

Child Protection Guidelines 2018

Ó GRAS
DON GHAEILGE – DON ÓIGE

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1. ÓGRAS CHILD PROTECTION GUIDELINES & CODE OF PRACTICE

As a member of the public, if you have concerns about a child but are not sure what to do, or if you are worried about a child's safety or welfare, you should contact your local HSE Children and Family Services (see HSE nationwide contacts in Appendix 8).

For Leaders, Parents, staff and those involved in the organisation working with children who have concerns about a child, should contact Maedhbh Ní Dhónaill at 00353 086 6018520 or Aníta Nic Amhlaoidh at 00 353 85 7028787 the Children First Designated Persons in Ógras or contact the HSE Children and Family Services for advice (see Appendix 8).

If you think a child is in immediate danger and you cannot contact the HSE Children and Family Services, you should contact the Gardaí at any Garda station.

In Northern Ireland you should make contact with The Gateway Team / Health and Social Care Trusts (HSCT). They also operate a 24 hour emergency service.

Youth Worker/Volunteer/Leader

REPORT



Designated Liaison Person

REFER



CFA/Tusla and/or An Garda Síochána
or
Gateway Team/Health & Social Care Trust

2. INTRODUCTION

The Guidelines and Code of Practice which follows, compiled by Ógras, satisfies the requirements laid down by Children First 2017. It also satisfies the requirements set out in Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (SVG Order) and The Children Order 1995 (NI).

We now depend on Ógras Leaders, Staff and Volunteers to implement our Child Protection Policy through the structures, guidelines and work practices outlined in this document. This approach will enhance the work standards of our organisation. The true implementation of our Child Protection Policy will ensure protection of both leaders and the young people in their care. It will also indicate to the parents of these young people, the dedication of the organisation to the holistic development of their children.

Implementing the policy entails having a structure in place which ensures that children, parents, leaders and staff are informed on the issues involved. Behaviour which is not permissible must be clearly outlined. As long as we have children under our care we have a clear duty to prepare them for their role as good citizens in the future.

As the laws and regulations on the issue of child protection/safeguarding children change and as our own work methods develop to meet changing climates there will be a need to update our policy and guidelines. This will also entail keeping members, staff and leaders as well as parents fully up to date with the policy and work methods of Ógras. There will also be the need to provide information, training and vetting for all new leaders and staff.

3. ÓGRAS' POLICY STATEMENT ON THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

Ógras is committed to promoting and facilitating the full participation of children and young people in our work. We aim to create a safe and healthy environment for the young people with whom we work and we are committed at all times to ensuring their safety and welfare.

Our primary aim is to ensure and enhance quality youth work provision for our members and to ensure a positive experience for all young people who engage with our services. If the issue of abuse arises, leaders are advised to follow the organisation's policy on the Protection of Children and Young People and to contact the Designated Liaison Person.

4. CODE OF ETHICS AND GOOD PRACTICE FOR WORKING WITH YOUNG PEOPLE

The organisation's policy is to adopt a Code of Ethics and Good Practice in order to provide guidance for our leaders and bring the following points to their attention:

- Children under our care must be protected from harm
- Members and leaders must be protected from false accusations
- Establish and maintain a good relationship with parents
- Recognition that both children and adults have rights as individuals and must respect one another
- All staff and those assisting Ógras in our work are aware of the good practice guidelines and are familiar with the overall child protection policy of the organisation
- Children and young people involved with our work are informed of our guidelines and procedures
- Parents of children involved with our work are also informed of our guidelines and procedures
- Ógras has appointed two Designated Liaison Persons to deal with any complaints or issues arising which concern the safety or welfare of any child/young person who attends our clubs, events or meetings. The DLP's are appropriately trained and familiar with the procedures to be followed in the event of an allegation, concern or disclosure of child abuse.
- Cases of suspected abuse are treated in accordance with the organisations' policy and guidelines on Child Protection
- Effective recruitment and training system is in place to ensure that suitable volunteers are selected
- All adults working with young people in Ógras will be vetted by the Garda Vetting Unit or Access NI

- Ensure disciplinary procedures are in place for employees, leaders and members of the organisation
- Staff, leaders and facilitators show respect and understanding for the rights, safety and welfare of the children and young people
- Inappropriate behaviour/language by the children/young people will not go unchallenged
- Adequate supervision and limits are in place during events
- An appropriate ratio of adults to young people is put in place for each meeting or event held by Ógras (10:1 is recommended). The ratio may vary depending on the particular situation, the age of the participants and their dis/ability or other special needs
- Events are organised in such a manner as to ensure maximum fun, learning, safety and participation
- Facilities and buildings used by the youth club are safe for the young people
- Ógras will make every effort to ensure that during its events, the physical surroundings will be comfortable, fully accessible and appropriate for the work being undertaken
- All events and meetings are covered by Ógras' Public Liability Insurance
- A system is in place for recording any incidents or accidents while the child/young person is in the care of Ógras
- The following information/documentation is requested by Ógras in relation to each child/young person attending day trips, or any activity taking place away from home
 - A Parental Consent form
 - Contact details for the family/guardian, including emergency contact numbers
 - All relevant medical information
 - Information relating to any special needs which the child/young person may have in terms of access, diet, language assistance etc.
- Ógras respects and promotes the principles of equality and diversity and works with all children in a culturally sensitive way within the context of the law and the UN Convention on the Rights of the Child.

5. DEFINITION OF CHILD ABUSE

Description of Child Abuse under five headings:

- 1) Neglect
- 2) Emotional Abuse
- 3) Physical Abuse
- 4) Sexual Abuse
- 5) Bullying

Neglect

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

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

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

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

The following are features of child neglect:

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

Emotional Abuse

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

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

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

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

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

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

Physical Abuse

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

Physical abuse can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing

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

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

Sexual Abuse

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

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

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

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
- Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
- Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
- Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology

- Consensual sexual activity involving an adult and an underage person

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

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

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

Circumstances which may make children more vulnerable to harm

If you are dealing with children, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children you come in contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

The following list is intended to help you identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. **It is important for you 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.**

Parent or carer factors:

- Drug and alcohol misuse
- Addiction, including gambling
- Mental health issues
- Parental disability issues, including learning or intellectual disability
- Age
- Gender
- Sexuality
- Disability
- Mental health issues, including self-harm and suicide
- Conflictual relationships
- Domestic violence

- Adolescent parents
- Communication difficulties
- Trafficked/Exploited
- Previous abuse
- Young carer

Child factors:

- Age
- Gender
- Sexuality
- Disability
- Mental health issues, including self-harm and suicide
- Conflictual relationships
- Domestic violence
- Adolescent parents
- Communication difficulties
- Trafficked/Exploited
- Previous abuse
- Young carer

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

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
-

Poor motivation or willingness of parents/guardians to engage:

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans
-

You 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.

Bullying

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

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, the internet and other personal devices.

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.

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.

Bullying in schools is a particular problem due to the fact that children spend a significant portion of their time there and are in large social groups. In the first instance, the school authorities are responsible for dealing with such bullying. School management boards must have a code of behaviour and an anti-bullying policy in place. If you are a staff member of a school, you should also be aware of your school's anti-bullying policy and of the relevant guidelines on how it is handled.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to Tusla and/or An Garda Síochána.

6. GUIDELINES FOR LEADERS

In order to effect a major effort to ensure that children are not abused nor false allegations made, leaders should observe the following guidelines:

6.1.GENERAL

- Be aware of your responsibilities as a leader when working with children and other leaders in the club
- In the event of a member of Ógras or Óg-Ógras being accused of misbehaviour and that such misbehaviour must be outlined to the member, it is recommended that two youth club leaders are present when the case is being discussed with the member in question
- Ógras leaders are advised that it is essential that young members be afforded privacy in dormitories, bathrooms, toilets and changing rooms. It is strongly recommended that Ógras leaders are accompanied by another adult, where their presence is required at such locations
- While we recognise that sometimes it is appropriate for staff/leaders to work on a one to one basis with a child/young person, staff/volunteer should not spend excessive amounts of time alone with an individual child/young person. Where an adult needs to meet with a child/young person alone, the door should be left open and another adult informed of the meeting
- Sleeping arrangements must be such that separate dormitories are arranged for boys and girls and under the supervision of at least two leaders of the same gender. It is important that the ratio of leaders and members are taken into account
- Observe best practice in all club activities especially when young people are taking part in residential or trips away from home.
- There should be no unnecessary physical contact between an adult and a young person although there are times when for example, placing a hand on a distressed child/young person's shoulder to comfort him/her would be appropriate. Physical contact should only be in response to the needs of the child and should be appropriate to the age and the level of development of the child
- Ógras leaders must use every opportunity to attend training courses

6.2.ACCIDENTS AND INCIDENTS

- Maintain an accident and incident book stating dates and details, signed by the adult leader
- It is recommended that incidences of misbehaviour by members are noted in report form and set aside in the accident/incident book and that this book should be available to other leaders working with the group

The following should be noted in this report:

- a) What occurred?
- b) Who was present at the time?
- c) The time and place of the incident
- d) Comments made by member or members who were present
- e) Injury or damage inflicted on any person or facilities of the youth club
- f) Recommendations as to solving the problem

6.3.ACTIVITIES INVOLVING OVERNIGHT STAYS AWAY FROM HOME

Where the activities involve staying away from home overnight, additional considerations need to be taken into account which are addressed in the guidelines below.

- Adequate and safe transport arrangements will be made
- There will be adequate insurance cover for the activities being undertaken
- Parent/Guardian consent will be obtained for each participant, prior to the trip including information on each participant about the following:
 - Contact details of parent/guardian and another person named by the parent/guardian in the event of the parent/guardian not being available in an emergency
 - All relevant medical information for the participant and consent for medical intervention, if necessary
 - Any special needs which the participant may have, including diet, medical needs, support needs, etc.
- All relevant information including contact details, allergies, medicines, dietary needs etc. for the young person will be kept with a leader/staff member on the trip
 - Parents/guardians will be fully informed of the programme or timetable for the event and will receive a copy of the programme;
 - Parents will be given full contact details of the centre/hostel/accommodation and also of the staff member in charge of the event;
 - Ógras will ensure the physical surroundings are safe, comfortable, accessible and appropriate for the work being undertaken;
 - There will be an appropriate ratio of adults to young people at the event – this may vary depending on the age and ability of the group involved;
 - There will be appropriate gender based supervision for the event;
 - Accommodation will be provided in single sex rooms, and dormitories will not be shared with non-group members;
 - Ógras staff and leaders who work on a residential event with young people will have received Garda vetting or vetting by Access NI

- Ógras has a system in place for recording any accidents or incidents while young people are in our care
- One staff person will be designated as the 'key contact person' for the event and parents/guardians and participants will be given contact details of this person. All complaints, concerns, etc. should be directed to this person (with exception of complaints in relation to the safety and welfare of the young person)
- Parents/guardians will also be given the contact details of Ógras' Designated Liaison Person. Complaints in relation to the safety and welfare of the children/young people should be made to the Designated Liaison Person.

6.4.MOBILE PHONE GUIDELINES

Mobile phones are often given to children for security, enabling Parents/Guardians to keep in touch and make sure they are safe. Ógras believes it is not wise to ban young people from having mobiles as young people value their phones highly since it offers them a sense of independence. In addition mobile phones allow quick and easy contact, which can make a safe and efficient way to carry out Club business.

However such technology has also allowed an increase in direct personal contact with young people, in some cases used to cross personal boundaries and cause harm to young people. Within Clubs there is a need to encourage responsible and secure use of mobile phones by adults and young people.

As A Young Person remember: If you receive an offensive photo, email or message, do not reply, save it, make a note of times and dates and tell a Parents/Guardians or Children's Officer/Designated Person within the Club. Be careful about who you give your phone number to and don't respond to unfamiliar numbers. Change your phone number in cases of bullying or harassment.

Don't use the phone in certain locations; inappropriate use of your camera phone may cause upset or offence to another person, e.g. changing rooms. Treat your phone as you would any other valuable item so that you guard against theft, loss or misuse.

As a Leader/Staff remember: When using group texts for communication among young people please inform Parents/ Guardians of this from the outset. It is not appropriate to have ongoing communication with individual young people unless it relates directly to the work of the organisation/club.

6.5.PHOTOGRAPHY AND FILMING GUIDELINES

The following guidelines should be applied in relation to the use of images of young people on websites and in other publications, as there have been concerns about the risks posed directly and indirectly to children and young people through the use of photographs on the organisation's websites and other publications.

All Club members need to work together to prevent those wishing to cause such harm to young people.

Remember having photographic and filming guidelines is not about preventing Parents/ Guardians from taking pictures, it is to ensure that only those who have a right to take photographs do so. Anyone concerned about photography taking place at events or training sessions can contact the Designated Liaison Person and ask them to deal with the matter.

Where possible we will try to use models or illustrations when promoting an activity and avoid the use of the first name and surname of individuals in a photograph. This reduces the risk of inappropriate, unsolicited attention from people within and outside the organisation. Members of the public attending an Ógras event and who wish to operate cameras/filming equipment should seek permission with the event organisers.

- It is not appropriate to use a mobile phone in certain situations (i.e. camera phone in changing rooms – including their use by young people)
- In a day to day context it is important to note that on the Ógras websites or Facebook Page/Profile, if a member is named then avoid using their photograph and if a photograph is used then avoid naming the young person.
- Ask for the young person's permission to use their image. This ensures that they are aware of the way the image is to be used to represent the organisation.
- A /Parents/Guardians permission form is one way of achieving this. See Appendix (v) Parental Consent Form.
- Only use images of young people in suitable dress to reduce the risk of inappropriate use. The content of the photograph should focus on the activity not on a particular child.
- If you have a concern, follow the child protection procedures, ensuring either the Designated Person or, if necessary, Social Services and/or An Garda Síochána/ HSCT are informed.
- Selfies involving leaders/staff and individual young people are not permitted

6.6.CODE OF BEHAVIOUR FOR CLUB MEETINGS AND EVENTS

- All staff/leaders will show respect and understanding for the young people involved
- Inappropriate behaviour/language will not go unchallenged;
- A list of 'ground rules' will be drawn up for each club, with the participation of the young people and these will be distributed to all participants and will be signed up to, at the start of each club year and prior to an event. The ground rules will be displayed in the club during meetings/events;
- The privacy of the members will be respected at all times and particularly in dormitories, changing rooms, showers and toilets;
- Members should be encouraged to report to a staff member or leader any cases of bullying and the leader/staff member in charge must be made aware of this;
- Leaders and staff should avoid showing favouritism towards any one member and should ensure that the relationship is constructive and aims to build the independence and autonomy of the young person.

7. DEALING WITH A DISCLOSURE OF ABUSE

Ógras values and encourages the full participation of young people in all aspects of our work and we strive to ensure that their experience of Ógras is a happy and productive one. In the event of a young person disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally by the staff member/volunteer involved. The following are guidelines to support the worker/volunteer in this:

- React calmly;
- Listen carefully and attentively; take the young person seriously;
- Reassure the young person 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 young person that what you have heard is correct and understood;
- Do not express any opinions about the alleged abuser;
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record;
- Ensure that the young person understands the procedures which will follow;
- Pass the information on to one of the Designated Liaison Persons, do not attempt to deal with the problem alone;
- Treat the information confidentially;

8. BEHAVIOUR WHICH IS DEEMED UNACCEPTABLE IN ÓGRAS / ÓG-ÓGRAS

The aim of the organisation 's guidelines is to encourage voluntary workers and paid staff to raise the standard of youth work and to work with diligence, recognising at the same time that unacceptable behaviour may occur.

Volunteers and staff should note the boundary between working relationships and friendship with participants, as unacceptable behaviour may often commence as a result of overstepping such boundaries.

The following behaviour is not acceptable among children, young people, voluntary workers or staff members.

- Sarcasm
- Humiliating others
- Embarrassing others
- Favouring some over others
- Excluding individuals from activities
- Name-calling
- Insulting talk or gestures
- Rough play or inappropriate touching
- Inappropriate References to sex (including speech, jokes and gestures)
- Bullying – either physical, verbal or emotional

The behaviours listed above are not acceptable although Statutory Authorities need not necessarily be involved in each case and some cases may be dealt with under the Organisation's Child Protection Policy.

9. DEALING WITH CHALLENGING OR DISRUPTIVE BEHAVIOUR

Where instances of challenging or disruptive behaviour occur with children/young people, a record will be kept of this where the instance requires the intervention of a leader or staff member or where the safety and well-being of others are at risk. In a case of such behaviour, two workers/leaders should be present in dealing with the situation. If a staff member is present at the time, they should complete the incident/accident report form.

The report of the incident should include:

- The programme or activity which was happening at the time;
- Date of Incident
- A record of what happened;
- Details of who was involved;
- Details of where and when it happened;
- A record of any significant comments;
- A record of any injury to person or damage to property;
- Details of how the situation was resolved or left.

9.1.BULLYING

Bullying behaviour can be defined as repeated aggression be it verbal, psychological or physical which is conducted by an individual or group against others.

Examples of Bullying include:

- Teasing
- Taunting
- Threatening
- Hitting
- Extortion
- Exclusion

Ógras will not tolerate any bullying behaviour by young people or adults and will deal with any incidents immediately in accordance with our anti-bullying policy when working with children and young people.

10. AVOID THE FOLLOWING SITUATIONS WHEN WORKING WITH ÓGRAS OR ÓG-ÓGRAS CLUBS

- If possible do not be alone with a child
- Leaders should avoid giving lifts to children/young people in their cars except in the case of an emergency (Appendix vii)
- Do not bring children with you to your own house
- Experienced and highly skilled Ógras leader should have no more than ten members in his / her care
- Young leaders should have no more than five members in their care but should be under the supervision of an adult
- Ógras leaders are advised to avoid physical contact if taking part in sports or activities involving young people.

11. THE RIGHTS OF THE YOUNG PERSON

Ógras considers “a child to mean a person under the age of 18 years, who is or has not been married”.

Northern Ireland ratified the UN Convention on the Rights of the Child in 1991 and it was ratified in the Republic of Ireland in 1992. The Convention is in essence a bill of rights for all children. It contains rights relating to every aspect of children's lives including the right to survival, development, protection and participation.

The underlying principles of the Convention may be summarised as follows:

- I) Non-Discrimination (Art. 2):
All rights apply to all children without exception. The state is obliged to protect children from any form of discrimination and to take action to promote their rights.
- II) Best Interests of the Child (Art. 3):
All actions concerning the child shall take account of his or her best interests. The state shall provide the child with adequate care when parents or others charged with that responsibility fail to do so.
- III) Survival and Development (Art. 6):
Every child has the inherent right to life and the state has an obligation to ensure the child's survival and development.
- IV) The Child's Opinion (Art. 12):
The child has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child.

A number of articles of the Convention are of particular relevance to Child Protection:

- i) Article 19 states that parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child.
- ii) Articles 34 and 35 refer respectively to the protection of children from sexual exploitation and from sale, trafficking and abduction.

12. CORE VALUES OF YOUTH WORK

In line with the core values of Youth Work our work practice and provision is:

- Young person-centred: recognising the rights of young people and holding as central their active and voluntary participation
- Committed to ensuring and promoting the safety and well-being of young people
- Educational and developmental
- Committed to ensuring and promoting equality and inclusiveness in all our dealings with young people and adults
- Dedicated to the provision of quality youth work and committed to continuous improvement

13. ORGANISATIONAL STRUCTURE

Member

Any person under 19 years of age who attends an Ógras or Óg-Ógras club and who is registered with head office through the local club, or any person working as a leader or a member of the Steering Committee.

Young Leader

Members between 15 and 19 years of age who help the adult leaders to organise and run events in the youth club. They also help at regional and national events from time to time. Four young leaders are elected at the Ógras Annual Conference to attend meetings of the Ógras Steering Committee (the committee responsible for the running of the organisation)

Leaders

People over 19 years of age who work on a voluntary basis for Ógras in running clubs in their own areas. Three leaders are also elected at the Ógras Conference/AGM to attend meetings of the Steering Committee.

Regional Committees

A regional committee can be established anywhere where three or more clubs exist. These committees provide clubs with the opportunity to get to know one another better and to organise regional events. Each regional committee can nominate a person to the Steering Committee.

The Standing Committee

The Standing Committee of Ógras will be composed as follows:

- (i) The President of Conradh na Gaeilge or the President's representative;
- (ii) The Chairperson of Ógras;
- (iii) The Vice-Chairperson of Ógras;
- (iv) The Treasurer of Ógras.

The function of the Standing Committee is to direct the human resources, development and financial matters of the organisation. The decisions of the Standing Committee shall be submitted to the Steering Committee for approval.

Each Standing Committee will stay in place until new officers are elected at the next meeting of the

Steering Committee, after the Annual General Meeting (An tÓgrastal).

The Steering Committee

The Steering Committee is responsible for the organisation. As there are representatives from the Regional Committees as well as Youth and Adult Leaders on the Steering Committee, the system ensures that every unit of the organisation is represented on the Steering Committee.

Ógras Staff

Ógras has a full time working staff. Development Officers establish clubs and organise events and courses for the clubs. The Ógras Director is responsible for the staff and they can be contacted at the Ógras Office at +353 1 4751487.

14. DESIGNATED LIAISON PERSON

Two Child Protection Designated Liaison Persons have been appointed in Ógras. The DLP acts as a resource to any young person, staff member and volunteer who have Child Protection concerns. All dealings of a Child Protection nature go through the Designated Liaison Person who in turn may make a referral to the HSE or Gardaí or The Gateway Team in Northern Ireland.

Ógras Designated Liaison Person:

Maedhbh Ní Dhónaill

Office Phone: 00 353 1 4751487

Mobile: + 353 (0) 86 6018520

Email: maedhbh@ogras.ie

Address: Ógras, 6 Harcourt Street Dublin 2.

Assistant Designated Liaison Person:

Anita Nic Amhlaoidh

Mobile: + 353 (0) 85 7028787

Address: Gaelscoil Nás na Ríogh, Pipers Hill, Naas, Co. Kildare

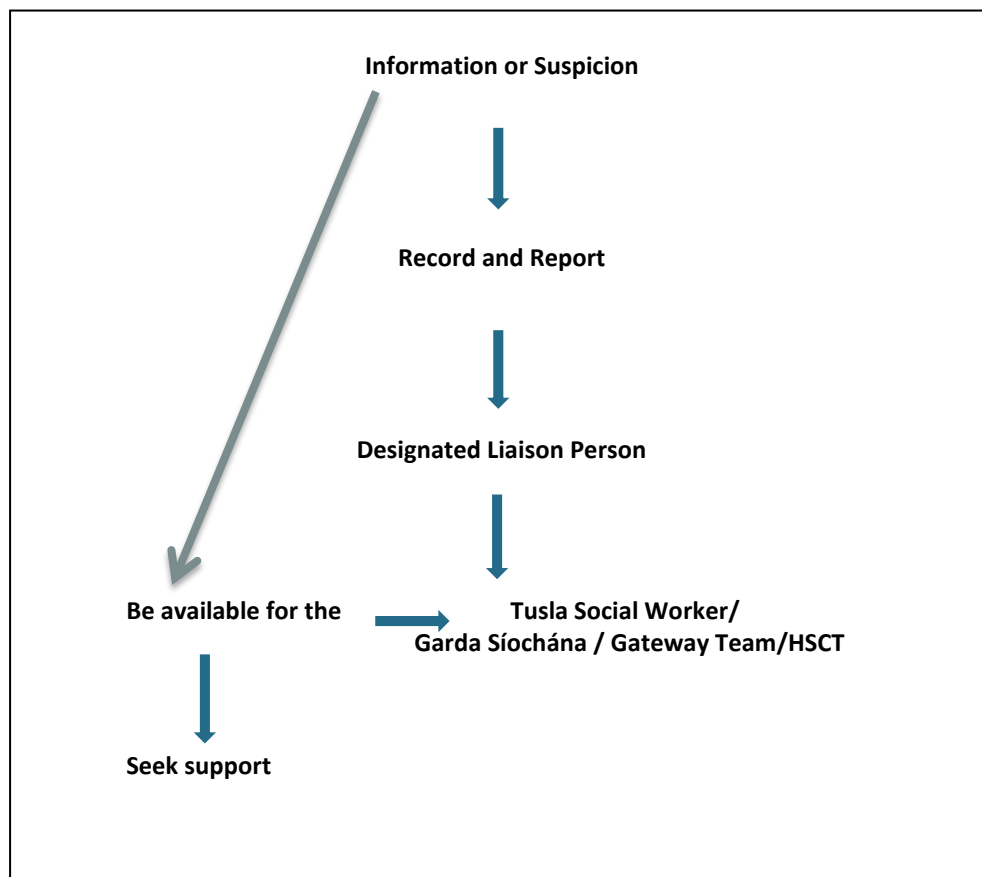
Ógras has appointed two Designated Liaison Persons (DLP). The role of the Designated Liaison Persons is as follows:

- He/she must work according to the guidelines set out by the relevant authorities and agreed by Ógras
- Report suspected cases or allegations of child abuse to the Health Board or Garda Síochána (Children First 2017) or The Gateway Team/Health and Social Care Trust.
- Liaise with or intermediate with the organisation, members of the organisation, the staff and the authorities as required.

- Maintain contact with the authorities and other agencies/support groups
- Ensure that support is available to those who have suffered, and to youth leaders and staff members who are reporting a case or who have had allegations made against them.
- Give advice on good practice in this area
- Organise and facilitate training courses and workshops on the guidelines for child protection
- Keep accurate, secure and confidential accounts of any case reported to him/her
- Remain informed of current changes regarding Provision, Practices, Services, Supports, Duties agus Legal Requirements and Policies.

If the DLP regards the behaviour or negative influence of a leader as a cause for concern, that leader must withdraw from every aspect of youth work with Ógras until an investigation has taken place.

15. STEPS RECOMMENDED BY ÓGRAS IF A VOLUNTARY WORKER REPORTS SUSPICION /INFORMATION/AN ALLEGATION ABOUT ANOTHER PERSON IN THE ORGANISATION

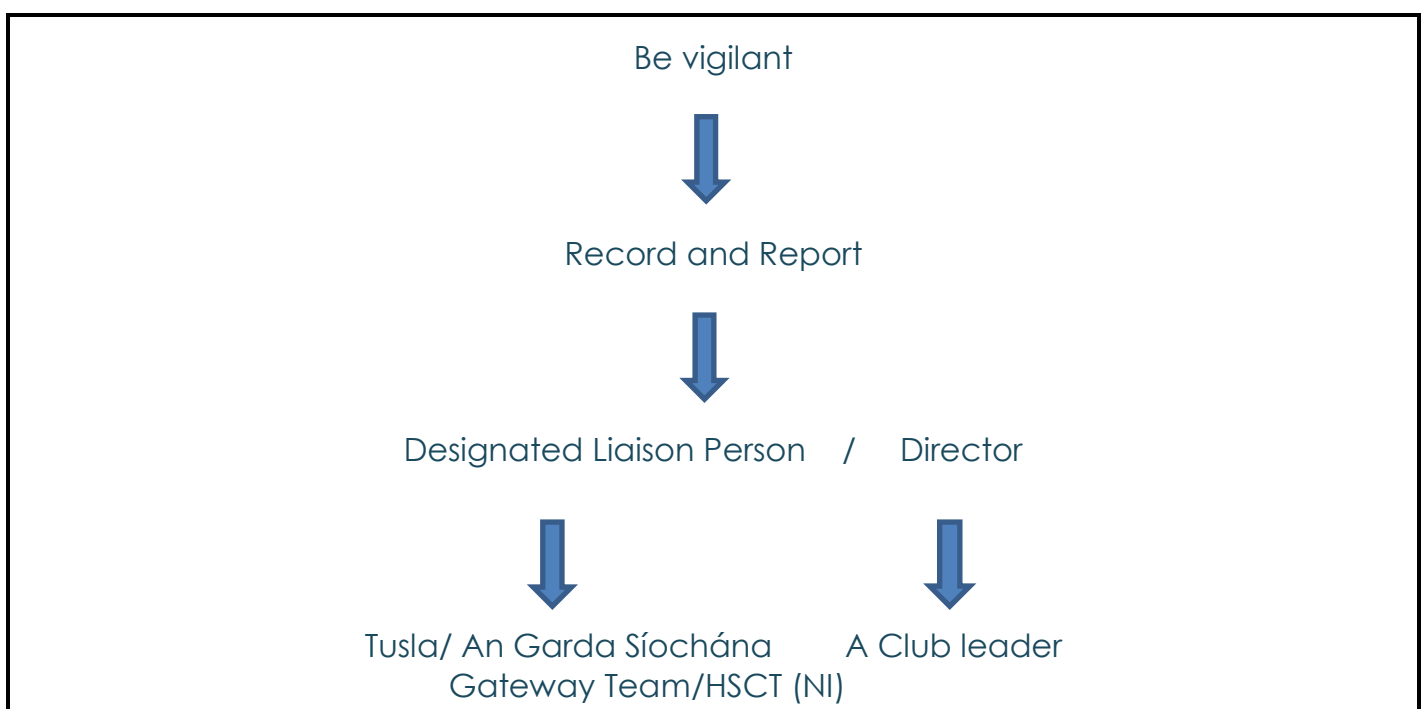


The Process

- The Voluntary Worker informs the Designated Liaison Person (DLP) of the suspicion/information / which he or she has observed.
- If the Voluntary Worker informs a member of staff in the first instance, that person should, seeking only minimum information, direct the Voluntary Worker to the DLP
- The DLP will produce a report in accordance with the procedures set out in the policy.

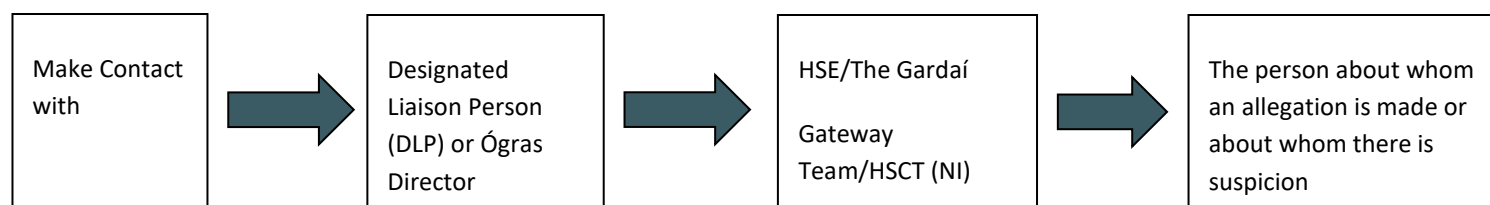
In situations where an organisation decides that information should not be forwarded to the Health Board or to the Garda Síochána or The Gateway Team/HSCT, the organisation should make a written statement to the employee or to the voluntary worker who has raised the issue, explaining the reasons why it is not taking action. He/she should be advised that he/she has full permission to seek advice or to make information available to the health board, to the Garda Síochána or the HSCT, whichever applies, if they are still concerned about the issue. The provisions of the Protection of Persons Reporting Child Abuse Act, 1998 will apply in so far as one acts 'with reason and good faith'. **(Source: Children First 2017)(Page 36) No such legislation exists in NI.**

STEPS RECOMMENDED BY ÓGRAS IF AN EMPLOYEE IS SUSPICIOUS OR HAS INFORMATION OR AN ALLEGATION ABOUT A VOLUNTARY WORKER OR MEMBER OF THE GROUP



The employee must inform the Designated Liaison Person. He/she will discuss the case and help in accordance with the procedure outlined above. The club leader should only be told that a difficulty exists and that a case is being reported to the Designated Liaison Person. The DLP will report in accordance with the conditions listed above. Based on the report the DLP will decide on the amount of information that should be given to the club leader.

STEPS RECOMMENDED BY ÓGRAS IF AN ALLEGATION IS MADE AGAINST
A STAFF MEMBER OR IF THERE IS SUSPICION OF AN ALLEGATION REGARDING
A STAFF MEMBER



In such a case it is necessary to find out first of all about the complaints procedure in the organisation. (See Children First 2017, Appendix 4 Page 60-61)

The Director performs the role of Designated Liaison Person and should be informed of an allegation against a staff member without further investigation.

If an allegation is made against the Director, this should be reported to the Assistant Designated Liaison Person or the Chairperson of the Steering Committee immediately. The Assistant DLP will deal with the case in accordance with the complaints procedure of the organisation.

APPENDIX (I)

STANDARD REPORT FORM
(For reporting Child Protection & Welfare concerns R.O.I.)

-
1. Date of Report
2. Details of Child
- Name: _____ Male ☐ Female ☐
- Address: _____ DOB _____ Age _____
- _____ School _____
- Alias _____ Correspondence address (if different)
- Telephone _____ Mobile _____
3. Details of Persons Reporting Concern(s)
- Name: _____ Telephone no. _____
- Address: _____ Occupation _____
- _____ Relationship to client _____
- Reporter wishes to remain anonymous ☐
- Reporter discussed with parents/guardians ☐
4. Parents Aware of Report
- Are the Child's parents/carers aware that this concern is being reported?
- Yes ☐ No ☐
5. Details of Report
- (Details of concern(s), allegation(s), or incident (s) dates, times, who was present, description of any observed injuries, parents view (s), child's view(s) if known.)

STANDARD REPORT FORM
(For reporting CP&W concerns ROI)

6. Relationships

Details of Mother

Name: _____

Address: _____
(If different to child)

Telephone No's: _____

Details of Father

Name: _____

Address: _____
(If different to child)

Telephone No's: _____

7. Name and address of other personnel or agencies involved with this child

Name

Address

Social Worker		
PHN(Public Health Nurse)		
GP		
Hospital		
School		
Gardaí		
Youth Club		
Other (specify)		

8. Details of person(s) allegedly causing concern in relation to the child

Relationship to child: _____ Age _____ Male ☐ Female ☐

Name: _____ Occupation: _____

Address: _____

9. Details of person completing form

Name: _____ Occupation: _____

Signed: _____ Date: _____

APPENDIX (II)

STANDAR REPORTING FORM

(FOR REPORTING SAFEGUARDING ISSUE IN NORTHERN IRELAND)

SUSPECTED SAFEGUARDING CONCERNS REPORT FORM

Questions should be answered fully.

This report should remain confidential and be kept in a secure place by the Designated Safeguarding Children Officer.

Name of Person filling report:	
Organisation Name:	
Name of Child/Young Person:	
Age:	
Parents/Guardians' Name:	
Home Address:	
Post Code:	
Phone Number:	
<p>CONCERN:</p> <p>Please complete the box below if a child/young person has made a disclosure.</p>	
<p>When was the disclosure / concern? (Include date/time)</p>	
<p>Where was the disclosure /concern made</p>	

What were the circumstances leading to the disclosure/concern?
Were there other people present at the time of the disclosure / concern? Yes No
If Yes, please state names / positions
What was the nature of the disclosure/concern?
Please give the exact words of a child/young person
Describe any signs of physical injury evident on the child/young person
Describe any observed emotional or behaviour signs / changes in the child/young person
Has anyone been named or implicated as part of the allegations (if so, please record details)?
What future course of action has been agreed / decided upon?

Signed:	Date:
Referred to: -	
<hr/>	
<hr/>	

ÓGRAS
Volunteer Application Form

Name:

Address:

Phone Number: (Day) (Evening) _____

Date of Birth: ____/____/____ Place of Birth: _____

Occupation: _____

Why do want to be a Youth Leader:

Give details in relation to education/training in youth work or any experience you had involving youth events / youth clubs previously.

Do you suffer due to disability or a disease that could interfere at times with your ability to work with young people? If so please give details.

The hours that you will be available (please tick the times that you will be available)

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							

Please give a name, address and phone number and the title of two people (that you are not related to), that you know very well who would be able to supply us with a character reference:

(1) Name:

Address: _____

Phone Number: _____ Title: _____

(2) Name:

Address:

Phone Number: _____ Title: _____

I confirm that there is nothing in my personal or professional background that would make me unsuitable for working with young people.

I confirm that the information given above is accurate and that I am willing to adhere to the membership/participation terms and conditions.

Signed: _____

Date: _____

For Ógras/Office use only

Declaration: Phone Visit Letter

Confirmed by: _____

Date:

ÓGRAS

VOLUNTEER REFERENCE FORM

Mr/Mrs/Ms/_____ has expressed an interest in becoming a volunteer and has given your name as a reference. This position involves a substantial access to young people, we are anxious to know if you have any reason at all to be concerned about this applicant being in contact with young people.

☐ Yes ☐ No

If you have answered "Yes" we will answer you in confidence.

If you are happy to complete this form all the information contained on the form will remain absolutely confidential. It will only be shared with the applicant's immediate supervisor should he/she be offered a volunteer position. We would appreciate you being extremely candid in your evaluation of this person and thank you in advance for completing this form.

1. How long have you known this person?

2. In what capacity?

3. What attributes does this person have that would make them a suitable volunteer in a youth organisation?

Please rate this person on the following (tick the box most applicable)

	Poor	Average	Good	Very Good	Excellent
Responsibility					
Maturity					
Trustworthiness					
Reliability					

Signed: _____ Date: _____

ÓGRAS

Foirm Cheadaithe ó Thuismitheoirí (Parental Consent Form)

Tá cead ag (ainm) (Child's name)

Ó Chlub Ógras/Óg-Ógras (Club Name)
Dul ar thuras le hÓgras/Óg-Ógras

Beidh siad ag fágáil baile ag (am) ar an (lá)
They will be leaving home at (time) on the (day)

An dáta agus ag filleadh ar ais ag (am)

Ar an lá an dáta

I gcás timpiste/ tinnis tá cead ag ball d'fhoireann Ógras/Óg-Ógras mo mhac/iníon a thogáil chuig dochtúir nó oispideál mura féidir linn teagmháil a dhéanamh leat.

(In the event of an accident/illness a member of Ógras staff can bring my son/ daughter to the doctor or hospital, if we have not been able to make contact with you.)

Síniú:
(Tuismitheoir /Caomhnóir)

Dáta:

Líon isteach an fhoirm seo agus tabhair ar ais é go dtí do cheannaire áitiúil.

(Please fill out this form and return it to your local leader)

ÓGRAS

Consent form for the use of photographs or video of Children/Parents/Leaders.

Ógras recognises the need to ensure the welfare and safety of all young people taking part in any activity associated with our organisation. In accordance with our child protection policy we will not permit photographs, video or other images of young people to be taken without the consent of the parents/carers and children.

As your child will be taking part in (Insert name of trip) to take place (insert place and date and time of your activity or event) we would like to ask for your consent to take photographs/videos of the event or activity that may contain images of your child. It is likely that these images may be used as:

- A record of the activity or the event
- In a written evaluation report of the activity or event that will be viewed by
Foras na Gaeilge and or The Department of Children and Youth Affairs
- Publicity material for further activities or events on
leaflets/websites/magazines/social media
- Illustrations of the activities or events in published articles
- Future grant applications

Ógras will take all steps to ensure these images are used solely for the purposes they are intended. If you become aware that these images are being used inappropriately you should inform Ógras immediately. As outlined in Appendix (viii) Ógras will not publish photos with the names of the children/young people

We would be grateful if you would return this form to your local youth club leader by the (insert the date that you would like the completed form to be returned by).

I _____ (name of parent/guardian)
consent to/ do not consent to Ógras photographing or videoing my child.

Date:

I _____ (name of child) consent to Ógras
photographing

or videoing my involvement in _____ (name of
event or activity)

Date:

GUIDELINES ON THE USE OF IMAGES OF CHILDREN AND YOUNG PEOPLE UNDER 18 YEARS OF AGE

Introduction

The value of using photographs/images of children and young people in work undertaken by Ógras be it as a learning and development tool or in promotion, marketing and design is well established. However, it is necessary for Ógras to use these images responsibly in order to protect the young person, the organisation and the use of the images. This is true of photographs/images in their own right and in published form (electronic or otherwise).

Key Concerns

- The possible identification of children/young people when a photograph/image is accompanied by personal information
- The inappropriate use, adaptation or copying of images for use on child pornography websites and/or for grooming purposes.
- The taking of inappropriate photographs/images of children/young people
- The inappropriate distribution of photographs/images of children/young people via mobile phone, email or other electronic media

Guidelines for Recording Images

- (i) All children/young people featured in recordings must be fully dressed with outer clothing garments covering their torso.
- (ii) Children/young people in swimwear should not be photographed.
- (iii) The photograph/image should ideally focus on the activity. Where possible images of children and young people should be recorded in small groups rather than individuals.
- (iv) Appropriate photographs/images should be used at all times.
- (v) Staff and volunteers should still be allowed to use photographic and digital equipment as a training tool. However, young people and their parents/guardians should be aware that this is part of the work programme.
- (vi) Care should be taken in storing such photographs/images.

Guidelines for Publishing/Reproducing Images

- Personal details of children such as email address, home address and telephone numbers should never be revealed.
- It is acceptable to publish first name, surname and the name of the youth club/ project. Do not provide additional information that can

assist someone in locating a child/young person or which could be used as grooming tools (hobbies/interests, likes/dislikes, etc.).

- If you must provide additional information, such as the name of the club/project/activity, then avoid naming the child/young person in the photograph/image.
- Permission should be sought from the child and the parent/guardian. This is included in the general permission and consent forms used by Ógras.

The permission form can be filled out when the young person is filling out the general application form when joining a club/camp/activity which should include a section covering permission to use appropriate images of the child/young person for the organisation's work.

The same principles should apply for a Parental Consent Form.

When using external/professional photographers ensure that the organisation/club has the complete contact details of any photographer that is used.

Clearly outline to professional photographers that all images taken will remain the property of Ógras, and cannot be used or sold for any other purpose.

Clearly outline that all negatives / proofs etc. need to be given to the organisation.

TRANSPORTING YOUNG PEOPLE

The issue of transporting children has become very sensitive for everyone involved in youth work.

Many volunteers describe how their groups could not operate without the goodwill of volunteers and parents ensuring that children are returned home or transported to events in a private car.

In general it is not recommended that Ógras workers or leaders- give lifts in their cars to individual young people, especially on long journeys. This view has been taken as our knowledge has grown of how those who want to harm children have developed.

Best practice is clearly to avoid transporting a child alone, but circumstances may arise where it is necessary to do so. If all alternatives have been exhausted and an adult has to transport a child there are a number of safety measures that should be put in place to minimise the risk:

- Parents should be informed of the person who will be transporting their child, the reasons why and how long the journey will take.
- A person other than the planned driver should talk to the child about transport arrangements to check they are comfortable about the plans.
- The driver must ensure that they have insurance to carry others, particularly if they are in a paid position or claiming expenses.
- The driver should attempt to have more than one child in the car.
- When leaving children off after an activity /group, workers/ volunteers should alternate which child is dropped off last. Ideally two children would be left off at an agreed point i.e. one of their family homes.
- The person who leaves children home should be alternated; this would reduce the risk of any one individual from always being alone with the child.
- The driver should have a point of contact and mobile phone should they break down.
- Ensure that children are aware of their rights and they have someone to turn to or report any concerns they may have.

If a culture of safety is created within the group/organisation then the child/young person is more likely to talk to another person if they are feeling uncomfortable about a situation.

Late collections

These can present clubs and leaders with particular difficulties.

Parents/guardians should be provided with guidelines addressing the issue and outlining their responsibility and the consequences of late collections. Groups should have contact numbers for parents/guardians and if possible be provided with an alternative contact number.

Parents/guardians should have a contact number for the group to inform them of emergencies and possible late collections.

Children should wear seatbelts at all times.

WHO ARE MANDATED PERSONS?

Mandated persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. 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.

All paid staff employed by Ógras are mandated persons.

WHAT ARE THE LEGAL OBLIGATIONS OF A MANDATED PERSON?

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

These are:

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

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

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

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

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

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

‘Where a child believes that he or she–

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

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

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

'harm means in relation to a child–

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

Disclosures of abuse from a child

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

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

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

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

Dealing with a retrospective allegation

Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light when an adult attends counselling, or is being treated for a psychiatric or health problem. If you are, for example, a counsellor or health professional, and you receive a disclosure from a client that they were abused as a child, you should report this information to Tusla, as the alleged abuser may pose a current risk to children.

If, as a mandated person, you provide counselling, it is recommended that you let your clients know, before the counselling starts, that if any child protection issues arise and the alleged perpetrator is identifiable, you must pass the information on to Tusla. If your client does not feel able to participate in any investigation, Tusla may be seriously constrained in their ability to respond to the retrospective allegation.

The reporting requirements under the Children First Act 2015 apply only to information that you, as 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 you have a reasonable concern about past abuse, where information came to your attention before the Act and there is a possible continuing risk to children, you should report it to Tusla under this Guidance.

EXEMPTIONS FROM REQUIREMENTS TO REPORT

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.

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

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

In effect, this means that if all of the above criteria are met, you as a mandated person do not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla.

Joint reporting

As a mandated person, you may make a report jointly with any other person, whether that person is also a mandated person or not. For example, this could arise in situations where a child is admitted to the hospital emergency department and could be seen by a number of health professionals, or in a school where the teacher, the special needs assistant (SNA) and the principal all have concerns about the same child and wish to make a joint report to Tusla.

Informing the family that a report is being made

The Children First Act 2015 does not require you to inform the family that a report under the legislation is being made to Tusla. However, it is good practice to tell the family that a report is being made and the reasons for the decision.

It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment. Also, you do not need to inform the family if you reasonably believe that by doing so it may place you at risk of harm from the family.

Informing the employer or designated liaison person

As part of our child protection reporting procedures Ógras requires mandated persons to inform the Director of one of the two DLP's if a mandated report has been made and to provide a copy of the report.

Designated liaison persons are responsible for ensuring that reporting procedures are followed correctly and promptly and they act as liaison person with other agencies.

As a mandated person, you have a statutory obligation to report concerns of harm which meet or exceed the threshold set out in the Children First Act 2015 directly to Tusla. However, there is nothing in the Act to prevent you from either making a mandated report jointly with a designated liaison person or providing a copy of the mandated report you have submitted to Tusla for the information of the designated liaison person.

As a mandated person, you should be aware that the legal obligations under the Children First Act 2015 to

report mandated concerns rest with you and not with the designated liaison person.

Consequences of non-reporting

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However, you should be aware that there are possible consequences for a failure to report. There are a number of administrative actions that Tusla could take if, after an investigation, it emerges that you did not make a mandated report and a child was subsequently left at risk or harmed.

Tusla may:

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

Pass information about your failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could therefore be disclosed to your current or future employers when you are next vetted. In general, many employers consider a failure to report a child protection concern to be a disciplinary matter. Employers are encouraged to include references to obligations in relation to mandated reporting in codes of conduct and contracts of employment for relevant persons.

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