

**NEW
MUSIC
DUBLIN**

**Child Protection Policies,
Procedures and
Consent Forms**

NEW MUSIC DUBLIN

Section 1 – Child Protection Policy Statement

Child Protection Policy Statement

We, New Music Dublin, are committed to a child-centred approach to our work with children* and young people. We undertake to provide a safe environment and experience, where the welfare of the child/young person is paramount. We will adhere to the recommendations of *Children First: National Guidance for the Protection and Welfare of Children*, published by the Department of Children and Youth Affairs. We have implemented procedures covering:

- Code of behaviour for staff
- Reporting of suspected or disclosed abuse; internal and external to the organisation
- Confidentiality
- Recruitment and selecting staff
- Managing and Supervising Staff
- Involvement of primary carers
- Allegations of misconduct or abuse by staff
- Complaints and comments
- Incidents and accidents
- Guidelines for sharing information with children/young people, parents/guardians and other agencies
- Role and responsibilities of the Designated Liaison Person
- Record keeping, access and storage of information
- Guidelines for interagency working

This policy will be reviewed every 2 years. Changes in legislation are held to automatically update the policy.

Designated Liaison Person: John Harris, Festival Director

Date: 20/01/2025

*The Child Care Act 1991 defines a child as a 'person under the age of 18 years other than a person who is or has been married (S.2.1).

Aim of the Policy:

The aim of this policy is to provide New Music Dublin personnel with guidance in relation to their responsibilities in relation to child protection.

Objectives:

The objectives of this policy are to provide New Music Dublin personnel with guidance in relation to:

- The code of behaviour
- Reporting procedures (internal and external to the organisation)
- Confidentiality
- Recruitment and selection of staff
- Management and supervision of staff
- Involvement of primary carers
- Dealing with allegations against staff
- Complaints procedure
- Accident procedure
- Interagency working

Scope:

This policy applies to NMD management, staff, board members, facilitators as well as contracted artists who are working directly with children and young people. It also applies to any and all activities conducted with children and young people in the name of the New Music Dublin.

Section 2 - Code of Behaviour for staff and employees

The code of behaviour is categorised under the following headings:

- Child-centred approach
- Good practice
- Inappropriate behaviour
- Physical contact
- Health and Safety

Child Centred Approach

- Treat all children and young people equally
- Listen to and respect children and young people
- Involve children and young people in decision-making, as appropriate
- Provide encouragement, support and praise
- Use appropriate language (physical and verbal)
- Have fun and encourage a positive atmosphere
- Offer constructive criticism when needed
- Treat all children and young people as individuals
- Respect a child's or young person's personal space
- Discuss boundaries on behaviour and related consequences/sanctions, as appropriate, with children and young people and their primary carers
- Agree group 'contract' before beginning sessions
- Encourage feedback from group
- Use age-appropriate teaching aids and materials
- Lead by example
- Be cognisant of a child's or a young person's limitations, due to a medical condition
- for example
- Create an atmosphere of trust
- Respect differences of ability, culture, religion, race and sexual orientation

Good Practice

- Register each Primary Carer (Parent or Teacher) as appropriate
- Make primary carers, children/young people, visitors and facilitators aware of the Child Protection Policy and procedures
- Have emergency procedures in place and make all staff aware of these procedures
- Be inclusive of children and young people with special needs
- Plan and be sufficiently prepared, both mentally and physically
- Report any concerns to the Designated Liaison Person and follow reporting procedures
- Ensure that all personnel working with children/young people are aware of the NMD's anti-bullying policy. Encourage children and young people to report any bullying, concerns or worries and to be aware of the anti-bullying policy
- Observe appropriate dress and behaviour
- Evaluate work practices on a regular basis
- Provide appropriate training for staff and volunteers
- Report and record any incidents and accidents
- Update and review policies and procedures regularly
- Inform primary carers of any issues that concern their children
- Ensure proper supervision based on adequate ratios according to age, abilities and activities involved
- Don't be passive in relation to concerns, i.e., don't 'do nothing'
- Don't let a problem get out of control

- Do not take a session on your own
- Never give a lift to a child/young person
- Maintain awareness around language and comments made. If you think that something you said may have caused offence or upset, then try to address it in a sensitive manner

Inappropriate Behaviour

- Do not spend time alone with children/young people
- Do not use or allow offensive or sexually suggestive physical and/or verbal language
- Do not single out a particular child/young person for unfair favouritism, criticism, ridicule, or unwelcome focus or attention
- Do not allow/engage in inappropriate touching of any form
- Do not hit or physically chastise children/young people
- Do not socialise inappropriately with children/young people e.g., outside of structured New Music Dublin activities
- Do not contact young people through social networking sites
- Do not make any contact with young people via phone, text, email, without parental consent
- Do not make or receive private calls/texts while facilitating/supervising an activity
- Do not add a child with whom you are working as a friend on Facebook or other social network medium

Physical Contact

- Seek consent of child/young person in relation to physical contact, for example physical contact may be required in relation to some educational activities, the child/young person should be aware of the nature and purpose of such contact (except in an emergency or a dangerous situation)
- Avoid horseplay or inappropriate touch
- Health and Safety
- Don't leave children unattended or unsupervised
- Manage any dangerous materials
- Provide a safe environment
- Be aware of accident procedure and follow accordingly
- Be aware of emergency evacuation procedures

Section 3 - Reporting Procedures

This section concerns who to contact about issues related to child protection and welfare.

John Harris, Festival Director has been designated as the person to contact if you have an issue or concern about any aspect of a child's or young person's safety and welfare. It is the responsibility of this person to support and advise staff about policy and procedures in relation to child protection and to ensure that procedures are followed. It is also the responsibility of the Designated Officer to liaise with Túsla (The Child and Family Agency) or Gardai where appropriate.

The **Designated Liaison Person** can be contacted at:
Tel: +44 7960 514285 / email: john.harris@newmusicdublin.ie

Karlin Lillington (Chair) has been designated as Deputy Designated Liaison Person

The **Deputy Designated Liaison Person** can be contacted at:
Tel: +353 (86) 839 8737 / email: karlin.lillington@gmail.com

Role of the DLP

The Designated Liaison Person will:

- a. operate within the guidelines set by the appropriate authorities and those approved by NMD
- b. be available to receive and consider child protection concerns and to report suspicions and allegations of child abuse to the statutory authorities, i.e. Tusla or An Garda Síochána
- c. liaise between the organisation, young people, employees and the statutory authorities where necessary
- d. create and maintain links with the statutory authorities and other relevant agencies and resource groups and to informally consult and seek advice from Tusla regarding referral
- e. facilitate the provision of support to anyone making a disclosure or wishing to make a referral to the statutory authorities
- f. advise NMD or employees on individual cases within the limits of confidentiality
- g. maintain proper records on all cases referred to him/her in a secure and confidential
- h. manner
- i. advise on good practice
- j. organise training and workshops on Child Protection
- k. keep up-to-date on current developments regarding provision, practice, support
- l. services, legal obligations/requirements and policy
- m. liaise with the Board on the implementation of this policy

Note: See Appendices for Designated Liaison Person Reporting checklist

Important note regarding the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

Under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, it is a criminal offence for any person to fail to disclose to the Gardaí information in relation to certain specified offences against children and vulnerable persons. Under the Act, a person shall be guilty of an offence if:

- he or she knows or believes that any of the offences specified in the Act has been committed by another person against a child or vulnerable person, and
- he or she has information which he or she knows or believes might be of material assistance in securing the apprehension, prosecution or conviction of that other person for that offence, and
- fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of the Gardaí

Details of the specific offences to which this Act applies to are set out in Schedule 1 and Schedule 2 of the Act. It is the personal responsibility of each individual person to comply with the provisions of the Act. It is also important to note that the fact that a staff member of New Music Dublin has dealt with a child protection concern in accordance with the procedures detailed in this document does not absolve that staff member of their legal obligation to disclose information to the Gardaí under this Act, where that staff member has information which falls under the ambit of the Act.

Note: Appendices contain additional information on other pieces of relevant legislation

Issues which would constitute reasonable grounds for concern

- Specific indication from the child or young person that s/he has been abused
- An account by a person who saw the child/young person being abused
- Evidence, such as an injury or behaviour, which is consistent with abuse and unlikely to be caused another way
- An injury or behaviour which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse (an example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour)

Recording of concerns

If abuse is suspected, it is important to establish the grounds for concern by obtaining as much detailed information as possible without investigating. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Recording systems regarding child protection procedures are separate from other general records and are accessible only to those who have 'a need to know' basis i.e. the individual involved and the DLP.

Note: See Appendices for definitions of abuse

Staff should record the following information in relation to children and young people and pass this record to the DLP:

- Suspicions
- Concerns
- Worrying observations
- Behavioural changes
- Actions and outcomes

Dealing with a disclosure

- Stay calm and listen to the child/young person, allow him or her enough time to say what s/he needs to say
- Don't use leading questions or prompt details
- Reassure the child/young person but do not promise to keep anything secret
- Don't make the child/young person repeat the details unnecessarily
- Explain to the child/young person what will happen next (explanation should be age appropriate)
- The person who expresses concern should complete a file report, outlining the situation, including the date, time and people involved, the report should be factual. Any opinions should be stated as such, supported by factual information
- The matter should then be brought to the attention of the Designated Liaison Person or his deputy if unavailable
- The Designated Liaison Person will then decide to discuss the concern or consult with primary carers. Parents, carers or responsible adults should be made aware of a report to Túsła unless it is likely to put the child/young person at further risk
- The Designated Officer may contact Túsła's Duty Social Work Department for an informal consultation prior to making the report
- Information will be shared on a strictly 'need to know' basis
- If there are reasonable grounds for concern as outlined above, the Designated Officer will contact the Duty Social Worker in the Túsła area using the standard reporting form available from Túsła. Reports to the Duty Social Worker can be made initially and then followed by the standard reporting form. Reports should be made to Túsła without delay
- If the Designated Officer or Deputy Designated Officer is not available, contact the local Túsła Duty Social Worker directly
- In case of emergencies outside HSE Social Work Dept hours, contact the Gardai. In situations that threaten the immediate safety of a child/young person, it may be necessary to contact the Gardaí.

Cases not reported to Túsla or An Garda Síochána

In those cases where the DLP decides not to report concerns to Túsla or An Garda Síochána, the individual employee who raised the concern will be given a clear written statement of the reasons why NMD is not taking such action. The employee will be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, Túsla or An Garda Síochána. The provisions of the Protections for Persons Reporting Child Abuse Act 1998 apply once they communicate 'reasonably and in good faith' (Children First 2011)

Retrospective disclosures by adults

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

If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the staff member should report the allegation to Túsla without delay. If there is any degree of uncertainty, advice should be sought from Túsla as to how to proceed.

Allegations of Peer Abuse

Abusive behaviour, which is carried out by children and young people, must be taken seriously and it is important that such cases are referred to Túsla. Child protection procedures are adhered to for both children. If there is any conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare is of paramount importance. The standard reporting procedure will be followed, and advice will be sought from the statutory authorities with regard to informing the parents/carers of the young people concerned.

Third Party Reports

The Child Protection and Welfare Practice Handbook, (HSE 2011) notes that a suspicion of child abuse/welfare received from a third party, must be reported regardless of any consideration in respect of confidentiality, to Túsla who will then assess the concerns. If reasonable grounds for concern exist, NYCI's Reporting procedure must be followed and the information should be forwarded to Túsla, regardless of whether the source wishes to be identified or not. The source must be made aware that the information will be reported.

Record keeping, Access and Storage of information

All records of child protection concerns, disclosures or allegations are to be treated as sensitive information and will be kept together securely

The information will only be shared with those who need to have it in order to safeguard the child.

Child protection records will be stored in a secure (i.e.locked) filing cabinet, accessible through the Designated Liaison Person or their Deputy.

Section 4 – Confidentiality Statement

We at New Music Dublin are committed to ensuring people's rights to confidentiality. However, in relation to child protection and welfare we undertake that:

- Information will only be forwarded on a 'need to know' basis in order to safeguard the child/young person
- Giving such information to others for the protection of a child or young person is not a breach of confidentiality
- Primary carers, children and young people have a right to know if personal information is being shared and/or a report is being made to Túsła, unless doing so could put the child/young person at further risk
- Images of a child/young person will not be used for any reason without the consent of the parent/carer (however, we cannot guarantee that cameras/videos will not be used at public performances)
- Procedures are in place in relation to the use of images of children/young people.
- Procedures are in place for the recording and storing of information in line with our confidentiality policy.

Section 5 – Recruiting and selecting staff

Recruitment and Selection Policy Statement

We will ensure that staff are carefully selected, trained and supervised to provide a safe environment for all children and young people, by observing the following principles:

- Roles and responsibilities will be clearly defined for every job
- Posts will be advertised both internally and externally as appropriate
- We will endeavour to select the most suitably qualified personnel
- Candidates will be required to complete an application form
- Candidates will be asked to sign a declaration form
- At least two written references that are recent, relevant, independent and verbally confirmed will be necessary
- Staff will be selected by a panel of at least two (or more) representatives through an interview process
- All staff will receive induction training appropriate to their role
- There will be a maximum six-month probationary period.
- All staff will be required to consent to Garda vetting, and this will be sought

Section 6 – Managing and supervising staff

Staff management policy statement

To protect both staff and children/young people, we undertake that:

New staff will:

- Receive an induction training session, including the Tusla e-learning programme: <https://www.tusla.ie/children-first/children-first-e-learning-programme/>
- Be made aware of the organisation's child protection policy including the code of conduct, child protection procedures, and the identity and role of the DLP and Deputy DLP
- Undergo a maximum six-month probationary period

All staff will:

- Receive an adequate level of supervision and review of their work practices

- Be expected to have read and signed the Child Protection Policy Statement
- Be provided with child protection training

Section 7 - Involvement of primary carers / Sharing information with parents/guardians and children

Policy Statement on the involvement of primary carers:

We are committed to being open with all primary carers. We undertake to:

- Advise primary carers and schools of our child protection policy
- Inform primary carers and schools of all activities and potential activities;
- Issue contact/consent forms where relevant
- Comply with health and safety practices
- Operate child-centred policies in accordance with best practice
- Adhere to our recruitment guidelines
- Encourage and facilitate the involvement of parent(s), guardians or carer(s) where appropriate

If we have concerns about the welfare of the child/young person, we will:

- Respond to the needs of the child or young person
- Inform the primary carers on an on-going basis unless this action puts the child or young person at further risk
- Where there are child protection and welfare concerns we are obliged to pass these on to the Duty Social Worker and, in an emergency, the Gardaí
- In the event of a complaint against a member of staff, we will immediately ensure the safety of the child/young person and inform primary carers as appropriate

As a child-centred organisation, we are committed to putting the interest of the child/young person first. To that end we will:

- Contact Túsla and Gardaí where there is a child protection welfare concern
- Encourage primary carers to work in partnership with us under the guidelines set out by our organisation to ensure the safety of their children
- Have a DLP available for consultation with primary carers in the case of any concern over a child or young person's welfare

Section 8 – Dealing with allegations against staff

In the event of an allegation being made against an employee, the protection of the child/ young person is the first and paramount consideration.

New Music Dublin has a dual responsibility in respect of both the child/young person and employee. The same person must not have responsibility for dealing with the child/ young person welfare issues and the staff employment issues.

An allegation against an employee should be assessed promptly and carefully. If reasonable grounds for concern exist, a formal report to the Túsla will be made. The reporting procedures outlined in Section 3 of these guidelines will be followed. The organisation will maintain a close liaison with Túsla and the Gardaí

Agreed procedures will be followed in the context of the applicable employment contract and the rules of natural justice. New Music Dublin will take protective measures appropriate to the level of risk while not unreasonably penalising the worker – unless necessary to protect the child/young person. Protective measures might mean increased supervision, assignment to

different duties, or suspension. New Music Dublin will follow its Grievance and Disciplinary Codes of Practice.

Dealing with an allegation against staff

Two separate procedures must be followed:

1. In respect of the child/young person, the DLP will deal with issues related to the child/ young person.
 2. In respect of the person against whom the allegation is made, the Chair of the Board will deal with issues related to the staff member.
- The first priority is to ensure that no child or young person is exposed to unnecessary risk
 - If an allegation is made against the DLP then the Chair of the Board should be contacted
 - The reporting procedures outlined in Section 3 of these guidelines will be followed
 - Both the primary carers and child/young person will be dealt with in an age-appropriate manner
 - The staff member will be informed as soon as possible of the nature of the allegation and will be given the opportunity to respond

The Chairperson and Festival Director of New Music Dublin will be informed as soon as possible, with due regard to confidentiality and any possible conflict of interest.

Any action following an allegation of abuse against an employee will be taken in consultation with Túsla and Gardaí.

After consultation, the Chairperson and/or the Festival Director of New Music Dublin will advise the person accused and agreed procedures will be followed.

Interagency Working

Where NMD is involved in interagency work with another organisation/s, involving contact with children/young people, arrangements and procedures will be agreed between the organisations in advance of any activity, taking account of the following:

- An exchange of child protection policies and subsequent identification of similarities and /or differences in procedures
- Agreement of common procedures, including code of behaviour, internal and external reporting procedures, responsibilities or organisational DLPs, vetting and selection procedures, procedures for dealing with allegations, complaints procedures, health and safety procedures, recording mechanisms and any other relevant areas of concern

Useful Contact Phone Numbers

Principal Social Worker
Duty Social Worker
Carnegie Centre
21-25 Lord Edward Street
Dublin 2

Phone 01 6486500 / Fax 01 6799303

Pearse Street Garda Station
Harcourt Terrace Garda Station
St Vincents Hospital
Mater Misericordiae

Phone 01 6669000
Phone 01 6669500
Phone 01 2214000
Phone 01 8032000

Photographic / Media Consent Form

INFORMATION

Thank you for agreeing to participate in today's event. Images taken today will be released to the National Media.

New Music Dublin may then wish to use these photographs for archival or publicity purposes, in displays, publications or presentations. I hereby consent to the collection and use of my personal images by photography or video recording.

I acknowledge these may be used on New Music Dublin website and/or Facebook and/or Twitter pages.

We will regularly review and delete unwanted material, and we will not seek to use images that might cause embarrassment or distress.

I also understand that my consent can be withdrawn at anytime in writing to the Festival Director at info@newmusicdublin.ie

CONSENT FORM

I, _____ (Name of person giving consent
& parent/guardian if under 18 years of age)

Name of Child: _____

Consent to the use of photographs for use on New Music Dublin's website and/or Facebook and/or Twitter pages, and release to the National Media.

I understand that photos may be used for other publicity purposes and I consent to such use. I further understand that this consent may be withdrawn by me at anytime, upon written notice.

I give this consent voluntarily.

Signature of person giving consent: _____

Signature of parent/guardian if under 18: _____

Date: _____

General Consent Form (see overleaf for further information)

I/We the parent(s)/guardian(s) of _____

Who was born on ___ / ___ / ___ hereby give permission for my/our child to partake in all activities organized and run by _____

I/We authorize that the facilitators and/or New Music Dublin staff shall have authority over my/our child and the right to give lawful instructions to my/our child to the same extent as we, ourselves would be able to do so.

Media Consent

An important element of is the production of videos of the performers. Children will never be identified in photographs or videos. Photos and videos may be used for publicity and documentary purposes by and/or New Music Dublin in printed and online media.

Do you give permission for and consent that photographs and/or videos may be taken which may include your child, and that these may be used in the manner outlined above?

Yes / No (please delete as appropriate)

Medical Consent / Medical Details

I/we understand that that in the event of my/our child requiring medical attention all reasonable efforts will be made to contact me / us (or the Alternative Emergency Contact if I/we are uncontactable) at the contact numbers provided on this form.

In the event of my/our child being taken ill or injured during the period of this consent, I/we hereby consent to any emergency medical treatment that may be necessary in a situation where I/we cannot be contacted for the purposes of giving consent at the time of treatment. I/we hereby authorize the facilitators and/or New Music Dublin staff to communicate my/ our consent to any treating medical practitioner.

I/we confirm that the medical details in relation to my/our child are correct.

These are the medical details of my/our child. Please delete Yes/No as appropriate. If you answer YES to any of questions 1-4 or NO to question 5 please provide further details in the space below.

1. Has your child any serious illnesses? Yes / No
2. Does your child take any regular medications? Yes / No
3. Are there any medications to which your child is allergic? Yes / No
4. Does your child have any allergies? Yes / No
5. Has your child been fully vaccinated (3/5 in 1, MMR etc.) Yes / No

If you require a member of staff to manage or administer medications, please contact a member of the facilitators or New Music Dublin staff.

Further information:

Parent/Guardian Details

Name(s): _____

Contact Number(s): _____

Address: _____

Email: _____

Alternative Emergency Contact

Name: _____

Phone: _____

Signature of Parent(s)/Guardian(s)

Signature(s): _____

Date: ___ // ___ // ___

ACCIDENT/INCIDENT REPORT FORM

This form should be fully completed by the person in charge of an event in respect of any accident/incident involving personal injury to any person and damage to the property of such persons.

Date of Accident/Incident: _____

Time: _____

Name: _____

Phone: _____

Address: _____

Accident/Incident location: _____

Event: _____

Injury sustained: _____

Was medical attention required? Yes / No

Who administered attention? _____

Telephone No. _____

Nature and extent of attention provided:

Was hospital attention required? Yes / No

Hospital: _____ Via: Ambulance / Car

Describe fully the accident/incident:

Was location checked thoroughly? Yes / No

(give reason): _____

Staff member on scene of accident/incident: _____

Witnesses (details):

Were the Gardai informed? Yes / No

Station: _____

Garda name: _____ Garda No,: _____

Who accompanied patron? _____

Phone: _____

Describe fully nature and extent of damage to property:

Any other information:

Signed: _____ Date: _____

Name: _____

Co-signed: _____ Date: _____

Name: _____

Parents informed by staff member: _____

Date: _____

Declaration Form

Confidential

Declaration form for all those working with children and young people

Surname: _____ First Name: _____

Date of Birth: _____ Place of Birth: _____

Address: _____

Tel no: _____ Mobile no: _____

Any other name(s) previously known as: _____

Is there any reason that you would be considered unsuitable to work with children and young people? Yes / No (please delete as appropriate)

If yes please outline:

Have you ever been convicted of a criminal offence relating to children? Yes / No (please delete as appropriate)

If yes, please state below the nature and date(s) of the offence (s):

Signed: _____ Date: _____

Definitions of abuse

There are four main categories of abuse as outlined in *Children First: National Guidelines for the Protection and Welfare of Children*. The following is a synopsis of the information contained in that document. For the full definitions please refer to *Children First: National Guidelines for the Protection and Welfare of Children 1993* (p32-34)

1. Neglect

“Neglect can be defined as being where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, medical care...The threshold of significant harm is reached when the child’s needs are neglected to the extent that his or her well-being and/or development are severely affected.” (Children First p.31)

2. Emotional abuse

Emotional abuse usually happens where there is a relationship between a carer and a child rather than as a specific incident or incidents.

“Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.” (Children First p. 31)

Rather, it can manifest in the child’s behaviour or physical functioning. Examples of these include ‘anxious’ attachment, unhappiness, low self-esteem, educational and developmental underachievement and uncooperative or hostile behaviour.

“The threshold of significant harm is reached when interaction is predominantly abusive and become typical of the relationship between the child and the parent/carers.” (Children First p.32)

Examples of emotional abuse in children include:

- Imposition of negative attributes on children, expressed by persistent criticism, sarcasm, hostility or blaming;
- Emotional unavailability by the child’s parent/carers;
- Unresponsiveness, inconsistent or inappropriate expectations of the child;
- Premature imposition of responsibility on the child;
- Unrealistic or inappropriate expectations of the child’s capacity to understand something or to behave and control him/herself in a certain way;
- Under or over-protection of the child
- Use of unreasonably harsh discipline
- Exposure to domestic violence

3. Physical Abuse

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

- Shaking
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Allowing or creating a substantial risk of significant physical harm to child

4. Sexual abuse

Sexual abuse involves the use of a child for gratification or sexual arousal by a person for themselves or others.

Examples of sexual abuse include:

- Exposure of the sexual organs or any sexual act intentionally performed in the presence of a child
- Intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of the child or involvement of the child in an act of masturbation
- Sexual intercourse with a child whether oral, vaginal or anal
- Sexual exploitation of a child....may also include showing sexually explicit material to children which is often a feature of the 'grooming' process by perpetrators of abuse
- Consensual sexual activity involving an adult and an under-age person

5. Child Welfare Concern

The HSE Child Protection and Welfare Practice Handbook notes that a child welfare concern is a problem experienced directly by a child or by the family of a child that is seen to impact negatively on the child's welfare or development but may, or may not, require a child protection response.

Relevant legislation

Child Care Act 1991

The main provisions of the Act are:

- the placing of a statutory duty on the HSE to promote the welfare of children who are not receiving adequate care and protection up to 18 yrs
- the strengthening of the powers of the HSE to provide child care and family support services
- the revisions of provisions to enable the courts to place children who have been assaulted, ill-treated, neglected or sexually abused or who are at risk, in the care of or under the supervision of regional health boards
- Section 12 of the Act provides for an Garda Síochána to remove a child to safety if the Garda has reasonable grounds for believing that the child may be at immediate risk to their health or welfare
- The Child Care Act 1991 defines a child as any person under the age of 18 years, excluding a person who is or who has been married

Child Trafficking and Pornography Act 1998

The [Child Trafficking and Pornography Act 1998](#), which is amended by [Section 6 of the Criminal Law \(Sexual Offences\) \(Amendment\) Act 2007 \(pdf\)](#), deals with a number of offences involving children under the age of 17. These include:

- Child trafficking and taking a child for sexual exploitation; the maximum penalty is life imprisonment
- Meeting a child for the purpose of sexual exploitation; the maximum penalty is 14 years imprisonment
- Allowing a child to be used for child pornography; the maximum penalty is a fine of up to €31,000 and/or 14 years imprisonment
- Producing, distributing, printing or publishing child pornography; the maximum penalty for a summary offence is a [class C fine](#) and/or a year's imprisonment; if charged on indictment, the maximum penalty is an unlimited fine and/or 14 years imprisonment. [View further information on the censorship of video and telecoms recordings here](#)
- Possession of child pornography; the maximum penalty for a summary offence is a class C fine and/or a year's imprisonment; if charged on indictment, the maximum penalty is €6,350 and/or five years imprisonment

Protection for Persons Reporting Child Abuse Act 1998

The main provisions of the Act are:

- (i) the provision of immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of health boards* or any member of an Garda Síochána
- (ii) the provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to and including dismissal
- (iii) the creation of an offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities 'knowing that statement to be false'. This is a criminal offence designed to protect innocent persons from malicious reports

Criminal Justice Act (reckless endangerment) 2006

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children as a result of recommendations from the Ferns Inquiry. It states: 'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –

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

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years. C.F. 2011, 3.2.7

Withholding of Information on Offences against Children and Vulnerable Persons 2012

The Act applies to everyone

- It creates an obligation to notify the Gardaí if a person "knows or believes" (i.e. has evidence) that a "serious offence" has been committed against a child or vulnerable person
- There is no obligation to report rumours, innuendo or unsubstantiated information
- There is also no obligation in that Act to report lesser offences such as common assault or neglect of a child. These matters would be covered separately by child protection guidelines and policies
- There are potential defences which can cover victims who do not want information disclosed, parents, professionals acting in best interest of child/vulnerable adult.

National Vetting Bureau (Children and Vulnerable Persons) Act 2012 – commenced April 2016

The purpose of the Act is to provide a legislative basis for the mandatory vetting of persons who wish to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons. It is now a criminal offence to employ a person without vetting them. A relevant organisation shall not permit any person to undertake relevant work or activities on behalf of the organisation unless the organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person. Relevant work or activities is defined as 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 or vulnerable adults. The Act shall not apply where a person gives assistance on an occasional basis at a school, sports or community event or activity, other than where such assistance includes the coaching, mentoring, counselling, teaching or training of children or vulnerable persons. Each relevant organisation will have to assess each position involved in accordance with the Act. Proof of identity and confirmation of current address is now required for each person requesting vetting before vetting can commence.

There is a provision in the Act for re-vetting, however no time frame has been set as yet. Organisations are advised to continue with their current practice in this regard. With regard to Retrospective Vetting organisations who have people who have not been vetted to date and who fall within the definition of relevant work or activities for their organisations must submit an application for vetting not later than 31st December 2017.

The Garda Central Vetting Unit is now called National Vetting Bureau of the Garda Síochána. Children First Act 2015

The Children First Act 2015 puts elements of the Children First: National Guidance for the Protection and Welfare of Children (2011,) on a statutory footing. The Act provides a number of key child protection measures which include:

- A requirement on organisations providing services to children to keep children safe and to produce a Child Safeguarding Statement
- A requirement on defined categories of persons (mandated persons) to report child protection concerns over a defined threshold to the Child and Family Agency (Túsla). Paid youth workers have been defined as mandated persons, volunteers are not and will continue to report under the provisions of the Children First National Guidance document
- A requirement on mandated persons to assist Túsla and "to give to the Agency such

information and assistance as it may reasonably require” in the assessment of a child protection risk

- To provide for the abolition of the common law defence of reasonable chastisement and, for that purpose, to amend the Non-Fatal Offences Against the Person Act 1997. (This section has been commenced and from 11th December 2015 a person who administers corporal punishment to a child will no longer be able to rely of the defence of reasonable chastisement in the courts).
- Placing the Children First Interdepartmental Group on a statutory footing This legislation will operate in tandem with Children First: National Guidance for the Protection and Welfare of Children (2017).

The Criminal Law (Sexual Offences) Act 2017

The Act enhances and updates laws to combat the sexual exploitation and sexual abuse of children, including new offences relating to child sexual grooming and new and strengthened offences to tackle child pornography. Offences concerning sexual acts with under age children have been restated and strengthened in this Act. However, the Act also recognises the reality of under age, consensual peer relationships through the introduction of a ‘proximity of age’ defence. Under this provision, a person charged with an offence of engaging in a sexual act with a person between the ages of 15 and 17 years can rely on a defence where the act is consensual, on-exploitative and the age difference is no more than two years.

The Act also criminalises the purchase of sexual services, introduces new provisions regarding the giving of evidence by victims in sexual offence trials and introduces a new offence addressing public indecency. Other provisions include maintaining the age of consent to sexual activity at 17 years of age and for a new “proximity of age” defence as well as a statutory statement of the law as regards consent to sexual acts. New offences relating to the sexual exploitation of persons with disabilities, where the nature of that disability is such to render the individual incapable of consenting to a sexual act are also introduced and replace the existing offence under the Criminal Law (Sexual Offences) Act 1993 relating to the protection of mentally impaired persons.

For more information, please follow the link below.

<http://www.rcni.ie/wp-content/uploads/RCNI-Criminal-Law-Sexual-Offences-Act-2017-Brief-ing-Substantive-Law-Changes-April-2017.pdf>

DESIGNATED LIAISON PERSON REPORTING CHECKLIST

Pre-reporting stage

HAVE YOU:

Action	Action Taken	Action Not Taken	Comments
Assessed the situation			
Received all of the facts, i.e. where, when, who etc...			
Spoken to the young person (if appropriate)			
Spoken to parents (if appropriate)			
Consulted internally in your organisation (if appropriate)			
Received a factual report from the reporter			
Sought advice from the HSE			
Referred to your organisational child protection policy			
Established reasonable grounds for concern			
Informed young person/ reporter/parents/ manager if appropriate of intention to report			
Taken any other action which is appropriate to the situation			

Reporting stage

HAVE YOU:

Action	Action Taken	Action Not Taken	Comments
Identified appropriate local office and contact details of duty social worker			
Completed standard HSE reporting form			
Phoned to inform that you are sending in report			
Sent report via fax or registered post			
Kept and filed delivery receipt of fax or registered post			
Kept a copy of report and store in a secure location			
Requested acknowledgement of receipt of report from duty social work office			
Taken any other action which is appropriate to the situation			

Post – reporting stage

HAVE YOU:

Action	Action Taken	Action Not Taken	Comments
Confirmed that the report has been received by the relevant personnel in the HSE			
Kept a record of all action and attempted action taken			
Kept a record of all relevant material in a secure location			
Checked which social worker has been assigned the case			
Informed young person/ reporter/parents/ management if appropriate of the status of the report			
Followed up on non-response from HSE with senior social worker			
Maintained confidentiality on 'a need to know' basis			
Reviewed child protection policy, procedure and training programmes			
Ensured there are support structures in place for the young person and all others involved.			
Taken any other action which is appropriate to the situation			

Please note: The purpose of this checklist is for information only, the sequence of events may vary depending on the situation/context.