



# **National Council for Exercise & Fitness (NCEF)**

## **Child Safeguarding Statement**

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## 1 DEFINITIONS

<b>Agency</b>	Tusla - Child and Family Agency
<b>Assault</b>	see Physical Abuse.
<b>Employee</b>	means a full-time, part-time and voluntary employee of the NCEF.
<b>Member(s) of UL</b>	means a person who is involved in the operation of NCEF including all employees, contractors, students and voluntary workers.
	means a person who is involved in the operation of NCEF including all employees and tutors.
<b>Staff/Tutor of NCEF</b>	
<b>Associated Organisations</b>	means contractors, visitors, external parties who are granted access to University resources, University facilities but who are not under the direct management of the University of Limerick.
<b>Child</b>	means a person under the age of 18 years, excluding a person who is or who has been married, as defined in The Child Care Act 1991.
<b>Child Safeguarding Statement</b>	means a written statement specifying the service being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm pursuant to section 11 of the 2015 Act.
<b>Child Protection Procedures</b>	means the detailed procedures in place in NCEF for dealing with and the reporting of child protection concerns, working safely with children; recruiting and managing staff child safeguarding awareness and training, involving parents and children; implementing and reviewing the safeguarding strategies, in compliance with the 2017 Guidance.
<b>Designated Liaison Person (DLP)</b>	means the person nominated by NCEF management in accordance with the 2017 National Guidance to act as the liaison person for UL to deal with the Child and Family Agency, Tusla and/or An Garda Síochána and other parties in connection with allegation(s) of and/or concerns about child abuse. For the purpose of this procedure, the DLP will also be the

	Relevant Person.
<b>Harm</b>	means, in relation to a child: (a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or (b) sexual abuse of the child whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise.
<b>Ill-treatment</b>	means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated.
<b>Neglect</b>	means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care.
<b>Mandated Person</b>	means a Member of NCEF who by virtue of their occupation, falls under the classes of persons are specified as Mandated Persons for the purposes of Schedule 2 of the 2015 Act.
<b>Mandated Report</b>	means a report made by a Mandated Person in accordance with Sections 14(1) & 14(2) of the 2015 Act.
<b>Non –Mandated Person</b>	means a Member of NCEF who is not a Mandated Person.
<b>Non-Mandated Report</b>	means any report made to Tulsa or An Garda Síochána in accordance with these procedures or in accordance with <i>Children First</i> National Guidance 2017 or Children First 2015, other than a mandated report.
<b>Parent</b>	means a foster parent, a legal guardian appointed under the Guardianship of Children Acts, 1964 to 1997, as amended by the Children and Family Relationships Act 2015 or other person acting in <i>loco parentis</i> who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.
<b>Physical Abuse</b>	means 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.
<b>Relevant Service</b>	means a service as set out in Schedule 1 of the Children First Act 2015.
<b>Relevant Person</b>	means a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider's child safeguarding statement.

**Student of NCEF**

means any student of NCEF, to include any full-time, part-time, occasional, and visiting students of the University.

**Sexual Abuse**

means, in relation to a child a) an offence against the child, specified in Schedule 3 of the Children First Act 2015, b) wilful exposure of the child to pornography, or c) wilful sexual activity in the presence of the child;

**A Scheduled Offence**

means an offence as specified in Schedule 1 or Schedule 2 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

**The 2015 Act**

means the Children First Act 2015.

**The 2017** means the *Children First: National Guidance for the Protection and National Guidance Welfare of Children, 2017* as published by the Department of Children and Youth Affairs.

**UL**

**means the University of Limerick**

**UL Governance**

means any person appointed by the President, the Executive Committee and the Governing Authority of the University to manage the University and all UL Subsidiary Organisations

**NCEF Child Safeguarding** means this document and this document will replace and override any **Statement and Child** pre-existing Child Protection Policies and other Child Protection **Procedures** Procedures in existence in NCEF. The NCEF Child Protection Procedure 2018 will be referred to as this throughout this document.

**NCEF Subsidiary**

All NCEF contractors, associated organisations, visitors and/or other **Organisations** parties who are granted access to the University's resources and/or facilities but who are not under the direct management of UL.

**Vulnerable adult**

means a person

(a) who:

(i) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or

(ii) has an intellectual disability, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person, or

(b) who is suffering from an enduring physical impairment or injury, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both. In certain cases, and pursuant to certain offences under law, this definition can apply to a child aged 17 and over.



**Welfare** means, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child

## 2 AIMS AND OBJECTIVES

**The purpose of these procedures is to**

- a) Ensure compliance with statutory obligations, in particular to ensure compliance with the requirements of the 2015 Act;
- b) Ensure compliance with non-statutory best practice including the 2017 Guidance;
- c) List the procedures that are in place by the NCEF to keep children safe from harm;
- d) Ensure that children are safe from harm while availing of NCEF facilities;
- e) Raise awareness of child abuse and neglect amongst all members of NCEF;
- f) Provide information for all staff members/tutors of NCEF to recognise child abuse and neglect and in relation to the identification of the occurrence of harm;
- g) Set out a clear framework for all staff members/tutors of NCEF to show how concerns of child abuse and neglect are to be reported to Tusla and/or An Garda Síochána;
- h) Ensure that provision is made for the appropriate:
  - -training of members of NCEF;
  - -displaying of the NCEF Child Safeguarding Statement and the risk assessment;
  - -review of the potential for harm is carried out;
  - -management of risk as identified in the risk assessment;
  - -safe selection and recruitment of any person as a member of staff with regard to that persons suitability to work with children;
- i) Set down procedures in respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service;
- j) Ensure the safe selection and recruitment of any person as a member of staff of the provider with regard to that person's suitability to work with children;
- k) Ensure the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm;
- l) Enable the reporting to the Agency by the provider or a member of staff of the provider (whether a Mandated Person or otherwise) in accordance with the 2015 Act;
- m) A list is maintained of all of the Mandated Persons in NCEF and;
- n) The appointment of a Relevant Person for the purposes of the 2015 Act and;
- o) The appointment of a Designated Liaison Person (DLP) for the purposes of the 2017 Guidance.

This procedure applies to all Members of NCEF and it is the duty of each NCEF member to comply with this Child Safeguarding Statement.

## 3 LEGAL FRAMEWORK

### 3.1 Relevant Legislation

There are a number of key pieces of legislation that relate to child welfare and protection. A brief overview of the relevant legislation listed below is contained in Appendix 8.

Child Care Act 1991  
Non-Fatal Offences Against the Person Act 1997  
Protections for Persons Reporting Child Abuse Act 1998  
Criminal Justice Act 2006 -Reckless Endangerment  
Criminal Justice (Withholding of Information on Offences Against Children And Vulnerable Persons) Act 2012

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016  
Children First Act 2015  
Criminal Law (Sexual Offences) Act 2017  
Freedom of Information Acts 1997, 2003 & 2014  
The Data Protection Acts, 1998 And 2003  
General Data Protection Regulation (GDPR)

### 3.2 Statutory Obligations

The 2015 Act places specific obligations on organisations, which provide services to children and young people, including the requirement to: Keep children safe from harm while they are using NCEF facilities; Carry out a risk assessment to identify whether a child or young person could be harmed while attending NCEF or availing of NCEF facilities; Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified in the NCEF risk assessment; Appoint a Relevant Person to be the first point of contact in respect of NCEF's Child Safeguarding Statement, which is comprised as part of these procedures.

### 3.3 Non-Statutory Guidance

*Children First: National Guidance for the Protection and Welfare of Children* (The 2017 Guidance) has been revised on three occasions, most recently in 2017 because of the enactment of the Children First Act 2015. The 2015 Act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children. The schedule of Relevant Services under the Children First Act 2015 is contained in Appendix 6 of these procedures. A full schedule of Mandated Persons under the Children First Act 2015 is contained in Appendix 7 of these procedures. The procedures contained in this procedure are based *on the Children First National Guidance 2017* and in compliance with the 2015 Act, these procedures:

Set out the statutory responsibilities for Mandated Persons and organisations under the 2015 Act  
Set out the best practice procedures that should be in place for all organisations providing services to

children.

Provide guidance in identifying and reporting child abuse and neglect and in dealing effectively with concerns

Include information on the statutory obligations for individuals and organisations and provide information about how the statutory agencies respond to reports of concerns made about children.

## 4 Child Protection Contact Details

### Name of Service being Provided

Contact	Name	Contact Details
NCEF Designated Liaison Person /Relevant Person	Áine Ni Chonaill	T: 061 202829 E: aine.nichonaill@ul.ie
NCEF Deputy Designated Liaison Person	Damien Jackson	T: 061 202829 E: Damien.Jackson@ul.ie
An Garda Síochána	An Garda Síochána, Henry Street Limerick	T: 061 212400.
Tusla Child and Family Agency	Duty Social Work Team Roxtown Health Centre Old Clare St. Limerick	T: 061 483097 T:061 483098 E:limkdutysocialwork@tusla.ie

## **5 NCEF CHILD SAFE GUARDING STATEMENT**

### **5.1 Name of Service being Provided**

NCEF is an independent Company limited by guarantee, operating on a not-for-profit basis. NCEF is an academic affiliate of the University of Limerick (UL), providing third level education.

### **5.2 Nature of Service and Principles to Safeguard Children from Harm**

NCEF is a Relevant Service as set out in Schedule 1 of the Children First Act 2015. NCEF admits students who may be aged under 18. NCEF provides training to adults (>18 years) involving services to children. These services include placements, which permit children to remain on campus for periods without their parents.

NCEF recognises that the welfare of the child is paramount, that children should be protected, treated with respect, listened to, and have their views taken into consideration.

NCEF recognises its responsibility to promote and safeguard the welfare of children, young people and vulnerable persons.

NCEF acknowledges that all children should be valued and treated in an equitable and fair manner regardless of ability, age, gender, religion, social and ethnic background or political persuasion.

NCEF is committed to adopting and upholding the highest possible standards in child protection and shall take all reasonable steps in relation to the protection and welfare of children, young people and vulnerable persons who may be present within its facilities or on university related placements, avail of its services, or participate in research conducted by or on behalf of the university.

### **Child Safeguarding Statement**

NCEF has developed the following Child Safeguarding Statement including a Risk Assessment in compliance with the requirements of the Children First Act 2015 which

- a. Examines all aspects of the services NCEF provides to children to establish whether there are any practices or features of the service/s that have the potential to put children at risk.
- b. Outlines the policies and procedures which are in place to manage the risks that have been identified

### 5.3 Risk Assessment

The NCEF has undertaken a risk assessment in which it has assessed potential hazard to children while availing of the services provided by NCEF and details the procedures in place to for managing these risks.

List of NCEF Activities	Risk of Harm in respect of the activity	Procedures / Protocols in place to address risk of harm identified
<b>1: CAMPUS, INFRASTRUCTURE</b>		
Children visiting the UL campus. This is under UL control.	Risk of harm to children by members of the NCEF Community or members of the public.	24-hour campus security contractor in place. Security are available/contactable at all times. CCTV monitoring in place on campus. Staff vetting programme in place. NCEF provides all staff and contractors with a copy of the NCEF's Child Safeguarding Statement. Children First, Child Protection training is conducted at the University at regular intervals. Child safeguarding controls shall be included in event management plans submitted by event organisers.
Members of the public accessing the UL campus. This is under UL control.	Risk of harm to children by members of the NCEF Community or members of the public.	24-hour campus security contractor in place. Security are available/contactable at all times. CCTV monitoring in place on campus. CCTV in use signage erected on-site. University opening and closing hours are available on the UL website. Child safeguarding controls shall be included in event management plans submitted by event organisers.

Use of toilet/shower /changing facilities. This is under UL control.	Risk of harm to children by members of the NCEF Community or members of the public.	Facilities are allocated for each gender including gender-neutral facilities. Facilities are maintained at regular intervals by Cleaning Services staff. NCEF provides all staff and contractors with a copy of the University's Child Safeguarding Statement. NCEF encourage all NCEF staff to undertake the Tusla training module and any online training as may be required from time to time.
NCEF students under 18 years of age living in UL student villages. This is under UL control.	Risk of harm to children by members of the UL/NCEF Community or members of the public. Harm / Abuse not being reported properly and promptly by personnel.	Village Management personnel on-site. Garda Vetting programme in place for Security and Campus Life Services staff. Security services on call 24 hours per day for village residences. Campus Life Services must confirm compliance with the 2015 Act and 2017 guidance including submission of their Child Safeguarding statement to the University Health and Safety Unit.

**2: PERSONNEL**

Child Protection Training for NCEF Personnel	Risk of harm to children by members of the NCEF Community or members of the public. Harm / Abuse not being reported properly and promptly by personnel.	NCEF Designated Liaison Person (DLP) /NCEF Deputy Designated Liaison Person (DDL) avail of training provided by professional organisations. NCEF are responsible to ensure staff attend the appropriate level of Children First, Child Protection training and maintain staff training records. All NCEF personnel who have contact with / engage with children are requested to do the Tusla Children First training and provide a copy of the certificate of completion to NCEF HEAD OFFICE. Training can be found at: <a href="https://www.tusla.ie/children-first/children-first-e-learning-programme/">https://www.tusla.ie/children-first/children-first-e-learning-programme/</a> The NCEF Child Safeguarding Statement is available to all Employees/Tutors of NCEF. All members of staff who work with children are required to sign the 'NCEF Acceptance of NCEF Child Safeguarding Statement' and return to NCEF Head Office.
Specific Training for Mandated Persons	Risk of harm to children not being recognised by NCEF staff.	NCEF request all Mandated staff to undertake the Tusla training module and any online training as may be required from time to time. Children First, Child Protection training is provided on-campus each academic semester. Attendee training records are maintained on Core HR. All concerns are required to be reported to the DLP and where necessary, a joint report is issued to Tusla.

Provision of child protection information for NCEF students	Indicators of harm /abuse not being recognised by NCEF students. Harm / Abuse not being reported properly and promptly by students.	The NCEF Child Safeguarding Statement are brought to the attention of student during their induction programme. These procedures are available online. NCEF signage advises students as to where they can access these procedures and emergency numbers. The name and contact details of the NCEF DLP is prominently displayed on campus and on the NCEF website. All NCEF students who have contact with / engage with children as part of their studies /work placements receive appropriate information on reporting procedures. NCEF student vetting programme in place.
Recruitment of NCEF personnel.	Risk of a child being harmed by a member of the NCEF Community. Indicators of harm /abuse not being recognised by NCEF personnel	NCEF management issue job description for each position detailing the required qualifications and the job role being recruited for. NCEF management appoint staff with appropriate qualifications and experience. Candidates undertake a formal interview. Reference checks are completed on successful candidates. NCEF management must ensure compliance with the legal requirements in relation to vetting of all employees who conduct relevant work.



		<p>NCEF management are responsible for identifying new recruits who require vetting. It is compulsory for NCEF management to ensure that anyone who is carrying out relevant work with children or vulnerable adults undergo the University vetting process. All new recruited staff undergo a probationary period. The NCEF Child Safeguarding Statement is made available to all members of NCEF. NCEF request all staff working with children to undertake the Tusla training module and any online training as may be required from time to time. Children First, Child Protection training is provided on-campus each academic semester. Attendee training records are maintained by NCEF. All concerns shall be reported to the NCEF DLP.</p>
Retrospective vetting	<p>Risk of a child being harmed by a member of the NCEF community. Indicators of harm /abuse not being recognised by NCEF personnel</p>	<p>Retrospective vetting process in place for relevant NCEF staff. Relevant staff are provided with a copy of the Child Safeguarding Statement. NCEF staff working with children receive training in relation to the Child Safeguarding statement and Children First, Child Protection training.</p>

NCEF Health Related Activity for Children (HRAC) Students who have access to children.	Risk of harm to children by NCEF HRAC students. Risk of harm to children by members of the public in placement organisations. Risk of harm to children by the host organisation staff. Indicators of harm /abuse not being recognised by NCEF HRAC students.	The NCEF Child Safeguarding Statement is made available to all members of NCEF HRAC students to implement local children protection procedure during HRAC course. NCEF Student Garda Vetting programme in place for relevant NCEF HRAC students. NCEF request HRAC students to complete the Tusla online training module prior to going on placement. NCEF HRAC students are required to review the host organisation's child safeguarding procedures. NCEF HRAC students are supported by designated NCEF staff while in host organisations.
Children on campus via placements/school activities. This is under UL control.	Risk of a child being harmed by a member of the NCEF Community. Indicators of harm /abuse not being recognised by NCEF personnel.	The NCEF Child Safeguarding Statement is made available to all members of NCEF. A local risk assessment must be conducted by the programme organiser to confirm required staff vetting and organise necessary controls while children are on-campus. In the event of an NCEF staff member finding an unaccompanied child who is not an NCEF member they are required to report this to on-campus security. Security staff provided on-campus. CCTV access is maintained at all times. This is under UL control.
Volunteers involved in activities on the UL campus. This is under UL control.	<p>Risk of child being harmed by a volunteer / parent person while child participating in UL/NCEF activities.</p> <p>Risk of Harm / Abuse not being reported properly and promptly by Volunteers/Parents.</p>	<p>Child safeguarding controls shall be included in events management plan submitted to the Buildings and Estates department.</p> <p>NCEF must confirm compliance with the 2015 Act and 2017 guidance including submission of their Child Safeguarding Statement.</p>

		<p>All volunteers involved in relevant NCEF/UL activities shall undertake the University vetting process.</p> <p>All volunteers who deal with or work with children shall be required to undergo Child Protection training</p> <p>All volunteers involved in NCEF/UL activities are provided with a copy of the UL Child Safeguarding Statement.</p> <p>All volunteers who attend the UL Access Campus are provided with an initial induction to Children First, and they are made aware of their responsibilities as they relate to the Access Campus in the area of child protection (including protocols, etc.).</p> <p>The Access office facilitate and co-deliver Child Protection training on a bi-annual basis, in collaboration with qualified trainers from the local community partners and/or the HSE; alternatively, the Access office sources training events in Child Protection for volunteers.</p>
<b>3. COMMUNICATION</b>		
<b>Images</b>		
Use of camera / mobile phone camera	Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images.	<p>Members of NCEF are forbidden from photographing or recording images in changing rooms, toilet area or locker rooms.</p> <p>Photographs and/or recorded images of children cannot be used or shared without the prior approval of parents/legal guardians and the children themselves.</p>

Posting of team photographs/cultural photographs on social media	Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images.	GDPR training is provided to NCEF staff. Photographs and/or recorded images of children are not permitted to be used or shared without the prior approval of parents/legal guardians and the children themselves.
Use of Information and Communication Technology by NCEF staff to access child pornography.	Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images.	This is under UL control. The Information Technology Department in UL has an acceptable usage policy in place. All NCEF staff and students are provided with the policy. The access to an Individual's computer by ITD staff policy includes the statement <i>"The University is obliged by law to report the discovery of any illegal material (such as child pornography) to the relevant authorities."</i>
<b>4. SPORTING ACTIVITIES</b>		
Use of personnel to support sporting events involving children.	Risk of a child being harmed by a member of the NCEF Community.	Safe recruitment procedures observed. A local risk assessment must be conducted by the programme organiser to confirm the required staff vetting and organise necessary controls while children are off-campus.
	Indicators of harm /abuse not being recognised by NCEF personnel.	The UL Sport has it's own Child Safeguarding Statement which has been written and is maintained in accordance with the 2015 Act and 2017 Guidance. UL encourage all University staff to undertake the Tusla training module and any online training as may be required from time to time. UL provides all staff and contractors with a copy of the University's Child Safeguarding Statement.

<b>6. CHILD SERVICES PROVIDED ON CAMPUS</b>		
One to one counselling. This is under UL control.	Risk of a child being harmed by a member of the NCEF Community. Indicators of harm /abuse not being recognised by NCEF personnel	Éist Student Counselling and Wellbeing service provided in the UL Student Affairs Division. UL undertakes vetting of current and prospective employees in accordance with the University vetting process. All counsellors are members of IACP/IAHIP/PsSI with qualifications are required for membership. Policy on Referrals in place. NCEF Student Complaints procedure implemented in the organisation.
		NCEF Staff are requested to undertake Children First, Child Protection training. All child protection concerns are reported to the DLP.
<b>7. RECORD KEEPING</b>		
Records kept of all child protection training.	That compliance with the legal requirements has not/ is able to be shown.	NCEF management are responsible for ensuring appropriate staff and students complete Child Protection training. NCEF Staff are requested to submit a soft copy of the Tusla Elearning training programme certificate to NCEF Head Office. The NCEF office maintain staff records for Children First Child Protection training courses provided on campus.
Records kept of mandated and non-mandated reports	Failure to record records.	All concerns with child protection with NCEF shall be reported to the NCEF DLP. The NCEF DLP records all information and stores records in a safe and secure manner.

Records kept of claims/child protection related instances and injuries which requires insurance notification.	Failure to record records.	All concerns with child protection at NCEF shall be reported to the NCEF DLP, and from there to the UL DLP. NCEF DLP records all information and stores records in a safe and secure manner. All child protection data is processed and managed in accordance with the UL Records Management & Retention Policy and the local HR Division Record Control Process QMS09.11. Within the Health & Safety Unit, all child protection records are processed and held in accordance with the GDPR. This is under UL control.
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## 5.4 Procedures for Managing Risks

In addition to the procedures listed in our risk assessment, the following procedures support our intention to safeguard children while they are availing of our service:

- i. The management of allegations of abuse or misconduct against staff/volunteers of a child availing of our service. See section 9 of these procedures.
- ii. The safe recruitment and selection of staff and volunteers to work with children. See section 5.7 of these procedures.
- iii. The provision of and access to child safeguarding training and information, including the identification of the occurrence of harm. See section 5.8 of these procedures.
- iv. The reporting of child protection or welfare concerns to Tusla. See section 7.4 and Section 8 of these procedures.
- v. The maintaining a list of the persons (if any) in the relevant service who are Mandated Persons. See section 7 of these procedures.
- vi. The appointing of a Relevant Person. See section 6.8 of these procedures.

## 5.5 NCEF/University Activities Involving Children – Best Practice

NCEF Staff and Tutors who work with children and young people must familiarise themselves with these procedures and sign an Acceptance of the NCEF Child Safe Guarding Statement which can be found in Appendix 11. The NCEF staff member/tutor shall return the form to NCEF Head Office for retention on file. All NCEF Students undertaking the 'Health Related Activity for Children' Module must successfully complete the Tusla 'Children First' elearning programme before commencing the module

NCEF Students on work experience in schools, colleges or with any other bodies providing services to children must be made aware of this procedure by their Academic Supervisor and they must sign an Acceptance of the NCEF Child Safe Guarding Statement (Appendix 11). The NCEF student shall return the completed form to the NCEF Head Office for retention on file. Furthermore, the NCEF student on placement as described above must comply with the Child Protection Procedures and Child Safeguarding Statements of those bodies and obtain relevant information in relation to same in advance of any attendance or attendance placement for other interaction involving children and young persons.

Members of the NCEF must ensure that they:

Always work in an open environment (i.e. avoiding private or unobserved situations). Do not allow yourself to be left alone with a child; treat all children equally, and with respect and dignity; demonstrate exemplary behaviour in the presence of children; provide a safe, appropriately monitored environment for any children visiting the campus; adopt the safest possible practices to minimise the possibility of harm or accidents happening to children; give enthusiastic and constructive feedback instead of negative criticism; never use physical punishment; always refer child abuse, welfare and safety issues to the NCEF DLP.

## **5.6 Recruitment Procedures and Requirements for Vetting**

All staff members/tutors operating under NCEF must ensure compliance with the legal requirements in relation to vetting of all employees and personnel who have or may have unsupervised access to children or vulnerable adults. Under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

Vetting should not take the place of normal recruitment procedures. In addition, comprehensive procedures for the checking of the person's suitability to work with children or vulnerable adults are an essential element of child protection practice. Thorough recruitment procedures are essential. Vetting is to be used as part of those procedures.

## **5.7 Child Protection Training**

Effective child protection depends on the skills, knowledge and values of personnel working with children and families, as well as co-operation between agencies (interagency) and within Agencies (intra-agency).

Training and education are an important means of achieving this. It is imperative that all staff/tutors operating under NCEF ensure that all personnel are familiar with these procedures to enable them to fulfil their responsibilities therein. This will be achieved by NCEF management developing a culture of awareness and knowledge of these procedures amongst all personnel and, where necessary, ensure that appropriate training is undertaken. Children First, Child Protection training is conducted at regular intervals and is co-ordinated by the Health and Safety Unit at UL. Children First, Child Protection training records are maintained by the Health and Safety Unit and NCEF Head Office.

Members of NCEF whose role involves working with children are requested and all other staff are encouraged to undertake the Tusla Children First Elearning programme. The Elearning training programme is called 'Introduction to Children First'. The programme has been written to support people of all backgrounds and experience in recognising concerns about children and reporting such concerns if they arise and is available on: <https://www.tusla.ie/children-first/children-first-e-learning-programme>

NCEF staff, when arranging student work placements, shall clarify the child safeguarding procedures within the host organisations. The NCEF students shall familiarise themselves with these procedures prior to commencing their placement.

## 5.8 Confidentiality

All information regarding concerns of possible child abuse and neglect should be shared only on a “need to know” basis in the best interests of the child. Giving information to those who need to have that information, for the protection of a child who may have been abused or neglected, or is being abused and neglected, or is at risk of abuse or neglect is not a breach of confidentiality.

Section 17 of the Children First Act 2015 makes it an offence for the NCEF DLP and/or Mandated Person to disclose information to a third party, which has been shared by Tusla during the course of an assessment, unless Tusla has given you written authorisation to do so.

The assurance of confidentiality should not be given to any person who imparts information. All NCEF members should be aware that the EU General Data Protection Regulation (GDPR) which came into force on the 25th May 2018, replacing the existing data protection framework.

## 5.9 Implementation

- i The NCEF DLP responsible for dealing with all child protection concerns in the NCEF is:
- ii In the absence of the NCEF DLP, the NCEF Deputy Designated Liaison Person (DDLDP) responsible for dealing with child protection concerns is:
- iii Local Emergency contact numbers are as follows:

An Garda Síochána-Henry Street, Limerick Phone 061 212400.

Tusla Child and Family Agency, Duty Social Work Team. Rixtown Health Centre, Old Clare St., Limerick Phone 061 483097 or 061 483098

- iv NCEF management recognises that child protection and welfare considerations permeate all aspects of student life and therefore must be reflected in all of the university’s policies, procedures, practices and activities. In adhering to the following key principles of best practice in child protection and welfare all members of NCEF will:

recognise that the protection and welfare of children is of paramount importance, regardless of all other considerations; fully comply with statutory obligations under the Children First Act 2015 and other relevant legislation relating to the protection and welfare of children; fully co-operate with the relevant statutory authorities in relation to child protection and welfare matters; adopt safe practices to minimise the possibility of harm or accidents happening to children and protect staff from the necessity to take unnecessary risks that may leave them open to accusations of abuse or neglect; where appropriate, develop a practice of openness with parents and encourage parental involvement in the education of their children; and fully respect confidentiality requirements in



dealing with child protection matters. All members of NCEF will also adhere to the above principles in relation to any adult with a special vulnerability.

v The following procedures/measures are in place:

In relation to any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child attending UL, members of NCEF will adhere to the relevant procedures set out in this Child Safeguarding Statement and Child Protection procedures and to the relevant agreed disciplinary procedures for NCEF staff.

In relation to the reporting of child protection concerns to Tusla, all members of NCEF are required to adhere to the NCEF Child Safeguarding Statement, including in the case of Mandated Persons reporting under the Children First Act 2015. Please note: All child protection concerns must be channelled through the NCEF DLP, namely Áine Ni Chonaill, who is the person responsible for making reports to Tusla, An Garda Síochána, UL governing body and other external agencies. (In the event that the concern relates to the NCEF DLP the concern must be reported to the Director, Human Resources Division).

NCEF has appointed the above named DLP as the 'Relevant Person' (as defined in the Children First Act 2015) to be the first point of contact in respect of the NCEF Child Safeguarding Statement.

In accordance with the Children First Act 2015, NCEF has carried out an assessment of any potential for harm to a child while attending UL or participating in NCEF activities. A written assessment setting out the areas of risk identified and the NCEF procedures for managing those risks is included in Section 5.3.

This NCEF Child Safeguarding Statement will be reviewed every 24 months or as soon as practicable after there has been a material change in any matter to which this statement refers.

All external parties, subsidiary companies, organisations, agencies and groups engaging with children operating both within the UL campus and on behalf of UL are required to have a Child Safeguarding Statement, in line with the requirements of Children First (2017) before entering into a contractual relationship with UL. All such subsidiary companies, organisations, agencies and groups will be required to furnish the UL Procurement Department and/or the DLP with a copy of their Child Safeguarding Statement.

vi **NCEF will ensure the following procedures/measures are in place:**

Ensure in relation to the provision of information and, where necessary, instruction and training in respect of the identification of the occurrence of harm (as defined in the 2015 Act):

A copy of the NCEF Child Safeguarding Statement including the risk assessment is made available to all members of the NCEF; All members avail of appropriate training as has been identified in the risk assessment; A record is maintained of training undertaken by members.

In relation to the selection or recruitment of staff and their suitability to work with children, NCEF will adhere to the University vetting process and to the wider duty of care guidance set out in relevant UL recruitment procedures.

A register of all Mandated Persons within the NCEF is compiled, maintained and regularly updated.

An updated copy of the register of Mandated Persons is given to the NCEF DLP as necessary.

A senior fulltime member of NCEF staff is designated responsibility to:

- contribute to the development of the NCEF Child Safeguarding Statement by outlining other policies and procedures that are in place in the NCEF to manage additional risks that have been identified by members of NCEF.
- provide the NCEF DLP with a copy of the other policies and procedures that are in place to manage the additional risks identified.
- review the assessment of additional risks as part of the review of the NCEF Child Safeguarding Statement or as soon as practicable after there has been a material change in any matter to which the Child Safeguarding Risk Assessment refers.

The NCEF Child Safeguarding Statement, including the risk assessment, can be accessed via the NCEF website or will be made available on request to members of the Faculty, Division, Department.

The name and contact details of the NCEF DLP are displayed prominently near the main reception area for the NCEF office.

All members of the NCEF must sign and return an 'Acceptance of the NCEF Child Safeguarding Statement' to the management of the NCEF.

A copy of the NCEF Child Safeguarding Risk Assessment statement and a full list of Mandated Persons is furnished to the NCEF DLP.

Where appropriate, the NCEF Child Safeguarding statement including the risk assessment is readily accessible to parents and legal guardians on request.

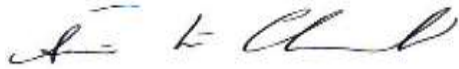
vii The NCEF Child Safeguarding statement, including the risk assessment shall be published on the NCEF website and will be made available to UL Governing Body and Tusla if requested.

viii This Child Safeguarding Statement will be reviewed every 24 months or as soon as practicable after there has been a material change in any matter to which this statement refers.

ix The UL Governing Authority has agreed the NCEF Child Safeguarding Statement set out in this document.

The NCEF Child Safeguarding Statement was adopted by NCEF on 10 January 2020

Signed

A handwritten signature in black ink, appearing to be 'A. K. Chell'.

Date: 29.04.2020

For queries, please contact:

*Relevant Person under the Children First Act 2015.*

## 6 RESPONSIBILITIES OF MEMBERS OF NCEF.

### 6.1 General

The ultimate responsibility for the adoption and implementation of these procedures rests with the NCEF management. Adoption and implementation of these procedures campus wide can only be achieved where the management of the NCEF ensures full implementation the NCEF Child Safeguarding Statement

Tusla must always be notified where there is a reasonable suspicion or reasonable grounds for concern that a child may have been, is being or is at risk of being harmed. Any reasonable concern or suspicion of harm to a child must elicit a response. Ignoring signals or failing to intervene may result in ongoing or further harm to the child.

The NCEF must ensure that all personnel managed by them are made aware of their duties and responsibilities as outlined in these procedures and where necessary are adequately trained.

Appendix 10 of these procedures outlines the types of child abuse and how they may be recognised including neglect, emotional abuse, physical abuse, sexual abuse and bullying.

All members of NCEF shall familiarise themselves with these signs and symptoms of child abuse to enable them to meet their reporting obligations under these procedures. All members of NCEF should liaise with the NCEF DLP where they have a concern that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect.

### 6.2 NCEF Designated Liaison Person (DLP)

The NCEF DLP is responsible for ensuring that the child protection reporting procedures within NCEF are followed promptly and correctly.

The NCEF DLP is also responsible for;

Acting as a resource person to any member of NCEF who has a child protection concern.

Recording all concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to a concern or allegation of child abuse; Reporting concerns or suspicions of child abuse to Tusla, the Garda Síochána and other agencies as required; Seeking advice from Tusla in situations where the NCEF DLP is not sure whether to report the matter to Tusla or whether a report should be submitted as a mandated report; Ensuring all relevant subsidiary companies / external parties provide him with a copy of their Child Safeguarding Statement. Ensuring all records relating to child protection are maintained in a safe and secure manner in accordance with the University's Records Management and Retention Policy. The name and contact details of the NCEF DLP are recorded in the NCEF Child Safeguarding Statement. The name and contact details of the NCEF DLP will be displayed in a prominent position near the NCEF main entrance and on the NCEF website. Where an allegation or suspicion of child abuse concerns a member of NCEF the NCEF DLP shall also report the matter to the Director, NCEF as outlined in Section 9 of this procedure.

## 6.3 Reasonable Grounds for Concern

In accordance with the Children First National Guidance 2017 Tusla must always be informed where there are any reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. To meet the requirements of Children First Guidance 2017 any member of NCEF who has such reasonable grounds for concern must inform the NCEF DLP. The NCEF DLP must then act in accordance with the procedures outlined in Section 7 and 8.

It is not necessary for any member of NCEF to prove that abuse has occurred - all that is required is that the person has reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it.

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.

Where a member of the NCEF community is unsure whether or not a report should be made to the NCEF DLP, they may seek advice from the NCEF DLP. Where the NCEF DLP is unsure whether or not to report the matter to Tusla they may seek advice from Tusla.

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

- a) The safety and well-being of the child must take priority over concerns about the adult against whom an allegation may be made
- b) Reports of concerns should be made without delay to Tusla / An Garda Síochána by the DLP.

If the concern or allegation arises during a work experience / teaching practice etc., the concern/allegation must also be reported to the appointed NCEF DLP in the place of work /school.

Members of NCEF are required to comply with the best practice (non-statutory) requirement of the Children First National Guidance 2017 and to comply with these procedures to report all reasonable concerns to the NCEF DLP regardless of where or how they arise. In addition, Mandated Persons are required to act in accordance with their statutory requirements of the Children First Act 2015 and must follow the procedures set out in Section 7.4 if a mandated report is being made to Tusla.

## 6.4 Dealing with Disclosures from Children

An abused child is likely to be under severe emotional stress and may disclose abuse to any member of NCEF whom they feel they can trust.

Any disclosures of abuse or neglect from a child must be reported to the NCEF DLP who must in turn seek advice and/or report the matter to Tusla. It is not the role of any NCEF individual to judge the truth of the claims or the credibility of the child. It is the function of Tusla to investigate all concerns and disclosures.

While the involvement of Tusla may not be desired by either the child or their family, Tusla must be advised of all disclosures by children, 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.

It is important to deal with any allegation of abuse or neglect in a sensitive and competent way through listening to and facilitating the child to tell about the problem, rather than interviewing the child about details of what happened.

The following advice is helpful:

DO	DO NOT
Stay calm – Do not rush into taking rash or inappropriate actions	Do not panic – or allow your feelings to be evident.
Reassure the child – That they are not to blame. Confirm that you know how difficult it must be to confide in someone. Tell them that they have done the right thing in informing or disclosing what has occurred. Reassure them that information will only be shared on a 'need to know' basis.	Do not make promises you cannot keep and never agree to keep it secret – explain that you will need to tell other people e.g. DLP
Listen sympathetically – To what the child says and show that you take them seriously. The experience of telling should be a positive one	Do not make the child repeat the story unnecessarily. Do not make any judgemental statements about the person against whom allegation is made Do not speculate or make assumptions

Be compassionate – Understand that the child has decided to tell something that is very important to them and that the child is taking a risk by disclosing what has happened to you.	Do not probe for more information than is offered
Keep questions to the minimum – The child should not be questioned unless the nature of what he/she is saying is unclear. Open, non-specific questions should be used such as “Can you explain to me what you mean by that?”	Do not ask leading questions –avoid leading questions such as who, when, where
Report the disclosure to a) the NCEF DLP b) the DLP in the host organisation if the matter relates to a concern or allegation that arises during a work placement / teaching practice etc.	Do not take sole responsibility
Make a written record immediately afterwards using, insofar as is possible, the child’s own words. The record should be signed and given to the NCEF DLP	Do not make copies of the record. The only copy should be the one supplied to the NCEF DLP.

## 6.5 Retrospective Disclosures by Adults

Some adults may disclose abuse that took place during their childhood. If such a disclosure is made to any member of NCEF and there is a reasonable concern about a continuing risk to children who may be in contact with the alleged abuser revealed in such disclosures, the concern must be reported to NCEF DLP. The NCEF DLP will report the concern to Tusla / An Garda Síochána in accordance with the reporting procedures outlined in these procedures.

The Tusla Retrospective Abuse Report form is available in Appendix 4 or can be downloaded at:  
[https://www.tusla.ie/uploads/content/Retrospective\\_Abuse\\_Report\\_Form\\_FINAL.pdf](https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf)

## 6.6 Concerns in relation to an adult who may pose a risk to children

Sometimes concerns arise in relation to whether an adult may pose a risk to children. For example, on the basis of known or suspected past behaviour, a concern could exist about the risk an individual may pose to children with whom he or she may have contact. Any such reasonable concerns should be reported to the NCEF DLP who will contact Tusla, in accordance with the NCEF reporting procedures to establish whether any child is currently at risk from the individual in question. Where concerns arise as to whether an adult may pose a risk to children (even if there is no specific child named in relation to the concern) and the NCEF DLP is not sure whether to report the matter to Tusla, the NCEF DLP shall seek advice from Tusla.

While Tusla will make every effort to examine such cases, it is a very complex area involving the accused's constitutional rights to their good name, privacy and the right to earn a living, as well as the requirements of natural justice. Tusla must work within the Constitution, the law, the legal system and the demands of natural justice to balance the conflicting rights of those involved. This may limit how much feedback Tusla can provide to the person who reported the concern on the progress or outcome of the case. Tusla's examination can be greatly improved if the alleged victim feels able to co-operate with Tusla in its assessment or investigation.

## 6.7 Record Keeping

When child abuse or neglect is suspected, it is essential that a written record of all the information available is made. Therefore, members of NCEF reporting a concern to the NCEF DLP shall be expected to make a detailed account of: the grounds for the concerns (e.g. details of the allegation, dates of incidents, and description of injuries). Signs of physical injury shall be described in detail and, if appropriate, sketched. Any comment by the child concerned, or by any other person, about how an injury occurred shall be recorded, preferably quoting words actually used, as soon as possible after the comment has been made. The names, if known, of who is allegedly harming the child or not caring for them appropriately should also be recorded.

All written records should be factual and objective. The name, contact details and relationship to the child of the person bringing the concerns must be included in the written record.

All records shall include the name of the person bringing the concerns, be signed and dated. All records must then be passed onto the NCEF DLP.

Records made by members of the NCEF community will be passed onto Tusla in the event that a referral is made. Consequently, members of the NCEF community may subsequently be invited to attend at a child protection conference or any proceedings where the matter is being investigated.

The NCEF DLP should be knowledgeable about child protection and should be provided with any training considered necessary to fulfil this role. Section 7 and 8 of these procedures outline the specific actions to be taken by the NCEF DLP in relation to the reporting of any concerns about a child including those in respect of joint mandated reporting.

### 6.7.1 Informing Parents

It is the responsibility of the NCEF DLP, who is submitting a report to Tusla or An Garda Síochána, to inform the parent/legal guardian of the child that a report is being made and the reasons for the decision to report. In cases, where a Mandated Person is submitting a report to Tusla, it is the NCEF DLP, rather than the Mandated Person concerned, who shall assume the responsibility for informing the parent/legal guardian. However, it is not necessary to inform a parent/legal guardian that a report is being made: if by doing so, the child will be placed at further risk or in cases where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment or if the reporter is of the reasonable opinion that by doing so it may place the reporter at risk of harm from the family.

A record shall be made, by the NCEF DLP, of the information communicated to the parent/legal guardian. A decision not to inform a parent/legal guardian shall be briefly recorded, by the NCEF DLP, together with the reasons for not doing so. **Important note.** Where the NCEF DLP has any doubt as to whether or not to inform a parent/legal guardian that a report is being made the NCEF DLP shall seek the advice of Tusla.



### 6.7.2 Reporting to NCEF Management

The NCEF DLP must report to the Director, Human Resources, NCEF as soon as possible in the event that an allegation of abuse is made against any NCEF staff member, volunteer, contractor or visitor whether or not the matter is being reported to Tusla / An Garda Síochána. Allegations of abuse made against an NCEF student must be reported to the Vice President for Academic Affairs and Student Engagement.

A child protection report, including a child protection concern that arises from alleged bullying behaviour involving children, is made to Tusla or An Garda Síochána as appropriate.

It is the responsibility of the Director, Human Resources NCEF or the Directors NCEF to report any such matters to the Chief Operations Officer & Registrar/Deputy President of UL and/or other members of UL as appropriate.

**Please Note:** In the interest of protecting the anonymity of the child, no details of the case should be disclosed to the Executive Committee or any member of UL unless there are issues, which need to be addressed directly by them.

### 6.8 Relevant Person

The NCEF has also appointed the NCEF DLP as the “Relevant Person” under section 11 of the Children First Act, 2015 for the purposes of being the first point of contact in respect of the NCEF’s Child Safeguarding Statement.

## 7 MANDATED PERSONS

### 7.1 Statutory Obligations of Mandated Persons

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

- 1 To report concerns of harm to Tusla, where a Mandated Person has reason to believe that a child is being harmed, has been harmed or is at risk of being harmed.
- 2 To assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report.

### 7.2 Who is a Mandated Person?

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.

The Schedule of Mandated Persons under the Children First Act 2015 is available in Appendix 7 of these procedures.

### 7.3 Threshold of Harm

Under the Children First Act 2015 the threshold of harm, at which a report must be submitted to Tusla by a Mandated Person, is reached when there are reasonable grounds to suspect that a child has been, is being or is at risk of being “harmed”.

Where a Mandated Person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect he or she shall, without delay, report the matter to the DLP.

The thresholds of harm for each category of abuse at which Mandated Persons have a legal obligation to make mandated reports are as follows:

**Neglect** The threshold of harm at which a Mandated Person must make a mandated report to Tusla is reached when s/he knows, believes or has reasonable grounds to suspect that a child’s needs have been neglected, are being neglected, or are at risk of being neglected to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

**Emotional Abuse/Ill-Treatment** The threshold of harm, at which a Mandated Person must make a mandated report to Tusla is reached when s/he knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

**Physical Abuse** The threshold of harm, at which a Mandated Person must make a mandated report to Tusla is reached when s/he knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result the child’s health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

**Sexual Abuse** A threshold does not apply as all sexual abuse falls within the category of seriously affecting a child's health, welfare or development. If a Mandated Person knows, believes or has reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then the Mandated Person must make a mandated report to Tusla.

Sexual abuse is an offence against the child as specified in Schedule 3 of the 2015 Act and which schedule is reproduced in Appendix 9 of these procedures.

Important note: As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, all concerns about sexual abuse must be submitted as a mandated report to Tusla. There is one exception, which deals with certain sexual activity between older teenagers, which is outlined in section 7.6 of these procedures.

## **7.4 Reporting procedures made by Mandated Members of NCEF**

Under the Children First Act, 2015, all Mandated Persons that have concerns about a child or who receive a disclosure that meets or exceeds the threshold of harm (see Section 7.3) have a statutory obligation to make a report to Tusla. The statutory obligation of Mandated Persons to report under the Children First Act 2015 must be discharged by the Mandated Person and cannot be discharged by the NCEF DLP on their behalf. However, a Mandated Person who makes a mandated report to Tusla jointly with the NCEF DLP meets his or her statutory obligation to report to Tusla under the Children First Act 2015.

The statutory obligation to make a mandated report under the Act applies only to information that a Mandated Person acquires in the course of his or her employment or profession as such a Mandated Person. It does not apply to information acquired outside of his or her work, or information given to him or her on the basis of a personal rather than a professional relationship.

**Note:** In NCEF all child protection concerns must be channelled through the NCEF DLP therefore it is imperative that all concerns or disclosures (whether brought by Mandated or Non-Mandated persons) are brought to the attention of the NCEF DLP.

### **7.4.1 NCEF Joint Reporting Procedures**

The following joint reporting procedures apply to all Mandated Persons in NCEF.

Where a Mandated Person receives an allegation or has a suspicion that a child may have been abused or neglected, is being abused or neglected, or is at risk of abuse or neglect he or she shall without delay, report the matter to the NCEF DLP.

The NCEF DLP shall: request a written record from the member of NCEF making a child protection report to them as outlined in Section 6.4 and Section 6.5 of these procedures. Make a written record of any concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to the concern or allegation. Ensure all written records are kept in a secure location.

In the event that the matter relates to a concern or disclosure that arises during a work placement / teaching practice etc. the person reporting the matter to the NCEF DLP must also be advised to report the concern/ disclosure to the appointed NCEF DLP in the place of work /school.

The NCEF DLP and the Mandated Person must consider whether there are reasonable grounds for concern (as described in these procedures) about the welfare and protection of the child.

If the NCEF DLP and the Mandated Person both agree that the concern is at or above the defined threshold of harm (see Section 7.3) at which a mandated report must be made, the concern shall, as soon as practicable, be submitted as a mandated report jointly by the NCEF DLP and the Mandated Person concerned using the Tusla report form.

Where the NCEF DLP is unsure whether to report a concern to Tusla or whether a report should be submitted as a mandated report, the NCEF DLP shall seek advice from Tusla. The NCEF DLP shall inform the Mandated Person concerned that such advice is being sought and shall, when received, inform the Mandated Person of the advice provided.

Where Tusla advises that a mandated report should be made, the NCEF DLP and the Mandated Person concerned shall act on that advice and a mandated report shall, as soon as practicable, be submitted to Tusla jointly by the NCEF DLP and the Mandated Person concerned in accordance with these procedures.

In any case (including where the NCEF DLP has sought and considered the advice of Tusla) where the NCEF DLP and the Mandated Person are both satisfied that the concern is not at or above the defined threshold of harm for a mandated report but both consider that it constitutes reasonable grounds for concern (as described in Section 6.3 of these procedures) the NCEF DLP shall as soon as practicable, report the concern to Tusla in accordance with these procedures. In such cases, the Mandated Person is not required to submit a report to Tusla.

In any case (including where the NCEF DLP has sought and considered the advice of Tusla) where either the NCEF DLP or the Mandated Person, has any remaining doubt as to whether the concern is at or above the defined threshold of harm for a mandated report, the NCEF DLP or the Mandated Person (or both where applicable) shall submit the report to Tusla as a mandated report in accordance with the reporting procedures.

The Tusla report form, available on the Tusla website [www.tusla.ie](http://www.tusla.ie) shall be completed as comprehensively as possible and indicate, in the manner required that it is a mandated report under the Children First Act, 2015.

Please Note: The Tusla report form can be filled in and submitted online. However it is imperative that a copy of the form is printed off and stored securely by the NCEF DLP.

Tusla has two forms for reporting child protection and welfare concerns – the Child Protection and Welfare Report Form (CPWRF) and the Retrospective Abuse Report Form (RARF). The Child Protection and Welfare Report Form is to be completed and submitted to Tusla for concerns about children under the age of 18. The Retrospective Abuse Report Form is to be completed and submitted to Tusla for cases of adults disclosing childhood abuse. Mandated Persons are not required to report the same concern more than once. However, if a Mandated Person becomes aware of any additional information a further report shall be made.

In an urgent situation where there is an immediate risk to a child a report can be submitted to Tusla or An Garda Síochána by phone or email. However the Tusla report form must be completed and returned to Tusla within three days. Under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If it is considered that a child is in immediate danger and Tusla cannot be contacted, An Garda Síochána should be contacted without delay. Local Contact Numbers for An Garda Síochána include Henry Street Garda Station, (061) 212 400 or 999/112.

## 7.4.2 Decision Not to Report

Where the NCEF DLP has decided not to report to Tusla or has decided not to submit the report as a mandated report to Tusla, the NCEF DLP shall:

Advise the Mandated Person that it still remains open to that person to seek advice from Tusla and to report his or her concern, or to report that concern as a mandated report to Tusla where he or she still considers that such a report is warranted.

Give the Mandated Person a clear statement in writing as to the reasons why action is not being taken and a copy of that statement shall be retained by the NCEF DLP. If, in such circumstances, the Mandated Person decides to report the concern to Tusla he/she shall provide a copy of that report to the NCEF DLP. Where that report concerns a member of NCEF personnel, the NCEF DLP shall inform the Director, Human Resources NCEF.

## 7.5 Exceptions from the Obligation to Make a Mandated Report

A Mandated Person is not required to make a report where the sole basis for his or her knowledge, belief or suspicion of harm is as a result of information he or she has acquired, received or become aware of from another Mandated Person that that Mandated Person has made a report to Tusla in respect of the child concerned or from a person other than a Mandated Person, who has reported jointly with a Mandated Person that that person has made a report to Tusla in respect of the child concerned, or pursuant to assisting Tusla in assessing a concern where requested to do so by Tusla in accordance with the Children First Act 2015.

## 7.6 Certain Underage Sexual Activity

Under the Criminal Law (Sexual Offences) Act, 2006 the legal age of consent is 17 years. A sexual relationship where one or both parties is under 17 years of age is illegal. However, a Mandated Person is exempted from making a mandated report to Tusla in relation to underage sexual activity where certain specified criteria are met. Section 14(3) of the Children First Act, 2015 sets out this exemption from reporting underage sexual activity. It provides that if a Mandated Person is satisfied that all of the following criteria are met *then a report to Tusla is not required*:

The child concerned is aged between 15 and 17 years old.

The age difference between him or her and the other party to the sexual activity is not more than 24 months.

There is no material difference in capacity or maturity between the parties engaged in the sexual activity concerned.

The relationship between the parties engaged in the sexual activity concerned is not intimidatory or exploitative of either party and

The child concerned makes known to the Mandated Person that he or she does 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, Mandated Persons do not have a statutory obligation to make a mandated report to Tusla in respect of sexual activity between such older children. However, it should be noted that the above exemption does not apply where a child believes that he or she has been harmed, is being harmed or is at risk of being harmed and discloses that belief to the Mandated Person. In addition, all persons, including Mandated Persons, must uphold the key principle that the welfare of the child is paramount and if a Mandated Person has any concerns, even where all the above criteria are met, a report can still be made to Tusla. In such cases, the reporting procedures shall be followed.

## **7.7 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, 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 a mandated report was not made and a child was subsequently left at risk or harmed.

In that regard Tusla may: make a complaint to the Fitness to Practise Committee of a regulatory body of which the Mandated Person is a member, pass information regarding the failure to make a report to the National Vetting Bureau of An Garda Síochána. This information could potentially be disclosed to current or future employers when the Mandated Person is next vetted.

## **7.8 Mandated Assisting**

Tusla may request a Mandated Person to provide any necessary and proportionate information and assistance to aid Tusla in assessing the risk to a child arising from a mandated report. There is a statutory obligation on all Mandated Persons to comply, as soon as practicable, with a request made by Tusla in accordance section 16(1) of the Children First Act, 2015. This obligation applies regardless of who made the mandated report. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. Further information about mandated assistance, including Tusla's protocol for requesting such assistance, can be found on Tusla's website [www.tusla.ie](http://www.tusla.ie). Mandated Person who shares information with Tusla pursuant to a mandated assistance request made by Tusla in accordance with section 16(1) of the Act, is protected from civil liability in relation to the sharing of that information with Tusla.

## 8 REPORTING PROCEDURE FOR NON-MANDATED MEMBERS OF NCEF

If a member of the NCEF community receives an allegation or has a suspicion that a child may have been abused or neglected, or is being abused or neglected, or is at risk of abuse or neglect he/she shall, without delay, report the matter to the NCEF DLP.

The NCEF Child Safeguarding Statement requires that all concerns are channelled by members of NCEF through the NCEF DLP. It is the responsibility of the NCEF DLP to get advice and/or make a report to Tusla and/or An Garda Síochána.

Accordingly, the NCEF DLP will;

- Request a written record from the NCEF person making a child protection report to them;
- Make a written record of any concerns or allegations of child abuse brought to his or her attention, and the actions taken in relation to the concern or allegation;
- Ensure all written records are kept in a secure location;
- In the event that the matter relates to a concern or disclosure that arises during a work placement / teaching practice etc. the person reporting the matter to the NCEF Designated Liaison Person must be advised to also report the concern/ disclosure to the appointed NCEF DLP in the place of work /school.

### 8.1 Reporting to Tusla / An Garda Síochána

If the NCEF DLP is satisfied that there are reasonable grounds for the suspicion or allegation then he will report the matter to Tusla immediately. The reporting of all suspicions or allegations of child abuse must be made to the appropriate officials in Tusla – normally the social work department that deals with child protection issues in the area where the child resides.

The local Limerick contact details for making referrals are:

Tusla-The Child and Family Agency, Duty Social Work Team, Rixtown Health Centre, Old Clare St., Limerick. T: 061 483097 or 061 483098.

Contact details of the local frontline services to children and families in each county if the child's residence is not in Limerick can be found at:

<https://www.tusla.ie/children-first/contact-a-social-worker3/>

Tusla has two forms for reporting child protection and welfare concerns – the Child Protection and Welfare Report Form (CPWRF) and the Retrospective Abuse Report Form (RARF). The Child Protection and Welfare Report Form is to be completed and submitted to Tusla for concerns about children under the age of 18. The Retrospective Abuse Report Form is to be completed and submitted to Tusla for cases of adults disclosing childhood abuse.

In cases of emergency, where a child appears to be at immediate and serious risk, and it is not possible to make contact with Tusla, An Garda Síochána must be contacted immediately. This may be done at any Garda Station. Under no circumstances should a child be left in a dangerous situation pending intervention. Emergency numbers 999 or 112 via mobile. Henry Street Garda Station in Limerick, phone (061) 212 400.

The NCEF DLP will be required to complete and forward the reporting form to Tusla as soon as possible after making the initial referral (whether made initially in person, by phone or in writing to either Tusla or An Garda Síochána). A copy of the Tulsa report forms are available in Appendix 3 and 4 to this procedure. Although all information requested might not be available to the person making a report, the forms must be completed as comprehensively as possible.

## **8.2 Seeking Advice from Tusla**

The NCEF DLP should seek advice from Tusla in all situations where he/she is not sure whether to report the matter to Tusla or whether or not the matter should be reported as a mandated report. Advice should be sought from the child and family services where the child resides. In consulting Tusla, the NCEF DLP shall be explicit that he or she is requesting advice and consultation and that he or she is not making a report. At this informal stage the NCEF DLP need not give details that could identify the child.

Details of who to contact to discuss concerns with can be found on the Tusla website ([www.tusla.ie](http://www.tusla.ie)). In all cases the NCEF DLP shall retain a record of the consultation with Tusla, which should note the date, the name of the official and the advice given.

## **8.3 Decision Not to Report**

If the NCEF DLP decides not to report a concern to Tusla, the following steps should be taken: The reasons for not reporting should be recorded; Any actions taken as a result of the concern should be recorded; The person who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla; The person who raised the concern should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána. In the event that a person makes a report to Tusla or An Garda Síochána, they shall provide a copy of the report to the DLP.



## **9 DEALING WITH ALLEGATIONS OR SUSPICIONS OF CHILD ABUSE MADE AGAINST A MEMBER OF THE NCEF COMMUNITY.**

### **9.1 Introduction**

This section is intended to provide guidance to management in situations where an allegation of abuse or neglect is made against a member of the NCEF community. It is important to note that 'a member of NCEF' is a generic term to encompass all employees, contractors, students and volunteers.

While the most important consideration is the protection of children, and their safety and wellbeing must be the priority, NCEF also has a duty and responsibility in respect of all members of NCEF. While priority must be given to the rights and interests of children, NCEF management must ensure that any person against whom an allegation is made have their rights respected.

In the context of allegations or suspicions of child abuse or neglect regarding a member of the NCEF community, the primary goal is to protect the child. However, any member of the NCEF community may be subject to erroneous or malicious allegations. Therefore, any allegation of abuse or neglect shall be dealt with with sensitivity. Support including counselling shall be provided for personnel where necessary. Personnel shall be treated fairly which includes the right not to be judged inappropriately.

In dealing with any concerns or allegations of abuse, involving a member of NCEF, management should also be aware of and comply with employment legislation and other appropriate employee/student relations policies such as agreed grievance and disciplinary procedures.

### **9.2 Protocol Authorising Immediate Action.**

The NCEF Director of Education & Training or their nominee, is authorised by NCEF to take immediate action on behalf of NCEF, to deal with any NCEF/UL student against whom an allegation or concern is made.

The Director, Human Resources NCEF or their nominee, is authorised by NCEF to take immediate action, on behalf of NCEF, to deal with any member of NCEF excluding students against whom an allegation or concern is made. Under the protocol authorising immediate action the NCEF Director of Education & Training or the Director, Human Resources NCEF is required to seek legal advice and to consult with Tusla and/or an Garda Síochána and other agencies/ professional personnel as may be necessary to enable him to decide what action should be taken in the immediate aftermath of an allegation being made against a member of NCEF. Required action will be conducted in accordance with NCEF Policies and Procedures or the student Code of Conduct of the University as appropriate.

### **9.3 Allegations or Concerns Involving Members of NCEF**

Members of the NCEF community who receive allegations of abuse or neglect against another member of the NCEF community or who themselves have concerns of abuse or neglect being perpetrated by a member of the NCEF community shall report the matter without delay to the NCEF DLP. In such cases, the NCEF DLP shall follow the procedures set out in Section 6 and Section 7 for dealing with the allegation or concern. In addition, the procedures in Section 9 shall be followed.

If the allegation or concern relates to the NCEF DLP the matter should be reported, without delay, to the Director, Human Resources NCEF. In such cases, the Director, Human Resources NCEF shall follow the procedures set out in Section 6 and Section 7 for dealing with the allegation or concern. In addition, the procedures in Section 9 shall be followed.

All child protection concerns or disclosures reported to the NCEF DLP by non-Mandated Persons must be dealt with in accordance with the following procedures with due regard to confidentiality as outlined in Section 8.

## **9.4 Procedures to be Followed**

In the event that an allegation is made against any member of NCEF there are two procedures to be followed:

- a) the reporting procedure in respect of the allegation/suspicion;
- b) the procedure for dealing with the person against whom the allegation is made.

In general, the same person shall not have responsibility for dealing with both procedures. The NCEF DLP is responsible for reporting the matter to Tusla and/or An Garda Síochána while the Director, Human Resources NCEF, or his/her nominee is responsible for addressing the appropriate procedural / reporting issues applicable in respect of a member of NCEF.

The NCEF DLP shall:

Seek advice from Tusla / Gardai in relation to the risk to children.

Immediately act in accordance with the procedures outlined in Section 6, 7 and 9 of these procedures with regard to getting a written statement, reporting to Tusla and informing parents; always inform the Director, Human Resources Division, or his nominee, where the matter involves an allegation or concern made against a member of NCEF.

The Director, Human Resources NCEF or his nominee, shall:

- a) seek legal advice as circumstances can vary from one case to another and it is not possible in these procedures to address every scenario.
- b) Arrange to privately inform the person against whom the allegation was made of the following:
  - the fact that an allegation has been made against him/her;
  - the nature of the allegation;
  - whether or not the matter has been reported to Tusla.
- c) provide a copy of the written record and/or allegation, and any other related documentation to the person against whom the allegation is made – having due regard to ensuring that appropriate measures are in place to protect the child.
- d) If, following the advice offered at a), the nature of the allegation warrants immediate action the Director, Human Resources NCEF, or his nominee, shall direct the person against whom the allegation is made to absent himself/herself from the NCEF with immediate effect.

Where the Director, Human Resources NCEF, or his/her nominee, has directed a member of NCEF to absent himself/herself from the NCEF, such an absence should not imply any degree of guilt on the part of the person against whom the allegation is made.

Where such an absence involves a paid employee, the NCEF Human Resources shall be contacted immediately with regard to:

formal approval for the payment of remuneration or ex-gratia payments in lieu of remuneration as

appropriate, and if appropriate, sanction for the employment of a temporary employee where necessary.

At all stages it should be remembered that the first priority is to ensure that no child is exposed to unnecessary risk. The Director, Human Resources NCEF shall, as a matter of urgency, ensure that any necessary protective measures are taken. These measures should be proportionate to the level of risk and should not unreasonably penalise the person against whom the allegation is made, financially or otherwise, unless necessary to protect children. Where protective measures penalise the person against whom the allegation is made, it is important that early consideration be given to the case. It is essential that at all times the matter is treated in the strictest confidence and that the identity of the person against whom the allegation is made shall not be disclosed inappropriately, other than as required under the procedures within this document, until such time as that person has been offered the opportunity to address and/or be represented to management.

The principles of natural justice, the presumption of innocence and fair procedures shall be adhered to. It is very important to note that the actions described here are intended to be precautionary and not disciplinary.

**Please note:** Where the allegation/suspicion relates to the NCEF DLP, the Director, Human Resources NCEF shall assume the responsibility for seeking advice from Tusla and/or for reporting the matter to Tusla. Where an allegation or suspicion of child abuse or neglect regarding a member of the NCEF Management has been reported to Tusla, the Director, Human Resources NCEF shall inform the Chair of the NCEF Board of Trustees that a report involving a member of the NCEF Management has been submitted to Tusla. It is a matter for the Board of Trustees to determine if any action is necessary regarding the member's continued role on NCEF management.

## **9.5 Right of Reply**

Once the matter has been reported to the person against whom the allegation is made he/she shall be offered the opportunity to respond to the allegation in writing to the Director, Human Resources NCEF within a specified period of time. That person shall be told that his/her explanation to the Director, Human Resources NCEF shall also be passed on to Tusla and/or Gardaí as appropriate.

## **9.6 Feedback from Tusla and Further Follow Up**

The NCEF Designated Liaison Person will request information on the progress of a child abuse investigation involving a member of NCEF. The NCEF Management should be notified of the outcome of the Tusla and Garda investigations. This will assist management in reaching a decision about the action to be taken in the longer term concerning the person against whom the allegation was made.

The NCEF Management and other members of NCEF must ensure that actions taken by them do not undermine or frustrate any assessment/investigation being conducted by Tusla and/or An Garda Síochána. In order to achieve that close liaison with these authorities must be maintained. Any further follow up action required shall accord with established NCEF Policies and Procedures and shall only be made following consultation with Tusla (and An Garda Síochána if involved).

## Appendix 1: The Role of Tusla and An Garda Síochána

### The Role of Tusla

*The specific role of Tusla is to promote the welfare of children who are at risk of not receiving adequate care and protection. Under the Child Care Act 1991, Tusla is obliged to coordinate information from all relevant sources about a child who may not be receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children.*

*Tusla has the statutory responsibility to assess all reports of child welfare and protection concerns. Assessments are carried out by Tusla social workers. If concerns are found after the initial checks, further evaluation involving a detailed examination of the child and family's circumstances will follow. If concerns about a child's welfare are found, but do not involve a child protection issue, then the family may be referred to community or family support services. If no concerns are found, then the information gathered is recorded and kept on a confidential file where it will be examined if further concerns or more information comes to light.*

*Tusla operates through duty teams of social workers that receive child protection reports, assess and prioritise referrals and provide protective interventions to children and their families. Each team deals with the concerns that arise in its specific geographical area by reference to the home address of the child. You can find contact details for each team on the Tusla website ([www.tusla.ie](http://www.tusla.ie)).*

*If it is decided that a social work assessment is needed, the social worker will contact the family to ask for their cooperation in carrying out an examination of the child's and family's needs. The aim is to work in cooperation with parents or legal guardians to determine the appropriate supports or interventions to ensure the safety and welfare of the child. Further information on this process is contained in Chapter 5 of Children First 2017 available at <http://www.tusla.ie/children-first/childrenfirst-2017>.*

*Tusla will normally acknowledge reports made to it, and may contact the person who made the report for further information, if necessary. However, to protect the privacy of the child and family, it may not be possible for Tusla to inform those that report of the progress or outcome of Tusla's contact with the child or family, unless that person is involved in discussions around family support or child protection plans.*

### The Role of An Garda Síochána

*The role of An Garda Síochána is to investigate alleged crimes and it is the responsibility of the Director of Public Prosecutions (DPP) to decide on and carry out prosecutions.*

*The National Vetting Bureau of An Garda Síochána issues vetting disclosures to organisations employing people who work on a full-time, part-time, voluntary or student placement basis with children and/or vulnerable adults. The National Vetting Bureau does **not** decide on the suitability of any person to work with children and vulnerable adults. Rather, in response to a written request for vetting, the National Vetting Bureau releases criminal history and other specified information on the person to be vetted to the prospective recruiting organisation. Decisions on suitability for recruitment rest at all times with the recruiting organisation, and the results of vetting should form only one part of the recruitment decision.*

## Joint Working Between Tusla and An Garda Síochána

*Joint working between Tusla and An Garda Síochána forms an integral part of the child protection and welfare service. If Tusla suspects that a crime has been committed and a child has been wilfully neglected or physically or sexually abused, it will formally notify the Gardaí without delay. The specific focus of An Garda Síochána concerning child abuse and neglect is on preserving life; vindicating the human rights of each individual; and preventing, investigating and detecting criminal offences. On the basis of the investigation, An Garda Síochána may prepare a file for the Director of Public Prosecutions, who will decide whether to initiate a prosecution.*

*Where a child is at immediate risk of harm, Tusla and An Garda Síochána will work together to ensure the safety of the child. If a member of the Gardaí has reasonable grounds for believing that there is an immediate and serious risk to the health or welfare of a child, and it would not be sufficient for the protection of that child to await the making of an application for an emergency care order by Tusla, they may, under section 12 of the Child Care Act 1991, remove the child from danger and bring them to a place of safety. The child is then delivered to the care of Tusla as soon as possible. An emergency out-of-hours social work service provides social work consultation and advice to the Gardaí. The Gardaí have access to an on-call social worker and placements for children who need them due to the immediate risk to their safety. Tusla has a network of emergency foster carers available to receive a child removed from their family in an emergency.*

*If, in the course of their duties, the Gardaí become aware of a child welfare and protection concern, it should be formally reported to Tusla. As members of An Garda Síochána are Mandated Persons under the Children First Act 2015, if the concern is at or above the threshold of a mandated concern, this should be reported to Tusla, as outlined in Chapter 3 of this Guidance.*

A protocol (Tusla and An Garda Síochána Children First – Joint Working Protocol for Liaison between both Agencies) is in place between the two agencies that details how they cooperate and interact in dealing with child welfare and protection concerns. This protocol specifically covers the formal communication required between the two agencies about notifications of child welfare or protection concerns, and record keeping about joint working and recording of decisions. You can find this protocol on the websites of both agencies ([www.tusla.ie](http://www.tusla.ie) and [www.garda.ie](http://www.garda.ie)).

## Appendix 2: Additional Child Safeguarding Risk Assessment Template for Faculties/ Divisions/ Departments.

### Carrying Out a Risk Assessment

In order to comply with the statutory obligations all UL Faculties, Divisions, Departments are required to contribute to the UL Child Safeguarding Risk Assessment process by appointing a senior fulltime member of staff to review on a 24-month basis the overarching UL Risk Assessment and to:

- identify additional risks (not already identified in the overarching UL Child Safeguarding Risk Assessment) and the procedures / policies that are in place in the Faculty / Division / Department to manage those risks
- notify the DLP of the additional risks and the procedures / policies that are in place to manage those risks.

The DLP must then include additional risks identified and the procedures to manage them in the overarching UL Child Safeguarding Risk Assessment. The risk assessment process is intended to enable Faculties, Divisions, Departments to: Identify potential risks; Develop policies and procedures to minimise risk by responding in a timely manner to potential risks; Review whether adequate precautions have been taken to eliminate or reduce these risks.

Activity / Practice	Risk of harm identified in respect of this activity /practice	Procedures / policy in place to address the risks of harm identified in this activity / practice

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

This additional risk assessment has been completed by \_\_\_\_\_

(insert

name of person) on behalf of the Faculty / Division, Department on .....[date]

It shall be reviewed as part of the annual review of its Child Safeguarding Statement.


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

Add name and title of Faculty, Division, Department signatory.

## Appendix 3: Tusla Child Protection and Welfare Report Form

Form can be downloaded at:

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

 <small>An Ghníomhaireacht um Leinnal agus an Toghlinch Child and Family Agency</small>	
<b>Child Protection and Welfare Report Form</b> <b>MANDATED PERSONS AND NON MANDATED PERSONS</b> <i>(Children First Act 2015 &amp; Children First National Guidance)</i>	
<b>Is this a Mandated Report made under Sec 14, Children First Act 2015?*</b>	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
<b>Mandated Person's Type</b>	
<b>7. Details of Other Persons Where a Joint Report is Being Made</b>	
<b>First Name</b> <b>Address</b> if reporting in a professional capacity, please use your professional address <b>Eircode</b>	<b>Surname</b> <b>Organisation</b> <b>Position Held</b> <b>Mobile No.</b> <b>Telephone No.</b> <b>Email Address</b>
<b>First Name</b> <b>Address</b> if reporting in a professional capacity, please use your professional address <b>Eircode</b>	<b>Surname</b> <b>Organisation</b> <b>Position Held</b> <b>Mobile No.</b> <b>Telephone No.</b> <b>Email Address</b>
<b>8. Parents Aware of Report</b>	
<b>Are the child's parents/carers aware that this concern is being reported to Tusla?*</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If the parent/carer does not know, please indicate reasons:</b>	
<b>9. Relationships</b>	
<b>Details of Mother</b>	
<b>First Name</b> <b>Address</b> <b>Eircode</b>	<b>Surname</b> <b>Mobile No.</b> <b>Telephone No.</b> <b>Email Address</b>
<b>Is the Mother a Legal Guardian?*</b>	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
<b>Details of Father</b>	
<b>First Name</b> <b>Address</b> <b>Eircode</b>	<b>Surname</b> <b>Mobile No.</b> <b>Telephone No.</b> <b>Email Address</b>



An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

## Child Protection and Welfare Report Form

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

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

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

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

------------------------------------------

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

Thank you for completing the report form.

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

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

Report Received by			
First Name		Surname	Date

Mandated Report Acknowledgement by
------------------------------------





An Ghníomhaireacht um  
Taisníú agus an Toghchán  
(Child and Family Agency)

## Child Protection and Welfare Report Form

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

First Name		Surname		Date Sent	
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Authorised Person Signature*	
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Date*	
-------	--


Child Previously Known	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Allocated Case No	
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## Appendix 4 Tusla Retrospective Abuse Report Form

Form is available to download at:

[https://www.tusla.ie/uploads/content/Retrospective\\_Abuse\\_Report\\_Form\\_FINAL.pdf](https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf)



An Glúinechaisreacht um  
Leanaí agus an Tírdhárach  
Child and Family Agency

### Retrospective Abuse Report Form

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

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

<b>1. Tusla Area (this is where the person subject to allegations of abuse resides (PSAA))*</b>	
<b>2. Date of report*</b>	
<b>3. Date information was received by reporter*</b>	
<b>4. Reporter details if third party*</b>	
<b>First name</b>	<b>Surname</b>
<b>Address if reporting in a professional capacity, please use your professional address</b>	<b>Organisation</b>
	<b>Position held</b>
	<b>Mobile no.</b>
	<b>Telephone no.</b>
<b>Eircode</b>	<b>Email address</b>
<b>Reporter's relationship to adult complainant</b>	
<b>Is this a mandated report made under Sec 14, Children First Act 2015?*</b> Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>Mandated person's type</b>	
<b>5. Details of other persons where a joint report is being made</b>	
<b>First Name</b>	<b>Surname</b>
<b>Address if reporting in a professional capacity, please use your professional address</b>	<b>Organisation</b>
	<b>Position Held</b>
	<b>Mobile No.</b>
	<b>Telephone No.</b>
<b>Eircode</b>	<b>Email Address</b>
<b>First Name</b>	<b>Surname</b>
<b>Address if reporting in a professional capacity, please use your professional address</b>	<b>Organisation</b>
	<b>Position Held</b>
	<b>Mobile No.</b>
	<b>Telephone No.</b>
<b>Eircode</b>	<b>Email Address</b>

1

## Retrospective Abuse Report Form

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

### 6. Details of person disclosing abuse (adult complainant)\*

First name		Surname	
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Address		Date of birth	
		Estimated age	
		Previous address, if known	
Eircode			

### 7. Type of abuse being reported\*

Emotional abuse	<input type="checkbox"/>	Physical abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual abuse	<input type="checkbox"/>

### 8. Details and description of alleged abuse\*

Date of alleged abuse		Period of alleged abuse	
Location of alleged abuse		Reason for report at this time	

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

### 9. Details of person subject to allegations of abuse (PSAA)

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

## Retrospective Abuse Report Form

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

### 10. Details of PSAA's social and employment status

--

### 11. PSAA household composition

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

### 12. Does the PSAA have contact with children?\*

Yes ☐ No ☐

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

Details of child			
First name		Surname	
Address		Mobile no.	
		Telephone no.	
		Email address	
		Date of birth	
Eircode		Age	
Parent/carers' names		Parent/carers' names	
Relationship to adult complainant		Relationship to PSAA	
Frequency of contact, if known			
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
		Unknown	<input type="checkbox"/>

Please attach additional sheets for additional children, if necessary.

### 13. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?

Yes ☐ No ☐

If yes, please provide detail:
--------------------------------

### 14. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?

Yes ☐ No ☐

If yes, please provide detail:
--------------------------------



An Ghníomhaireacht um  
Leanaí agus an Tréigheacht  
Children's Family Agency

## Retrospective Abuse Report Form

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

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

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

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

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

Please ensure you have indicated if this is a mandated report in section 2.  
Thank you for completing the report form.

### 18. For completion by Tusla authorised person on receipt of report

Report received by			
First name		Surname	Date
Mandated report acknowledgement by			
First name		Surname	Date sent

4



As filialenbedacht um  
Lernfaktum von Tragbleib  
Child Welfare Agency

## Retrospective Abuse Report Form

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

Authorised person signature*				
Date*				
Child previously known	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allocated case no				

## Appendix 5: Checklist for Review of the Child Safeguarding Statement

The NCEF Child Safeguarding Statement will be reviewed every 24 months.

The NCEF DLP is the “Relevant Person” appointed by NCEF management. The NCEF will undertake an annual review of their Child Safeguarding Risk Assessment as part of the overall UL review of its Child Safeguarding Statement.

**The following checklist shall be used in undertaking this review.**

NCEF Management	Yes/No
1. Have any members of NCEF Management completed child protection training as required under the NCEF Safeguarding statement?	
2. Has the NCEF Management appointed a DLP and a DDLP?	
3. Is the NCEF Management satisfied that all appropriate actions are being or have been taken in respect of any member of the NCEF/UL community against whom an allegation of abuse or neglect has been made?	
4. Has the NCEF Management ensured that the DLP department has been provided with the Child Safeguarding Risk Assessment of each of the Operational Centres /Certified Provider locations?	
5. Is the NCEF Management satisfied that it has been informed of any child protection reports made by the NCEF DLP?	
6. Is the NCEF Management satisfied that the child protection procedures in relation to the making of reports by the DLP were appropriately followed?	
7. Is management satisfied that it has been informed of any cases where an allegation of abuse or neglect was made against any member of NCEF Management?	
8. Is management satisfied that all appropriate actions are being or have been taken in respect of any member of NCEF against whom an allegation of abuse or neglect has been made?	
9. Is the NCEF Management satisfied that all records relating to child protection are appropriately filed and stored securely?	
10. Has the Child Safeguarding Risk Assessment been developed in accordance with the NCEF Child Safeguarding Statement?	
11. Where appropriate, has management ensured that the NCEF Child Safeguarding Statement, including the Risk Assessment, is readily accessible to parents / legal guardians?	
12. Has management considered and addressed any complaints or suggestions for improvements regarding the NCEF Child Safeguarding Risk Assessment?	
13. Is management satisfied that the NCEF Child Safeguarding Statement is being fully and adequately implemented by all members of NCEF?	

Signed \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

### All Faculties, Divisions, Departments

Each Course venue/Certified Provider must complete and return the following checklist to the DLP as part of the annual review of the NCEF Child Safeguarding Statement.

Individual Course Venue /Certified Provider shall include other items in the checklist that are of relevance to the Course Venue /Certified Provider in question.

For All Faculties, Divisions, Departments	Yes/No
1. Has the Course Venue /Certified Provider formally adopted, without modification, the NCEF Child Safeguarding Statement?	
2. Have all Course Venue /Certified Provider members signed the ' <i>Acceptance of the NCEF Child Safeguarding Statement</i> '?	
3. Have members of the Course Venue /Certified Provider Course coordinators attended child protection training as required by the NCEF Child Safeguarding Statement.	
4. Is the register of Mandated Persons for the Course Venue /Certified Provider compiled and up to date?	
5. Has an updated copy of the register of Mandated Persons been given to the DLP?	
6. Is there a procedure in place to communicate the NCEF Child Safeguarding Statement including the Risk Assessment, to all members?	
7. Is management satisfied that all personnel have been made aware of their responsibilities under the NCEF Safeguarding Statement and the Children First Act 2015?	
8. Has management ensured that the NCEF DLP has been provided with the Course Venue /Certified Provider Child Safeguarding Risk Assessment annual review and update?	
9. Is management satisfied that the statutory requirements for vetting have been met in respect of all members of the Course Venue /Certified Provider?	
10. Is management satisfied that, from a child protection perspective, thorough recruitment and selection procedures are applied by the Course Venue /Certified Provider in relation to all members of the community?	
11. Is management satisfied that the NCEF Child Safeguarding Statement is being fully adequately implemented by the Course Venue /Certified Provider?	
12. Has management identified any aspects of the NCEF Child Safeguarding Risk Assessment that require amending or further improvement?	
13. Has management put in place an action plan containing appropriate timelines to address those aspects of the Course Venue /Certified Provider Child Safeguarding Risk Assessment and/or its implementation that have been identified as requiring amending or further improvement?	
14. Has management ensured that any areas for improvement that were identified in any previous review of the Course Venue /Certified Provider Child Safeguarding Risk Assessment have been adequately addressed?	

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

Title \_\_\_\_\_



## Appendix 6: Schedule of Relevant Services under The Children First Act 2015

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

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—
  - (a) an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,
  - (b) a school or centre of education, both within the meaning of the Education Act 1998,
  - (c) any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children, (d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities,
  - (e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,
  - (f) a children detention school within the meaning of section 3 of the Children Act 2001,
  - (g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
  - (h) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.
- 1 Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.
- 2 Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.
- 3 Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
5. Any work or activity which consists of the provision of—
  - (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,
  - (b) care or supervision of children, or
  - (c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.
- 4 Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.

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- 1 Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.
- 2 Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or legal guardian.
- 3 Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with children.

## Appendix 7: Schedule of Mandated Persons under The Children First Act 2015

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

- 1 Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
- 2 Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
- 3 Physiotherapist registered in the register of members of that profession.
- 4 Speech and language therapist registered in the register of members of that profession.
- 5 Occupational therapist registered in the register of members of that profession.
- 6 Registered dentist within the meaning of section 2 of the Dentists Act 1985.
- 7 Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
- 8 Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
- 9 Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
- 10 Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
- 11 Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
- 12 Teacher registered with the Teaching Council.
- 13 Member of An Garda Síochána.
- 14 Guardian *ad litem* appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
  - (a) manager of domestic violence shelter;
  - (b) manager of homeless provision or emergency accommodation facility;
  - (c) manager of asylum seeker accommodation (direct provision) centre;
  - (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
  - (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
  - (f) manager of a language school or other recreational school where children reside away from home;
  - (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
  - (h) director of any institution where a child is detained by an order of a court;
  - (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
  - (j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
  - (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
16. Youth worker who—
  - (a) holds a professional qualification that is recognised by the National Qualifications Authority in

- and youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline,
- (b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.
- 1 Foster carer registered with the Agency.
- 2 A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

## Appendix 8: Relevant Legislation

### **Child Care Act 1991**

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

### ***Non Fatal Offences Against The Person Act 1997***

This act codifies the criminal law on offences against a person and includes the offences of assault causing harm, endangerment and abduction. Generally speaking, the act does not limit in terms of age and can apply to offences against a person perpetrated by a child and an offence suffered by a child. The defence of assault was previously defensible by virtue of a common law defence of reasonable chastisement, and this defence was removed in the children first act. It is worth noting that a number of offences, such as assault causing harm, are scheduled offences under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 and accordingly information on such an offence must be notified to an Garda Síochána.

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

This act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the chief executive officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the children first act 2015.

This legal protection means that even if a person reports a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. 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.

The act created an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or of the Health Service Executive (HSE) or to a member of an Garda Síochána "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

A full list of persons in Tusla and the HSE, who are designated officers under the 1998 Act, can be found on the website of each agency ([www.tusla.ie](http://www.tusla.ie) and [www.hse.ie](http://www.hse.ie)).

## **Criminal Justice Act 2006**

### *Reckless Endangerment*

Section 176 of this act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by:

1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or
2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

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

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

The provisions of the withholding legislation are in addition to any reporting requirements under the children first act 2015. Accordingly, it is very important to note that ☐ The fact that a member of UL has dealt with a child protection or welfare concern in accordance

with these procedures and/or reported it under the children first act, 2015 does not absolve that person of his or her statutory obligation to disclose information to an Garda Síochána under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 where that person has information that falls within the scope of that act or

The fact that a member of UL has disclosed information to an Garda Síochána does not absolve that person of his or her obligations to report concerns to Tusla in accordance with the requirements of these procedures and/or in accordance with requirements of the children first act, 2015.

## ***National Vetting Bureau (Children And Vulnerable Persons) Acts 2012–2016***

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

## **Children First Act 2015**

This act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

The schedule of relevant services under the children first act 2015 is contained in Appendix 6 of these procedures.

A full schedule of Mandated Persons under the children first act 2015 is contained in Appendix 7 of these procedures.

Through the provisions of the act, it is intended to: Raise awareness of child abuse and neglect or harm against a child; Provide for mandatory reporting of instances of harm by key professionals; Improve child safeguarding arrangements in organisations providing services to children; Provide for cooperation and information-sharing between agencies when Tusla – child and family agency, is undertaking child protection assessments.

The Children First Act 2015 will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

### **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.

### **Freedom of Information Acts 1997, 2003 & 2014**

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

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

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

UL management bodies should note that records forwarded to a public body by all members of UL and held by that body may be subject to the provisions of the freedom of information acts.

### **The Data Protection Acts, 1998 And 2003**

The data protection acts are designed to protect the rights of individuals with regard to personal data. The law defines personal data as “data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller”.

The acts give a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

**GDPR (General Data Protection Regulation)**

Is a regulation in EU law on data protection and privacy for all individuals within the European Union. It also addresses the export of personal data outside the EU. It came into force on May 25<sup>th</sup> 2018, giving individuals more control over how our data is used, and putting more responsibility on businesses who use it.

## Appendix 9: Schedule of Offences as set out in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

### Offences against children for purposes of offence under section 2

- 1 Murder.
- 2 Manslaughter.
- 3 Common law offence of false imprisonment.
- 4 Rape.
- 5 Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
- 6 Sexual assault.
- 7 Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
- 8 An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
- 9 An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
- 10 An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993.
- 11 An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
- 12 An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under the age of 17 years).
- 13 An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998—

- (a) section 3 (child trafficking and taking, etc., child for sexual exploitation),
- (b) section 4 (allowing child to be used for child pornography).

- 1 An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule.
- 2 An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008—

- (a) section 2 (trafficking, etc., of children),
- (b) section 5 insofar as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person),
- (c) section 7 insofar as it relates to an offence under section 2 of that Act or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998.

- 1 An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
- 2 An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
- 3 An offence under any of the following provisions of the Non-Fatal Offences against the Person Act 1997—

- (a) section 3 (assault causing harm),
- (b) section 4 (causing serious harm),
- (c) section 5 (threats to kill or cause serious harm),
- (d) section 13 (endangerment),
- (e) section 15 (false imprisonment),



- (f) section 16 (abduction of child by parent, etc.),
- (g) section 17 (abduction of child by other persons).

- 1 An offence under section 246 of the Children Act 2001 (cruelty to children).
- 2 An offence under any of the following provisions of the Criminal Justice (Female Genital Mutilation) Act 2012—

- (a) section 2 (offences of female genital mutilation, etc.),
- (b) section 3 (offence of removal from State for purpose of female genital mutilation),
- (c) section 4 (acts, etc., done outside State).

#### **Appendix 9.2 Offences against vulnerable persons for purposes of offence under section 3**

- 1 Common law offence of false imprisonment.
- 2 Rape.
- 3 Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
- 4 Sexual assault.
- 5 Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
- 6 An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
- 7 An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
- 8 An offence under either of the following provisions of the Criminal Law (Sexual Offences) Act 1993—

- (a) subsection (1) of section 5 insofar as it provides for an offence of having sexual intercourse, or committing an act of buggery, with a person who is mentally impaired within the meaning of that section (other than a person to whom the alleged offender is married or to whom he or she believes with reasonable cause he or she is married),
- (b) subsection (2) of section 6 insofar as it provides for an offence of soliciting or importuning a person who is mentally impaired within the meaning of that section (whether or not for the purposes of prostitution) for the purposes of the commission of an act that would constitute an offence under section 5(1) (insofar as it is referred to in *paragraph (a)*) of that Act or an offence referred to in section 2 of the Criminal Law (Rape) (Amendment) Act 1990.

- 1 An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule to the extent that it is so specified.
- 2 An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008—

- (a) section 4 (trafficking of persons other than children),
- (b) section 5 insofar as it relates to a person in respect of whom an offence under subsection (1) or (3) of section 4 of that Act has been committed (soliciting or importuning for purposes of prostitution of trafficked person),
- (c) section 7 insofar as it relates to an offence under section 4 of that Act.

11. An offence under section 3 of the Non-Fatal Offences against the Person Act 1997 (assault causing harm).

## Appendix 10: Definition and Recognition of Child Abuse

### Types of child abuse and how they may be recognised

The Children First Guidance 2017 provides that you should always inform Tusla when you have **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. If you ignore what may be symptoms of abuse, it could result in ongoing harm to the child. It is not necessary for you to prove that abuse has occurred to report a concern to Tusla. All that is required is that you have reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it. 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.

### 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 is defined as 'to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care'.

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 th

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:

- a) Children being left alone without adequate care and supervision
  - b) 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
  - c) Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
  - d) Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
  - e) Lack of adequate clothing
  - f) Inattention to basic hygiene
  - g) Lack of protection and exposure to danger, including moral danger, or lack of supervision
  - h) appropriate to the child's age
  - i) Persistent failure to attend school
- Abandonment or desertion

## Emotional Abuse

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

## Physical Abuse

Physical abuse is covered in the references to assault in the Children First Act 2015.

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 to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

As all sexual abuse falls within the category of **seriously affecting a child's health, welfare or development**, all such concerns must be reported to the relevant statutory services.

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. 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:
  - a. 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]
  - b. Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
  - c. 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 in section 7.6 of these procedures.

### **Circumstances which may make children more vulnerable to harm**

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. In addition 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. A list of the range of issues in a child's life that may place them at greater risk of abuse or neglect is contained in Chapter 2, p11, of Children First 2017

## Retrospective Disclosures by Adults

Some adults may disclose abuse that took place during their childhood. If such a disclosure is made to any member of UL and **there is a reasonable concern about a continuing risk to children** who may be in contact with the alleged abuser revealed in such disclosures, **the concern must be reported to Tusla / An Garda Síochána** in accordance with the reporting procedures outlined in these procedures. The Tusla Retrospective Abuse Report form is available in Appendix 4 or can be downloaded at:

[https://www.tusla.ie/uploads/content/Retrospective\\_Abuse\\_Report\\_Form\\_FINAL.pdf](https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf)

## 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. In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral may need to be made to Tusla and/or An Garda Síochána in accordance with the UL reporting procedures.

## Appendix 11: Acceptance of the NCEF Child Safeguarding Statement

I have read the NCEF Child Safeguarding Statement. I agree to abide by its contents and act in accordance with the NCEF Child Safeguarding Statement.

There is no reason why I would be considered unsuitable to work with children or young people.

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

Course Venue/Certified Provider \_\_\_\_\_

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

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

***Return the completed form to NCEF Head Office for retention on file.***