



## SAFEGUARDING POLICY

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## **Introduction**

Heart Children Ireland is fully committed to safeguarding the well-being of children by protecting them from physical, sexual and emotional harm and neglect. Heart Children Ireland accepts that in all matters concerning child protection, the welfare and protection of children is paramount.

There are 11 people on the Board of Heart Children Ireland and there are 2 staff members, one full-time Manager and one part-time Administrator. Neither Board Members nor staff members have any unsupervised access to children.

There are approximately 50 people who volunteer with Heart Children Ireland most of whom do not have unsupervised access to children. A smaller number of volunteers, specifically those working on the Family Support Days, including those providing crèche services, do work directly with children.

Heart Children Ireland retains the services of various people to carry out work on its behalf. Some of these people work directly with children unsupervised and some do not.

### ***Safeguarding Policy Statement***

This policy document has been created with reference to:

- Children First National Guidance 2017
- Child Protection and Welfare Practice Handbook
- The Interim Guide for the Development of Child Protection, Welfare Policy, Procedures and Practices
- Our Duty to Care: The principles of good practice for the protection of children and young people.

### ***Responsibility In Developing Safeguarding Policy***

Heart Children Ireland has a responsibility to ensure that the following elements are included:

- i. clear descriptions of responsibility both individual and organisational,
- ii. organisation and management arrangements, as well as procedures for child protection,
- iii. expectations of best professional practice,
- iv. arrangements for training and support of employees/volunteers.

### ***Safeguarding Policy Aim***

Heart Children Ireland's Safeguarding Policy Aim is to:

- i. ensure best practice in the recruitment of employees/volunteers, which includes Garda vetting, taking up of references, good HR practices in interviewing, induction training, probation and on-going supervision and management;

- ii. ensure that employees/volunteers are aware of how to recognise signs of child abuse or neglect;
- iii. provide guidance and procedures for employees/volunteers who may have reasonable grounds for concern about the safety and welfare of children involved with the organisation.
- iv. identify a Designated Liaison Person (and Deputy) (DLPs) to act as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns. The DLPs are responsible for reporting allegations or suspicions of child abuse to Tusla (the Child and Family Agency) or to An Garda Síochána.

## **Definition And Recognition Of Child Abuse**

### ***Types Of Child Abuse***

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger, and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser. The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer. The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised. It is important that all staff and volunteers at Heart Children Ireland understand the types of child abuse so that it can help them in recognising the signs and symptoms of abuse.

### ***Definition Of 'Neglect'***

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

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

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

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

The following are features of child neglect:

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

### ***Definition Of 'Emotional Abuse'***

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

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

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

- Rejection Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement

- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

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

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

### ***Definition Of '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.

### ***Definition of 'Sexual abuse'***

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

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

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

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

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
- Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]

- Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
- Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation. In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found at [www.tusla.ie](http://www.tusla.ie).

### ***Other Forms of Abuse***

#### **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 antibullying 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.

### Peer Abuse

In some cases of child abuse, the alleged perpetrator will be another child. In a situation where child abuse is alleged to have been carried out by another child, the child protection procedures should be adhered to for both the victim and the alleged abuser i.e. it should be considered a childcare and protection issue for both children.

Peer Abuse can be defined as the physical, mental, emotional or sexual mistreatment of a person by somebody else of the same peer and/or age group. Quite often, whether in a team or individual context, a key concern would be where a child/young person is mistreating another child/young person of a similar age.

Abusive behaviour perpetrated by children must be taken seriously and acted upon. Early referral and intervention is essential in all such instances as future abuse can be prevented if intervention takes place early. If there is a conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare is of paramount importance.

Research shows that teenagers perpetrate a considerable proportion of child abuse. Four categories of behaviour warrant attention, three of which will usually require action: normal sexual exploration; abuse

reactive behaviour; sexually obsessive behaviour; and abusive behaviour by adolescence and young people. Further information can be found in the Appendices.

### e-Bullying / Cyber Bullying

Action that results in the deliberate tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting of a child or young person by another person using the Internet, interactive and digital technologies or mobile phones would constitute E-Bullying or Cyber Bullying.

### 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
- » Conflictual relationships
- » Domestic violence
- » Adolescent parents

Child factors:

- » Age
- » Gender

- » Sexuality
- » Disability
- » Mental health issues, including self-harm and suicide
- » 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.

## Recognising Abuse

Child abuse can be difficult to identify and may present in many forms. All signs and symptoms should be examined in the context of an individual child's situation and family circumstances, and reported appropriately. The ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as it does on their knowledge and information. The following three stages are involved in the identification of child abuse:

1. Considering the possibility
2. Looking out for signs of neglect or abuse, i.e. identifying and recognising
3. Recording of information

### Stage 1. Considering the possibility

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered.

It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should be considered if the child displays unusual or fearful responses to parents/carers or other children. A pattern of ongoing neglect should also be considered, even when there are short periods of improvement.

### Stage 2. Looking out for signs of neglect or abuse

Signs of abuse can be physical, behavioural or developmental. They can exist in the relationship between children and parents/carers or between children and other family members/other persons. A cluster of pattern of signs is more likely to be indicative of abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon, for example, by informing the appropriate DLP or Tusla (the Child and Family Agency). A child should not be interviewed in detail about alleged abuse without Tusla being contacted and interviews may be more appropriately undertaken by a social worker or member of an Garda Síochána. More information on dealing with disclosures can be found in the following section.

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

- Disclosure of abuse by a child or young person;
- Age-inappropriate or abnormal sexual play or knowledge;
- Specific injuries or patterns of injuries;
- Absconding from home or a care situation;

- Attempted suicide;
- Self-harm;
- Underage pregnancy or sexually transmitted disease;
- Insecure attachment, unhappiness, low self-esteem;
- Educational and developmental underachievement;
- Oppositional or confrontational behaviour;
- Regularly missing school;
- Neglect generally becomes apparent in different ways over a period of time, rather than at one specific point;
- A child whose height or weight is significantly below average may be being deprived of adequate nutrition;
- Signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.

Many signs of abuse are non-specific and need to be considered in the context of an individual child's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

### Stage 3. Recording of information

If neglect or abuse is suspected and acted upon, it is important to establish the grounds for concern by obtaining as much information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken regarding how such information is stored and to whom it is made available. See appendices for a template recording form.

### Reasonable grounds for concern that a child or young person is being abused

During activities undertaken as part of their involvement with Heart Children Ireland an individual may become suspicious that a child or young person whom they encounter, is the victim of abuse.

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

### ***Children With Additional Vulnerabilities***

Certain children are more vulnerable to abuse than others. Such children include those with disabilities, children who are homeless and those who, for one reason or another, are separated from their parents or other family members and who depend on others for their care and protection. The same categories of abuse – neglect, emotional abuse, physical abuse and sexual abuse – are applicable, but may take a slightly different form.

### **Basis For Reporting Concerns And Standard Reporting Procedure**

This section offers guidance to those who may be concerned or who suspect that children are being abused or neglected or at risk of abuse or neglect. It outlines the standard reporting procedure to be used by employees/volunteers in responding to such concerns.

### ***Responsibility To Report Child Abuse Or Neglect***

Heart Children Ireland’s employees/volunteers have responsibilities under various pieces of Child Protection legislation and Guidance. See the Appendix to this Document for more information.

### ***How to Respond To A Disclosure Of Abuse***

A child or young person will carefully select a person to confide in. That chosen person will be someone they trust and have confidence in. It is important that a child or young person who discloses child abuse feels supported and facilitated in what may be a frightening and traumatic process for them. A child or young person may feel perplexed, afraid, angry, despondent and guilty. It is important that any negative feelings they may have are not made worse by the kind of response they receive. A child or young person who divulges child abuse has engaged in an act of trust and their disclosure must be treated with respect, sensitivity, urgency and care.

**It is of the utmost importance that disclosures are treated in a sensitive and discreet manner.**

**Anyone responding to a child making such a disclosure should take the following steps.**

- (a) Take what the child or young person says seriously.
- (b) React calmly, as over-reaction may intimidate the child or young person and increase any feelings of guilt that they may have.
- (c) Reassure the child or young person that they were correct to tell somebody what happened.
- (d) Listen carefully and attentively.
- (e) Never ask leading questions.
- (f) Use open-ended questions to clarify what is being said and try to avoid having them repeat what they have told you.
- (g) Do not promise to keep secrets.
- (h) Advise that you will offer support but that you must pass on the information.
- (i) Do not express any opinions about the alleged abuser to the person reporting to you.
- (j) Explain and make sure that the child understands what will happen next. Do not confront the alleged abuser.

### ***Reporting Procedures***

Following a disclosure of abuse, employees/volunteers should:

Write down immediately after the conversation what was said, including all the names of those involved, what happened, where, when, if there were any witnesses and any other significant factors and note any visible marks on the individual making the report or any signs you observed.

- (a) Record the event, sign and date all reports and indicate the time the notes were made.
- (b) Ensure that the information is treated with the utmost confidence.
- (c) Allegations should not be investigated by employees/volunteers.
- (d) Employees/volunteers should pass that report to the Designated Liaison Person (or Deputy) in Heart Children Ireland.

Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm. In the event of an emergency where you think a child is in immediate danger you should contact the Gardaí in the first instance.

### **What Does an Employee/Volunteer do if they Suspect or have reasonable grounds for concern that a Child or Young Person is Being Abused**

Try to ensure in so far as is possible that no situation arises that could cause any further risk to the individual.

- (a) Record the facts as you know them. Include the child's name, address, nature of the concern, allegation or disclosure and, where possible, information about a parent or guardian. Employees/volunteers should pass that report to the Designated Liaison Person (or Deputy) in the Heart Children Ireland.

The following examples from the Child Protection and Welfare Practice Handbook (HSE) would constitute reasonable grounds for concern:

- (a) An injury of behaviour that is consistent both with abuse and an innocent explanation, but where there are corroborative indicators supporting the concern that it may be a case of abuse.
- (b) Consistent indication over a period of time that a child or young person is suffering from emotional or physical neglect.
- (c) Admission or indication by someone of an alleged abuse.
- (d) A specific indication from a child or young person that they were abused.
- (e) An account from a person who saw the child or young person being abused.
- (f) Evidence, such as injury or behaviour, that is consistent with abuse and unlikely to have been caused in any another way.

### ***Parents and Guardians***

Where any report is being made to Tusla (the Child and Family Agency) or An Garda Siochana in respect of a person under 18 years of age parents or guardians should be informed unless doing so would put the child or young person at further risk.

### ***Designated Liaison Persons (DLPs)***

Heart Children Ireland (DLP):

**NAME: Margaret Rogers**

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Heart Children Ireland (Deputy DLP)

**NAME: Linda Hogan**

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### ***Mandated Person***

Dr. Deirdre O'Neill, Clinical Psychologist, provides a part-time psychological support service to Heart Children Ireland members. The aim of the service is to provide psychological support for Heart

Children Ireland members, specifically in relation to cardiac-related matters. The psychology service is free for members, as it is funded by the organisation. A range of services are offered including:

Family Meetings

Parenting Courses

Information/Family Support Days nationwide.

Support at Coffee Mornings, Annual Memorial Service and Annual Conference

Dr. O'Neill is a Mandated Person under the Children First Act 2015 with a responsibility to report the harm of children above a defined threshold to Tusla. In the event that Dr. O'Neill encounters a need to make such a report while carrying out duties for Heart Children Ireland she will do so following the Reported Mandated Concerns process set out in Children First National Guidance 2017.

### ***Information To Be Included When Making A Report***

The ability of Tusla (the Child and Family Agency) or An Garda Síochána to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them by the people reporting concerns. As much detail as possible should be provided. See the Appendix to this Document for more information.

### ***Cases Not Reported To Tusla (the Child and Family Agency) Or An Garda Síochána***

In those cases where the Heart Children Ireland decides not to report concerns to Tusla (the Child and Family Agency) or An Garda Síochána, the individual employee or volunteer who raised the concern will be given a clear written statement of the reasons why no report is being made. The employee or volunteer should be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, Tusla (the Child and Family Agency) or An Garda Síochána.

### ***Retrospective Disclosures By Adults***

An increasing number of adults are disclosing abuse that took place during their childhoods. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the employee/volunteer should follow the reporting procedure as set out in Paragraph 4.3.

The HSE National Counselling Service is in place to listen to, value and understand those who have been abused in childhood. The service is a professional, confidential counselling and psychotherapy service and is available free of charge in all regions of the country (see [www.hse-ncs.ie/en](http://www.hse-ncs.ie/en)). The service can be accessed either through healthcare professionals or by way of self-referral (Freephone 1800 477477).

### ***Legal Protection***

Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla (the Child and Family Agency) or to any member of An Garda Síochána. See the Appendix to this Document for more information.

### ***Confidentiality***

All information regarding concern or assessment of child abuse or neglect should be shared on 'a need to know' basis in the interests of the child. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection. Employees/volunteers should not give any undertakings regarding secrecy.

### ***Record Keeping/Storage of Heart Children Ireland's Refereeing and Vetting documents***

Heart Children Ireland is currently in the process of developing a Data Protection Policy.

### ***Sexual Abuse By Children And Young People***

Research shows that teenagers perpetrate a considerable proportion of child sexual abuse. Such cases should be referred to Tusla (the Child and Family Agency). It is important that the different types of behaviour are clearly identified and that no young person is wrongly labelled 'a child abuser' without a clear analysis of the particular behaviour. Four categories of behaviour warrant attention: normal sexual exploration; abuse reactive behaviour; sexually obsessive behaviour; and abusive behaviour by adolescents and young people.

Normal sexual exploration: This could consist of naive play between two children that involves the exploration of their sexuality. This type of behaviour may be prompted by exchanges between children, such as 'You show me yours and I'll show you mine'. One of the key aspects of this behaviour is its tone: there should not be any coercive or dominating aspects to this behaviour. Usually, there is no need for child protection intervention of any kind in this type of situation.

Abuse reactive behaviour: In this situation, one child who has been abused already acts out the same behaviour on another child. This is serious behaviour and needs to be treated as such. In addition to responding to the needs of the abused child, the needs of the child perpetrator in this situation must also be addressed.

Sexually obsessive behaviour: In this type of situation, the children may engage in sexually compulsive behaviour. An example of this would be excessive masturbation, which may well be meeting some other emotional need. Most children masturbate at some point in their lives. However, in families where care and attention is missing, they may have extreme comfort needs that are not being met and may move from masturbation to excessive interest or curiosity in sex, which takes on excessive or compulsive aspects. These children may not have been sexually abused, but they may be extremely needy and may require very specific help in addressing those needs.

Abusive behaviour by adolescents and young people: Behaviour that is abusive will have elements of domination, coercion or bribery, and certainly secrecy. The fact that the behaviour is carried out by an adolescent, for example, does not, in itself, make it 'experimentation'. However, if there is no age difference between the two children or no difference in status, power or intellect, then one could argue that this is indeed experimentation. On the other hand, if, for example, the adolescent is aged 13 and the child is aged 3, this gap in itself creates an abusive quality that should be taken seriously.

## **Volunteer Policy**

There are approximately 50 people who volunteer with Heart Children Ireland most of whom do not have unsupervised access to children. A smaller number of volunteers, specifically those working on the Family Support Days, are Garda vetted before they can volunteer in this capacity. During any events where Heart Children Ireland provides crèche facilities, directly or indirectly, all volunteers working in the crèche are Garda vetted before they can work in such facilities.

Heart Children Ireland is currently in the process of developing a Volunteer Policy.

## **Staff Recruitment Process**

Heart Children Ireland Staff do not have unsupervised access to children.

Heart Children Ireland is currently in the process of developing a Staff Recruitment Policy.

## **Contracted In Services**

Heart Children Ireland provides contracts to various people to carry out work on its behalf. Where these people have unsupervised access to children they are not allowed do any such work until they

have been Garda vetted. Examples of people to whom this would apply include a Clinical Psychologist and a provider of Art Therapy services.

## **Training In Child Protection And Welfare**

### Objectives

- i. to ensure that employees/volunteers are equipped with appropriate information and knowledge to deliver any Heart Children Ireland programme in a way which ensures that the welfare and safety of children is paramount.
- ii. to ensure that employees/volunteers are aware of relevant legislation, national guidelines and child protection procedures and protocols;
- iii. to ensure that employees/volunteers are aware of all of the above particularly in relation to Heart Children Ireland activities run in conjunction with third party providers.

Heart Children Ireland ensures that all staff, volunteers and third party service providers are familiar with the contents of the policy document and its requirements of them.

## Heart Children Ireland as an employer Dealing With An Allegation Of Abuse

If an allegation is made against an employee/volunteer within Heart Children Ireland, we will ensure that everyone involved gets a proper response. This involves making sure that two separate procedures are followed:

- the reporting procedure in respect of the child;
- the procedure for dealing with the employee/volunteer

The same person will not deal with both of the above.

When an allegation of abuse is received against employees/volunteers it will be assessed promptly and carefully by Heart Children Ireland. Action taken in reporting an allegation of child abuse against an employee/volunteer should be based on an opinion formed 'reasonably and in good faith'. It will be necessary to decide whether a formal report should be made to Tusla (the Child and Family Agency) Children and Family Services. *This decision should be based on reasonable grounds for concern, as outlined in earlier in this policy document.*

The first priority is to ensure that no child or young person is exposed to unnecessary risk. Heart Children Ireland, as an employer, will as a matter of urgency take any necessary protective measures. These measures will be proportionate to the level of risk and will not unreasonably penalise the employee/volunteer financially or otherwise, unless necessary to protect children. Where protective measures penalise the employee/volunteer it is important that early consideration be given to the case.

Any action taken should be guided by agreed procedures, the applicable employment contract and the rules of natural justice.

The Chief Executive Officer of Heart Children Ireland, should be informed about the allegation as soon as possible. When Heart Children Ireland becomes aware of an allegation of abuse of a child or children by an employee/volunteer during the execution of that person's duties, The Chief Executive Officer of Heart Children Ireland will inform the employee/volunteer of the following:

- (i) the fact that an allegation has been made against him or her;
- (ii) the nature of the allegation.

The employee/volunteer will be afforded an opportunity to respond. The Chief Executive Officer of Heart Children Ireland will note the response and pass on this information if making a formal report to Tusla (the Child and Family Agency) Children and Family Services.

Everyone in Heart Children Ireland will take care to ensure that actions taken by them do not undermine or frustrate any investigations/assessments conducted by Tusla (the Child and Family Agency) or An Garda Síochána. The Chief Executive Officer of Heart Children Ireland will maintain a close liaison with the statutory authorities to achieve this.

Heart Children Ireland should be notified of the outcome of an investigation and/or assessment. This will assist them in reaching a decision about the action to be taken in the longer term concerning the employee.

Note: The reporting procedure in respect of the child will be dealt with by the Heart Children Ireland Deputy Designated Liaison Person unless there is any reason why this is not possible.

In the event that it is not appropriate for the CEO to carry out the responsibilities above, the Chairperson of Heart Children Ireland will do so.

### **National Contacts For Tusla (The Child and Family Agency)**

National contacts for Tusla (The Child and Family Agency) are listed on Tusla website.

(<http://www.tusla.ie/get-in-touch/duty-social-work-teams/>).

## Heart Children Ireland's Principles of Good Practice

Heart Children Ireland and all of its Employees/Volunteers Should:

- Acknowledge the rights of children and young people to be protected, treated with respect, listened to and have their own views taken into consideration.
- Recognise that the welfare of children and young people must always come first, regardless of all other considerations.
- Adopt the safest possible practices to minimise the possibility of harm or accidents happening to children and young people and protect employees/volunteers from the necessity to take risks and leave themselves open to accusations of abuse or neglect.
- Adopt and consistently apply clearly defined methods of recruiting staff and volunteers.
- Develop procedures for responding to accidents and complaints.
- Remember that early intervention with children or young people who are vulnerable or at risk may prevent serious harm from happening to them at a later stage.
- Remember that a child's age, gender and background affect the way they experience and understand what is happening to them.
- Provide child protection training for employees/volunteers. This should clarify the responsibilities of both organisations and individuals, and clearly show the procedures to be followed as set out in this document.
- Co-operate with any other child care and protection agencies and professionals by sharing information when necessary and working together towards the best possible outcome for the children and young people concerned.
- Make links with other relevant organisations in order to ensure that Heart Children Ireland has the best child protection and welfare policies and practices.
- Remember that valuing children and young people means valuing employees/volunteers as well; insisting on safe practices, eliminating the necessity for employees/volunteers to take risks and providing them with support will make for a healthier and safer organisation.

## **Code of Behaviour / Good Practice Guidelines Employees/Volunteers**

- Employees/Volunteers should be sensitive to the fact that jokes of a sexual nature may be offensive to others and should never be told in the presence of children/young people.
- Employees/Volunteers and staff should be sensitive to the implications of becoming too involved with or spending a lot of time with any one young person.
- Where Employees/Volunteers have a concern about the nature of a particular relationship involving themselves or another staff member or young person, they should discuss it with a supervisor or experienced colleague. It should be remembered that professional boundaries should be maintained at all times by employees/volunteers.
- As a general rule any physical contact between Employees/Volunteers and a child should be in response to the needs of the child and not the needs of the adult. While physical contact can be used to comfort, reassure or assist a child the following should be factors in assessing its appropriateness: it is acceptable to the child concerned, it is open and not secretive and it is appropriate to the age and developmental stage of the child.
- It is recommended that if Employees/Volunteers provide transport for children/young people in the course of their work with Heart Children Ireland (in an emergency for example) there should in so far as is possible be at least one other employee/volunteer in the car and that such transport should only be provided with the full knowledge and consent of the young person(s)' parents or guardian(s).
- Employees/Volunteers must never physically punish or be verbally abusive to a child/young person.

## ***Guidelines For Recognition***

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

- (i) considering the possibility;
- (ii) looking out for signs of neglect or abuse;
- (iii) recording of information. See Children First National Guidance Section 2.7

### **Stage 1: Considering the possibility**

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should also be considered if the child displays unusual or fearful responses to parents/carers or older children. A pattern of ongoing neglect should also be considered even when there are short periods of improvement.

### **Stage 2: Looking out for signs of neglect or abuse**

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon, for example, by informing Tusla (the Child and Family Agency). The child should not be interviewed in detail about the alleged abuse without first consulting with Tusla (the Child and Family Agency). This may be more appropriately carried out by a social worker or An Garda Síochána.

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

- (i) disclosure of abuse by a child or young person;
- (ii) age-inappropriate or abnormal sexual play or knowledge;
- (iii) specific injuries or patterns of injuries;
- (iv) absconding from home or a care situation;

(v) attempted suicide;

(vi) underage pregnancy or sexually transmitted disease;

(vii) signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.

Many signs of abuse are non-specific and must be considered in the child's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

### **Stage 3: Recording of information**

If neglect or abuse is suspected and acted upon, for example, by informing Tusla (the Child and Family Agency), it is important to establish the grounds for concern by obtaining as much information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available.

## ***Responsibility To Report Child Abuse Or Neglect***

Heart Children Ireland's employees/volunteers have a responsibility under various pieces of Child Protection legislation as set out in the appendix of this document.

Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child.

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children. It states:

'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –

- (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
- (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.'

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

In 2012 Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act of 2012 was passed.

This legislation establishes an offence of withholding information in relation to specified offences committed against a child or vulnerable adult.

A person shall be guilty of an offence if -

- (a) he/she knows of a specified offence having been committed by another person against a child or vulnerable adult and
- (b) he/she has information which might be of assistance in securing apprehension, prosecution or conviction of that other person

and fails, **without reasonable excuse**, to disclose that information to an Gardai Siochana.

### ***Information To Be Included When Making A Report***

The ability of Tusla (the Child and Family Agency) or An Garda Síochána to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them by the people reporting concerns. As much detail as possible should be provided. See the Appendix to this Document for more information.

- (i) the name, address and age of the child (or children) for whom the report is being made;
- (ii) the name of the child's school;
- (iii) the name and contact details of the person reporting concerns;
- (iv) whether the person reporting is a professional, a person working with children or a member of the public;
- (v) the relationship to the child of the person making the report;
- (vi) a full account of what constitutes the grounds for concern in relation to the protection and welfare of the child or children, e.g. details of the allegation, incident, dates, description of any injuries, etc;
- (vii) the names and addresses of the parents/carers of the child or children;
- (viii) the names of other children in the household;
- (ix) the name, address and details of the person allegedly causing concern in relation to the child or children;
- (x) the child's and/or parents/carers' own views, if known and relevant;
- (xi) the names and addresses of other personnel or agencies involved with the child or children, e.g. GP, social worker, public health nurse, Gardaí, etc;
- (xii) any other relevant information.

### ***Legal Protection***

Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla (the Child and Family Agency) or to any member of An Garda Síochána. This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report. A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege.

## **Appendix - Relevant Legislation**

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

Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers of Tusla (the Child and Family Agency) or to any member of An Garda Síochána. See the Appendix to this Document for more information.

### ***Section 176 of Criminal Justice Act 2006 (Reckless Endangerment)***

(2) A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by—

- a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
- b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation,

is guilty of an offence.

- c) (3) Where a person is charged with an offence under subsection (2), no further proceedings in the matter (other than any remand in custody or on bail) shall be taken except by or with the consent of the Director of Public Prosecutions.
- d) (4) A person guilty of an offence under this section is liable on conviction on indictment, to a fine or to imprisonment for a term not exceeding 10 years or both.

### ***Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act 2012***

In 2012 Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act of 2012 was passed.

This legislation establishes an offence of withholding information in relation to specified offences committed against a child or vulnerable adult.

A person shall be guilty of an offence if -

- (a) he/she knows of a specified offence having been committed by another person against a child or vulnerable adult and
- (b) he/she has information which might be of assistance in securing apprehension, prosecution or conviction of that other person

and fails, **without reasonable excuse**, to disclose that information to an Gardai Siochana.

### ***National Vetting Bureau (Children and Vulnerable Persons) Act 2012 - 2016***

The National Vetting Bureau Act 2012 makes provision for the protection of children and vulnerable persons and, for that purpose,

- a) to provide for the establishment and maintenance of a National Vetting Bureau Database System;
- b) to provide for the establishment of procedures that are to apply in respect of persons who wish to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons;
- c) to amend the Garda Síochána Act 2005 to provide for the change of name of the Garda Central Vetting Unit to the National Vetting Bureau;
- d) and to provide for related matters.

### ***Children First Act 2015***

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. The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong organisational 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.

### ***Criminal Law (Sexual Offences) Act 2017***

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.

END

# Standard Report Form - CONFIDENTIAL

(For reporting allegation / concern to DLP)

Please provide as much information as possible

---

**DLP (Name):** \_\_\_\_\_

**Report Date:** \_\_\_\_\_

**Details of child / young person**

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

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

Male  Female  Age  Date of Birth

**Details of person completing this Report**

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

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

Telephone No: \_\_\_\_\_

Occupation: \_\_\_\_\_

Organisation: \_\_\_\_\_

Relationship to child / young person \_\_\_\_\_

Parent(s) / Guardian(s) Informed Y/N:

**Child / Young Person's Family**

Mother's Name: \_\_\_\_\_

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

*If different from child /  
young person's.* \_\_\_\_\_

Telephone No: \_\_\_\_\_

Father's Name: \_\_\_\_\_

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

---

If different from child / young person's.

Telephone No: \_\_\_\_\_

**Who else is at home?**

Name	Relationship	Age	Additional Information

**Name & Address of other personnel or agencies involved with child / young person**

	Name	Address
Social Worker		
PHN		
GP		
Hospital		
School		
Gardaí		
Other		

**Details of person(s) allegedly causing concern in relation to child / young person**

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

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

Age: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Occupation: \_\_\_\_\_

Organisation: \_\_\_\_\_

Relationship to child / young person \_\_\_\_\_

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**Details of Report**

As much detail as is known of concern(s), allegation(s) or incident(s), date(s), time(s), description of any injuries or marks to child / young person, parent's view(s), child / young person's view(s)

Signed:

Date:

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