Limerick Community Based Educational Initiative

Child Protection Policy

Introduction

New guidelines, entitled 'Children First: National Guidelines for the Protection & Welfare of Children' were introduced in 1999. These guidelines are intended to assist people in identifying and reporting child abuse and to improve professional practice in both statutory and voluntary agencies and organisations that provide services for children and families. Our policy at AccessCampus is to implement a policy that is guided and informed by these guidelines.

Definition of A Child: For the purposes of these guidelines, a 'child' means an unmarried person under the age of 18 years.

Objectives

The objectives of the policy are to improve the identification, reporting, assessment, treatment and management of child abuse, clarify the responsibilities of various professionals and childcare providers

Duty to Protect Children and Support Families

Parents/carers have primary responsibility for the care and protection of their children. When parents/carers do not or cannot fulfil this responsibility, it may be necessary for the HSE to intervene. The wider community also has a responsibility for the welfare and protection of children. All personnel involved in organisations working with children should be alert to the possibility of child abuse. They need to be aware of their obligations to convey any reasonable concerns or suspicions to the HSE and to be informed of the correct procedures for doing so.

Principles for Best Practice in Child Protection

The principles that should inform best practice in child protection include the following:

- (i) the welfare of children is of paramount importance
- (ii) a proper balance must be struck between protecting children and respecting the rights and needs of parents/carers and families; but where there is conflict, the child's welfare must come first

- (iii) children have a right to be heard and taken seriously. Taking account of their age and level of understanding, they should be consulted and involved in relation to all matters and decisions that affect their lives.
- (iv) early intervention and support should be available to promote the welfare of children and families, particularly where they are vulnerable or at risk of not receiving adequate care or protection.
- (v) parents/carers have a right to respect and should be consulted and involved in matters which concern their family.
- (vi) actions taken to protect a child, including assessment, should not in themselves be abusive or cause the child unnecessary distress. Every action and procedure should consider the overall needs of the child.
- (vii) intervention should not deal with the child in isolation; the child must be seen in a family setting.
- (viii) the criminal dimension of any action cannot be ignored.
- (ix) children should only be separated from parents/carers when all alternative means of protecting them have been exhausted. Re-union should always be considered.
- (x) effective prevention, detection and treatment of child abuse require a co-ordinated multi-disciplinary approach.
- (xi) in practice, effective child protection requires compulsory training and clarity of responsibility for personnel involved in organisations working with children.
- (xii) early intervention and support should be available to promote the welfare of children and families, particularly where they are vulnerable or at risk of not receiving adequate care or protection.

Definition and Recognition of Child Abuse

Introduction

Where the words "child abuse" are used in this policy they should be taken to include all four categories (neglect, emotional abuse, physical abuse and sexual abuse). The definitions of abuse are outlined in Chapter 3 of Children First and Appendix 1 in this L.C.B.E.I. Child Protection Policy. A child may be subjected to more than one form of abuse at any given time.

Recognising Child Abuse

The ability to recognise child abuse depends as much on a person's willingness to accept the possibility of its existence as it does on knowledge and information. It is important to note that child abuse is not always readily visible, and may not be as clearly observable as the 'text book' scenarios outlined in these guidelines suggest. The recognition of abuse normally runs along three stages,

(i) considering the possibility — if a child appears to have suffered an inexplicable and suspicious looking injury, seems distressed without obvious reason, displays unusual behavioural problems or appears fearful in the company of parents/carers.

- (ii) observing signs of abuse a cluster or pattern of signs is the most reliable indicator of abuse. Children may make direct or indirect disclosures, which should always be taken seriously. Less obvious disclosures may be gently explored with a child, without direct questioning (which may be more usefully carried out by the HSE or An Garda Síochána). Play situations such as drawing or story telling may reveal significant information. Indications of harm must always be considered in relation to the child's social and family context, and it is important to always be open to alternative explanations.
- (iii) recording of information it is important to establish the grounds for concern by obtaining as much detailed information as possible. Observations should be recorded and should include dates, times, names, locations, context and any other information which could be considered relevant or which might facilitate further assessment/investigation.

Reporting Child Protection Concerns

Introduction

Child abuse is a difficult subject, and it is understandable that people may at times be reluctant to acknowledge its existence. Members of the public or professionals may be afraid of being thought insensitive, afraid of breaking confidence or afraid of being disloyal if they report suspected child abuse to the HSE or An Garda Síochána. However, early intervention may reduce the risk of serious harm occurring to a child in the future. Persons uncertain about the validity of their concerns may discuss them with a HSE social worker or public health nurse. This may enable them to decide whether or not to make a formal report.

The Protection for Persons Reporting Child Abuse Act, 1998 provides immunity from civil liability to persons who report child abuse 'reasonably and in good faith' to designated officers* of the HSE or any member of An Garda Síochána. This means that, even if a reported suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the reporter had not acted reasonably and in good faith in making the report. Giving information to others for the protection of a child does not constitute a breach of confidentiality.

Responsibility to Report

Any person, who suspects that a child is being abused, or is at risk of abuse, has a responsibility to report their concerns to the <u>HSE</u>. This responsibility is particularly relevant to professionals such as teachers, child care workers and health professionals who have regular contact with children in the course of their work. It is also an important responsibility for staff and volunteers involved in sports clubs, parish activities, youth clubs and other organisations catering for children. The following examples would constitute reasonable grounds for concern:

- (i) a specific indication from a child that (s)he was abused;
- (ii) a statement from a person who witnessed abuse;

- (iii) an illness, injury or behaviour consistent with abuse;
- (iv) a symptom which may not in itself be totally consistent with abuse, but which is support by corroborative evidence of deliberate harm or negligence;
- (v) consistent signs of neglect over a period of time.

A suspicion, which is not supported by any objective signs of abuse, would not constitute a reasonable suspicion, or reasonable grounds for concern.

Standard Reporting Procedure

If child abuse is suspected or alleged, the following steps should be taken by professionals and members of the public who come into contact with children.

- (i) a report should be made to the **HSE** in person, by phone or in writing. The HSE have duty social workers who are available each day to meet with or talk on the telephone to persons wishing to report child protection concerns. (A list of contact numbers is available in Appendix 1)
- (ii) it is generally most helpful if personal contact is made with the duty social worker by the person who first witnessed or suspected the alleged child abuse.
- (iii) in the event of an emergency or the non-availability of HSE staff, a report may be made to An Garda Síochána at any Garda Station.

The HSE or An Garda Síochána, on receiving a report, will require as much as possible of the following information:

- (i) names and addresses of the child, parents/carers and any other children in the family;
- (ii) name and address of the person alleged to be causing harm to the child;
- (iii) a full account of the current concern about the child's safety or welfare;
- (iv) the source of any information which is being discussed with the HSE;
- (v) dates of any incidents being reported;
- (vi) circumstances in which the incident or concern arose;
- (vii) any explanation offered to account for the risk, injury or concern;
- (viii) the child's own statement if relevant;
- (ix) any other information about the family, particularly any difficulties which they may be experiencing;
- (x) any factors relating to the family which could be considered supportive or protective, e.g. helpful family members, neighbours or services;
- (xi) name of child's school;
- (xii) name of child's general practitioner;
- (xiii) reporter's own involvement with child and parents/carers;

- (xiv) details of any action already taken in relation to the child's safety and welfare;
- (xv) names and addresses of any agency or key person involved with the family;
- (xvi) identity of person reporting, including name, address, telephone number, occupation and relationship with the family.

In cases of emergency, where a child appears to be at immediate and serious risk, and a duty social worker is unavailable, An Garda Síochána should be contacted. Under no circumstances should a child be left in a dangerous situation pending HSE intervention.

Co-operation with Parents/carers

Any professional who suspects child abuse should inform the family, if a report is likely to be submitted to the HSE or An Garda Síochána, unless doing so is likely to endanger the child. Co-operation with the family is essential in order to ensure the safety of the child; it is more likely to be achieved if professionals can develop an open and honest relationship with parents/carers. Involvement in a child protection assessment can be difficult for parents/carers. Families may have rights to know what is said about them and to contribute to important decisions about their lives and those of their children. Sensitivity must be used, and parents/ carers should be made fully aware of what is expected of them. Professional staff must strike a balance between showing respect for families and using authority appropriately.

Individual and Corporate Responsibilities in Reporting Child Abuse

All organisations, whether statutory or voluntary, have an overall corporate responsibility to safeguard children, and should pay particular attention to;

- (i) safe and clearly defined methods of selecting staff and volunteers
- (ii) developing effective procedures for the reporting and management of child protection concerns
- (iii) identifying a designated staff member/volunteer to act as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns. The designated person will be responsible for reporting allegations or suspicions of child abuse to the **HSE** or **An Garda Síochána**

The Protection for Persons Reporting Child Abuse Act, 1998 makes provision for the protection from civil liability of persons who have reported child abuse 'reasonably and in good faith'. **This protection applies to organisations as well as individuals.** It is considered therefore that, in the first instance, it is the organisations that employ staff or use volunteers that should assume responsibility for reporting child abuse to the appropriate authorities. Reports to the HSE or An Garda Síochána should be made following the Standard Reporting Procedure 20

In those cases where the organisation decides not to refer concerns to the **HSE or An Garda Síochána**, the individual staff who raised the concern should be given a clear written statement of the reasons why the organisation is not taking action. The staff should be advised that if they remain concerned about the situation, they are free to consult with, or report to, the HSE or An Garda Síochána.

Schools/ Clubs / Organisations

If a child alleges that he or she is being harmed or is at risk of harm from a parent/carer or any other person, the person who receives the information should listen carefully and supportively. This also applies if a parent/carer or any other person discloses that he or she has harmed or is at risk of harming a child. The child should not be interviewed formally or in detail, as this may be best done by the **HSE or An Garda Síochána**. The staff member/ volunteer needs to gather enough information to establish grounds for concern, record the conversation accurately and then inform the person in the school, club or organisation who is responsible for reporting the matter to **the HSE or An Garda Síochána**.

Peer Abuse

In some cases of child abuse, the alleged perpetrator will be a child. In these situations, the child protection procedures should be adhered to for both the victim and alleged abuser, that is, it should be considered a child protection issue for both children. Work must be done to ensure that perpetrators of abuse, even when they are children themselves, take responsibility for their behaviour and acknowledge that the behaviour is unacceptable. It is important that clarity exists in respect of which behaviours constitute peer abuse, particularly child sexual abuse. Consultation with the **HSE** should help to clarify the nature of any sexual behaviour by children which gives rise to concern.

Bullying

Bullying can be defined as repeated verbal, psychological or physical aggression conducted by an individual or group against others. It is behaviour which is intentionally aggravating and intimidating, and occurs mainly in social environments such as schools, clubs and other organisations working with children. It includes behaviours such as teasing, taunting, threatening, hitting or extortion behaviour by one or more children against a victim. While the more extreme forms of bullying would be regarded as physical or emotional abuse and are reportable to HSE or An Garda Síochána, dealing with bullying behaviour is normally the responsibility of the school or organisation where

it is taking place. Training for teachers and staff/volunteers in organisations working with children should include modules on raising awareness and developing techniques for dealing with bullying.

Allegations of Abuse against Employees and Volunteers

Introduction

Allegations of abuse may be made against employees (who for the purposes of these guidelines include paid staff, and unpaid volunteers). Employers may encompass disability organisations, schools, or non-governmental organisations such as sports clubs. These guidelines are offered to assist managers in having due regard for the rights and interests of the child on the one hand, and those of the employee against whom the allegation is made on the other hand.

General Procedures

It is important to note that there are two procedures to be followed here:

- (i) the reporting procedure in respect of the child
- (ii) the procedure for dealing with the employee.

In general it is recommended that the same person should not have responsibility for dealing with both the reporting issues and the employment issues.

It is preferable to separate these issues and manage them independently. These procedures should be followed in the event of suspicion or disclosure of abuse against an employee. Staff/volunteers may be subjected to erroneous or malicious allegations. Therefore any allegation of abuse should be dealt with sensitively and support provided for staff including counselling where necessary. However, the primary goal is to protect the child while taking care to treat the employee fairly.

Guidance on Reporting

All organisations providing services to children must have clear written procedures on action to be taken when allegations of abuse against employees are received. Guidance should be provided for both children and employees on how to report suspected child abuse. The need for awareness and the requirement to report concerns should be reinforced through training and supervision. Employers should ensure that children and staff/volunteers are aware of internal line management reporting procedures. They should also be aware of the appropriate authorities to whom they should report outside the organisation (i.e. HSE or An Garda Síochána) if they are inhibited for any reason from reporting the incident internally or where they are dissatisfied with the internal response.

Employer's Responsibility to Report to Statutory Authorities

Where an employer becomes aware of an allegation of abuse by an employee the standard procedure for reporting allegations to the HSE should be followed without delay.

Action taken in reporting an allegation of child abuse against an employee should be based on an opinion formed reasonably and in good faith.

When an allegation is received it should be assessed promptly and carefully. It will be necessary to decide whether a formal report should be made to the HSE; this decision should be based on reasonable grounds for concern as outlined.

When an employer becomes aware of an allegation of abuse of a child or children by an employee during the execution of that employee's duties, the employer should inform the employee of the following:

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

The employee should be afforded an opportunity to respond. The employer should note the response and pass on this information when making the formal report to the HSE. Organisations as well as individuals may avail of the immunity from civil liability provided in the Protections for Persons Reporting Child Abuse Act, 1998 provided they report 'reasonably and in good faith' to the appropriate authorities. Section 3(1) of the Act states:

- '3(1) A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that
- (a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or

(b) a child's health, development or welfare has been or is being avoidably impaired or neglected, unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person.'

Procedures for Dealing with Employees and Employer's Duty of Care to Children

Employers have a dual responsibility in respect of both the child and the employee. All employers should have agreed procedures to address situations where allegations of child abuse are made against an employee. When an allegation is made against an employee, the following steps should be taken:

- (i) Action should be guided by the agreed procedures, the applicable employment contract and the rules of natural justice.
- (ii) The Chairperson (or equivalent head of organisation) should be informed as soon as possible.
- (iii) The first priority should be to ensure that no child is exposed to unnecessary risk. The employer should as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk and should not unreasonably penalise the employee, financially or otherwise, unless necessary to protect children. Where protective measures do penalise the employee, it is important that early consideration be given to the case.
- (iv) The follow up on an allegation of abuse against an employee should be made in consultation with the health board and An Garda Síochána. An immediate meeting should be arranged with these two agencies for this purpose.
- (v) After these consultation referred to above and when pursuing the question of the future position of the employee, the Chairperson (or equivalent head of organisation) should advise the person accused of the allegation and the agreed procedures should be followed.
- (vi) Employers should take care to ensure that actions taken by

them do not undermine or frustrate any investigations being conducted by the health board or An Garda Síochána. It is strongly recommended that employers maintain a close liaison with these authorities to achieve this.

Guidance for the HSE

The HSE will regularly receive allegations of abuse against people, whom have contact with children in their workplace or in a sports or youth club. If the HSE considers that children are, or may be, at risk from the alleged abuser, they should contact the institution or employer immediately. In this situation, it is not necessary to notify the alleged abuser in advance of the allegations against him or her. Where the HSE proposes to notify an employer or person-in charge of a club about an alleged abuser in their workplace, and where there is no immediate danger to children, the alleged abuser must be notified in advance of the allegations against him/her. The approach to an employer/person-in-charge in such cases may take place at any stage in the wider investigation and it may be practical that such an approach does not take place until any criminal or HSE investigation has concluded. HSE should put arrangements in place to provide feedback to employers/persons-in-charge in regard to the progress of a child abuse investigation involving an employee. Efforts should be made by the HSE to investigate complaints against employees/volunteers promptly and to complete their assessment as quickly as possible bearing in mind the serious implications for the innocent employee/volunteer. Employers/persons-in-charge should be notified of the outcome of an investigation. The HSE should pass on reports and records to the employer and to the employee/volunteer in question where appropriate. This will assist the employer/person-in charge in reaching a decision as to the action to be taken in the longer-term concerning the employee/volunteer.

Training

Training in child protection and welfare must be provided in all organisations that offer services to children. The key elements of effective training are:

- (i) the inclusion of different disciplines and agencies
- (ii) a focus on child protection and welfare legislation and policy along with national and local procedures
- (iii) dissemination of knowledge about child abuse, including physical and behavioural signs, effects and appropriate interventions
- (iv) A focus on inter-professional and inter-agency work along with the roles and responsibilities of individuals and organisations.
- (v) Dissemination of information about local services, contact addresses and methods of referral. As well as providing in-service training, organisations should encourage and facilitate employees/volunteers to participate in external training such as conferences, seminars and post-qualifying courses.

HSE Limerick Regional Director Childcare and Family Support Services 87 O'Connell Street Limerick Tel: 061-483592

Tel: 061-483592 Fax: 061-317407

AREA CHILD CARE MANAGER Limerick Vocational Training Services Dooradoyle Limerick Tel: 061-482792

Fax: 061-482471

Area Social Work Manager Unit 3, St. Camillus Hospital Shelbourne Road Limerick

Tel: 061-483711 Fax: 061-483757

Appendix 1

The National Guidelines have adopted the following definitions of child abuse.

Neglect

Neglect is normally defined in terms of an omission, where a 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, or medical care. Harm can be defined as the ill treatment or the impairment of the health or development of a child. Whether it is significant, is determined by his/her health and development as compared to that which could reasonably be expected of a similar child. Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For instance, a child who suffers a series of minor injuries is not having his or her needs met for supervision and safety. A child whose ongoing failure to gain weight or whose height is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived or intellectual stimulation. 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.

Emotional Abuse

Emotional abuse is normally to be found in the relationship between a caregiver and a child rather than in a specific event or pattern of events. It occurs when a child's needs for affection, approval, consistency and security are not met. It is rarely manifested in terms of physical symptoms. Examples of emotional abuse include:

- (i) persistent criticism, sarcasm, hostility or blaming;
- (ii) conditional parenting, in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- (iii) emotional unavailability by the child's parent/carer;
- (iv) unresponsiveness, inconsistent or inappropriate expectations of a child;
- (v) premature imposition of responsibility on a child;
- (vi) unrealistic or inappropriate expectations of a child's capacity to understand something or to behave and control himself in a certain way;
- (vii) under or over protection of a child;
- (viii) failure to show interest in, or provide age appropriate opportunities for, a child's cognitive and emotional development;
- (ix) use of unreasonable or over harsh disciplinary measures;
- (x) exposure to domestic violence.

Children show signs of emotional abuse by their behaviour (for example, excessive clinginess to or avoidance of the parent/carer), their emotional state (low self-esteem, unhappiness), or their development (non-organic failure to thrive). The threshold of significant harm is reached when abusive interactions become typical of the relationship between the child and parent/carer.

Physical Abuse

Physical abuse is any form of non-accidental injury that causes significant harm to a child, including:

- (i) shaking;
- (ii) use of excessive force in handling;
- (iii) deliberate poisoning;
- (iv) suffocation;
- (v) Munchausen's syndrome by proxy (where parents fabricate stories of illness about their child or cause physical signs of illness);
- (vi) allowing or creating a substantial risk of significant harm to a child.

Sexual Abuse

The definition of child sexual abuse presented here is not a legal definition, and is not intended to be a description of the criminal offence of sexual assault.

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others. For example:

- (i) exposure of the sexual organs or any sexual act intentionally performed in the presence of a child;
- (ii) intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- (iii) masturbation in the presence of a child or involvement of the child in the act of masturbation;
- (iv) sexual intercourse with the child, whether oral, vaginal or anal;
- (v) sexual exploitation of a child;
- (vi) consensual sexual activity between an adult and a child under 17 years. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years. This means, for example, that sexual intercourse between a 16 year old girl and her 17 year old boyfriend is illegal, although it might not be regarded as constituting child sexual abuse.

Reporting Form for Reporting Child Protection and Welfare Concerns to a Health Board

1. Date of Report://2	2. Name of person reporting:
3. Address of person reporting: _	
-	
-	
4. Relationship of reporting pers	on with the child concerned
5. Method of Report (telephone	call, personal call to office):
6. FAMILY DETAILS Details of child concerned:	
Surname:	Forename:
D.O.B/ Male/femal	e:
Alias (known as)	
Address:	
Correspondence address (if diffe	erent):
Telephone number:	
	our report to indicate (a) suspected or actual child abuse iving reasons Physical Sexual Emotional Abuse/Neglect
Suspected	Actual

8. Details of other family members/household members NAME AGE RELATIONSHIP EMPLOYMENT/LOCATIONTO SCHOOL CHILD		
In cases of emergency, or outside HSE hours, reports should be made to An Garda Síochána.		
9. Name of other professionals involved with child/ren and/or parents/carers.		
Public health nurse:		
School:		
General practitioner:Any other agency or professional involved (please describe the nature of an involvement):		
10. REPORT DETAILS Describe, as fully as possible the nature of the problem or incident being reported, giving details of times and dates of individual incidents, the circumstances in which they occurred, any other persons who were present at the time, and their involvement:		
11. Has any explanation been offered by the child, and/or parents/carers, which would account for the current problem or incident? (Details)		

12. As far as possible, describe the state of the child/ren's physical, mental and emotional well-being:		
13. If child abuse is being alleged, who is believed to be responsible for causing it? Include (if known)		
Name:Address:		
Degree of contact with child:		
Degree of contact with other children:		
14. Describe (in detail) any risks to which the child/ren in this situation are believed to be exposed:		
15. How did this information come to your attention?		
16. What has prompted you to report your concern at this time?		
17. What evidence of harm exists at present?		

18. Are there any factors in the child and/or parents/carers' present situation, which may have relevance to the current concern? (for example, recent illness, bereavement, separation, addiction, mental health problem or other difficulty)	
19. Are there any factors in the child and/or parents/carers' situation which could be considered protective or helpful (for example, extended family or community support). 20. Has any action been taken in response to the current concern or incident/ (Details)	
21. Are the child's parents/carers aware that this concern is being reported to the HSE? Yes No 22. Is there a need for urgent protective action at this point? Yes No	
23. Any other comments:	
SIGNED: Date://	

L.C.B.E.I. CHILD PROTECTION NOTES

Primary & Secondary School Children

L.C.B.E.I. works in schools both primary and secondary only with the permission of and under the direct supervision of the designated schools.

Any external functions organised from time to time are with the permission/participation of designated schools and parents are encouraged to accompany children and teachers.

Third Level Students

L.C.B.E.I. runs an information office during school term in normal business hours, parents and third level students can avail of this service. The L.C.B.E.I. office is in a public building under the management of L.E.D.P. Business Park. L.C.B.E.I. staff volunteer/paid have all sought Garda clearance for this work.

L.C.B.E.I. holds interviews in third level Colleges and in the L.C.B.E.I. office in L.E.D.P. from time to time.

L.C.B.E.I. group training sessions are held in hotels and involve large numbers of students not individuals.

L.C.B.E.I., undergraduates will from time to time visit schools and teacher supervised classes to act as role models.

Noted: A small number of L.C.B.E.I. third level undergraduates are technically children at the commencement of their third level courses and subject to the full rigour of the child protection act as outlined above.

Appendix 4 Bibliography

Department of Children and Youth Affairs. (2011) Children First: National Guidance for the Protection and Welfare of Children ("Children First"). Dublin: Government Publications, [online], available:

http://www.dcya.gov.ie/documents/Publications/ChildrenFirst.pdf

Child and Family Agency. (2014) *Guidance Note to help you fill in the Standard Report Form.* [online], available: http://www.tusla.ie/uploads/content/Guidance_Note_10-04-14.pdf