

BRIATHAR DÉ MO LÓCHRANN



MIC

MARY IMMACULATE COLLEGE
COLÁISTE MUIRE GAN SMÁL

POLICY:

Safeguarding Children Policy and
Procedures and Safeguarding Statement

ADOPTED:

Approved UR 2019#01

AMENDMENTS:

REVIEW:

March 2024



Promoting the Welfare of Children: Safeguarding Children Policy, Procedures and Safeguarding Statement

This Policy applies to all members of Mary Immaculate College including Trustees, An tÚdarás Rialaithe (Governing Authority), all staff, students, volunteers and persons who encounter children in the context of classes, tuition or services at Mary Immaculate College.

January 2019

Key Personnel

Designated Liaison Person

Name: Carrie Ryan
Address: Room 112, Mary Immaculate College
Email: carrie.ryan@mic.ul.ie
Phone: 061 204921

Designated Liaison Person - Limerick

Name: Dr. Geraldine Brosnan
Address: Room 110, Mary Immaculate College, Limerick
Email: Geraldine.brosnan@mic.ul.ie
Phone: 061 204917

Designated Liaison Person -Thurles

Name: Ms Paula Hourigan
Address: Room P122, Mary Immaculate College, Thurles
Email: paula.hourigan@mic.ul.ie
Phone: 0504 20535

Relevant Person for Child Safeguarding Statement

Name: Prof. Gary O'Brien
Address: Room 109, Mary Immaculate College
Email: gary.obrien@mic.ul.ie
Phone: 061 204332

Vetting Liaison Officer

Name: Anne Murray Browne
Address: Room 112, Mary Immaculate College
Email: anne.murraybrowne@mic.ul.ie
Phone: 061 204962

Director of Human Resources

Name: Frank White

Address: Room JHN7, Mary Immaculate College

Email: frank.white@mic.ul.ie

Phone: 061 204585

Senior Manager (Responsibility for Safeguarding)

Name: Prof. Gary O'Brien

Address: Room 109, Mary Immaculate College

Email: gary.obrien@mic.ul.ie

Phone: 061 204332

Authorisation for Immediate Action

In exceptional circumstances

Name: Prof Gary O'Brien

Title: Vice President

Address: Room 109, Mary Immaculate College

Email: gary.obrien@mic.ul.ie

Phone: 061 204332

Is authorised where circumstances warrant it, as an essential precautionary measure in order to protect a child, to direct an employee or volunteer to immediately absent himself or herself from any activity or programme, without loss of pay if applicable, until the matter causing concern has been assessed.

Such action is a precautionary measure and is not disciplinary in nature and will be for the shortest possible period.

Contact Details for College Support Services - Limerick

Student Counselling Service	-	Room T.3.11/T.3.12 – 061 204948/19
Student Medical Centre	-	Room T.3.07 – 061 204343
Chaplaincy Service	-	Room G.48 – 061 204331 / 086 2550436

Contact Details for College Support Services - Thurles

Student Counselling Service	-	Room P219 – 0504 32033 / 087 9088710
Student Medical Service -		Dr Liam Collins, The Surgery, Fianna Rd., Thurles - 050421155
Chaplaincy Service	-	joe.walsh@mic.ul.ie - 086 7714888

Contact Details for Statutory Services

TUSLA, Child and Family Agency

Duty Social Worker

Address: Roxtown Terrace Health Centre

Limerick. Phone: 061 483097 / 061 483098

Tusla operates an out-of-hours social work service, which is available by contacting An Garda Síochána. This service deals with any emergencies that occur outside of office hours. If there are concerns for the immediate safety of a child, please contact An Garda Síochána in an out-of-hours situation. The out-of-hours service deals with cases that come to the attention of An Garda Síochána, where a child is at immediate risk of harm.

A report can be made to Tusla in person, by telephone or in writing to the local duty social work service; these can be found on the Tusla website, www.tusla.ie, in the area where the child lives.

If the report is made verbally it should be followed up by completing the Child Protection and Welfare report form. This can be found in Appendix 4.

An Garda Síochána
Protective Services Unit,
Henry Street Garda Station,
Limerick.

061 212448

Limerick.psu@garda.ie -

Glossary of Terms

Age of Consent: The age of consent is 17 years. It is a criminal offence to engage or attempt to engage in a sexual act with a child under 17 years of age.

Agency: In the Children First Act, 2015 “agency” means the Child and Family Agency (Tusla).

Child: For the purpose of these procedures, a ‘child’ means anyone who is under 18 years of age excluding a person who is or who has been married.

Child Abuse: Where the words “child abuse” are used in these procedures they should be taken to include all four categories (neglect, emotional abuse, physical abuse and sexual abuse) as outlined in chapter 2 of Children First: National Guidance for the Protection and Welfare of Children 2017.

Child Safeguarding Statement: A Child Safeguarding Statement is a statement prepared in accordance with section 11 of the Children First Act, 2015.

Designated Liaison Person (DLP): The person nominated as the Designated Liaison Person for the College when dealing with Tusla - Child and Family Agency, An Garda Síochána and other parties in connection with allegations of and/or concerns about child abuse.

In this document reference to the DLP will include Deputy DLPs or any person so designated by the Service Manager with overall responsibility for safeguarding.

Harm: Harm in relation to a child has the meaning assigned to it under section 2 of the Children First Act, 2015.

Mandated Person: Mandated Person means a person who is a person specified in schedule 2 of the Children First Act, 2015.

Provider: Provider has the meaning assigned to it under section 8 of the Children First Act, 2015.

Relevant Person: Relevant person has the meaning assigned to it under section 8 of the Children First Act, 2015 and is a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider’s child safeguarding statement.

Relevant Service: Relevant service means any work or activities specified in schedule 1 of the Children First Act, 2015.

Risk Assessment: Risk assessment as used in the Children First Act, 2015 means an assessment of any potential for harm to a child while availing of the provider's service

Member of the College: For the purposes of this document, the term "member of the College" includes Trustees, persons involved in governance, An tÚdarás Rialaithe, members of the academic or support staff, students of the College and/or those working on a voluntary/unpaid basis on behalf of the College.

Responsible Person: The person appointed by a Head of Department to ensure appropriate safeguards and practices in their area of responsibility including risk assessment and management of all relevant activities/programmes

Head of department: This term is taken to include Heads of Academic, Administrative and Service Departments and manager of any facilities administered by the College.

Contents

Key Personnel	i
Authorisation for Immediate Action	iii
Contact Details for College Support Services - Limerick	iv
Contact Details for College Support Services - Thurles	iv
Contact Details for Statutory Services	iv
Glossary of Terms	v
1. Introduction	1
1.1. Statement.....	1
1.2. Compliance.....	1
1.3. Review	2
1.4. Principles.....	2
1.5. Responsibilities.....	3
1.6. Designated Liaison Person.....	4
1.7. Mandated Persons.....	4
1.8. Children First Act 2015	5
2. Good Practice	7
2.1. General.....	7
2.2. Code of Behaviour	7
2.3. Students on Placements	8
2.4. Research and Activities/Programmes involving children	9
2.5. External groups who wish to use College property.....	10
2.6. Internet/Social Media.....	10
2.7. Use of Mobile/Camera Phones by College Staff.....	11
2.8. Video Recording and Photography Best Practice	11
2.9. Procedure to follow where a child is Lost or Missing.....	12
2.10. Safety, Health and Welfare.....	13
2.11. Procedure to deal with Trespassing.....	13
2.12. Removal from College Campus facilities	13

2.13. Unaccompanied Children / Young People / Procedure	13
2.14. Procedures for Staff and Students involved with Teaching Practice Placements and other collaborations	15
2.15. Children with additional vulnerabilities	15
2.16. Personal and Intimate Care in College Programmes and Activities	17
2.23 Vetting.....	18
2.18. Information and Training	18
2.19. Referral of Volunteers to External Colleges	18
2.20. External Contractors.....	18
3. Child Abuse: What Is It? How do I Recognise It?	20
3.8 Types of Child Abuse and how to recognise.....	20
3.9 Neglect	20
3.4. Emotional abuse	21
3.5. Physical abuse	22
3.6. Sexual abuse.....	23
3.7. Bullying.....	24
3.8. Reasonable grounds for concern	25
3.9. Disclosures of abuse from a child	26
3.10. Retrospective Disclosures.....	26
3.11. Concerns about an adult who may pose a risk to children.....	27
3.12. Concerns which require family support services.....	27
4. Reporting	28
4.2. Informing the family that a report is being made	28
4.3. Submitting a Report to Tusla	28
4.4. Out-of-Hours Service	29
5. The Management of Information	30
5.1. Confidentiality	30
5.2. Qualified privilege.....	30
5.3. Data Protection	30
5.4. Freedom of Information Acts 1997, 2003 & 2014.....	31

5.5. Record-Keeping	31
6. Relevant legislation.....	33
6.2. Child Care Act 1991	33
6.3. Protections for Persons Reporting Child Abuse Act 1998.....	33
6.4. Criminal Justice Act 2006.....	33
6.5. Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012.....	34
6.6. National Vetting Bureau (Children and Vulnerable Persons) Acts 2012– 2016	34
6.7. Children First Act 2015	34
6.8. Criminal Law (Sexual Offences) Act 2017.....	35
7. Mandated Persons	36
7.1. Who are Mandated Persons?	36
7.2. What are the legal obligations of a Mandated Person?	36
7.3. Reporting Mandated Concerns: definitions and thresholds.....	37
7.4. Neglect	38
7.5. Emotional Abuse/Ill-treatment.....	38
7.6. Physical Abuse	38
7.7. Sexual Abuse	38
7.8. Exemptions from requirements to report.....	39
7.9. Concerns developed outside of professional duties	40
7.10. Making a mandated report.....	40
7.11. Consequences of non-reporting	41
7.12. Mandated Assisting	42
7.13. Sharing information with and by a Mandated Person.....	42
7.14. Protection from civil liability.....	43
8. Statutory Obligations of Relevant Services.....	44
8.2. Risk assessment.....	44
8.3. Understanding what Risks to assess	45
8.4. Carrying out a risk assessment.....	45

8.5. Child Safeguarding Statement	46
9. Allegations against staff members.....	48
Appendices.....	49
Appendix 1: Schedule of relevant services under the Children First Act 2015..	50
Appendix 2: Schedule of Mandated Persons under the Children First Act 2015	52
Appendix 3: Pathway of a Child	55
Appendix 4: TUSLA Report Form.....	56
Appendix 5: TUSLA Retrospective Report form.....	61
Appendix 6: Child Safeguarding Risk Assessment and Statement Template	65
Appendix 7: Application and approval for the use of College Facilities by an External Group, which will involve children.	68
Appendix 8: Child Safeguarding Statement Corporate	70

1. Introduction

1.1. Statement

- 1.1.1 Mary Immaculate College wishes to ensure that it maintains the highest possible safeguarding standards in all its interactions with children. Children may be involved in the life of the College in a number of ways including University Students under the age of 18, children visiting or using College facilities or attending events, brought on site by parents, or involved in research.
- 1.1.2 This Policy and Procedure document aims to ensure children are not placed at risk while involved in College activities. It outlines the steps to be taken when there is a concern about a child's welfare, or when a complaint is made about a member of the College Community. It is designed to protect both those in a position of trust and those for whom they have responsibility.
- 1.1.3 The Corporate Child Safeguarding Statement of Mary Immaculate College at Appendix 8 is informed by an identification of the risks of harm which may arise for children while involved in the life of the College. This corporate level Child Safeguarding Statement will be complemented by Risk Assessments and specific Safeguarding Statements for all relevant services and programmes as outlined in this document.

1.2. Compliance

- 1.2.1 This is the official Safeguarding Children Policy and Procedures and Safeguarding Children Statement of Mary Immaculate College.
- 1.2.2 This Policy and Procedures is intended for all members of the College Community and particularly those who have contact with children in pursuance of their duties or in fulfilment of the requirements of programmes of study, and who wish to address any concerns they may have in relation to safety and wellbeing. It provides guidance on their responsibilities in relation to children and on safe practices when working with children.
- 1.2.3 It is the duty of each member of the College Community be familiar with and adhere to this Policy and Procedure document. It is the policy of the College that all concerns, complaints and disclosures of child protection which give rise to reasonable grounds for concern are reported to the statutory authorities. A failure to report a child protection concern is a disciplinary matter and is a breach of the College's Code of Behaviour and, therefore, will be addressed under the relevant disciplinary procedure.

1.3. Review

- 1.3.1 This Policy and Procedure will be reviewed on a 2-yearly basis, or as may otherwise be appropriate in the context of any changes in legislation or policy and based on experience and feedback.
- 1.3.2 Responsibility for the review of the Policy and Procedures will be held by the Senior Manager (Responsibility for Safeguarding) of the College.
- 1.3.3 This Policy and Procedure and associated Child Safeguarding Statement may be amended as required by law. Changes of a non-substantial procedural nature may be made on occasion by the College authorities.

1.4. Principles

- 1.4.1 The welfare of children will always be the paramount consideration.
- 1.4.2 The rights of any person who is the subject of an abuse complaint will be respected.
- 1.4.3 The safest possible practices must be adopted in all programmes and activities in order to minimize the possibility of harm.
- 1.4.4 All members of the College Community share a responsibility to promote welfare, avoid causing harm, and to not place themselves or others in situations of unnecessary risk.

1.5. Responsibilities

1.5.1 An tÚdarás Rialaithe

- Approve Safeguarding Policy and Procedures and Child Safeguarding Statement.
- Consider the two-yearly review of Policy and Procedures and Child Safeguarding Statement.
- Consider periodic reports of the safeguarding arrangements.
- Direct any appropriate action based on such consideration.

1.5.2 President

- Appoint a Designated Liaison Person (DLP) and a Deputy DLP.
- Appoint a Senior Manager with overall responsibility for safeguarding within the College.
- Propose the Safeguarding Policy and Procedures and Child Safeguarding Statement to An t Údarás Rialaithe.
- Ensure that the Safeguarding Policy and Procedure is reviewed on a two-yearly basis.
- Consider any reports provided to him/her by the Senior Manager and ensure appropriate action is taken.

1.5.3 Senior Manager, appointed by the President of the College, will have formal delegated responsibility in all safeguarding matters.

- Ensure that appropriate organisational arrangements are in place for the effective implementation of the safeguarding Policy and Procedures and Child Safeguarding Statement.
- Submit an annual (or on such other occasions as may be appropriate and agreed) report on safeguarding to the President.

1.5.4 Members of the College Community

- Comply with the Safeguarding Policy and Procedures.

1.5.5 Director of HR

- Ensure best practices in all relevant areas.
- Ensure the provision of recruitment, induction and ongoing training.

1.5.6 Assistant Registrar, Garda Vetting

- Ensure all legal and related obligations are met.

1.5.7 Head of Department

- Appointment of Responsible Persons.

- Authorisation for use of College Facilities for activities or programmes involving children.

1.5.8 Responsible Person - Approved by Head of Department

- Ensure appropriate safeguards and practices in their areas of responsibility, including risk assessment of all activities/programmes (see Appendix 6).

1.6. Designated Liaison Person

1.6.1 The Designated Liaison Person is a resource for any persons within the College who has a child protection or welfare concern.

1.6.2 The Designated Liaison Person is responsible for ensuring that reporting procedures within the College are followed, so that child welfare and protection concerns are referred promptly to Tusla. The Designated Liaison Person should record all concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to a concern or allegation of child abuse.

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

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

1.7. Mandated Persons

1.7.1 Within the College where Mandated Persons are also employed, it is important to note that the statutory obligation of Mandated Persons to report under the Children First Act 2015 must be discharged by the Mandated Person and cannot be discharged by the Designated Liaison Person on their behalf.

1.7.2 If a Mandated Person also has the role of Designated Liaison Person in the College, they must fulfil the statutory obligations of a Mandated Person. This means that if a Designated Liaison Person is made aware of a concern about a child that meets or exceeds the thresholds of harm for mandated reporting, and the Designated Liaison Person is also a Mandated Person, he or she has a statutory obligation to make a report to Tusla.

1.7.3 While Mandated Persons have statutory obligations to report mandated concerns, they should make a report jointly with the Designated Liaison Person.

1.8. Children First Act 2015

1.8.1 The Children First Act 2015 has placed certain statutory obligations on certain professionals who are referred to as Mandated Persons in the Act. It has also placed certain statutory obligations on certain organisations that provide services to children. A statutory obligation is an obligation imposed by legislation.

1.8.2 Children First National Guidance 2017 outlines the new statutory obligations that apply to Mandated Persons and the new statutory obligations that apply to certain organisations under the Act. It also sets out the best practice (non-statutory) obligations which are in place for all individuals and for all sectors of society. The statutory obligations under the Children First Act, 2015 operate side by side with the best practice (non-statutory) obligations.

1.8.3 The purpose of these revised Policy and Procedures is to give direction and guidance in relation to meeting the new statutory obligations under the Children First Act, 2015 and the continued implementation of the best practice (non-statutory) guidance set out in Children First National Guidance 2017.

1.8.4 It is important to note that under Children First National Guidance 2017, the existing best practice (non-statutory) obligations to report to Tusla any reasonable concern that a child has been, is being, or is at risk of being abused or neglected continue to apply as heretofore.

1.8.5 These updated procedures therefore continue the requirement to bring any concern that a child has been, is being, or is at risk of being abused or neglected to the attention of the Designated Liaison Person (DLP).

1.8.6 In addition, under section 14 of the Children First Act, 2015 every Mandated Person, now has a statutory obligation to make his or her own report to Tusla where a child protection concern is at or above a threshold of harm as defined in the Act. In these procedures, such reports are referred to as mandated reports.

1.8.7 These procedures include further information on the threshold of harm at which a mandated report must be made. Chapter 7 sets out the relevant reporting procedures to be followed in relation to such reports, including

the requirement to liaise with the DLP and to submit a mandated report to Tusla jointly with the DLP.

- 1.8.8 Section 10 of the Children First Act, 2015 places a statutory obligation to ensure, as far as practicable, that each child attending a relevant service is safe from harm while in attendance or otherwise participating in activities.
- 1.8.9 Relevant Services are also required under section 11 of the Act to prepare and publish a Child Safeguarding Statement.
- 1.8.10 Separate to the Children First Act, 2015 all services involved with children continue to have a general duty of care. Persons involved in providing services to children are also well placed to recognise wider child welfare issues that if addressed appropriately at an early stage can play a key role in the overall welfare and protection of children and in the prevention of child abuse and neglect.
- 1.8.11 These procedures aim to provide necessary information to help persons involved with children to be alert to and be aware of what to do in situations where there is a concern, suspicion or allegation that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect. In all cases, the most important consideration to be taken into account is the protection of children. In this regard, these procedures emphasise that the safety, well-being and protection of children must be a priority.
- 1.8.12 These procedures require that in any situation where a person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of being abused or neglected, he or she shall without delay report the matter to the DLP. The DLP is responsible for ensuring that any reasonable grounds for concern are reported to Tusla. It is not necessary for the DLP to prove that abuse has occurred in order to report a concern. All that is required is that there are reasonable grounds for concern.
- 1.8.13 Where a Mandated Person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of being abused or neglected, in addition to reporting the matter to the DLP, he or she must also consider whether it is necessary for him or her to make a mandated report to Tusla in respect of that concern. In that regard, these procedures require that the Mandated Person shall liaise with the DLP and follow the procedures set out in this document.

2. Good Practice

2.1. General

- 2.1.1. Good safeguarding practice is about protecting children and those in positions of trust in respect of children.
- 2.1.2. Interaction with children in programmes and activities may even inadvertently have adverse consequences and compromise children's welfare. Consequently, it is important that all members of the College community consider how children's welfare can be promoted by anticipating the potential for risk and taking appropriate mitigating actions to address such risks in all programmes and activities. Note: Please see Chapter 8 and associated Appendix 6.

2.2. Code of Behaviour

- 2.2.1. A code of behaviour serves to protect children and members of the College Community, by ensuring clarity regarding unacceptable behaviour and boundaries. Each individual is accountable for his/her own actions, and members of the College Community are collectively accountable for upholding standards of behaviour and for compliance with all applicable laws and policies. Raising concerns about the welfare of children is a service to the College Community.

2.2.2. Behavioural expectations

You should;

- When acting in a position of trust with children, be mindful that you are acting as a role model and therefore should demonstrate exemplary behaviour.
- Take care to ensure conduct is appropriate to each circumstance and environment.
- Be sensitive to the risks involved in participating in some contact sports and exercise particular caution in areas such as swimming pools, showers etc.
- Have due regard to cultural differences.
- Be alert and tackle inappropriate behaviour in others including peer to peer behaviours.
- Take care that language is not open to sexual or racist connotations.
- Maintain the highest standards of personal behaviour when interacting with children and maintain boundaries appropriate to the professional relationship.

- Treat children with respect and dignity and in a consistent and fair manner.
- Avoid one to one interaction in non-public environments.
- Avoid developing relationships beyond the professional roles or interaction which breaches the boundaries of such roles, such as private communication or personal relationships.
- Consult with the Designated Liaison Person if concerns arise.
- Report any safeguarding concern or complaint to the Designated Liaison Person

You should not;

- Use inappropriate language, or allow others to use it without challenging it
- Engage in any inappropriate physical touching or relationship.
- Give your personal contact information or use any such route to communicate or interact in a personal capacity outside the professional activity including through any form of social media
- Take photographs, or make other recordings without specific written consent from a parent or guardian.
- Communicate or behave in a discriminatory manner.
- Provide or use alcohol or drugs while involved with children.
- Participate in or condone behaviour that is illegal, unsafe or abusive, or could be construed as bullying or could put anyone at risk.
- Allow or engage in any form of suggestive comments.
- Collude with any person to suppress concerns.

2.2.3. This Code of Behaviour should be considered in association with relevant Mary Immaculate College Policies.

2.3. [Students on Placements](#)

2.3.1. Students, while on placement, in schools, or other organisations must comply with the Safeguarding Children Policy and Procedure of the host school/organisation.

2.4. Research and Activities/Programmes involving children

2.4.1. Schedule 1 of the Children First Act 2015 includes in the definition of Relevant Services:

Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—

(a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,

and,

(b) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.

2.4.2. In addition to the provisions of the College's Safeguarding Children policy, research involving children must comply with the College's research ethics procedure see:

<http://www.mic.ul.ie/research/Pages/researchpolicy.aspx>

Note should also be taken of the Guidance for developing ethical research projects involving children published by the Department of Children and Youth Affairs

http://www.dcy.gov.ie/documents/Publications/Ethics_Guidance.pdf

2.4.3. Any member of the College Community who is proposing to involve children in research or in other activities or programmes, which may constitute a relevant service under the Children First Act 2015, must receive the approval of the Head of Department.

2.4.4. The Head of Department will appoint a Responsible Person for each activity or programme.

2.4.5. A template for conducting a risk assessment and approval in respect of the safeguarding dimension of Research, Activities and Programmes can be found in Appendix 6.

2.4.6. Particular attention should be paid to ensure that

- Written consent is obtained from the parents/guardians of children under 18 and from the children themselves.

- Appropriate language should be used when communicating information on the research to children so that they understand what they are being asked to participate in.
- The effect of the research on the child is monitored to ensure that they feel comfortable with continuing with the research.
- In addition to the child, two or more persons shall ordinarily be present during the research. There may be rare occasions when a confidential interview or a one-to-one meeting is necessary and in such circumstances parents/guardians must be informed and the interview/meeting should be conducted in a room with an open door or visual access.

2.4.7. For fuller information on this matter please refer to Chapter 8 on statutory obligations of relevant services

2.5. External groups who wish to use College property

2.5.1. All groups operating under the name or auspice of the College must comply with the College's Safeguarding Children Policy and Procedures.

2.5.2. The College welcomes colleges, groups and individuals within the community using College facilities. While using such facilities, the College must be assured that all reasonable steps have been taken to safeguard children who may be involved in such activities.

2.5.3. The responsibility for complying with safeguarding legislation and best practice including safe recruitment and vetting, rests with the College, group or individual using College facilities and not with the College.

2.5.4. The College requires detailed information in respect of an application to use the facilities of the College in activities which may involve children in order to ensure that children's welfare is protected.

2.5.5. The application in Appendix 7 must be submitted prior to the approval for the use of College facilities.

2.5.6. Applications for the use of such facilities should be submitted to the Head of Department.

2.6. Internet/Social Media

2.6.1. Compliance

All members of the College Community must comply with the Policy for Responsible Computing and the associated Code of Conduct.

2.6.2. Internet Safety

The Office for Internet Safety is an office of the Department of Justice and

Equality, and takes lead responsibility for internet safety particularly as it relates to children. While the Internet provides many positive opportunities, there is also the potential for children to be put at risk by their exposure to material and/or individuals which may be harmful. The office has produced a number of helpful resources for adults and children, which are accessible on <http://www.internetsafety.ie/>. It also provides links to material which deals with issues such as cyber bullying, social networking and mobile phone safety

2.7. Use of Mobile/Camera Phones by College Staff

2.7.1. Members of the College are advised as follows;

- Use group texts for communications regarding College events and/or activities among participants including children and inform parents/guardians/carers of this at the start of the events/activities/camps.
- It is not appropriate to have constant communication for individual participants.
- Do not use the phone in certain locations; inappropriate use of the mobile/camera phone may cause upset or offence to another person, e.g. personal care facilities.

2.8. Video Recording and Photography Best Practice

2.8.1. In order to reduce the risk of images of children being used

inappropriately, unsolicited or illegally by any person(s) care is needed in respect of the taking and usage of images of children via video recording, photography or any other recording device. This is not to avoid or discourage parents/guardians/carer from taking photographs or other recordings of their children/young people participating in activities.

2.8.2. Whenever possible, only those who have a right to take videos and/or photographs, do so provided that before taking any recording or image of a child that is not their own, they obtain permission from a child's parent/guardian/carer and ensure that the parent/guardian/carer knows the way the image will be used.

2.8.3. Academic researchers in particular should ensure that best practice is put in place wherever and whenever photographs and recorded images of children/young people are taken and subsequently stored.

- 2.8.4. The privacy of others is to be respected and accordingly, the use of camera phones, videos and cameras inside personal care facilities such as changing areas, showers and toilets or First Aid areas is strictly prohibited.
- 2.8.5. All video recording and/or photographing is appropriate and non-intrusive.
- 2.8.6. Videoing as a coaching aid in sport: Video equipment can be used as a legitimate coaching aid. However, permission should first be obtained from the child and/or the child's Parent/Guardian/Carer.
- 2.8.7. Anyone concerned about any photography or filming taking place at College events or activities involving children should contact the Designated Liaison Person, or in their absence, the Deputy Designated Liaison Person.
- 2.8.8. The operations of CCTV by College Campus Security and the retention of recordings are subject to the Data Protection Acts.

2.9. [Procedure to follow where a child is Lost or Missing](#)

- 2.9.1. If a child participating in activities/sessions/camps on Campus, gets lost or goes missing going to & from or during such activities/sessions/camps, with due regard for the immediate safety and welfare of the child, College shall initiate and apply the following procedure:
 - Ensure that all other involved in the activity/session/camp are fully accounted for and continue to be supervised appropriately while a search for the child concerned is carried out.
 - Notify the person responsible for the activity.
 - Notify College Campus Security
 - Make a note of the circumstances in which the child has gone missing and where he/she was last seen and prepare a detailed physical description of the child, to include their hair and eye colour, approximate height and build and clothing he/she was wearing, as this will be required by An Garda Síochána.
 - Follow Garda guidance if further action is recommended.
 - Maintain close and ongoing contact with the parents / guardian / carer, the Garda and College Staff / College Campus Security to aid the early and safe recovery of the lost / missing child.
 - Ensure that all involved including the parents / guardian / carer, searchers and Gardai shall be informed immediately if at any stage the child is located.

2.10. Safety, Health and Welfare.

2.10.1. All members of the College community have a duty to understand the requirements relating to health and safety in advance of commencement of any programme or activity involving children. Consequently, risk assessment and procedures, and reporting of accidents and incidents should be dealt with in accordance with the College's safety statement - www.mic.ul.ie/adminservices/healthsafety/Documents/SafetyStatementofMIC.pdf.

2.11. Procedure to deal with Trespassing

2.11.1. Trespass in Restricted Areas - General Public

While the College Campus and facilities is predominantly an adult educational and research environment, members of the general public may also be present within its facilities. However, it should be understood that for both operational and health & safety reasons, not all of the College Campus facilities are open to the general public. Accordingly, in the absence of legitimate or official authorisation/a bona-fide reason or able to show just cause for such presence, any person found in a restricted area, may be viewed as trespassing.

2.12. Removal from College Campus facilities

2.12.1. General Policy: In the absence of a legitimate or official authorisation; a bona-fide reason or able to show just cause for such presence, any person, regardless of status or designation including children, found in a restricted area may be removed from College Campus facilities if he/she

- i. poses an immediate and substantial risk of physical harm or injury to either himself/herself, or to others,
- ii. engages in conduct that indicates the immediate intent to damage or destroy property of the College, and/or
- iii. unreasonably interferes with the activities and functions of the College.

2.13. Unaccompanied Children / Young People / Procedure

2.13.1. Where College Campus Security come into contact or receive a report that a child appears to be unaccompanied or is alone on the College Campus, they shall at all times treat the matter appropriately in line with the health, safety and welfare of the child. Where a concern exists that an unaccompanied child can reasonably be questioned regarding their status.

2.13.2. Where an unaccompanied child is already on the College Campus, there are a number of areas of consideration: -

- Where a concern exists regarding a child who is present and unaccompanied on the Campus, College staff members and/or College Campus security shall talk with the child and try to establish if there is a parent / guardian / carer due back soon to collect him/her. If a parent / guardian / carer is due back shortly then College staff members and/or College Campus security should make contact with the parent / guardian / carer and outline the safety concerns around the presence of the child being left unaccompanied on the Campus and the Health & Safety Regulations. If it is not possible to contact the parent /guardian / carer then the child should be taken to a designated safe area and An Garda Síochána should be contacted. Brief details should be recorded on an incident form and the College Designated Liaison Person informed. Appropriate steps must be taken to ensure the child's health, safety and welfare during their time on site, in line with the College's Safeguarding Children Policy and Procedure.
- If any unaccompanied child has spent a significant period of time on College Campus for a number of consecutive days then, after other reasonable measures have been taken, College Staff and or College Campus Security should contact the An Garda Síochána ensuring that appropriate records have been maintained.
- College Staff members must not handle a situation alone but must liaise with a colleague/supervisor regarding action to be taken and in as far as it is possible, the child should be approached by two College staff members and/or College Campus Security when enquiries are being made about their unaccompanied status.
- Where an unaccompanied child injures him/herself, College Staff should refer to the Illness or sudden injuries sections of the Emergency section of the Health and Safety Policy
- Where an unaccompanied child appears upset or distressed or will not talk when approached by College staff members and/or College Campus Security then College staff should contact An Garda Síochána ensuring that appropriate records have been maintained.
- Where the behaviour of a child is a cause for concern to College staff members' immediate contact should be made with campus security.

2.14. Procedures for Staff and Students involved with Teaching Practice Placements and other collaborations

- 2.14.1. Particular complexities including confusion regarding responsibilities and communication difficulties can arise in situations involving collaborations with other organisations. When any person including, for example, a School Placement Tutor, or a Student on placement, becomes aware of, or has a safeguarding concern, they must report this according to the procedures of the host organisation.
- 2.14.2. College Staff must comply with all relevant College Policies
- 2.14.3. If Safeguarding concerns arise, regardless of the setting, the advice of the Designated Liaison Person should be obtained.

2.15. Children with additional vulnerabilities

- 2.15.1. Certain children are more vulnerable to abuse than others. Such children include those with disabilities and children who depend on others for their care and protection. The same categories of abuse – neglect, emotional abuse, physical abuse and sexual abuse – are 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. The lack of appropriate care can also be a form of abuse. Abuse can occur in a relationship where there is an expectation of trust and can be perpetrated by a person, who acts in breach of that trust. Abuse can also be perpetrated by people who have influence over the lives of vulnerable children whether they are formal or informal carers.
- 2.15.2. The following list is intended to help identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. It is important to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.
 - 2.15.2.1. Parent or carer factors:
 - Drug and alcohol misuse
 - Addiction, including gambling
 - Mental health issues
 - Parental disability issues, including learning or intellectual disability
 - Conflictual relationships
 - Domestic violence

- Adolescent parents

2.15.2.2. Child factors:

- Age
- Gender
- Sexuality
- Disability
- Mental health issues, including self-harm and suicide
- Communication difficulties
- Trafficked/Exploited
- Previous abuse
- Young carer

2.15.2.3. Community factors:

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction
- Culture-specific practices, including:
 - Female genital mutilation
 - Forced marriage
 - Honour-based violence
 - Radicalisation

2.15.2.4. Environmental factors:

- Housing issues
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Poverty/Begging
- Bullying
- Internet and social media-related concerns

Every employee should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla

2.16. Personal and Intimate Care in College Programmes and Activities

2.16.1. Personal Care refers to activities associated with a person's personal presentation, and associated tasks. It can incorporate, for example, skin care, applying external medication, feeding and dressing (outer wear).

2.16.2. Intimate Care refers to activities of an intimate nature associated with bodily functions and which may involve contact with/exposure to private body parts. It can incorporate, for example, assisting with toilet use, bathing or showering and changing continence wear.

2.16.3. The responsible person, for any programme or activity, must ensure that appropriate written consent is obtained from a parent or guardian for the provision of personal and/or intimate care.

2.16.4. Guidance

Any involvement in the provision of personal or intimate care must respect each person's right to personal privacy and dignity. The possible need to provide personal or intimate care must be anticipated as part of the planning process for all relevant activities.

2.16.5. Each person, as appropriate, should be asked for their views on:

- their personal and intimate care needs
- their wishes on how this should be provided

These should be recorded and will inform the approach to be taken in the provision of personal and intimate care in any activity and to any specific person.

2.16.6. Each person, as appropriate, should be informed of procedure regarding any complaint or concern.

2.16.7. Persons who may be involved in providing personal and intimate care must be authorised to provide such care by the Responsible person and endeavour to deliver such care in a manner that is not open to misinterpretation.

2.16.8. If the provision of some form of intimate care requires specific training, it will be the responsibility of the Responsible Person to arrange for the training.

2.16.9. Understanding how a person communicates is particularly important in this context and a person providing personal or intimate care must be alert to signals that communicate discomfort. The provision of a medical or nursing service must only be provided by appropriately qualified professionals. If the provision of intimate care is of a significant nature, it must be the subject of an Intimate Care Support Plan

2.23 Vetting

2.17.1. Vetting is one part of a Safe Recruitment and Appointment Procedure. The College maintains a Vetting Policy and Procedure based on legislation and relevant best practice.

2.18. Information and Training

The College will provide information and training to all relevant members of the College Community to ensure that they are aware of the College's Safeguarding Children Policy and Procedure.

- All new staff and students will be provided with the Safeguarding Children Policy and Procedure
- Each Head of Department will conduct an Annual Information and training needs assessment and will submit this to the Director of Human Resources
- Individuals may identify particular information and training needs arising from their professional responsibilities and these should be directed to the Head of Department.
- The College will provide an Annual information and Training programme on Safeguarding.

2.19. Referral of Volunteers to External Colleges

2.19.1. When members of the College community are placed in contact with external colleges through any College office, club or society the external college has full responsibility for ensuring that appropriate safeguarding policies and practices are in place.

2.19.2. If a member of College staff acts as a referee, this reference must be understood as reflecting the referee's personal views only and is not indicative of the position of the College.

2.20. External Contractors

2.20.1. From time to time the College will contract or arrange with external organisations to provide services. The College will inform all such contractors of the College's Safeguarding Children's Policy and Procedure and that the contract and arrangements for the provision of the service is conditional on its employees conduct and behaviours not giving rise to any child protection concern or compromise in any way the welfare of children or the College's Safeguarding Policy and Procedure.

- 2.20.2. The contracting organisation will be responsible for ensuring that all legal responsibilities and appropriate procedures in regard to, for example vetting, licensing and recruitment will be undertaken.
- 2.20.3. The contracting organisation will provide an indemnity to the College in respect of any claim or liability associated with or arising from a safeguarding matter

3. Child Abuse: What Is It? How do I Recognise It?

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

1. The safety and well-being of the child be the paramount consideration with regard to all parties.
2. Reports of concerns should be made without delay to Tusla

3.8 Types of Child Abuse and how to recognise

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

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

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

3.9 Neglect

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

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

extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

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

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

3.9.5 The following are features of child neglect:

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

3.4. Emotional abuse

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

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

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

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

3.4.5. There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour. It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

3.5. Physical abuse

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

3.5.2. Physical abuse can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking

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

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

3.6. Sexual abuse

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

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

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

3.6.4. Examples of child sexual abuse include the following:

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

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

3.6.5. In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in this document at 7.8.

3.7. Bullying

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

3.7.2. Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones and other personal devices.

3.7.3. While bullying can happen to any child, some may be more vulnerable. These include: children with disabilities or special educational needs; those

from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths.

3.7.4. There can be an increased vulnerability to bullying among children with special educational needs. This is particularly so among those who do not understand social cues and/or have difficulty communicating. Some children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

3.7.5. In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral to Tusla and/or An Garda Síochána must be considered.

3.8. Reasonable grounds for concern

If a concern arises the possibility of abuse, the Designated Liaison Person will provide assistance in determining if reasonable grounds exist.

Tusla should always 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 symptoms of abuse are ignored, 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. All that is required is that have reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it. If a concern is reported, all information will be carefully considered with any other information available and a child protection assessment will be carried out where sufficient risk is identified.

3.8.1. Reasonable grounds for a child protection or welfare concern include:

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

3.8.3. Guidance for Mandated Persons on the thresholds at which, or above which, they have a statutory obligation to report the concern under the Children First Act 2015, are set out later in this document at section 7.

3.9. Disclosures of abuse from a child

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

3.9.2. Every person should deal with disclosures of abuse sensitively and professionally. The following approach is suggested as good practice for dealing with these disclosures.

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

3.10. Retrospective Disclosures

3.10.1. Some adults may disclose abuse that took place during their childhood. Such disclosures may, for example, come to light when an adult attends counselling, or is being treated for a psychiatric or health problem. If a

person is, for example, a counsellor or health professional, and they receive a disclosure from a client that they were abused as a child, they should report this information to Tusla, as the alleged abuser may pose a current risk to children.

3.11. Concerns about an adult who may pose a risk to children

3.11.1. While in many cases concerns for the welfare or safety of a child develop from a person's own observation or knowledge of the child or their family, sometimes concerns arise about whether an adult may pose a risk to children, even if there is no specific child named in relation to the concern. For example, based on known or suspected past behaviour, a concern could exist about the risk an individual may pose to children with whom they may have contact. Persons should report any such reasonable concerns to Tusla, who will try to establish whether or not any child is currently at risk from the individual in question.

3.11.2. While Tusla will make every effort to examine such cases, it is a very complex area involving the accused's constitutional rights to their good name, privacy and the right to earn a living, as well as the requirements of natural justice.

3.11.3. Tusla must work within the Constitution, the law, the legal system and the demands of natural justice to balance the conflicting rights of those involved. This may limit how much feedback Tusla can provide to a person on the progress or outcome of the case. Tusla's examination can be greatly improved if an alleged victim feels able to cooperate with Tusla in its assessment or investigation.

3.12. Concerns which require family support services

3.12.1. Families may be in need of help if a child's needs are not being adequately met and in situations where a child protection risk does not arise. Where a concern may fall below the threshold for child protection intervention by Tusla it may still be appropriate to request Tusla to provide family support services.

3.12.2. Tusla can put in place a range of services, perhaps through a child welfare or family support plan, to help families work through difficult issues and provide support for parents who are experiencing difficulties in coping. Such supports may also include psychological or psychiatric assessment of the child and/or parental assessment.

4. Reporting

4.1.1. Every person with a Safeguarding concern should remember that the College's Designated Liaison Person is available to support and advise them regarding how to identify and address the responsibilities arising.

4.1.2. In considering that a report to Tusla may be appropriate, all persons should consider the following with the support of the Designated Liaison Person

What am I worried about?

What have I seen or heard that worries me?

If nothing changes, what am I worried might happen to the child/children?

What is happening that may be bad for or harming the child/children?

What has been the impact on the child/children?

4.1.2. It may not always be appropriate or necessary to ask these questions and a person may not have the answers to them. Remember the Designated Liaison Person can contact Tusla informally to discuss concerns and to obtain advice on whether or a report is appropriate.

4.2. Informing the family that a report is being made

4.2.1. The Children First Act 2015 does not require that a family be informed that a report under the legislation is being made to Tusla. However, it is usually best practice to tell the family that a report is being made and the reasons for the decision.

4.2.2. It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment. Also, there is no requirement to inform the family if there is a reasonable belief that by doing so it may place a person at risk of harm from the family.

4.3. Submitting a Report to Tusla

4.3.1. A report can be made to Tusla in person, by telephone or in writing to the local duty social work service, these can be found on the Tusla website, www.tusla.ie, in the area where the child lives.

4.3.2. If the report is made verbally it should be followed up by completing the Child Protection and Welfare report form. This can be found in Appendix 4.

4.4. Out-of-Hours Service

4.4.1. Tusla operates an out-of-hours social work service, which is available by contacting An Garda Síochána. The out-of-hours service deals with cases that come to the attention of An Garda Síochána, where a child is at immediate risk of harm.

5. The Management of Information

5.1. Confidentiality

- 5.1.1. Any person discussing any information regarding possible child abuse or neglect must not be given an assurance of confidentiality or secrecy.
- 5.1.2. In sharing information, it is important to establish that the person or agency to whom it is provided has a right to know the information. The question which needs to be asked is whether or not the person or agency has any legitimate involvement or role in dealing with the matter.
- 5.1.3. Providing information to a person or agency that has a legitimate, usually statutory, involvement or role in the matter is not a breach of professional confidentiality.

5.2. Qualified privilege

- 5.2.1. The Protection of Persons Reporting Child Abuse Act 1998 provides legal protection for persons making reports to professional social work staff of TUSLA and members of An Garda Síochána.
- 5.2.2. Qualified privilege arises where a person has a duty or a right or an interest to protect a child and where the communication is made to a person with a similar duty, right or interest.
- 5.2.3. The protection provided under both of the above may be displaced if it is established that the person making a report acted maliciously.
- 5.2.4. It is important to note that the reporting of a disclosure or concern is not making an allegation or an accusation.

5.3. Data Protection

- 5.3.1. Data protection legislation is designed to protect the rights of individuals with regard to personal data. The Data Protection Acts 1988 and 2003 defines personal data as “data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller”.
- 5.3.2. The Acts give a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors

to protect the data they keep and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

5.3.3. The EU General Data Protection Regulation (GDPR) came into force on the 25th May 2018, updating the existing data protection framework.

5.4. Freedom of Information Acts 1997, 2003 & 2014

5.4.1. Any reports which are made to Tusla may be subject to the provisions of the Freedom of Information Acts, which enable members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the Freedom of Information Acts also provide that public bodies may refuse access to information obtained by them in confidence.

5.4.2. The exemptions and exclusions which are relevant to child protection include the following:

- (a) protecting records covered by legal professional privilege;
- (b) protecting records which would facilitate the commission of a crime;
- (c) protecting records which would reveal a confidential source of information.

5.5. Record-Keeping

5.5.1. It is essential to have a written record of all the information available regarding child abuse or neglect. All persons shall note carefully what they have observed and when they observed it. Signs of physical injury shall be described in detail and, if appropriate, sketched.

5.5.2. Any comment by the child concerned, or by any other person, about how an injury occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made. The record of the discussion shall be signed, dated and given to the DLP who shall retain it.

5.5.3. The DLP shall record all concerns or allegations of child abuse brought to his or her attention, and the actions taken following receipt of a concern or allegation of child abuse.

5.5.4. The DLP shall retain a copy of every report submitted by him or her to Tusla and shall keep a record of any further actions to be taken by the DLP and of any further communications with Tusla, An Garda Síochána or other parties in relation to that report.

5.5.5. All records created shall be regarded as highly confidential and placed in a secure location.

5.5.6. To allow for the effective recording and tracking of relevant records and actions, all child protection case files and any parties referenced in such files shall be assigned a unique code or serial number by the DLP. In this context “parties” means any party whose identity, if disclosed, might lead to the identification of a child or a person against whom an allegation has been made.

6. Relevant legislation

6.1.1. There are a number of key pieces of legislation that relate to child welfare and protection. The information here gives a brief overview of relevant legislation and it is not intended as legal opinion or advice.

6.2. Child Care Act 1991

6.2.1. 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.

6.3. Protections for Persons Reporting Child Abuse Act 1998

6.3.1. This Act protects an employee if they make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious.

6.3.2. Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from Mandated Persons under the Children First Act 2015.

6.3.3. This legal protection means that even if someone reports a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that they had not acted reasonably and in good faith in making the report. If a person makes a report in good faith and in the child's best interests, they may also be protected under common law by the defence of qualified privilege.

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

6.4. Criminal Justice Act 2006

6.4.1. Section 176 of this Act created an offence of reckless endangerment of children.

6.4.2. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by:

1. Causing or permitting the child to be placed or left in a situation that

creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or

2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

6.5. [Criminal Justice \(Withholding of Information on Offences Against Children and Vulnerable Persons\) Act 2012](#)

6.5.1. 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.

6.5.2. The provisions of the Withholding legislation are in addition to any reporting requirements under the Children First Act 2015.

6.6. [National Vetting Bureau \(Children and Vulnerable Persons\) Acts 2012–2016](#)

6.6.1. Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

6.7. [Children First Act 2015](#)

6.7.1. The Children First Act 2015 is an important addition to the child welfare and protection system as it will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

6.7.2. The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong collegial culture of safeguarding in all services provided to children; a provision for a register of non-compliance; and the statutory underpinning of the existing Children First Interdepartmental Implementation Group which promotes and oversees cross-sectoral implementation and compliance with Children First.

6.8. Criminal Law (Sexual Offences) Act 2017

6.8.1. This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

7. Mandated Persons

7.1. Who are Mandated Persons?

- 7.1.1. Mandated Persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. Mandated Persons include professionals working with children in the education, health, justice, youth and childcare sectors. Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also Mandated Persons. The list also includes registered foster carers and members of the clergy or pastoral care workers of a church or other religious community.
- 7.1.2. All Members of the College should consult the full list of people who are classified as Mandated Persons under the Act in Appendix 2.

7.2. What are the legal obligations of a Mandated Person?

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

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

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

'...where a Mandated Person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a Mandated Person, that a child—
(a) has been harmed,
(b) is being harmed, or
(c) is at risk of being harmed, he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency.'

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

'Where a child believes that he or she—

- (a) has been harmed,*
- (b) is being harmed, or*
- (c) is at risk of being harmed, and discloses this belief to a Mandated Person in the course of a Mandated Person's employment or profession as such a*

person, the Mandated Person shall, ... as soon as practicable, report that disclosure to the Agency.'

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

'harm means in relation to a child–

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

(b) sexual abuse of the child.'

7.3. Reporting Mandated Concerns: definitions and thresholds

- 7.3.1. Mandated Persons, under the legislation, are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The threshold of harm for each category of abuse at which Mandated Persons have a legal obligation to report concerns is outlined below.
- 7.3.2. If a Mandated Person is in doubt about whether a concern reaches the legal definition of harm for making a mandated report, Tusla can provide advice in this regard. Details of whom to contact to discuss a concern are on the Tusla website (www.tusla.ie). If a concern does not reach the threshold for mandated reporting but a person feels it is a reasonable concern about the welfare or protection of a child this should be reported to Tusla.
- 7.3.3. If, as a Mandated Person, a Member of the College community provides, for example, a counselling service, it is necessary that they let their clients know, before the counselling starts, that if any child protection issues arise and the alleged perpetrator is identifiable, they must pass the information on to Tusla. If the client does not feel able to participate in any investigation, Tusla may be seriously constrained in their ability to respond to the retrospective allegation.
- 7.3.4. The reporting requirements under the Children First Act 2015 apply only to information that a Mandated Person received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, if they have a reasonable concern about past abuse, where information came to their attention before the Act and there is a

possible continuing risk to children, they should consult with the DLP regarding reporting it to Tusla.

7.4. Neglect

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

7.5. Emotional Abuse/Ill-treatment

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

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

7.6. Physical Abuse

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

7.7. Sexual Abuse

7.7.1. If a Mandated Person knows believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then they must report this to Tusla under the Children First Act 2015.

7.7.2. Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as

an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

- 7.7.3. As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, a Mandated Person must submit all concerns about sexual abuse as a mandated report to Tusla. There is one exception, which deals with certain consensual sexual activity between teenagers, which is outlined at 7.8
 - 7.7.4. If there are concerns which meet or exceed the thresholds outlined above, then a Mandated Person must report them to Tusla under the Children First Act 2015. They should also refer reasonable concerns below that threshold to Tusla
- 7.8. [Exemptions from requirements to report](#)
- 7.8.1. Underage consensual sexual activity
Under the Criminal Law (Sexual Offences) Act 2006 the legal age of consent is 17 years. While a sexual relationship where one or both parties is under 17 years of age is illegal, when making a mandated report to Tusla, it might not be regarded as child sexual abuse.
 - 7.8.2. There are certain exemptions from reporting underage consensual sexual activity under section 14(3) of the Children First Act 2015. If a Mandated Person is satisfied that all of the following criteria are met, they 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
 - 7.8.3. In effect, this means that if all of the above criteria are met, a Mandated Person does not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla.
 - 7.8.4. All persons, including Mandated Persons, must uphold the key principle that the welfare of the child is paramount and if a Mandated Person has any concerns, even where all the above criteria are met, they may make a report to Tusla.

7.9. Concerns developed outside of professional duties

7.9.1. The legal obligation to report under the Act applies only to information that a Mandated Person acquires in the course of their professional work or employment. It does not apply to information they acquire outside their work, or information given to them on the basis of a personal rather than a professional relationship. While the legal obligation to report only arises for employment or professional duties, a Mandated Person should comply with the general requirement of this Policy to report all reasonable concerns to Tusla.

7.10. Making a mandated report

7.10.1. Section 14 of the Children First Act 2015 requires Mandated Persons to report a mandated concern to Tusla 'as soon as practicable'. A Mandated Person should submit a report of a mandated concern to Tusla using the required report form, see Appendix 4, on which they should indicate that they are a Mandated Person and that their report is about a mandated concern. They should include as much relevant information as possible in the report as this will aid effective and early intervention for the child and may reduce the likelihood of Tusla needing to get in contact for further information. They can find the report form and contact details on the Tusla website (www.tusla.ie).

7.10.2. It is College policy that such reports should be made jointly with the College DLP.

7.10.3. The Children First Act 2015 requires the CEO of Tusla to appoint authorised persons to receive mandated reports. A Mandated Person who makes a report to an authorised person is protected from civil liability under the Protections for Persons Reporting Child Abuse Act 1998. The mandated report form can either be posted or submitted electronically to Tusla. Details of how to access relevant Tusla authorised staff can be found on the Tusla website. Authorised persons are obliged to acknowledge in writing all mandated reports they receive. If a Mandated Person feels the concern may require urgent intervention to make the child safe, section 14(7) of the Children First Act 2015 allows them to alert Tusla of the concern in advance of submitting a written report. They must then submit a mandated report to Tusla on the report form within three days.

7.10.4. Under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If a

Mandated Person thinks the child is in immediate danger and they are unable to contact Tusla, they should contact the Gardaí.

- 7.10.5. They should be aware that Tusla may be unable to provide feedback on the progress or outcome of the case. However, the information which has been provided will be carefully considered with any other information available to Tusla, and a child protection assessment will take place if sufficient risk is identified.
- 7.10.6. Mandated Persons are not required to report the same concern more than once. However, if they become aware of any additional information, a further report should be made to Tusla. In addition, they are not required to make a report where the sole basis for their knowledge, belief or suspicion of harm is as a result of becoming aware that another Mandated Person has made a report to Tusla about the child.

7.11. Consequences of non-reporting

- 7.11.1. The Children First Act 2015 does not impose criminal sanctions on Mandated Persons who fail to make a report to Tusla. However, there are possible consequences, for a Mandated Person, for a failure to report abuse. There are a number of actions that Tusla may take if, for example, after an investigation, it emerges that a mandated report was not made, and a child was subsequently left at risk or harmed.
- 7.11.2. Tusla may make a complaint to the Fitness to Practice Committee of a regulatory body of which the Mandated Person is a member and pass information about the failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could therefore be disclosed to a current or future employer.
- 7.11.3. The College considers the failure to report a child protection concern to be a matter which will be addressed within the College's disciplinary procedures.
- 7.11.4. The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report is a criminal offence under that legislation. This obligation is in addition to any obligations under the Children First Act 2015. Mandated Persons must be aware that the legal obligations under the Children First Act 2015 to report mandated concerns is a personal responsibility and

cannot simply be passed to the Designated Liaison Person. The College policy that Mandated Persons, who are Members of the College, and the College's Designated Liaison Person, will report jointly.

7.12. Mandated Assisting

- 7.12.1. When Tusla receives a report of harm to a child, the information in the report is used to assess the risk of harm to that child, or any other child. Written reports from Mandated Persons should improve the quality of information available to Tusla and therefore improve the assessment process, although in some instances Tusla will need further information from the person making the report.
- 7.12.2. The more comprehensive and relevant the information given at that stage, the more likely Tusla can make an early and effective decision about how to deal with the reported concern.
- 7.12.3. It is usual practice for professionals, who have ongoing contact with a child and where there is concern about possible abuse, to continue to engage with Tusla's social work team to assist in the protection of the child. To support and reinforce this practice, the Children First Act 2015 provides that all Mandated Persons can be asked by Tusla to provide any necessary and proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report. A Mandated Person must comply with this request, regardless of who made the report.
- 7.12.4. Tusla accepts the time limitations and pressures on other professionals and will use mandated assisting only when necessary and only to the extent needed in each specific case. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. The Tusla Children First – Protocol for Mandated Assisting can be found on the Tusla website (www.tusla.ie).

7.13. Sharing information with and by a Mandated Person

- 7.13.1. The Data Protection Acts 1988 and 2003 do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection. Tusla has the authority to share information concerning a child who is the subject of a risk assessment with a Mandated Person who has been asked to provide assistance. Tusla must only share what is necessary and proportionate in the circumstances of each individual case.

- 7.13.2. Information that Tusla shares with a Mandated Person, if they are assisting it to carry out an assessment, must not be shared with a third party, unless Tusla considers it appropriate and authorises in writing that the information may be shared. This is in keeping with the principles of data protection, which recognise that in certain circumstances information can be shared in the interests of child protection, but that such sharing must be necessary and proportionate.
- 7.13.3. Section 17 of the Children First Act 2015 makes it an offence for a Mandated Person to disclose information to a third party which has been shared by Tusla during the course of an assessment, unless Tusla has given them written authorisation to do so. If they fail to comply with this section, they may be liable to a fine or imprisonment for up to six months or both. This offence can also be applied to an organisation.

7.14. Protection from civil liability

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

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

8. Statutory Obligations of Relevant Services

8.1.1. The Children First Act 2015 includes an obligation of relevant services to prevent, as far as practicable, harm or abuse to the children availing of their services. While it is not possible to remove all risk, every organisation should put in place policies and procedures to manage and reduce risk to the greatest possible extent.

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

- Keep children safe from harm while they are using a service
- Carry out a risk assessment to identify whether a child or young person could be harmed while receiving services
- Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified
- Appoint a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement

8.2. Risk assessment

8.2.1. Under the Children First Act 2015, when providing a relevant service, a risk assessment must be completed. This considers the potential for harm to children while they are in an organisation's care. It should be noted that risk in this context is the risk of abuse and not general health and safety risk. This risk assessment is used to develop a Child Safeguarding Statement which outlines how these risks will be managed.

8.2.2. A risk assessment is an exercise which examines all aspects of the service from a safeguarding perspective to establish whether there are any practices or features of the service that have the potential to put children at risk.

8.2.3. The risk assessment process is intended to:

- Identify potential risks
- Develop policies, procedures and arrangements to minimise and manage the risks
- Review whether adequate precautions have been taken to eliminate or reduce these risks

8.3. Understanding what Risks to assess

- 8.3.1. Employees should consult the full list of services which are classified as relevant services under the Act to establish if their service is a relevant service. This list can be found in Appendix 1 of this Guidance.

Section 11(1)(a) of the Children First Act 2015 defines risk as “any potential for harm to a child while availing of the service.” Section 2 of the Act defines harm as follows:

“harm means in relation to a child –

(a) Assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or

(b) Sexual abuse of the child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances or otherwise.”

8.4. Carrying out a risk assessment

- 8.4.1. As part of the risk assessment process, the organisation should reflect on what specific risks arise as a result of the service they provide and how these risks can be managed. The following steps in the diagram are a guide which may help the organisation consider where the potential for risk lies and how these risks can be managed.

8.4.2. **STEP 1 - Identify Potential risks;**

Think about who or what might cause harm to children or young people using the service.

Make sure all persons in the service, including children, are involved in this process. Different people will have different perceptions of what is a risk.

8.4.3. **STEP 2 - Rank each risk**

Rank each risk in terms of low, medium and high risks.

To help rank each risk, consider the likelihood of the risk occurring and how serious the consequences could be.

8.4.4. **STEP 3 - Control and manage the risks**

Who owns the risk? Assign risk owners.

What current controls are in place to reduce the risk?

What future actions must be done to reduce the risk?

What else do you need to do about the risk?

8.4.5. **STEP 4 - Monitor and review**

Are the controls effective?

Are the actions effective?

8.4.6. It is not possible to eliminate risk completely, but risks can be significantly reduced if they are properly managed.

8.4.7. After the risk assessment has been completed, organisations are required to develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified.

8.5. [Child Safeguarding Statement](#)

8.5.1. The Children First Act 2015 requires organisations that are providers of relevant services to prepare a Child Safeguarding Statement. This is a written statement that specifies the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm.

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

- 8.5.3. Mary Immaculate College is not within the categories of organisations classified as relevant services under Schedule 1 of the Children First Act 2015. However, the College is, from time to time, involved in particular programmes and activities which may be viewed as relevant work or activity as defined by the Children First Act 2015. In this context the College has prepared an overarching Child Safeguarding Statement. This corporate level statement will be complemented by ongoing programme/activity specific risk assessments and associated safeguarding statements.
- 8.5.4. The “Child Safeguarding Risk Assessment and Statement” Template can be found as Appendix 6.
- 8.5.5. The overarching statement, “Child Safeguarding Statement, Corporate”, can be found as Appendix 8.

9. Allegations against staff members

- 9.1.1. The first priority for the College is that a child is not exposed to ongoing or unnecessary risk when a complaint or concern arises. It is, therefore, necessary to consider if protective measures need to be taken which are proportionate to the assessment of risk. Any such action taken should be guided by the relevant College policies and procedures.
- 9.1.2. If an allegation is made against a member of staff, the College will ensure that everyone involved receives an appropriate response.
- 9.1.3. This involves ensuring that two separate procedures are followed:
 - The reporting procedure in respect of the child. (Responsibility of the Designated Liaison Person)
 - The procedure for dealing with a member of Staff (Responsibility of Director of HR)
- 9.1.4. The same person within the College will not have responsibility for the two procedures outlined above.
- 9.1.5. When an allegation is made against a member of staff, the College has a dual responsibility in respect of both the child and the member of staff.
- 9.1.6. The welfare of a child will always be considered of paramount importance with due regard to the rights of staff members which includes the right to protection of their good name and reputation, and their rights to appropriate support.
- 9.1.7. The College will ensure that any proportionate protective measures considered necessary to ensure the safety and wellbeing of a child are taken without prejudice to any staff members right to the presumption of innocence.
- 9.1.8. It is also essential that the College liaises with the relevant statutory agency in order to ensure that its action do not interfere with any function of a statutory agency.
- 9.1.9. The College should seek to be informed of the outcome of investigations or assessments by the statutory authorities in order to assist in decision making regarding the College's responsibilities.
- 9.1.10. If a complaint is not sustained the College will as far as possible ensure that the person's reputation, and career prospects are not adversely affected and ensure that support is provided to help restore confidence and morale

Appendices

Appendix 1: Schedule of relevant services under the Children First Act 2015

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

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—

(a) an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,

(b) a school or centre of education, both within the meaning of the Education Act 1998,

(c) any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children,

(d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities,

(e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,

(f) a children detention school within the meaning of section 3 of the Children Act 2001,

(g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or

(h) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.

2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.

3. Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.

4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
5. Any work or activity which consists of the provision of—
 - (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,
 - (b) care or supervision of children, or
 - (c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.
6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.
8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.
9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children.

Appendix 2: Schedule of Mandated Persons under the Children First Act 2015

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as

Mandated Persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.

14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.

15. Person employed in any of the following capacities:

- (a) manager of domestic violence shelter;
- (b) manager of homeless provision or emergency accommodation facility;
- (c) manager of asylum seeker accommodation (direct provision) centre;
- (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
- (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
- (f) manager of a language school or other recreational school where children reside away from home;
- (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
- (h) director of any institution where a child is detained by an order of a court;
- (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
- (j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
- (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

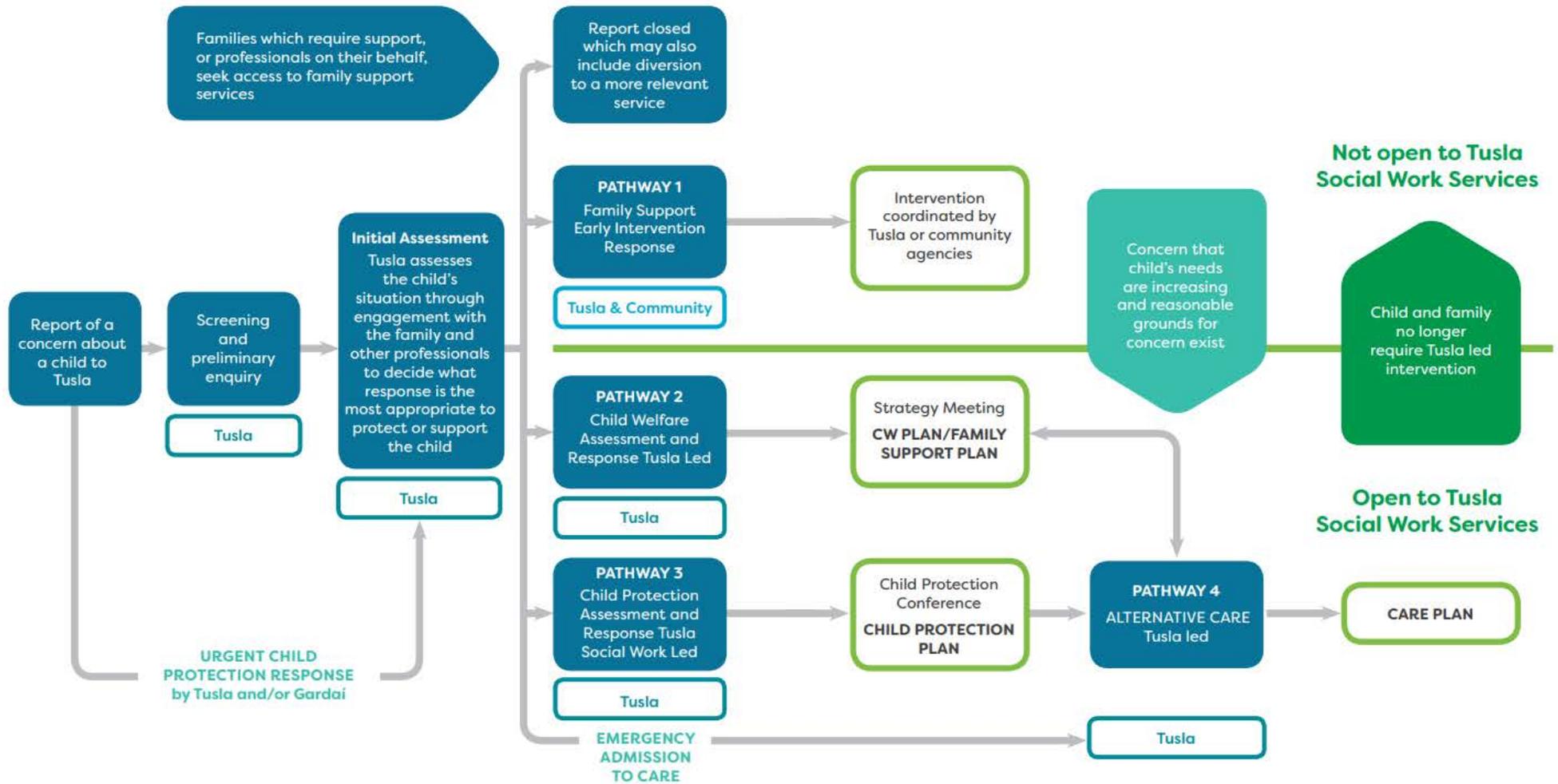
16. Youth worker who—

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

17. Foster carer registered with the Agency.

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

Appendix 3: Pathway of a Child



Appendix 4: TUSLA Report Form



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

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

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

1. Tusla Area (this is where the child resides)*

2. Date of Report*

3. Details of Child

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address*		Date of Birth*	
		Estimated Age*	
		School Name	
		School Address	
Eircode			

4. Details of Concerns*

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child's view, if known. Please attach additional sheets, if necessary

Please see '*Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns*' for additional assistance on the steps to consider in making a report to Tusla

5. Type of Concern

Child Welfare Concern	<input type="checkbox"/>	
Emotional Abuse	<input type="checkbox"/>	Physical Abuse <input style="width: 20px;" type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual Abuse <input style="width: 20px;" type="checkbox"/>

6. Details of Reporter

First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

Child Protection and Welfare Report Form

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

Is this a Mandated Report made under Sec 14, Children First Act 2015?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Mandated Person's Type				

7. Details of Other Persons Where a Joint Report is Being Made

First Name		Surname	
Address if reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

First Name		Surname	
Address if reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

8. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to Tusla?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If the parent/carer does not know, please indicate reasons:				

9. Relationships

Details of Mother			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			

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

Details of Father			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			

Child Protection and Welfare Report Form

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

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

10. Household Composition

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

11. Details of Person(s) Allegedly Causing Harm

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

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

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

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

Child Protection and Welfare Report Form

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

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

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

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

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

Thank you for completing the report form.

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

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

Report Received by			
First Name		Surname	Date

Mandated Report Acknowledgement by

Child Protection and Welfare Report Form

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

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

Authorised Person Signature*	
Date*	

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

Appendix 5: TUSLA Retrospective Report form



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Retrospective Abuse Report Form

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

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

1. Tusla Area (this is where the person subject to allegations of abuse resides (PSAA))*			
2. Date of report*			
3. Date information was received by reporter*			
4. Reporter details if third party*			
First name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position held	
		Mobile no.	
		Telephone no.	
Eircode		Email address	
Reporter's relationship to adult complainant			
Is this a mandated report made under Sec 14, Children First Act 2015?*		Yes	<input type="checkbox"/>
Mandated person's type		No	<input type="checkbox"/>
5. Details of person disclosing abuse (adult complainant)*			
First name		Surname	
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Address		Date of birth	
		Estimated age	
		Previous address, if known	
Eircode			
6. Type of abuse being reported*			
Emotional abuse	<input type="checkbox"/>	Physical abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual abuse	<input type="checkbox"/>
7. Details and description of alleged abuse*			
Date of alleged abuse		Period of alleged abuse	

Retrospective Abuse Report Form

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

Location of alleged abuse		Reason for report at this time	
---------------------------	--	--------------------------------	--

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

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

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

9. Details of PSAA's social and employment status

10. PSAA household composition

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

11. Does the PSAA have contact with children?*

Yes No

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

Details of child			
First name		Surname	
Address		Mobile no.	
		Telephone no.	

Retrospective Abuse Report Form

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

		Email address	
		Date of birth	
Eircode		Age	
Parent/carers' names		Parent/carers' names	
Relationship to adult complainant		Relationship to PSAA	
Frequency of contact, if known			
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
		Unknown	<input type="checkbox"/>

Please attach additional sheets for additional children, if necessary.

12. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide detail:				

13. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide detail:				

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

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

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

In completing this report form you are providing details on yourself and on others. Details such

Retrospective Abuse Report Form

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

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

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

Thank you for completing the report form.

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

Report received by			
First name		Surname	Date

Mandated report acknowledgement by			
First name		Surname	Date sent

Authorised person signature*	
Date*	

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

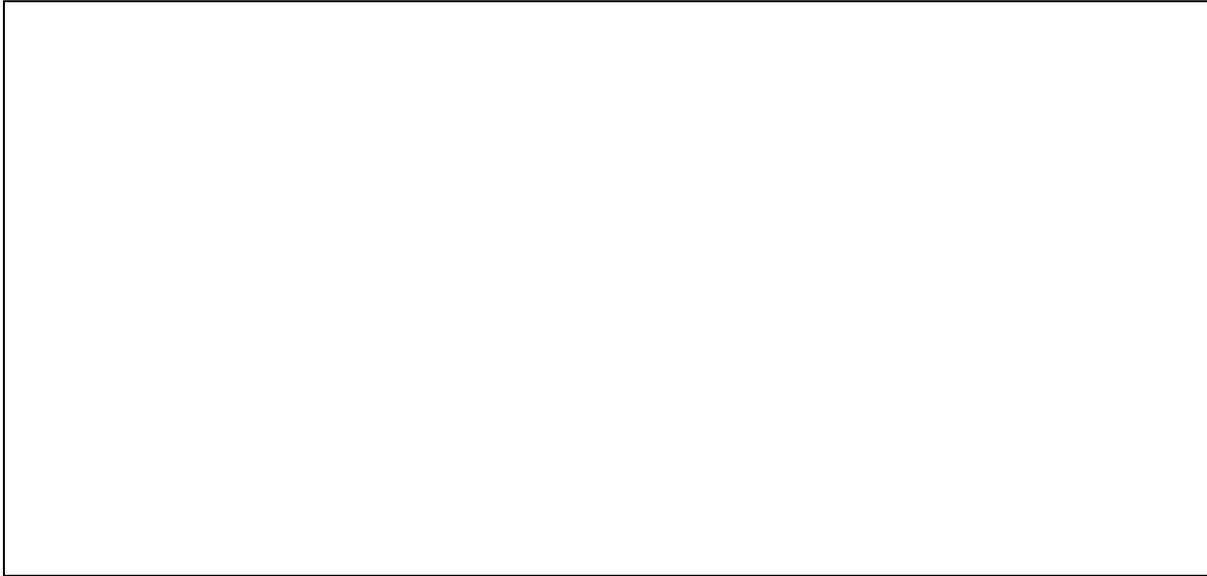
Appendix 6: Child Safeguarding Risk Assessment and Statement
Template

Written Assessment of Risk.

1. Details of activities or programmes

2. The following risk of harm have been identified -

3. The following procedures are in place to address the risks of harm identified in this assessment -



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

In undertaking this risk assessment, every effort has been made to identify as far as possible the risks of harm that are relevant to the activities or programme and to ensure that adequate procedures are in place to manage all risks identified. While it is not possible to foresee and remove all risk of harm, the procedures outlined above in this risk assessment have been put in place to manage and reduce risk to the greatest possible extent.

I confirm that, appropriate risk assessment and risk management arrangements are in place. In addition to the procedures detailed above the College's Safeguarding Children Policy and Procedure will be complied with in the activity or programme.

Signed: _____ Date: _____
RESPONSIBLE PERSON

I approve the use of the identified College facilities and/or the identified programme

Signed: _____ Date: _____
HEAD OF DEPARTMENT

Appendix 7: Application and approval for the use of College Facilities by an External Group, which will involve children.

Name of group/organisation proposing to use the College Facilities:

Purpose or proposed activities:

Details of user group (e.g. Age, disability):

Facilities required:

Date of commencement of use: _____

Date of completion of use: _____

Frequency of use: _____ Hours of use: _____

Commence at _____ (a.m./p.m.). Finish at _____
(a.m./p.m.)

Names and addresses of person/s who will be in charge during use:

(1) _____

Telephone number _____

(2) _____

Telephone number _____

Do you have your own *child safeguarding Policy and Procedure? Yes ♦ No ♦

Do you have appropriate public liability and/or employer's liability and professional indemnity, if appropriate? Yes ♦ No ♦

Insurance cover is in place to indemnify the College for any liabilities or related costs arising from any Safeguarding Children matter? Yes ♦ No ♦

Name of insurance company _____

Policy number _____ Period of cover _____

Limit of indemnity _____

To be signed by a representative of the organisation/group.

Signed _____

Print name _____

Address, _____

Phone Number, _____

Email _____

Position _____

Date _____

It is required that that you complete this form in full. If any response is not applicable (N/A), please provide details of why this does not apply to your organisation. If you feel your application requires further information, please attach on an additional page. Please indicate when additional information is provided in support of your application.

FOR COLLEGE USE

I approve the use of the identified college facilities and/or the identified programme.

Signed: _____ Date: _____

HEAD OF DEPARTMENT

Appendix 8: Child Safeguarding Statement Corporate

Child Safeguarding Statement

Corporate

Mary Immaculate College is a third level College of Education and the Liberal Arts.

The College is not within the categories of organisations classified as relevant services under Schedule 1 of the Children First Act 2015. However, the College is, from time to time, involved in particular programmes and activities which may be viewed as relevant work or activity as defined by the Children First Act 2015.

In this context the College has prepared this overarching Child Safeguarding Statement. This corporate level statement will be complemented by ongoing programme/activity specific risk assessments and associated safeguarding statements.

The College operates on campuses in Limerick and Thurles, and works collaboratively with a range of organisations. The dominant engagement is with adults, but involvement which children may occur in areas such as education and research as well as in support services.

Mary Immaculate College;

- Recognises the dignity and rights of all children
- Upholds the principle that the welfare of the child is paramount
- Ensures, as far as practicable, that children are safe from harm while availing of College services
- Undertakes a risk assessment of all activities involving children in the College.
- Promotes children's welfare in all interactions with the College
- Supports members of the College Community in meeting a shared responsibility to safeguard children

The following overarching risks have been identified and are addressed in this Child Safeguarding Statement.

1. Risk of appropriate information and guidance not being available to College personnel

Mitigating Actions

- The College will maintain comprehensive policies and procedures consistent with legal obligations and guidance on best practice
- The College will communicate these policies and procedures to all relevant College personnel

2. Risk of persons appointed to the College may pose a risk to children

Mitigating Actions

- Comprehensive H.R. vetting and induction procedures will be maintained in compliance with all legal obligations
- A code of behaviour will be included in the Safeguarding Children Policy and Procedure and this will be linked to H.R. and Disciplinary Policies

3. Risk of College Personnel not meeting safeguarding children responsibilities

Mitigating Actions

- Specific guidance on recognising and reporting abuse will be maintained and communicated
- Trained Designated Liaison Personnel will be in place to provide support and advice in ensuring responsibilities are identified and addressed
- Specific information will be communicated regarding mandated persons

4. Risk of Activities/Programmes may not have arrangements in place to prevent or reduce the risk of harm

Mitigating Actions

- All relevant activities/programmes will be risk assessed and appropriate risk management plans developed

5. Risk of Persons reporting/disclosing abuse not receiving an appropriate response

Mitigating Actions

- Specific guidance will be maintained on responding to complaints
- Information on all relevant services will be maintained and communicated
- Specific arrangements will be in place regarding medical and counselling services

6. Risk of Persons who are the subject of complaints not receiving an appropriate response

Mitigating Actions

- The H.R. Department will have specific responsibility to meet the duty of care obligations to ensure employee assistance services are in place

Implementation

- All existing and proposed activities and programmes will be reviewed to consider if they include relevant work or activities with children (vulnerable persons: see Safeguarding Vulnerable Person Policy). If they do then the Head of Department will appoint a responsible person to undertake a risk assessment, develop the risk management plan and use these to develop a specific safeguarding statement.
- Implementation is an ongoing process. This Child Safeguarding Statement will be reviewed in 2020 or as soon as practicable after there has been a material change in any matter to which the statement refers.

Signed: _____



Prof. Gary O'Brien, Vice President.
Relevant Person under the Children First Act 2015

Date: 2 January 2019 _____