation of abuse by an employee or volunteer, the standard procedure for reporting allegations to the Designated Liaison Person should be followed without delay.

If a member of CGC staff or volunteer has misgivings about the safety of a child within CGC and would find it helpful to discuss their concerns with a professional, they should contact the Designated Liaison Person. If they do not feel comfortable reporting it internally, they can contact someone in TUSLA Child and Family Agency such as a Social Worker or Public Health Nurse to discuss the matter. Suspicions of a criminal offence may be discussed with and/or reported to An Garda Síochána.

In any instance where it is known, or reasonable grounds exist to suspect, that a CGC employee or volunteer has abused a child, the matter will be reported to the civil authorities.

Action taken by CGC in formally reporting an allegation of child abuse against an employee or volunteer will be based on an opinion formed reasonably and in good faith.

### **Overview**

There are two distinct procedures to be dealt with:

- The **child protection** issues, including the reporting of concerns or allegations. These fall within the remit of the Designated Liaison Person and are dealt with in this document.
- The **employment** issues. These fall within the remit of the management, Director and Board of Directors, and are dealt with in CGC's employment policies.

If any person holding a position within the CGC is accused of child abuse, steps will be taken to appoint a substitute or otherwise alter the procedures as appropriate.



If a staff member or volunteer does not feel comfortable discussing a child protection concern involving a volunteer/staff member, with the Designated Liaison Person, they should contact the Director.

## **Procedural Guidelines**

As an employer, CGC has a dual role to support both the child and the employee/volunteer. All procedures will be transparent and fair, and any allegation of abuse will be dealt with sensitively. CGC will seek to promote the rights and dignity of all individuals concerned.

An appropriate response to other staff, volunteers, and the wider community will be provided, with due regard to the right of privacy of those directly involved, and to the administration of justice. Support will be provided for staff and volunteers, including counselling where necessary.

Positive steps will be taken to restore the good name and reputation of a staff member or volunteer who has been wrongly accused of child abuse.

## **Nature of Report**

CGC may be made aware of abuse allegedly committed by a CGC staff member or volunteer by any of the following:

- A client – adult or child
- A CGC staff member or volunteer
- A member of the public
- A representative of a statutory body

Reports may allege that the person has abused a child either while working or during their time off. The report may concern suspected abuse in the present day or in the past. In this way a concern may be raised by an adult disclosure of past abuse.

## **Child Protection**

Following any complaint, immediate consideration will be given to all child protection issues that arise. This will include the possible suspension from duties of the employee or volunteer involved until the relevant authorities reach a determination in relation to validity.

Suspension from any/all duties that bring the employee/volunteer into contact with children, members of the public, or any clients will be at the discretion of CGC management for the duration of any investigation. Acceptance of this condition is a pre-condition of employment with CGC.

## **Responding to a Report**

When an allegation is received, it will be assessed promptly and carefully in accordance with current legislation and relevant policy and procedures as outlined previously. The Designated Liaison Person will consult with the Director in relation to deciding the appropriate action to take. The issue may be discussed with the Board of Directors and/or other relevant personnel (e.g. statutory bodies) as appropriate. When indicated, the DLP will follow the steps involved in making a formal report to the statutory bodies.

When an allegation of abuse has been made and passed on to the DLP, then it is their responsibility to carry out the following procedures to deal with the allegation. Action will be guided by the agreed procedures, the applicable employment contract, which stipulates agreement with these policies and procedures, and the rules of natural justice.

- The DLP will inform the Director that an allegation of abuse has been made.
- In consultation with An Garda Síochána, TUSLA and CGC Management, the appropriate measures will be taken to ensure the protection of children. The most extreme of these will be the suspension of the employee or volunteer's duties. Agreement to this sanction is a prior condition of employment.
- The Designated Liaison Person will privately inform the employee or volunteer that an allegation has been made, and the nature of the allegation.
- The employee or volunteer will be offered the opportunity to respond to the allegations and all relevant information made available to him/her, including sources of legal advice. The employee or volunteer's response will be added to the report to TUSLA Child and Family Agency.
- The child's carers will be made aware that a report is to be made.
- A formal report will be made to TUSLA Child and Family Agency following CGC's standard procedure.
- In the event that the allegation of abuse is being made against the DLP, then that person should not be involved in the process. The person reporting or making the allegation should report it to the Director.
- The Director will take legal advice and assess the matter internally. The staff member or volunteer against whom the allegation has been made will be suspended from their duties (with pay in the case of employees) pending the outcome of the internal assessment and/or the investigation by TUSLA Child and Family Agency and An Garda Síochána. The paramount aim of the assessment is to ensure that any element of risk to children is eliminated. The assessment will follow the procedures in CGC's employment policies. This assessment will take place without prejudice to any subsequent Garda investigation.

Subsequent to their assessment and upon consultation with the Designated Liaison Person, the Director will make a full report to the Board of Directors of CGC.

All meetings, discussions or investigations made will be recorded in writing.

- The employee or volunteer against whom the allegation has been made will be invited to respond in writing to the findings of the investigation.

- Records of all correspondence relating to the allegation will be kept and made available to TUSLA Child and Family Agency and Gardaí.
- A person nominated by the Board of Directors of CGC will enact any employment or disciplinary decisions regarding the employee or volunteer that need to be taken.
- Final decisions in this regard may be made before or after the investigation by TUSLA Child and Family Agency or Gardaí, depending on the nature of the allegation and the outcome of the internal management assessment. This may involve dismissal of the employee or volunteer. All of these decisions will be taken in full accordance with employment legislation.
- After the investigation, if it is shown that the allegation was unfounded, CGC will actively seek to clear the name of the staff member or volunteer and provide support and further assistance to the adult or child that made the complaint/allegation.

## **15. COMMENTS, COMPLIMENTS AND COMPLAINTS, OTHER THAN ALLEGATION OF ABUSE.**

CGC encourages children and adults who use our service to bring to our attention any complaints, compliments or comments that they have about the nature of the service or the actions of our employees or volunteers.

- The procedures for making such comments or complaints are explained to all children and adults when they first attend our service.
- All comments, compliments and complaints, made by children and adults regarding the nature or quality of our service are welcomed and taken seriously.
- When relevant, the person making a complaint, or their parent – if appropriate, is given information regarding external agencies to which they can complain.
- Adults/children can address complaint/comments to whomever they feel is the appropriate recipient within the organisation.
- All comments/complaints, will be acknowledged, unless made anonymously.
- The Designated Liaison Person will process any comments/complaints that comprise a child protection element.
- All other comments/complaints will be processed by the Director and acted on promptly. Complaints will be responded to in writing within 30 days of the date they were acknowledged.
- The individual/s will be informed of any decisions made in response to their comment/complaint. If they are dissatisfied with this outcome they will be invited to offer alternative solutions.

## **16. ACCIDENT AND INCIDENTS**

Children are to remain under adult supervision in CGC and not left unattended.

### **Unintentional Injuries**

Children are often injured unintentionally during the normal course of a day. Many of these injuries, such as scrapes and bruises, are minor and only need simple First Aid. Other injuries can be serious and require medical attention beyond First Aid. A 112/999 call or a call to a local emergency number should be made if an injured child has any of the following conditions:

- Severe neck or head injury
- Choking
- Severe bleeding
- Shock
- Chemicals in eyes, on skin, or ingested in the mouth
- Near-drowning

### **Injuries Due to Aggressive Behaviour**

To deter aggressive behaviour, staff members set clear limits for children's behaviour. These limits are explained to both children and their parents.

The Director is responsible for ensuring that all staff members know what to do in the event of an accident/injury. The written procedures, agreed by the Board of Management, must be made available and each staff member must be made aware of their responsibility to follow the procedure in the event of an accident. It is the responsibility of the Director to ensure that each staff member reads and understands the agreed written procedures.

Contact details for emergency services are displayed clearly in a readily accessible location. A First Aid box is provided in the Centre. The First Aid box must be accompanied by a list of essential contents. A member of staff must be designated to check that the First Aid box contents match the essential contents list at least monthly.

### **Procedure in the event of an accident or incident**

- The child is to remain under adult supervision until the child recovers or the child's parents/carer or another responsible person takes charge of the child.
- Immediate First Aid is to be given and parents/carers notified of the accident as soon as possible.
- In the case of a more serious accident the child must not be moved and must be kept warm.
- Phone for a doctor and/or an ambulance
- A parent/carer is to sign an accident form as soon as possible. (Appendix 10)

## **17. CGC VETTING POLICY**

### **Introduction**

CGC operates a policy of Vetting for all relevant frontline staff. It is seen as an integral part of CGC's Child Protection Policy and practice and compliance with Children First National Guidance and the provisions of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012-2016. It is now mandatory for all persons working with children and vulnerable persons to be vetted.

According to this Act, it is an offence to permit an employee to commence employment in a role which is covered by the Act until the satisfactory vetting process has been completed.

### **Confidentiality**

CGC will maintain an internal procedure to ensure the efficient and confidential management of communications and records in relation to Garda Vetting.

Information contained in a vetting disclosure made to CGC shall not be used or disclosed by the organisation other than in accordance with the Act. Upon cessation of employment CGC will dispose of all former employee's non-disclosure garda vetting forms in an appropriate and safe manner. We shall however hold on file for the appropriate period forms that have had a disclosure made. This is in accordance with the Act.

### **Garda Vetting Form Procedure**

- The authorized signatory is the Authorised Liaison person
- He/ She will undergo the appropriate training provided by an Garda Siochana.
- Record of all correspondence will be maintained by CGC
- CGC will maintain backup copies of all correspondence in relation to Garda Vetting in a secure location.

### **Garda Vetting Procedure: No Disclosure**

- If no record is found by the National Vetting Bureau, a Vetting Disclosure to this effect will be issued.
- The candidate will be provided with a copy of the Vetting Disclosure and a copy will be placed on the candidate's employment file.
- The candidate is offered the position

### **Garda Vetting Procedure: Disclosure**

If the Garda Vetting Form is returned with a Disclosure, the CGC Liaison Officer must bring the matter to the attention of the Director. The Director should consult the Policy and decide whether to proceed with appointment or not. In deciding whether a particular disclosure renders a candidate unsuitable for appointment, the Director should have regard to:

- The nature of the offence and its possible relevance to the post
- The age of the offence (offences many years in the past may be less relevant than more recent offences) and the age of the candidate at the time of the offence.
- The frequency of the offence (a series of offences will give more cause for concern than an isolated minor conviction)

Where the vetting process discloses pending prosecutions or unsuccessful prosecutions, such incidents should be assessed in the light of the nature, age and frequency of the alleged offence and of the age of the candidate at the time of the alleged offence

The information may be reviewed by the relevant personnel and classified as follows:

- No previous convictions recorded
- Minor Offence
- Serious Offence
- Very Serious Offence

CGC will not disclose this information otherwise than in accordance with the Act.

In the case of a disclosure in relation to an otherwise suitable candidate who has been recommended for appointment, the Director may call in the candidate to discuss the disclosure. Where CGC received a vetting disclosure containing details of criminal records or specified information it must also provide a copy of the disclosure to the vetting subject.

In this case, the responses of the candidate should be written down verbatim and retained for future reference.

If the facts of the disclosure are seriously disputed, e.g. disputed identity, an option for the organisation may be that the candidate completes a new NVB 1 form with additional details and the form is resubmitted to the National Vetting Board.

If the Board decides to proceed with the appointment, the Vetting Disclosure is placed in a signed and sealed envelope in the Garda Vetting file that must be kept in a secure, confidential location in the office.

If the appointment is not approved the Vetting Disclosure should be securely destroyed.

## **The Right of Appeal**

A final appeal facility will be provided if the decision of the Director to refuse appointment is not accepted. The Chairman will appoint two members of the Board to hear the appeal.

The decision of this appeal board is final.

### **The Responsibility of the Board.**

It is the responsibility of the Board to ensure that they have in place a robust procedure to ensure the confidentiality of all personal records and details that are revealed in relation to Vetting. Such a procedure should include the handling of post and secure storage of records.

### **Periodic Review of Vetting**

Best practice suggests that staff are vetted every three years.



## **Appendix 1**

### **ROLE AND RESPONSIBILITIES OF DESIGNATED LIAISON PERSON**

The Designated Liaison Person will have the necessary skills, including an understanding of the dynamics of child abuse, its impact on victims, and of clinical and public policy developments in the area. They will also have an understanding of the implications an allegation has for a person who is accused.

The Designated Liaison Person is empowered and directed by the Board of Directors to respond immediately whenever child protection issues arise.

The Designated Liaison Person will act as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns.

The Designated Liaison Person will be responsible for facilitating the procedures relating to the making and receiving of reports relating to allegations of abuse and other child protection concerns raised by CGC staff and volunteers, clients and members of the public.

The Designated Liaison Person will be responsible for facilitating the procedures relating to the making and receiving of reports relating to allegations of abuse made against members of staff and volunteers in CGC.

The Designated Liaison Person will respect the privacy of all parties in an accusation, in order that the right of each individual to his or her good name and reputation is upheld.

The Designated Liaison Person is responsible for ensuring that every complaint is recorded and carefully examined so that all ethical, legal and other obligations may be identified and acted on at the earliest time. The Designated Liaison Person is responsible for the co-ordination of all reports to the Director.

The Designated Liaison Person is responsible for ensuring all relevant paperwork is kept in the client's file and another copy kept in the separate storage system in place by the DLP.

The Designated Liaison Person will be familiar with the working arrangements of the An Garda Síochána and Tusla in the local area in the investigation of complaints of child sexual abuse and should liaise with their personnel who have responsibility for different aspects of child abuse allegations.

The Designated Liaison Person will act as a liaison with outside agencies and is responsible for ensuring that reports of allegations or suspicions of child abuse are passed to TUSLA Child and Family Agency and/or An Garda Síochána as appropriate.

The Designated Liaison Person will liaise closely with the Director and ensure that he/she has a full report of all child protection matters as they arise.

The Designated Liaison Person will be fully conversant with this policy along with national best practice in the area of child protection.

The Designated Liaison Person will advise management on the best methods and sources of child protection training for staff and volunteers.

## **Appendix 2**

### **ROLE AND RESPONSIBILITIES OF THE BOARD OF DIRECTORS**

The responsibility to uphold this policy and all policies is finally that of the Board of Directors. They, through their nominees, implement this policy and ensure its application throughout the organisation. The Board of Directors will regularly monitor all aspects of CGC policies.

CGC's Board of Directors are responsible for the appointment of the organisation's Designated Liaison Person, who is responsible for coordinating child protection policies.

Board members are required to sign a confidentiality statement (Appendix 4).

Board members will take part in the first available CGC induction course. They will receive training on all elements of CGC's work, including general and child protection policies and procedures.

Board members must keep confidential all information regarding all CGC's clients. They must respect the client's right to privacy and anonymity inside and outside of the CGC Centre.

In the case of the allegation being made against or suspicion in relation to the Designated Liaison Person, this will be dealt with by the Director and the Board of Directors.

## Appendix 3

### CGC CONFIDENTIALITY STATEMENT

All CGC Staff, Volunteers and Board Members must keep confidential all information regarding all CGC's clients. They must respect the client's right to privacy and anonymity inside and outside of the CGC Centres.

I, \_\_\_\_\_ the undersigned.  
PLEASE PRINT

Of, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

have read and understand the confidentiality statement of CGC. I agree to be bound by the principles of this statement and I understand that any breach of confidentiality may be grounds for dismissal from my work with CGC.

Signed: \_\_\_\_\_

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

Witness: \_\_\_\_\_

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

## Appendix 4

### CGC CONDITIONS OF EMPLOYMENT FORM

Position: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

I have read and understood the following documents:

- Child Protection Policy:
- CGC Policy Document:
- Job Description:
- Confidentiality Statement:

I agree that, if CGC employs me beyond the trial period, I will be bound by the conditions therein.

Signed: \_\_\_\_\_

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

## **Appendix 5**

### **CGC CHARTER**

CGC's primary aim is to provide a support service for children and young people affected by loss through death, separation and divorce. CGC also provides a teacher education programme for primary schools in the Midwest region and arranges talks and workshops to assist persons who are working with children and young people around grief and loss.

CGC's secondary aims are:

- To increase public and professional awareness of the need for support services for children and young people affected by grief and loss.
- To contribute to change in the responses made, and resources available, to children and families affected by death, separation, and divorce.
- To undertake research into best practice in supporting children and young people affected by grief and loss..

To achieve our aims VGC. must obtain adequate funding. Fundraising methods will never be allowed to exploit our clients or staff, or to compromise their situation or reputation.

Our Code of Ethics reflects our philosophies regarding our work and our clients and will guide all our work. We will respect and value our staff and volunteers.

We recognise that the nature of our work may lead to stress for staff and volunteers. We aim to ensure that appropriate support is offered to all who work for CGC.

Our primary aim will never be compromised by any of our other aims or objectives.

## Appendix 6

### SIGNS AND SYMPTOMS OF ABUSE

#### 1. Neglect

##### Definition of 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, medical care.

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

##### Signs and Symptoms of Child Neglect

This category of abuse is the most common. A distinction can be made between "wilful" neglect and "circumstantial" neglect. For instance, "wilful" neglect would generally incorporate a direct and deliberate deprivation by a parent/carer of a child's most basic needs e.g. withdrawal of food, shelter, warmth, clothing, contact with others. Whereas "circumstantial" neglect more often may be due to stress/inability to cope by parents or carers. Neglect is closely correlated with low socio-economic factors and corresponding physical deprivations. It is also related to parental incapacity due to learning disability or psychological difficulties. The neglect of children is **"usually a passive form of abuse involving omission rather than acts of commission"**. It comprises **"both a lack of physical caretaking and supervision and a failure to fulfil the developmental needs of the child in terms of cognitive stimulation"**

##### Child neglect should be suspected in cases of:

- Abandonment or desertion
- Children persistently being left alone without adequate care and supervision
- Malnourishment, lacking food, inappropriate food or erratic feeding
- Lack of warmth
- Lack of adequate clothing
- 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

- Non-organic failure to thrive i.e. child not gaining weight not alone due to malnutrition but also due to emotional deprivation
- Failure to provide adequate care for the child's medical problems
- Exploited, overworked

## 2. Emotional Abuse

### Definition of Emotional Abuse

Emotional abuse is normally to be found in the **relationship** between a care-giver and a child rather than in a specific event or pattern of events. It occurs when a child's 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.

### Examples of emotional abuse of children include:

- The imposition of negative attributes on children, expressed by persistent criticism, sarcasm, hostility or blaming;
- Conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- Emotional unavailability by the child's parent/carer;
- Unresponsiveness, 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 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.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include: 'anxious' attachment, non-organic failure to thrive, unhappiness, low self-esteem, educational and developmental under-achievement, and oppositional behaviour.

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

### Signs and Symptoms of Emotional Child Abuse

Emotional abuse occurs when adults responsible for taking care of children are unable to be aware of and meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily observable.



**"Emotional abuse refers to the habitual verbal harassment of a child by disparagement, criticism, threat and ridicule and the inversion of love; whereby verbal and non-verbal means of rejection and withdrawal are substituted."**

Emotional abuse can be defined in reference to the following indices. However, it should be noted that no one indicator is conclusive of emotional abuse.

- Rejection
- Lack of praise and encouragement
- 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)
- Serious over-protectiveness
- Inappropriate non-physical punishment (e.g. locking in bedrooms)
- Family conflicts and/or violence
- Every child who is abused sexually, physically or neglected is also emotionally abused
- Inappropriate expectations of a child's behaviour - relative to his/her age and stage of development.

### **3. Physical Abuse**

#### **Definition of Physical Abuse**

Physical abuse is any form of non-accidental injury or injury which results from wilful or neglectful failure to protect a child. Examples of physical injury include the following:

- Shaking
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Munchausen's Syndrome by Proxy \*
- Allowing or creating a substantial risk of significant harm to a child.

CGC believes that the excessive use of force or punishment in disciplining children can constitute physical and emotional abuse.

#### **Signs and Symptoms of Physical Abuse**

Unsatisfactory explanations or varying explanations for the following events are highly suspicious:

- Bruises (see below for more detail)
- Fractures
- Swollen joints

- Burns/Scalds(see below for more detail)
- Abrasions/Lacerations
- Haemorrhages (retinal, subdural)
- Damage to body organs
- Poisonings - repeated (prescribed drugs, alcohol)
- Failure to thrive
- Coma/Unconsciousness
- Death

There are many different forms of physical abuse but skin, mouth and bone injuries are the most common.

### **Bruises: in General**

Accidental bruises are common at places on the body where bone is fairly close to the skin. Bruises can also be found towards the front of the body, as the child usually will fall forwards. Accidental bruises are common on the chin, nose, forehead, elbow, knees and shins. An accident-prone child can have frequent bruises in these areas. Such bruises will be diffuse with no definite edges. Any bruising on a child before the age of mobility must be treated with concern.

### **Suspicion**

Bruises are more likely to occur on soft tissues, e.g. cheek, buttocks, lower back, back or thighs and calves, neck, genitalia and mouth.

### **Bruises: non-accidental**

Marks from slapping or grabbing may form a distinctive pattern. Slap marks might occur on buttocks/cheeks and the outlining of fingers may be seen on any part of the body. Bruises may be associated with shaking which can cause serious hidden bleeding and bruising inside the skull. Any bruising around the neck is suspicious as it is very unlikely to be accidentally acquired. Bruises caused by direct blows with a fist have no definite pattern but may occur in parts of the body which do not usually receive injuries by accident. A punch over the eye (black eye syndrome) or ear would be of concern. Black eyes cannot be caused by a fall onto a flat surface. Two black eyes require two injuries and must always be suspect. Other injuries may feature: ruptured eardrum/fractured skull. Mouth injury may be a cause of concern: torn mouth (frenulum) from forced bottle-feeding. Other distinctive patterns of bruising may be left by the use of straps, belts, sticks and feet. The outline of the object may be left on the child in a bruise on areas such as back, thighs (areas covered by clothing).

### **Burns: in general**

Children who have accidental burns usually have a hot liquid splashed on them by spilling or have come into contact with a hot object. The history that parents give is usually in keeping with the pattern of injury observed. However, repeated episodes may suggest inadequate care and attention to safety within the house.

### **Burns: non-accidental**

Children who have received non-accidental burns may exhibit a pattern that is not adequately explained by parents. The child may have been immersed in a hot liquid. The burn may show a definite line, unlike the type seen in accidental splashing. The child may also have been held against a hot object like a radiator or a ring of a cooker, leaving distinctive marks. Cigarette burns may result in multiple small lesions in places on the skin that would not generally be exposed to danger. There may be other skin conditions that can cause similar patterns and expert paediatric advice should be sought.

#### **Bites: in general**

Children can get bitten either by animals or humans. Animal bites tend to puncture and tear the skin and usually the history is definite. Small children can also bite other children.

#### **Bites: non accidental**

It is sometimes hard to differentiate between adults' and children's bites as measurements can be inaccurate. Any suspected adult bite mark must be taken very seriously. Consultant Paediatricians may liaise with Dental colleagues in order to correctly identify marks.

#### **Bone injuries: in general**

Children regularly have accidents that result in fractures. However, children's bones are more flexible than those of adults and the children themselves are lighter, so a fracture, particularly of the skull, usually signifies that considerable force has been applied.

#### **Bone injuries: non-accidental**

A fracture of any sort should be regarded as suspicious in a child under 8 months of age. A fracture of the skull must be regarded as particularly suspicious in a child under 3 years. Either case requires careful investigation as to the circumstances in which the fracture occurred. Swelling in the head or drowsiness may also indicate injury.

#### **Poisoning: in general**

Children may commonly take medicines or chemicals that are dangerous and potentially life threatening. Aspects of care and safety within the home need to be considered with each event.

#### **Poisoning: non-accidental**

Non-accidental poisoning can occur and may be difficult to identify but should be suspected in bizarre or recurrent episodes and when more than one child is involved. Drowsiness or hyperventilation may be a symptom.

#### **Shaking violently**

Shaking is a frequent cause of brain damage in very young children.

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings.

### **4. Sexual Abuse**

## Definition of 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. Child sexual abuse is the “Involvement of dependant, developmentally immature children and adolescents in sexual activity that they do not fully comprehend, are unable to give informed consent to and that violate the social taboos of family roles.” (Roberge 1976).

CGC recognises that sexual abuse does not usually occur in isolation, that children who experience sexual abuse often experience physical abuse and/or neglect. Emotional abuse is always part of the sexual abuse of a child.

Examples of child sexual abuse include the following:

- Exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- Intentional touching or 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 includes inciting, encouraging propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modeling 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 under-age person. In relation to **child sexual abuse**, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years. This means, for example, that sexual intercourse between a 16 year-old girl and her 17 year-old boyfriend is illegal, although it might not be regarded as constituting **child sexual abuse**. The decision to initiate child protection action in such cases is a matter for professional judgment and each case should be considered individually. The criminal aspects of the case, will be dealt with by An Garda Síochána under the relevant legislation.

**It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offences of sexual assault.**

## Signs and Symptoms of Child Sexual Abuse

Child sexual abuse covers a wide spectrum of abusive activities. It rarely involves just a single incident and usually occurs over a number of years. Child sexual abuse frequently happens within the family where it is particularly complex and difficult to deal with.

Cases of sexual abuse principally come to light through:

- Disclosure by the child or its siblings/friends;
- The suspicions of an adult;
- Due to physical symptoms.

There is wide spectrum of activities by adults which can constitute child sexual abuse:

#### **Non contact sexual abuse**

- "Offensive Sexual Remarks" including statements the offender makes to the child regarding the child's sexual attributes, what he or she would like to do to the child and other sexual comments.
- Obscene phone-calls
  - Independent "exposure" involving the offender showing the victim his/her private parts and/or masturbating in front of the victim
  - "Voyeurism" involving instances when the offender observes the victim in a state of undress or in activities that provide the offender with sexual gratification. These may include activities that others do not regard as even remotely sexually stimulating.

#### **Sexual contact**

- Involving any touching of the intimate body parts. The offender may fondle or masturbate the victim and/or get the victim to fondle and/or masturbate them. Fondling can be either outside or inside clothes. Also includes "frottage", i.e. where offender gains sexual gratification from rubbing his/her genitals against the victim's body or clothing.

#### **Oral-genital sexual abuse**

- Involving the offender licking, kissing, sucking or biting the child's genitals or inducing the child to do the same to them.

#### **Interfemoral sexual abuse**

- Sometimes referred to as "dry sex" or "vulvar intercourse", involving the offender placing his penis between the child's thighs.

#### **Penetrative sexual abuse, of which there are four types**

- "Digital penetration" involving putting fingers in the vagina, or anus or both. Usually the victim is penetrated by the offender, but sometimes the offender gets the child to penetrate them.
- "Penetration with objects" involving penetration of the vagina, anus or occasionally mouth with an object.
- "Genital penetration" involving the penis entering the vagina, sometimes partially.
- "Anal penetration" involving the penis penetrating the anus.

#### **Sexual exploitation**

Involves situations of sexual victimisation where the person who is responsible for the

exploitation may not have direct sexual contact with the child. Two types of this abuse are child pornography and child prostitution.

**Child pornography** includes still photography, videos and movies and, more recently computer generated pornography. **'Child Prostitution'** for the most part involves children of latency age or in adolescence. However, children as young as four and five are known to be abused in this way.

**Sexual abuse in combination with other abuse:** The sexual abuses described above may be found in combination with other abuses, such as physical abuse and urination and defecation on the victim. In some cases physical abuse is an integral part of the sexual abuse; in others drugs and alcohol may be given to the victim. It is important to note that physical signs may not be evident in cases of sexual abuse due to the nature of the abuse and/or the fact that the disclosure was made some time after the abuse took place.

Carers and professionals should be alert to the following physical and behavioural signs:

- Bleeding from the vagina/anus
- Difficulty/pain in passing urine/faeces
- An infection may occur secondary to sexual abuse, which may or may not be a definitive sexually transmitted disease. Professionals should be informed if a child has a persistent vaginal discharge or has warts/rash in genital area.
- Noticeable and uncharacteristic change of behaviour
- Hints about sexual activity
- Age - inappropriate understanding of sexual behaviour
- Inappropriate seductive behaviour
- Sexually aggressive behaviour with others
- Uncharacteristic sexual play with peers/toys
- Unusual reluctance to join in normal activities which involve undressing, e.g. games/swimming

**Particular behavioural signs and emotional problems suggestive of child abuse in young children (0-10 yrs):**

- Mood change, e.g. child becomes withdrawn, fearful, acting out;
- Lack of concentration (change in school performance)
- Bed wetting, soiling
- Psychosomatic complaints; pains, headaches
- Skin disorders
- Nightmares, changes in sleep patterns
- School refusal
- Separation anxiety
- Loss of appetite
- Isolation

**Particular behavioural signs and emotional problems suggestive of child abuse in older children (10 yrs +):**

- Mood change, e.g. depression, failure to communicate
- Running away
- Drug, alcohol, solvent abuse
- Self mutilation
- Suicide attempts
- Delinquency
- Truancy
- Eating disorders
- Isolation

All signs/indicators need careful assessment relative to the child's circumstances.

## **5. Children with Special Vulnerabilities**

Certain children are more vulnerable to abuse than others. These include children with disabilities and children who, for one reason or another, are separated from parents or other family members and who depend on others for their care and protection. The same categories of abuse - neglect, emotional abuse, physical abuse, sexual abuse - may be applicable, but may take a slightly different form. For example, abuse may take the form of deprivation of basic rights, harsh disciplinary regimes or the inappropriate use of medications or physical restraints.

## **6. Bullying**

Bullying can be defined as repeat aggression, whether it is physical, psychological or verbal. In cases of serious instances of bullying where the behaviour is possibly abusive, it may need to be referred to TUSLA and/or An Garda Síochána.

## **Appendix 8**

### **TUSLA CHILD PROTECTION AND WELFARE REPORTING FORM**

**This Form, which should be used to report all concerns/reports of child abuse to TUSLA, can be downloaded by clicking on this link:**

**[https://www.tusla.ie/uploads/content/Child\\_Protection\\_and\\_Welfare\\_Report\\_Form\\_FINAL.pdf](https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf)**



## Appendix 10

### CGC ACCIDENT/INCIDENT REPORT FORM

Child's Name: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ of Accident/Incident

Description of Accident/Incident:

\_\_\_\_\_

Location: \_\_\_\_\_

Perceived cause of Accident/Incident?

\_\_\_\_\_

What, if any, piece of equipment was involved?

\_\_\_\_\_

Who was present at the time of the Accident/Incident?

\_\_\_\_\_

Number of children, if any, in the area: \_\_\_\_\_

What immediate action was taken and by whom?

\_\_\_\_\_

Parents informed by: \_\_\_\_\_ Date: \_\_\_\_\_

**Parents'/Guardian's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Staff member in charge at time of accident

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## **Appendix 11**

### **RELEVANT LEGISLATION**

#### **Child Care Act 1991**

This is the key piece of legislation which regulates child care policy in Ireland. Under this Act, TUSLA has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, TUSLA has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

#### **Protection for Persons Reporting Child Abuse Act 1998**

This Act protects you if you make a report of suspected child abuse to TUSLA, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege.

#### **Criminal Justice Act 2006**

Section 176 of this Act created an offence of **reckless endangerment of children**. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

#### **Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012**

Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána.