

**Comhairle Cathrach na Gaillimhe
City Council**

Galway

Polasaí um Chosaint Leanai Child Safeguarding Policy

**Child Protection and Welfare Policy and
Procedures**

Adopted 14/04/2026

Child Safeguarding Policy – Review Record			
Version	Date	Author	Changes
1.0 (Review due 18/06/20)	18 th June 2019	M Kenny	Original version adopted by SMT
2.0	23 rd of November, 2022	C Fahy	Section 3 updated to include updated information on making a report of Child Protection and Welfare concerns to Tusla, Child & Family Agency. Appendix 1 updated.
3.0	19 th of March, 2025	C Fahy	
4.0	15 th of December, 2025	C Fahy A. Lyons	Several changes throughout the document, including additional information regarding legislation, policy and procedure. Use of Incident Report Form, Appendix II. Update in relation to Mandated Reporters.

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Introduction

Children, because of their dependency and immaturity, are vulnerable to abuse in various forms. Parents or guardians have primary responsibility for the care and protection of their children. However, the Council has a responsibility to ensure the protection of children participating in any Council activities.

This policy extends to all staff. All employees must be sensitive to the vulnerability of children during the course of their duties and act in a responsible manner at all times. It is recognised that most staff members do not have expertise in this area; it is important to note that the investigation of suspected child abuse is the responsibility of the statutory authorities and shall not be undertaken by the Council's Designated Child Protection Liaison Officer(s) or other Local Authority employees.

These Guidelines have been developed in accordance with government guidelines Children First: National Guidelines for the Protection and Welfare of Children, a copy of which can be made available on request or can be found on the website of the Department of Health and Children – www.dohc.ie and The Local Government Management Services Board Guidelines.

It is important that all staff members, elected representatives and any other organisation working on behalf of Galway City Council are aware of the need to create a healthy and safe environment for everyone.

These guidelines are directed at all those who have contact with children in the normal course of their duties, to provide guidance on appropriate behaviour around children and what to do if physical, sexual or emotional and neglect abuse is suspected.

Guiding principles and objectives

- The purpose of this document is to outline the Local Authority's mandatory policy and procedures for the protection and safeguarding of children in accordance with the Children First Act, 2015 and Children First: National Guidance for the Protection and Welfare of Children 2017. This policy and procedure are supported by the Local Authority's Corporate Child Safeguarding Statement and Staff Code of Conduct.
- To provide guidelines for all staff, who in the course of their work, come in contact with or become involved in the lives of children and young people.
- To protect children by having clearly defined procedures for referring, reporting and dealing with incidents relating to child protection.
- To ensure child protection responsibilities are fully understood and complied with.
- When followed, this code will contribute to the protection, safety and welfare of children and young people and will also reduce the risk of false accusations being made against staff.

- The overall objective of this policy is to strengthen the safety and welfare of children in their various interactions with the Local Authority and to provide specific safeguards and support to employees, and volunteers who may be in contact with children and young people availing of the Council's services.

Overall responsibility

It is the responsibility of all staff to ensure that they have read and understood this code of practice and their local guidelines. Any external organisations that are subcontracted to work on behalf of Galway City Council must also be made aware of these guidelines by the contracting Line Manager.

Galway City Council will ensure that all staff:

- Are familiar with Galway City Council Guidelines for the protection of children
- Are aware of their obligations within Galway City Council Guidelines
- Attend Child Protection awareness training where appropriate
- Use a common-sense approach to all situations

Relevant Legislation

- Children First Act, 2015
- Children First: National Guidance for the Protection and Welfare of Children 2017
- National Vetting Bureau (Children and Vulnerable Persons) Act, 2012-2016
- Safeguarding Guidance for Organisations. Tusla 2015
- Criminal Justice Act (Withholding of Information on Offences Against Children and Vulnerable Persons) Act, 2012
- Criminal Justice Acts, 2006-2013
- Occupiers Liability Act 1995
- Data Protection Acts 1988-2018
- Freedom of Information 1997-2014
- Local Government Act, 2001 as amended
- Protected Disclosures Act, 2014
- Equality Act, 2004

- Child Care Act, 1991
- Protections for Persons Reporting Child Abuse Act, 1998
- Criminal law (Sexual Offences) Act, 2017

Please see appendix XIII for further information on the relevant legislation.

Section 1 Child Safeguarding Statement

The Council is committed to a child-centred approach to our work with children in all services and activities as operated by the Authority. We undertake to provide a safe environment where the welfare of the child is paramount. We will adhere to the Children First National Guidelines for the Protection and Welfare of Children by implementing procedures covering:

- Appropriate recruitment and selection of employees and volunteers;
- Appropriate vetting procedures (in accordance with National Vetting Bureau (Children & Vulnerable persons) Act 2012, 2016) of persons carrying out relevant work with children or vulnerable persons;
- Appropriate management, supervision and training of employees, volunteers and work placement interns/students;
- The reporting, investigation and recording of incidents and accidents complaints made against the Council, its employees/volunteers, any individuals taking/undertaking work experience or internships within the Council;
- The reporting of suspected or disclosed abuse confidentially;
- Circulation of information to employees, volunteers, parents/guardians and participants on our activities and what can be expected of the Authority in relation to those activities;
- Allegations of misconduct or abuse by employees;
- Appoint a relevant person in the organisation for the purposes of the Act;
- Enable employees/ volunteers, whether a Mandated Person or otherwise, to make a report to Tusla in accordance with the Act or any guidelines issued by the Minister.
- Maintain a list of persons in the organization who are Mandated Persons under the Act.

- Make the Child Safeguarding Statement available through circulation to all staff members and also display publicly.

Definition of ‘Child’

In these guidelines "child" means a person under the age of 18 years, excluding a person who is or has been married.

Designated Child Protection Liaison Officer

The Designated Child Protection Liaison Officer is the primary contact for staff and volunteers who have child protection concerns or welfare concerns. The DCPLO ensures concerns are assessed and reported to Tusla or An Garda Síochána as appropriate. The DCPLO will:

- Act as a source of advice on child safeguarding matters
- Receive and review child protection concerns from staff or volunteers
- Determine if reasonable grounds for concern exist
- Co-ordinate action within Galway City Council and with any other Child Protection Liaison Officers as relevant.
- Liaise with Tusla and An Garda Síochána and other agencies about suspected or actual cases of child abuse and make formal child welfare and protection referrals to Tusla;
- Maintain secure records of all concerns and actions taken and ensure that an individual case record is maintained of the action taken by the Authority, the liaison with other agencies, and the outcome;
- Inform parents/carers, where appropriate, if a report is to be submitted to Tusla/An Garda Síochána (note it is not necessary to inform the family if the person making the report is of the reasonable opinion that by doing so may place the person making the report at risk of harm from the family).
- Keep relevant people within the organisation, particularly the Chief Executive, informed of relevant issues, whilst maintaining confidentiality.
- Advise the organisation of child protection training needs
- Ensure that the Galway City Council’s child protection policy and procedures are followed and to inform appropriate sources of relevant concerns about individual children.

The person(s) designated shall ensure that s/he is knowledgeable about child protection and that s/he undertakes any training considered necessary to keep updated on new development.

The name and contact details of the Designated Child Protection Liaison Officer(s) and a Deputy Designated Child Protection Liaison Officer shall be made available to all employees, volunteers, relevant agencies and users of the Local Authority services, where appropriate.

The Council has appointed the following persons as the Designated Child Protection Liaison Officer and Child Protection Deputy Liaison Officers in accordance with the Children First Act 2015. The contact details for the Designated Child Protection Liaison Officer and Deputy Officer(s) are as follows:

Catherine Fahy, Senior Social Worker and Designated Child Protection Liaison Officer, Telephone: 091 536509, email: Catherine.Fahy@galwaycity.ie

Louise Conneally, Professionally Qualified Social Worker and Deputy Child Protection Liaison Officer, Telephone: 091 536421, email: Louise.Conneally@galwaycity.ie

Peter Barnett, Professionally Qualified Social Worker and Deputy Child Protection Liaison Officer, Telephone: 091 536537, email: Peter.Barnett@galwaycity.ie

Tara Naughton, Professionally Qualified Social Worker and Deputy Child Protection Liaison Officer, Telephone: 091 536476, email: Tara.Naughton@galwaycity.ie

Record Maintenance, Confidentiality and Data Protection

The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.

Records shall be kept in accordance with the Data Protection Acts, 1988-2018 in a secure access-controlled filing system available to relevant personnel only and within the confines of the obligations and duties of the Data Protection Acts, 1988-2018.

Information and Training

The Council will ensure that appropriate employees and volunteers receive adequate and appropriate child welfare and protection information and training, in accordance with Children First National Guidance 2017.

The Council will ensure that any employees who are Mandated Persons under the Children First Act, 2015 receive training specifically in relation to the statutory responsibilities of mandated persons under the Act.

The Council will ensure that Designated Child Protection Liaison Officers/Deputy Officers receive sufficient child protection and welfare information and training to enable them to undertake this role.

The current practice across all stakeholders and across all healthcare sectors is that training is delivered via the HSE Children's First online training. Galway City Council's DCPLO will identify the roles/staff within the Council who are required to receive this training. HR will co-ordinate the delivery of the training via the HSE Children's First online training that is available for staff at the following link: <https://childrenfirstuniversal.hseland.ie/en/>

It is a requirement for staff to complete this training every 3 years. This will be managed by the Council's Human Resources Section.

Section 2 Code of Behaviour in relation to Children

The Council aims to create an environment in which children are listened to, given a sense of belonging, and kept safe; parents are supported and encouraged; and employees and volunteers who work with children and young people are supported and protected. In order to meet these aims the Council will follow a framework for good practice and a code of behaviour as set out below.

The Council's Child-Centred Approach

All Council activities involving children shall be guided by what is best for children. Children's activities shall be conducted in a safe, positive and encouraging atmosphere. Standards of excellence should extend to personal conduct. Taking a child-centred approach means to:

- Treat all children equally.
- Listen to and respect children.
- Involve children as appropriate.
- Provide encouragement, support and praise (regardless of ability).
- Use appropriate language (physical and verbal).
- Have fun and encourage a positive atmosphere.
- Offer constructive criticism when needed.
- Treat all children as individuals.

- Respect a child's personal space.
- Use age-appropriate teaching aids.
- Lead by example;
- Be aware of child time limitations e.g. school/exams when scheduling activities.
- Create an atmosphere of trust.
- Respect and be aware of differences of ability, culture, religion, race and sexual orientation and membership of the Traveller Community.
- Endeavour to provide equality/diversity training for employees in relation to cultural differences.
- Use all information in respect of children only for the purpose for which it is given, subject to child protection concern.

Good Practice Framework

The Council aims to work within the following framework for good practice by:

- Providing policy training for employees and volunteers in line with these guidelines.
- Registering each child for day long or long-term activities or projects (name, address, phone, special requirements, attendance, emergency contact & parental consent). It is suggested that registration forms be established for relevant service points.
- No registration required for shorter events. However, children must be accompanied by a parent / guardian / teacher who must remain on the premises. Council P.R. must make this clear in publicity for the event.
- It will be noted that it is not possible to cover all open or public events e.g. concerts, play days, playgrounds;
- Complying with the Council's Data Protection Policy in respect of personal and sensitive data regarding children and their parents/guardians subject to child protection concerns;
- Making parents/guardians, children, visitors and facilitators aware of these child protection guidelines;
- Having procedures in place for accident/injuries or emergencies as per Health & Safety and accident reporting books;

- Reporting/recording any incidents and accidents;
- Being inclusive of children with special needs and children with disabilities, as appropriate
- Material used in children's activities should be age and ability appropriate
- Reporting any concerns to a Designated Child Protection Liaison Officer and following reporting procedures;
- Encouraging children to report any bullying concerns and worries and be aware of anti-bullying policy as appropriate to the service;
- Evaluation of work practices where contact with children occurs on a regular basis;
- Reviewing and updating policies and procedures regularly;
- Keeping parents/guardians informed of any issues of concern regarding their children as appropriate to the service i.e. formal organised activities e.g. sports events;
- Ensuring appropriate, to the service, supervision (including a minimum of two adults) depending on age, abilities and activities involved;
- Ensuring that partner organisations are familiar with the Council's guidelines;
- Not ignoring concerns;
- Not letting a problem get out of control;
- Ensuring that there are adequate insurance arrangements in place to cover all relevant activities;
- If the meeting or event is to be photographed, recorded and/or Webcast, parents/guardians must be informed beforehand;
- If images of children are to be displayed, parents/guardians must be informed beforehand;
- Ensure appropriate internet policies at Local Authority access points.

Inappropriate Behaviour – Checklist for Employees/Volunteers

- Avoid spending excessive amounts of time alone with children.
- Avoid taking children on journeys alone in a car where possible and never without the consent of the parent/guardian.

- Where possible employees should avoid being in a one-to-one situation with a child.
- Do not use/allow offensive or sexually suggestive physical conduct and/or verbal language.
- Do not single out a particular child (for unfair favouritism, criticism or ridicule).
- Do not allow/engage in inappropriate touching of any form.
- Do not hit or physically chastise children.
- Do not socialise inappropriately with children e.g. outside of structured organisational activities.
- Where events are held in a part of a building or complex children/young people should not have free access to all parts of the building.
- Outside the normal office hours unaccompanied children/young people should not be permitted into the building.
- Where physical contact is an inherent part of an activity, it is important to seek consent of child/young person in relation to physical contact (except in an emergency or a dangerous situation); avoid horseplay or inappropriate touch; check with child/young person about their level of comfort when doing touch exercises i.e. games may involve holding hands and it is about ensuring that this is done openly and within safe and comfortable limits for the child or young person.
- Not revealing personal information about children in any way, subject to child protection concerns.

Considerations for the Health and Safety of Children

- Do not leave children unattended/unsupervised; this may require accompanying children/young people to the toilet. If such a request is made to you, the child/young person should be advised that they must be accompanied by the adult responsible for them. In an emergency situation, where the principal adult is not available, a member of staff may bring the child/young person to the toilet accompanied by another member of staff.
- Provide a safe environment ensuring children are not in contact with dangerous materials and where feasible ensure another employee/volunteer is present.

- Be aware of and comply with the Council's policy on Safety, Health and Welfare at Work.
- Ensure that you are familiar with and comply with the Council's procedures in relation to accidents.
- Familiarise yourself with and where necessary comply with the emergency evacuation procedures particular to the location in which you are located and brief the children in your care on what they are to do/where they must go in an emergency.
- Be familiar with the particular risks associated with the activity and/or location at which you are based. Read and understand the Safety Statement for that location.
- When undertaking a risk assessment, take account of a child's natural curiosity and include appropriate precautions to safeguard a child's potential exposure.
- For any further advice in relation to health and safety issues you should contact the Council's Safety Advisor.
- First aid treatment is, wherever possible, carried out with more than one adult present except in the rare situation of serious injury where any delay in providing urgent first-aid pending the arrival of medical aid would be harmful to the child.

Consideration for Children with Special Needs or Disabilities

Adhere to national legislation including Disability Act 2005, and Equal Status Acts 2000-2007 in relation to children with disabilities or special needs to ensure access to all Local Authority services and activities. Strive to deliver universally accessible services and events for children in universally accessible environments.

General Supervision by External Parties

Employees/volunteers shall endeavour to ensure that there are adequate supervisory adult/child ratios in place where children are attending activities organised by Galway City Council or external parties in Galway City Council sites. The appropriate ratio will depend on the nature of the activity, the age of the children and any special needs of the group. A general guide may be 1:8 for under 12 years of age and 1:10 for over 12 years of age (good practice is a minimum of two or more adults). There shall be at least one adult of each gender with mixed parties. This ratio may not be appropriate at service points as distinct from organised activities.

- Employees/volunteers shall endeavour to avoid being left alone with children; Child protection will be of the highest priority in the recruitment, selection, training and supervisory procedures for staff working in one manned service points.
- Where an adult needs to meet with a child/young person alone, the door should be left open and another adult informed of the meeting.
- If an adult needs to talk separately to a child this should be done in an open environment in view of others whilst offering the child confidentiality.
- Employees should not be left alone with children at the end of an activity.
- Times for start and finish of activities should be clearly stated.
- Late collection of children by parents/guardians presents a potentially difficult situation, and employees/volunteers shall attempt to contact the child's parent/guardian on their contact number; Galway City Council can refuse to enrol a child for an event who has not been picked up as scheduled at a previous event.
- Use an alternative contact name/number agreed with the child's parent/guardian if necessary.
- Wait with the child with another employee member/volunteer present where possible;
- Make it clear to parents/guardians that it is not the Authority's responsibility to transport children home on behalf of parents/guardians who have been delayed.

Employees/volunteers shall not:

- Take the child home or to another location without permission from a parent/guardian.
- Send the child home with another person without permission from a parent/guardian.
- Leave a child unaccompanied.

Section 3 Reporting Child Protection & Welfare Concerns

Recognising Child Abuse

Child abuse can often be difficult to identify and may present in many forms (see Appendix III for guidance on categories of child abuse). Early detection is important and individuals working with children should share their concerns about child protection or welfare with the Designated Child Protection Liaison Officer in the Council.

Everyone must be alert to the possibility that children with whom they are in contact may be being abused.

If a child hints at or tells you that he or she is being abused, it must be handled very sensitively, and in the following way:

- Stay calm and listen – give the child time to say what she or he wants;
- Do not ask leading questions or details, or make suggestions;
- Do not stop the child recalling significant events, but do not make him or her repeat the story unnecessarily;
- Reassure the child, but do not promise to keep it a secret;
- Explain what needs to be done next;
- Record the discussion as carefully as possible.

The information shall then be passed on in accordance with the procedures outlined below.

The primary responsibility of the person who first suspects or is told of abuse is to report it and to ensure that their concern is taken seriously. The guiding principles in regard to reporting child abuse may be summarised as follows:

- The safety and well-being of the child must take priority;
- Reports should be made without delay;
- The principle of natural justice shall apply, as appropriate;
- A person is innocent until proven otherwise however any measures necessary to protect a child must be taken;

- The principle of confidentiality shall apply, whereby only those who need to know should be told of a suspicion/allegation/disclosure of abuse and the number that need to be kept informed shall be kept to a minimum.

Steps to be taken by an employee who knows about or suspects child abuse

- An employee/volunteer who knows or suspects that a child has been or is at risk of being harmed has a duty to discuss the concerns with their line manager firstly and subsequently report this concern to the Designated Child Protection Liaison Officer(s) (or Duty CPLO) without delay;
- The Designated Child Protection Liaison Officer(s) will report the information to the Tusla, Child & Family Agency who may notify An Garda Síochána if required;
- In an emergency (including outside of Tusla's office hours), a report must be made directly to An Garda Síochána;
- If the suspected abuser is an employee/volunteer of the Council, the matter should be brought to the immediate attention of the Manager;
- The person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for Tusla or An Garda Síochána;
- Under no circumstances should any individual member of employee or volunteer attempt to intervene or deal with the problem of abuse alone.
- If an employee/volunteer thinks a child is in immediate danger and cannot contact the Designated Child Protection Liaison Officer/Deputy or Tusla, they should contact the Gardaí without delay. Following on, a report should still be made to the Designated Child Protection Liaison Officer and submitted to Tusla, in accordance with the Council's reporting procedure.
- The employee reporting the concern to the DCPLD must complete an incident report form for record management, see appendix II on page 35

Guidelines for Recognition

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 their knowledge and information.

There are commonly three stages in the identification of child abuse.

These are:

1. considering the possibility;

2. looking out for signs of abuse;
3. recording of information.

The possibility of child abuse should be considered if any of the signs or symptoms referred to above are presented. Signs of abuse can be physical, behavioural, or developmental. They can exist in the relationships between children and parents/guardians or between children and other family members. A cluster or pattern of signs is likely to be more indicative of abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be believed; less obvious signs could be gently explored with the child, without direct questioning. Play situations such as drawing or story telling may reveal information.

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

If abuse is suspected, it is important to establish the grounds for concern (see examples from the 'Children's First' National Child Protection Guidelines below). The HSE should always be informed when a person has reasonable grounds for concern that a child may have been abused, or is being abused, or is at risk of abuse.

The following examples would constitute reasonable grounds for concern.

- Specific indication from the child that (s)he was abused;
- An account by a person who saw the child 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 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;
- Consistent indication, over a period of time that a child is suffering from emotional or physical neglect.

Observations should be accurately recorded and should include dates, times, names, and locations.

Steps to be taken by the Designated Child Protection Liaison Officer

- When the Designated Child Protection Liaison Officer receives a report about suspected or actual child abuse, they should consider whether there are reasonable grounds for reporting it to Tusla, Child and Family Agency. It may

be helpful to discuss the matter with a professional, such as the duty social worker, who can assist in deciding whether or not to formally report concerns to Tusla, Child and Family Agency.

This may involve:

- Clarifying or getting more information about the matter. Recording and treating the information as confidential
- Where there is any doubt or uncertainty, consult informally initially with Tusla, Child and Family Agency Duty Social Work Department to hear its view of the situation; (See Appendix IV for a list of Tusla Duty Social Work Contact Details);
- Making a formal referral to Tusla, Child and Family Agency or An Garda Síochána.
- Informing parents about making the referral where appropriate unless this would endanger the child. The Children First Act 2015 does not require the person making the report to inform the family that a report under the legislation is being made to TUSLA. However, it is good practice to do so and where possible the Galway City Council Mandated Persons making the report, or the Designated Child Protection Liaison Officer shall inform the family that a report is being made and the reasons for the decision unless determined by the Designated Child Protection Liaison Officer that by doing so would endanger the child or undermine the investigation.
- It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or in cases where the family's knowledge of the report could impair Tusla's ability to carry out an assessment. In addition, it is not necessary to inform the family if the person making the report is of the reasonable opinion that by doing so may place the person making the report at risk of harm from the family.

A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable suspicion or reasonable grounds for concern. However, these suspicions should be recorded or noted internally as future suspicions may lead to the decision to make a report and, in those circumstances; earlier suspicions may provide important information.

Standard reporting procedure

Where reasonable grounds exist for the reporting of suspected or actual child abuse a report shall be made to Tusla, Child and Family Agency via the online Tusla Portal System by the Designated Child Protection Liaison Officer or the Child Protection and Welfare Report Form

(https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf).

Reports may be made to the Tusla Duty Social Work Department. Each area of the city/county has an office with a social worker on duty between 09:00 – 17:00. The duty social worker is available to meet with, or talk on the telephone, to persons wishing to report child protection concerns.

In the event of an emergency, or the non-availability of Tusla employees, the report should be made to An Garda Síochána. This may be done at any Garda Station. Under no circumstances should a child be left in a dangerous situation pending the intervention of Tusla.

Information required when a report is being made

The ability of Tusla and/or An Garda Síochána to assess suspicions or allegations of child abuse will depend on the amount and quality of information conveyed to them by persons reporting their concerns.

All reports for child protection and welfare are submitted via the online Tusla Portal (<https://portal.tusla.ie/Account/Login?ReturnUrl=%2f>) or a Child Protection and Welfare Report Form for is attached in Appendix I, and should be used for reporting suspected child abuse to An Garda Síochána. If a report is made by phone, this form should be forwarded subsequently to Tusla, Child and Family Agency.

Any employee/volunteer/Child Protection Liaison Officer(s) who suspects child abuse should inform the parents/guardians if a report is to be submitted to the Tusla, Child and Family Agency or An Garda Síochána unless doing so is likely to endanger the child or undermine an investigation. Guidance may be obtained from Tusla, Child and Family Agency or An Garda Síochána on how this might be undertaken.

Any Council employee/volunteer who suspects child abuse shall not interview the child or the child's parents/guardians in any detail about the alleged abuse.

Additional guidance on the arrangements for reporting child abuse can be found in Chapter 4 of Children First – National Guidelines for the Protection and Welfare of Children issued by the Department of Health and Children.

All actions taken and outcomes should be recorded.

Cases where concerns are not referred on

In those cases where the Council decides that it should not refer concerns to Tusla or An Garda Síochána, the employee/volunteer who raised the concern must be given a

clear written statement, from the Designated Child Protection Liaison Officer, of the reasons why the Council is not doing so.

The employee/ volunteer should be advised that, if they remain concerned about the situation, they are free to consult with, or report to, Tusla or An Garda Síochána.

Malicious or vexatious allegations of child abuse made by employees/volunteers may be considered to be a disciplinary matter and dealt with accordingly, subject to 'The Protections for Persons Reporting Child Abuse Act, 1998' (see below).

Common Impediments to the Reporting of Child Abuse

Child abuse is a difficult and, to some people, distasteful subject. There is a common tendency to believe that it happens only to 'other people'. The identification of child abuse is frequently linked to personal experiences, values and beliefs, and there may be a reluctance to acknowledge its existence.

The belief that parents or other persons in charge of children would actually hurt or neglect them is not easy to sustain. It is easy, therefore, to deny, minimise or explain away any signs that a child is being harmed, even when evidence exists.

At times, it is hard to distinguish between abusive situations and those where other social problems such as unemployment, poverty, poor housing, mental illness or isolation are present. Sympathy for families in difficult circumstances can sometimes dilute personal or professional concerns about the safety and welfare of children.

Reluctance to act on suspicions about child abuse can often stem from uncertainty and fear. Individuals may be afraid of repercussions, afraid of being thought insensitive, afraid of breaking confidence, or afraid of being disloyal. Knowledge and information about child abuse will help to overcome reluctance to take action.

The Protections 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, 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.

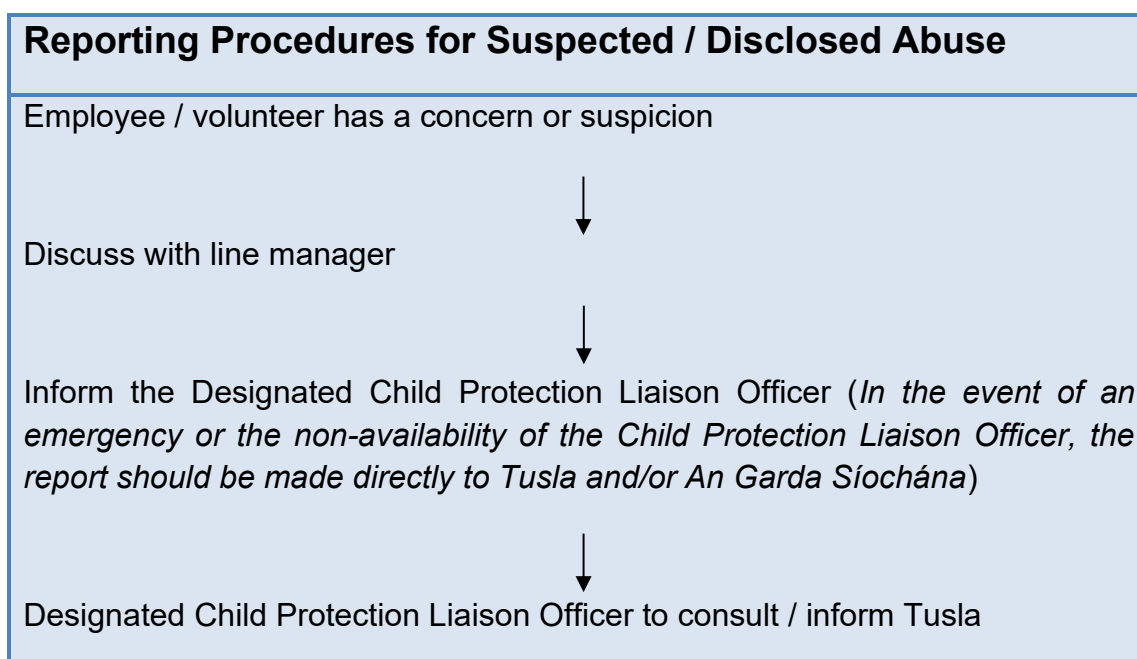
Designated Child Protection Liaison Officers and Mandated Persons

It is important to note that the statutory obligation of Mandated Persons to report under the Children First Act 2015 **must be discharged by the individual who has the role of mandated person** and cannot be discharged by the Designated Child Protection Liaison Officer on their behalf.

Some Designated Child Protection Liaison Officers will themselves be mandated persons under the Children First Act 2015 and the statutory obligations of the mandated person under the Children First Act, 2015 will apply. In this case, if the Designated Child Protection Liaison Officers is made aware of a concern about a child that meets or exceeds the thresholds of harm for mandated reporting which have been set out in the Act, then they will have a statutory obligation to make a report to Tusla arising from their role as a mandated person.

While Mandated Persons have statutory obligations regarding reporting, they may make a report jointly with another person, whether the other person is a Mandated Person or not. In effect this means that a Mandated Person can make a joint report with a Designated Child Protection Liaison Officer.

The procedure for reporting a concern is as follows:



↓
Designated Child Protection Liaison Officer to inform parent(s) / guardian(s) if making a report ***unless doing so would endanger the child or undermine the investigation***

↓
Designated Child Protection Liaison Officer or Galway City Council Mandated Person to report to An Garda Síochána if unable to reach Tusla – i.e. during an emergency or during out of hours.

All concerns reported, actions taken, and outcomes should be recorded by the Designated Child Protection Liaison Officer and/or the Galway City Council Mandated Person (making the report) in line with Data Protection Acts, 1988-2018.

Who are Mandated Persons

Mandated persons are people who have ongoing contact with children and/or families who by virtue of their qualifications, training and experience are in a key position to help protect children from harm (see Appendix V and for definition Appendix VII).

A full list of employees/roles who are classified as mandated persons under the Act can be found in Appendix V.

Galway City Council will develop and maintain a list of mandated persons as specified in the Children First National Guidance 2017.

Legal Obligations of a mandated person

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

- to report harm of children above a defined threshold to Tusla, and
- to assist the Agency, if requested, in assessing a concern which has been the subject of a mandated report.

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

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

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

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

2.17.3 The Children First Act 2015 section 14 (2) also places obligations on mandated persons to report any disclosures made by a child:

“Where a child believes that he or she –

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

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

Reporting Mandated Concerns

Criteria for reporting: definitions and thresholds

The legislation states that mandated persons are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The four types of abuse are described in Appendix II. The threshold of harm for each category of abuse at which mandated persons have a **legal** obligation to report concerns is outlined below.

A mandated person who has a concern about a child should decide as to whether the concern meets the threshold for a mandated report under the Act. Where satisfied that this threshold is reached, the mandated person should clearly identify on the report that it is a mandated report made under the Children First Act 2015. Concerns that do not reach the threshold for mandated reporting should still be reported as a standard report under Children First National Guidance 2017 if they constitute a reasonable concern about the welfare or protection of a child.

If the mandated person is in doubt about whether the concern reaches the legal definition of harm for the purpose of making a mandated report Tusla can provide advice in this regard. Details of who to contact in this regard can be found on the Agency website.

Disclosures of abuse from a child or young person

Mandated persons who receive a disclosure of harm from a child, which is above the thresholds set out in the Children First National Guidance 2017 are required to make a mandated report of the concern to Tusla. Mandated persons are not required to judge the truth of the claims or the credibility of the child. However, you need to inform Tusla of all reasonable concerns about a child.

The reporting requirements under the Children First Act 2015 apply only to information that a mandated person has received or become aware of since the Act came into force, irrespective of whether the harm occurred before or after the commencement of the section on mandated reporting. However, reasonable concerns about past abuse where information came to the attention of the professional prior to the Act and there is a possible continuing risk to children can be reported to the Agency under the Children First National Guidance 2017.

Exemptions from requirements to report

The exceptions from requirements to report are outlined in the National Guidance Children First 2017.

Concerns developed outside of professional duties

The legal obligation to report under the Act applies to information that a mandated person acquires in the course of their profession or employment. It does not apply to information acquired outside their work, or information given to them in respect of a personal rather than a professional relationship. While the legal obligation to report only arises in relation to employment or professional duties, professionals should comply with the requirement of the Children First guidance 2017 to report all reasonable concerns to Tusla.

Making a mandated report

Section 14 of the Children First Act 2015 states that mandated persons are required to make a written report “as soon as practicable” to Tusla. A report of a concern should be submitted to the Agency using the required report form on which it should be indicated that the person making the report is a mandated person and that the report is in relation to a mandated concern. Mandated persons should include as much relevant information as possible in the report of the concern as to do so will facilitate effective and early intervention for the child and will reduce the likelihood of the Agency needing to contact the person making the report for further information. The report form can be found on the Agency’s website (www.tusla.ie) and is located in Appendix V.

The Children First Act 2015 requires Tusla to appoint authorised persons to receive mandated reports. The Report Form can be submitted to Tusla electronically by emailing the authorised persons using the contact details on the Tusla website. All mandated reports received by an Agency authorised person on a completed Report Form will receive a formal acknowledgement of receipt by Tusla. Mandated persons should be aware that Tusla may not be able to provide feedback on the outcome of the case. However, the information which has been provided will be carefully considered with any other information available to Tusla, and a child protection assessment will proceed if sufficient risk is identified. Further detail on how the Tusla deals with concerns they receive can be found in the Children First Guidance.

Mandated persons are not required to report the same concern on more than one occasion. However, if a mandated person becomes aware of any **additional information** a further report should be made. In addition, 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 becoming aware that another mandated person has made a report to Tusla in respect of the child concerned.

Reporting in an emergency situation

In an emergency situation, where a mandated person knows or has reasonable grounds to suspect that a child may be at risk of immediate harm and needs to be removed to a place of safety, Tusla should be contacted immediately. The details of how to contact Tusla, both during and outside of office hours can be found on Tusla's website (see Appendix V). If the child needs immediate intervention and it is not possible to contact Tusla, contact should be made with the Gardaí. Where an emergency report is made, mandated persons must submit a formal written mandated report to Tusla within three days.

Joint reporting

Mandated persons may make a report jointly with any other person, whether that other person is mandated or not. For example, this could arise in situations where a child is admitted to A&E.

Informing the family that a report is being made

The Children First Act 2015 does not require mandated persons to inform the family that a report under the legislation is being made. However, it is good practice to do so and where possible the Galway City Council mandated persons making the report, or the Designated Child Protection Liaison Officer shall inform the family that a report is being made and the reasons for the decision unless determined by the Designated Child Protection Liaison Officer that by doing so would endanger the child or undermine the investigation.

It is not necessary to inform the family that a report is being made if by doing so the child will be placed at further risk or in cases where the family's knowledge of the report could impair Tusla's ability to carry out a risk assessment. In addition, it is not necessary to inform the family if the person making the report is of the reasonable opinion that by doing so it may place the person making the report at risk of harm from the family.

Informing the Designated Child Protection Liaison Officer

Designated Child Protection Liaison Officers are responsible for ensuring that reporting procedures are followed correctly and promptly. They act as a liaison person to Tusla. Any mandated person(s) is required to inform the Designated Child Protection Liaison Officer or Deputy if a mandated report has been made (sent to

Tusla) and to provide a copy of the report. Mandated persons should be familiar with and adhere to any such requirements.

Mandated persons have a statutory obligation to report concerns of harm which meet or exceed the threshold set out in the Children First Act 2015 directly to Tusla. **Mandated persons should be aware that the legal obligations under the Children First Act 2015 to report mandated concerns rest with them and not with the Designated Child Protection Liaison Officer.** However, there is nothing in the Act to prevent mandated persons from either making a mandated report jointly with a Designated Child Protection Liaison Officer or providing a copy of the mandated report they have submitted to Tusla for the information of the Designated Child Protection Liaison Officer.

Consequences of Non-Reporting for Mandated Persons

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However mandated persons should be aware that there are potential consequences for a failure to report (as outlined in Children First National Guidance).

Sharing information

In accordance with the Children First Act 2015, Section 14 (1), Subject to subsections (3), (4), (5), (6) and (7), the mandated person shall report the concern to Tusla.

Section 17 of the Children First Act, 2015 provides that it is an offence for a 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 the mandated person written authorisation to do so. A person who fails to comply with this section is liable to a class A fine or imprisonment for a term not exceeding 6 months or both.

Protection from civil liability

Mandated persons who are required to share information with Tusla in order to assist in the assessment of risk are protected from civil liability. Section 16 (3) of the Act states:

“If a mandated person furnishes any information (including a report), document or thing to the Agency pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or

otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.”

Training for Mandated Persons and General Galway City Council staff on Children’s First

Tusla provides information resources on Children First guidance and legislation, including an e-learning module. This e-learning module, which is called *Introduction to Children First*, covers recognising and reporting child abuse, the role of mandated persons, including mandated assisting, and the responsibilities of organisations working with children to safeguard children using their services. Information on how you can access the e-learning module can be found on the Tusla website (www.tusla.ie).

Information is also available on the Tusla website to assist in developing other specific Children First Training (Tusla Children First – Best Practice Principles for Organisations in Developing Children First Training Programmes). It is the responsibility of each organisation to ensure that its staff and volunteers receive adequate and appropriate child welfare and protection training to meet their child protection obligations under the Act.

Section 4 Dealing with Complaints/Allegations against the Council, Employees and Volunteers

Allegations against an Employee or Volunteer

Where an allegation of abuse of a child is made against an employee or volunteer the reporting procedure must be dealt with and managed by the Council, guided by the Council’s Designated Child Protection Liaison Officer(s) as outlined under Children First: National Guidelines for the Protection and Welfare of Children.

It is important to note that the investigation of suspected child abuse is the responsibility of the statutory authorities i.e. Tusla/An Garda Síochána and shall not be undertaken by the Council’s Designated Child Protection Liaison Officer(s) or other Local Authority employees.

Where such an allegation is made against an employee, or volunteer contact and consultation with Tusla and An Garda Síochána will take place as soon as reasonably practical. This may be done through the Council’s Designated Child Protection Liaison Officer(s). Following these consultations any action will be guided by the relevant Statutory Body.

Procedures for the reporting of such incidents are set out in Section 12 of Children First: National Guidelines for the Protection and Welfare of Children a copy of which can be made available on request or can be found on the website of the Department of Health and Children – www.dohc.ie

The Council will, as a matter of urgency, take any necessary protective measures that are proportionate to the level of risk and will balance its obligations to its employee with its obligations in respect of the best interests of children.

When an allegation is made against an employee, the following steps shall be taken:

1. The Designated Child Protection Liaison Officer should be informed of the allegation;
2. The Designated Child Protection Liaison Officer should inform the Director of Corporate Services (Human Resources) and the HR Officer of the allegation;
3. The Manager shall be informed as soon as possible;
4. The Designated Child Protection Liaison Officer should follow the Standard Reporting Procedure to Tusla (TUSLA).
5. The employee/volunteer should be informed, in confidence, that an allegation has been made against him/her, the nature of the allegation and their response should be noted and passed on to TUSLA;
6. The key priority shall 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.
7. Action shall be guided by the agreed internal procedures i.e. Council's Grievance and Disciplinary Procedures, the applicable employment contract and the rules of natural justice, where appropriate; (See Appendix IX: Employee/Volunteer Allegation Chart)
8. The follow up on an allegation of abuse against an employee shall be made in consultation with the Tusla and An Garda Síochána. An immediate meeting shall be arranged with these two agencies for this purpose;
9. When pursuing the question of the future position of the employee, the Designated Child Protection Liaison Officer shall advise the person accused of the allegation and the agreed procedures shall be followed.

Employees/volunteer's may be subjected to erroneous or malicious allegations. Therefore, any allegation of abuse will be dealt with sensitively and support will be offered to employees/volunteers via the Council's Employee Assistance Program (EAP). However, the primary goal is to protect the child while taking care to treat the employee/volunteer fairly.

Procedure for a Provider of a ‘Relevant Service’/Contractor Engaged by the local authority through the provision of resources

It is the responsibility of each Provider of a ‘Relevant Service’/Contractor supported by the local authority through the provision of resources to undertake an assessment of any potential for harm to a child while providing the service.

It is the responsibility of each Provider of a ‘Relevant Service’/Contractor, engaged by the local authority for the provision of resources, to confirm they have a written Child Safeguarding Statement in place specifying the service being provided and outlining the procedures that are in place to;

- manage any child safeguarding risk identified;
- investigate an allegation against any staff member about any act, omission or circumstance in respect of a child availing of the service;
- select and recruit staff who are suitable to work with children;
- provide information and training to employees on child protection and safeguarding issues;
- enable employees/ volunteers, whether a mandated person or otherwise, to make a report to Tusla in accordance with the Act or any guidelines issued by the Minister;
- maintain a list of persons in the organization who are mandated persons under the Act;
- appoint a relevant person in the organization for the purposes of the Act.

The Service Specific Child Safeguarding Statement should provide an overview of the measures that the service has in place to ensure that children are protected from harm.

The Provider of a ‘Relevant Service’/Contractor supported by the local authority through the provision of resources should also have in place appropriate child protection policies and procedures.

The Council shall seek a signed declaration from the provider of a ‘Relevant Service’/Contractor supported by the local authority through the provision of resources, that they have read and understand the particulars outlined in the Children First Act, 2015, Children First National Guidance 2017 and TUSLA Guidance.

The signed declaration should confirm the undertaking of a risk assessment and preparation of a Child Safeguarding Statement, and that the Provider/Contractor agrees to follow the guidelines on procedures and practices contained within.

The signed declaration should confirm that a vetting disclosure has been received in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act,

2012 to 2016 for any employee and/or volunteer carrying out 'regular work or activities' i.e. 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.

Section 5 Confidentiality

All information regarding concerns of child abuse shall be shared only on "a need to know" basis in the interests of the child. No undertakings regarding secrecy can be given. Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different professional employees that have a responsibility for ensuring the protection of children. Giving information to others for the protection of a child is not a breach of confidentiality.

Anyone who receives information from colleagues about possible or actual child abuse must treat it as having been given in confidence, subject to above. Any breaches of confidential information may be regarded as a disciplinary matter, subject to above. Records should be kept in accordance with the Data Protection Act, within an agreed filing system and be available only to those directly involved and within the confines of the obligations and duties of the Data Protection Act, 2003. Records shall be kept in accordance with the Data Protection Acts, 1988-2018 in a secure access-controlled filing system available to relevant personnel only and within the confines of the obligations and duties of the Data Protection Acts, 1988-2018.

Section 6 Recruitment and Selection

The Council has a procedure for the vetting of employees and volunteers working with children/vulnerable adults. This procedure has been determined by An Garda Síochána and the Department of Housing, Local Government and Heritage.

All applicants for appointment or engagement will be required to supply information in writing on the prescribed Consent Form and to provide formal photographic identification in support of their application. This will include personal details, past and current work/volunteering experience and any qualifications or skills relevant to the post.

Relevant applicants for employment who will be required to make a declaration relating to previous criminal records (see Sample Declaration Form Appendix VI)

When a candidate is being considered for appointment or is being placed on a panel, the completed Consent Form will be sent to the Garda Central Vetting Unit by the Council's Authorised Signatory as appointed under the Garda Vetting Procedure.

Volunteers may be required to supply information in writing on the prescribed Consent Form with a view to being vetted by An Garda Síochána. This requirement will be determined through liaison with the Council's Authorised Signatory. The Authorised Signatory should seek advice on the possibility of vetting volunteers through the Garda Vetting Unit.

All candidates being considered for employment are subject to reference checks. It is the policy to gain at least two recent employment references from those who have knowledge of the individual's recent career in a professional context.

Each reference check will be validated by a phone call.

Section 7 Grant Funding

In circumstances where there is grant assistance to festivals or community groups under the Arts or any grant scheme, the relevant Local Authority should ensure that the group or festival has appropriate policies in place as regards child protection. The relevant Local Authority should also require confirmation that the appropriate insurance policies are in place.

Section 8 Further information

Further information on child protection and welfare is available from the Council's Designated Child Protection Liaison Officer(s) from Tusla, Child & Family Agency and from the Department of Health and Children.

Section 9 Review

This policy will be reviewed on an annual basis or earlier as required.

Appendix I

Standard form for reporting Child Protection and/or Welfare Concerns – please follow https://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Rep



An Ghnóthachas
Leanaí agus Teaghlaigh
Child and Family Agency

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

1. Tusla Area (this is where the child resides)*

2. Date of Report*

3. Details of Child

First Name*	Surname*		
Male*	☐	Female*	☐
Address*		Date of Birth*	
		Estimated Age*	
		School Name	
Eircode		School Address	

4. Details of Concerns*

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child's view, if known. Please attach additional sheets, if necessary

Please see 'Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns' for additional assistance on the steps to consider in making a report to Tusla

5. Type of Concern

Child Welfare Concern	☐
Emotional Abuse	☐ Physical Abuse ☐
Neglect	☐ Sexual Abuse ☐

6. Details of Reporter

First Name	Surname
Address if reporting in a professional capacity, please use your professional address	Organisation
	Position Held
	Mobile No.
	Telephone No.
Eircode	Email Address

[ort Form FINAL.pdf](#)

Appendix II Child Safeguarding Incident Report Form

Child Safeguarding Reporting Form

Confidential

Name of Child:	
Family Details:	
Contact Details:	
Address:	
Status (E.g. Tenant/Customer):	
Housing Reference Number (if applicable):	

Details of Concern: <i>Provide specific details about the concerns/allegations, dates/times, information about the family etc.</i>

Other agencies/services involved with the client/family <i>For e.g. GP, Public Health Nurse etc. Add additional rows as necessary</i>		
Agency Name	Link Person & Role	Contact Details

--	--	--

Name of Reporter:	
Phone & Email contact details:	
Date:	

Signed by DCPLO: _____

Appendix III Guidance on Categories of Child Abuse

1. Recognition of Child Abuse

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time.

2. Neglect

Neglect can be defined in terms of an omission, 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 and 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 child of similar age.

Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. 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.

3. Signs and Symptoms of Child Neglect

A distinction can be made between "wilful" neglect and "circumstantial" neglect. For instance, "wilful" neglect would generally incorporate a direct and deliberate

deprivation by a parent/guardian of a child's most basic needs e.g. withdrawal of food, shelter, warmth, clothing, contact with others, whereas "circumstantial" neglect more often may be due to stress/inability to cope by parents or guardians.

Child neglect may be suspected in cases of:

- Abandonment or desertion
- Children persistently being left alone without adequate care and supervision
- Malnourishment, lacking food, inappropriate food or erratic feeding
- Lack of warmth or adequate clothing
- Lack of protection and exposure to danger including moral danger or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Non-organic failure to thrive i.e. child not gaining weight not alone due to malnutrition but also due to emotional deprivation
- Failure to provide adequate care for the child's medical problems
- Exploited, overworked

4. Emotional Abuse

Emotional abuse is normally to be found in the relationship between a care-giver and a child rather than in a specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security is not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms. Examples of emotional abuse of children include:

- the imposition of negative attributes on children, expressed by persistent criticism, sarcasm, hostility or blaming;
- conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
- emotional unavailability by the child's parent/guardian;
- 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 himself in a certain way;
- under or over-protection of the child;
- failure to show interest in, or provide age-appropriate opportunities for, the child's
- cognitive and emotional development;
- use of unreasonable or over-harsh disciplinary measures;
- exposure to domestic violence.

The threshold of significant harm is reached when abusive interactions dominate and become typical of the relationship between the child and the parent/guardian.

5. Signs and Symptoms of Emotional Child Abuse

Emotional abuse is not easy to recognise because the effects are not easily observable. Emotional abuse can be defined in reference to the following indices. However, it should be noted that no one indicator is conclusive of emotional abuse.

- Rejection
- Lack of praise and encouragement
- 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)
- Serious over-protectiveness
- Inappropriate non-physical punishment (e.g. locking in bedrooms)
- Family conflicts and/or violence
- Every child who is abused sexually, physically or neglected is also emotionally abused
- Inappropriate expectations of a child's behaviour - relative to his/her age and stage of development.

6. 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
- Munchausen's Syndrome by Proxy
- allowing or creating a substantial risk of significant harm to a child.

7. Signs and Symptoms of Physical Abuse

Unsatisfactory explanations or varying explanations for the following events are highly suspicious:

- Bruises
- Fractures
- Swollen joints
- Burns/Scalds (see below for more detail)
- Abrasions/Lacerations

- Haemorrhages (retinal, subdural)
- Damage to body organs
- Poisonings - repeated (prescribed drugs, alcohol)
- Failure to thrive
- Coma/Unconsciousness
- Death.

8. Sexual Abuse

Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal or for that of others. Examples of child sexual abuse include the following:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of the 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 the involvement of the child in an act of masturbation;
- sexual intercourse with the child whether oral, vaginal, or anal;

Sexual exploitation of a child includes inciting, encouraging propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children which is often a feature of the “grooming” process by perpetrators of abuse.

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.

9. Signs and Symptoms of Child Sexual Abuse

Guardians and professionals should be alert to the following physical and behavioural signs:

- Bleeding from the vagina/anus
- Difficulty/pain in passing urine/faeces
- An infection may occur secondary to sexual abuse, which may or may not be a definitive sexually transmitted disease. Professionals should be informed if a child has a persistent vaginal discharge or has warts/rash in genital area.
- Noticeable and uncharacteristic change of behaviour

- Hints about sexual activity
- Age - inappropriate understanding of sexual behaviour
- Inappropriate seductive behaviour
- Sexually aggressive behaviour with others
- Uncharacteristic sexual play with peers/toys
- Unusual reluctance to join in normal activities which involve undressing, e.g. games/swimming

Particular behavioural signs and emotional problems suggestive of child abuse in young children (0-10 yrs):

- Mood change, e.g. child becomes withdrawn, fearful, acting out;
- Lack of concentration (change in school performance)
- Bed wetting, soiling
- Psychosomatic complaints; pains, headaches
- Skin disorders
- Nightmares, changes in sleep patterns
- School refusal
- Separation anxiety
- Loss of appetite
- Isolation

Particular behavioural signs and emotional problems suggestive of child abuse in older children (10 yrs +):

- Mood change, e.g. depression, failure to communicate
- Running away
- Drug, alcohol, solvent abuse
- Self-mutilation
- Suicide attempts
- Delinquency
- Truancy
- Eating disorders
- Isolation

Appendix IV List of Duty Social Work Contact Details

Location	Address	Contact
Galway City	Child and Family Agency, 25 Newcastle Road, Galway	091 881860

Please see further contact details at the following link:

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

Appendix V Children First – National Guidelines for the Protection and Welfare of Children

Schedule of Mandated Persons

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) childcare 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 youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and

(b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

17. Foster carer registered with the Agency.

18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Chapter Twelve

Allegations of Abuse against Employees and Volunteers

12.1 Purpose

This chapter provides guidance to employers in a situation where an allegation of abuse is made against an employee. In this context, employees also include unpaid volunteers as well as foster-parents. Employers may encompass disability organisations, schools, crèches or nongovernmental organisations such as sports clubs. The 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. 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.

12.2 General Procedures

12.2.1

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.

12.2.2

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.

12.3 Guidance on Reporting

12.3.1

All organisations providing services to children should have clear written procedures on the action to be taken if allegations of abuse against employees are received. Guidance should be provided for both children and staff/volunteers on how to report suspected abuse. The need for awareness and to report concerns should be reinforced through training and supervision.

12.3.2

Employers should ensure that children and staff are aware of internal line management reporting procedures. Employees should also be aware of the appropriate authorities to whom they should report outside the organisation if they are inhibited for any reason in reporting the incident internally or where they are dissatisfied with the internal response.

12.4 Employer's Responsibility to Report to Statutory Authorities

12.4.1

Where an employer becomes aware of an allegation of abuse by an employee the standard procedure for reporting allegations to the health board should be followed without delay (see Chapter Four). Health Boards should have their own internal reporting procedures in place in regard to allegations made against their employees.

12.4.2

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 health board; this decision should be based on reasonable grounds for concern as outlined in Chapter Four.

12.4.3

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 privately 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 health board.

12.4.4

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"

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

12.5.1

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 consultations 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/Managers should take care to ensure 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.

12.6 Guidance for Health Boards

12.6.1

Health boards will regularly receive allegations of abuse against people who have contact with children in their workplace or in a sports or youth club. If the health board 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.

12.6.2

Where a health board proposes to notify an alleged abuser's employer or person-in-charge of a club where (s)he attends, 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 health board investigation has concluded.

12.6.3

Health boards 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 health boards to investigate complaints against employees promptly and to complete their assessment as quickly as possible bearing in mind the serious implications for the innocent employee. Employers/persons-in-charge should be notified of the outcome of an investigation. The health board should pass on reports and records to the employer and to the employee 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.

Children First Information and Advice Officers

Name	Area	Contact Address	Contact
Jan Perrin & Edwina Flavin	Dublin Mid-Leinster Dublin South City, Dublin Southwest, Dublin West Kildare, West Wicklow	Jan Perrin, Children First Information and Advice Person, Tusla Child and Family Agency, Trinity Building, IDA Business Park, Southern Cross Road, Bray, Co. Wicklow. Edwina Flavin, Children First Information and Advice Officer, Tusla Child and Family Agency, Brunel Building, Heuston South Quarter, St John's Road West, D8. D08XO1F	edwina.flavin@tusla.ie jan.perrin@tusla.ie
	Dublin Mid-Leinster LHOs: Dublin South (Dún Laoghaire); Dublin Southeast; Wicklow		E-mail: Nationalservices@tusla.ie

Name	Area	Contact Address	Contact Numbers
Deirdre Horan-Martin	Dublin Northeast Cavan/Monaghan	Child Care & Development Unit, 3rd Floor, Park House, North Circular Road, Dublin 7	deirdrem.horanmartin@tusla.ie

Kathryn Morris	Dublin Northeast Meath & Louth	Kathryn Morris. Children First Information and Advice Officer, Child and Family Agency, Enterprise Centre, Trim Road, Navan, Co Meath	kathryn.morris@tusla.ie
Edel O'Connor	Dublin Northeast Dublin North	Edel O'Connor, Children First Information and Advice Officer, Child and Family Agency, 180 - 189 Lakeshore Drive, Airside Business Park, Swords, Co Dublin	E-mail: edel.oconnor1@tusla.ie
Anne Purcell	Southeast Carlow, Kilkenny. Wexford, South Tipperary		E-mail: Nationalservices@tusla.ie
Margaret Fitzgerald & Maureen Crowley	Southwest Cork & Kerry	Margaret Fitzgerald & Maureen Crowley Children First Information and Advice Officers Margaret Fitzgerald Child and Family Agency, HSE Community Services Building, Room G32, Rathass, Tralee Co. Kerry V92 YA25 Or Maureen Crowley	E-mail: margareta.fitzgerald1@tusla.ie E-mail: maureen.crowley@tusla.ie

		Tusla, Child & Family Agency, Hospital Grounds, Coolnagurrane, Skibbereen, Co. Cork. P81 T803	
	West Galway		E-mail: Nationalservices@tusla.ie

Name	Area	Contact Address	Contact Numbers
Roisín Moyles	West Roscommon, Mayo	Roisín Moyles Children First Information and Advice Officer, Ballina Health Centre, Mercy Road, Ballina, Co. Mayo	Email: Roisin.moyles@tusla.ie
Noreen Herron	HSE West Sligo, Leitrim, Donegal, West Cavan	Noreen Herron Children First Information and Advice Officer, Child and Family Agency, Primary Care Unit Barrack Street Sligo	E-mail: noreen.herron@tusla.ie
Laure Nee	West Clare	Laura Nee Children First Information and Advice Officer, Child and Family Agency, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	E-mail: laura.nee@tusla.ie
Laura Nee	West Limerick	Laura Nee Children First Information and Advice Officer,	E-mail: laura.nee@tusla.ie

		Child and Family Agency, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	
Laura Nee	HSE West Tipperary North	Laura Nee Children First Information and Advice Officer, Child and Family Agency, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	E-mail: laura.nee@tusla.ie

For further information please follow the link:

<https://www.tusla.ie/get-in-touch/children-first-information-and-advice-officers/#:~:text=The%20Child%20and%20Family%20Agency,and%20guidance%20on%20Children%20First>.

Appendix VI 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 ☐

If yes, please outline the reason below.

Have you ever been convicted of a criminal offence? Yes ☐ No ☐

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

Signed: _____ Date: _____

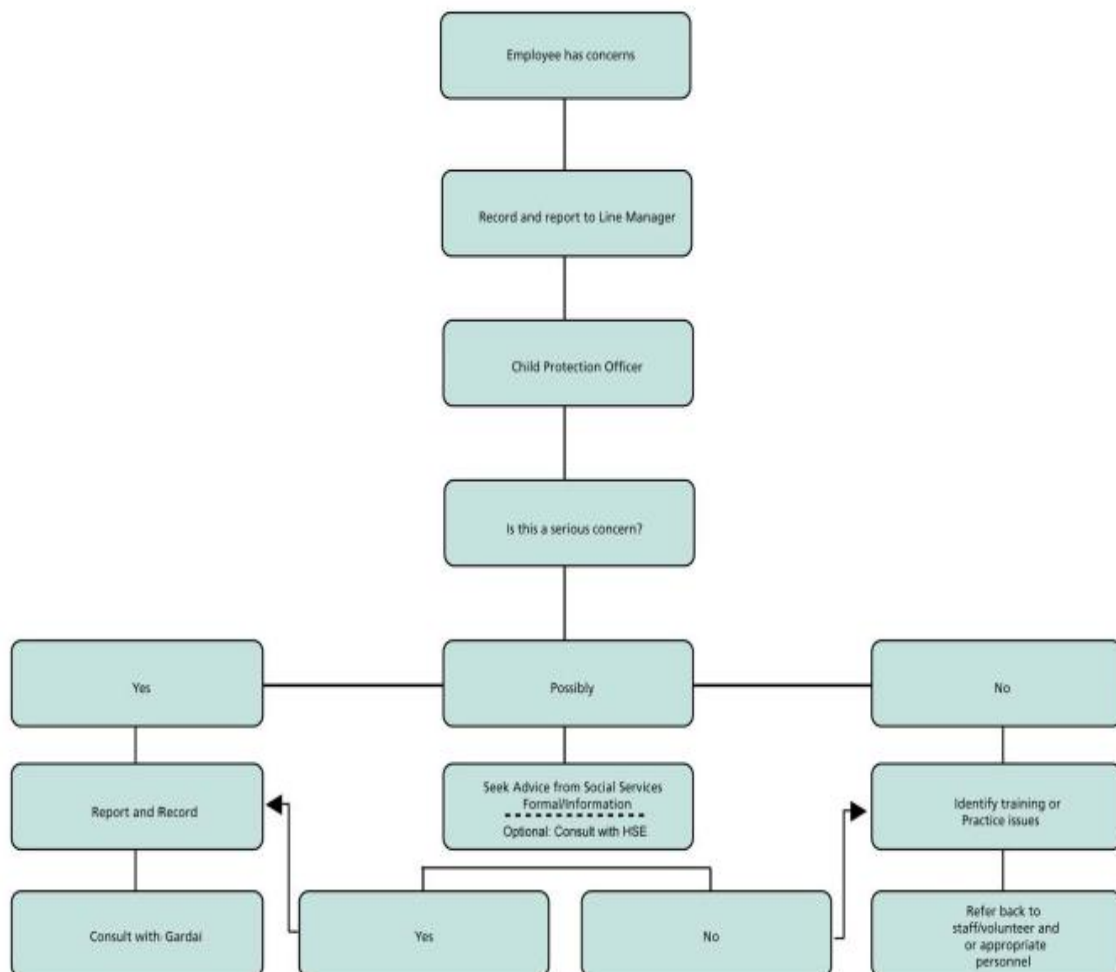
Appendix VII List of areas in the Council with regular contact with children*

- All Library posts
- School Wardens
- Road Safety Officer
- Arts Officers
- Housing Staff (Housing and Maintenance)
- Litter Wardens and Dog Wardens
- Fire Service (particularly those involved in visiting schools)
- Caretakers
- Sports Centres
- Museum employees
- Environmental Schools Programme

- Revenue Collectors
- Community Liaison Officers
- RAPID Co-Coordinator
- Community and Enterprise Officers
- Civil Defence (employees and volunteers)
- Comhairle na nÓg (employees and volunteers)
- Junior Achievement (employees and volunteers)
- Volunteers engaged in a range of activities

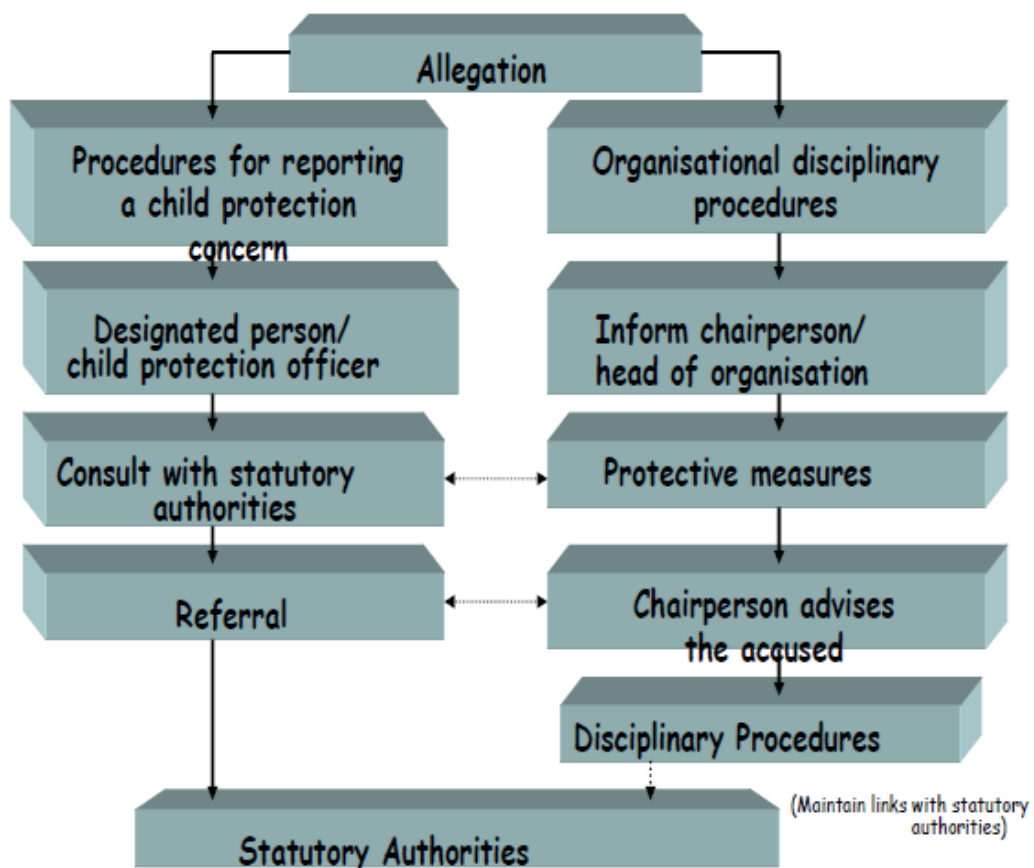
* Please note that list is non-exhaustive and the Council must assess each post for relevance of the Child Protection Policy.

Appendix VIII Reporting Procedures A - Employee Concern



Appendix IX Reporting Procedures Employee Volunteer Allegation

ALLEGATIONS OF ABUSE AGAINST EMPLOYEES AND VOLUNTEERS



This Policy is not a legal interpretation of the legislation

Appendix X Monitoring and Reviewing Protocol and Guidelines

This protocol is in place to support and guide employees and volunteers of Galway City Council in the day-to-day processes that we use to ensure that children are safe when availing of our services.

However, it is also necessary to demonstrate to ourselves, to our customers, our colleagues and to the accreditation/Inspection bodies that our Safeguarding Policies are being implemented, that they are achieving the outcomes they were designed to achieve and that changes are made when required.

A yearly formal review of the Child Safeguarding Policy is to take place.

The formal review is carried out to check that the content, processes and recommendations in the Safeguarding Strategy are current and correct and that they are in line with current legislation and best practice.

The frequency of the review is stated as yearly or sooner if required. If the review takes place before a year has elapsed, then the yearly review date is then changed to one year from the date on which the review was carried out.

The questions to be asked by the reviewer(s) include:

- Are the processes/standards/required behaviours etc. described in the Safeguarding Strategy, correct?
- Are they still in line with current legislation?
- Are all staff compliant with the requirements of the Strategy?
- Are the desired outcomes being achieved through the implementation of the Strategy?
- If not, why?
- Are there any changes/additions required?

The review process should consider consultation with all persons in Designated or Mandated Person(s) roles. Whilst confidentiality must be adhered to, relevant experiences, shortcomings and/or suggestions for areas of improvement should be considered.

Sample Questions for Safeguarding Strategy review:

Structure - e.g. Staff, equipment, facilities and material requirements necessary for the strategy to be implemented.

- Are all staff aware of Galway City Council's Child Safeguarding Policy?
- How do we ensure staff awareness?
- Is a copy of the Safeguarding Policy in a location to facilitate ease of access by staff?

- Is there availability of appropriate equipment if required to meet requirements as set out in the Safeguarding Policy?
- Are all relevant staff available to meet requirements as set out within the strategy?
- Are there appropriate logbooks/reporting sheets etc., in place in all locations?
- Are all Designated & Mandated Persons adequately trained?
- How are training needs identified?
- What standards are used to inform the processes described/recommendations made?

Process - i.e., the actual steps to be followed in carrying out a task

- Are processes still in line with current legislation and best practice?
- Are all staff following legislative requirements as set out in the Policy?
- How do you know?
- Is responsibility clear for all persons concerned of the process?
- What data are you collecting to ensure all staff are compliant with the described processes?
- What are your processes if you determine non-conformance of staff with the processes?

Outcome - The outcomes obtained through putting the Safeguarding Policy in place

- What data are you collecting to demonstrate ongoing achievement of the desired outcomes?
- Are there standards being adhered to? Are these referenced?
- Do you know if the Safeguarding Strategy is meeting the needs of those to whom it relates?
- How do you know if changes/improvements to the Safeguarding Strategy are being implemented?

Recommendations for improvement will be determined and implemented to ensure that Galway City Council meets legislative and best practice requirements for the safeguarding of children availing of its services.

Appendix XI Risk Assessment Guidelines & Requirements

Under the Children First Act 2015, organisations providing a relevant service, must undertake a risk assessment. This considers the potential for harm to come to children while they are in the organisation's care.

The risk assessment process is intended to enable Galway City Council 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

Identifying when and where Galway City Council employees, volunteers or persons engaged in service delivery have contact with children is central to this process.

a. Direct contact with children:

- What is the type of activity and where does it occur? (List all types of activity where face-to-face contact with children occurs.)
- Who is involved in this activity? (List all of the roles involved, and include the details, such as Department/Section, specific position/type of employee, external service provider, persons acting on behalf of Galway City Council or volunteer.)

b. Indirect contact with children:

- What is the type of activity, and where do they occur? (List all types of activity where indirect contact with children occurs, e.g., online, handling children's data, or images/video.)
- Who is involved in this activity? (List all of the roles involved, and include the details, such as Department/Section, specific position/type of employee, external service provider, persons acting on behalf of Galway City Council or volunteer.)

Key considerations should also include;

What is the frequency of the contact with children and/or young people?

What are the potential risks to children and/or young people due to that contact? (Consider health, safety and potential abuse or neglect issues and how to identify such issues as referred to in Section 3 of this document)

By answering these questions, Galway City Council will be able to identify opportunities for contact between its employees/ representatives and children and determine the degree of risk for each. Follow-up assessments should be conducted when new programmes, projects or campaigns are launched, or when facilities are provided to evaluate the potential for new risks and come up with ways to mitigate those risks.

An appropriate risk template should be discussed and drawn up for each relevant department/section within the guidelines of this policy document.

The requirement for any ancillary child safeguarding measures is covered in Appendix XII

Appendix XII Requirements for Ancillary Safeguarding Policies

It is noted that some departments provide services which result in more frequent interaction with children. This policy allows for each department, section, facility manager and/or service facilitator to assess their own activities and to ascertain if further measures need to be taken to ensure the safety of children.

Implementation of ancillary policies should include:

- Approval of policies by head of department with input and guidance from the designated person(s) and mandated person(s) where appropriate.
- Ensuring that all relevant staff members are aware of the child safeguarding practices in place and that the requisite training has been provided.
- Program managers and group leaders associated with children availing of services should also be made aware.

All ancillary policies will be included in the annual review of Galway City Council's wider child safeguarding policies.

Appendix XIII Key Legislation Overview

The following provides a brief overview of the legislation;

It is not intended as legal opinion or advice and in the case of doubt the original legislation should be consulted.

Children First Act 2015

The Children First Act 2015 was given full effect on 11th December 2017. The Act provides for mandatory reporting of child welfare and protection concerns by key professionals and organisations. One of the main objectives of the Children

First Act 2015 and the Children First Guidance 2017 is to ensure that organisations working with children and young people keep them safe from harm while they are availing of that service. The legislation and guidance relate to the obligations of relevant services to prevent, as far as practicable, deliberate harm or abuse to the children availing of their services. While it is not possible to eliminate all risk, organisations should put in place policies and procedures to manage and reduce risk to the greatest extent possible.

The Act places specific obligations on organisations that provide services to children and young people, including the requirement to:

Keep children safe from harm while they are using relevant services;

carry out a risk assessment to identify whether there is any risk that a child or young person could be harmed while receiving its services; develop a Child Safeguarding Statement which outlines the policies and procedures which are in place to manage the risks which have been identified; and

appoint a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement.

Protections for Persons Reporting Child Abuse Act 1998

This Act protects the person making a report of suspected child abuse to designated officers of the Child and Family Agency (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 CEO 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 applies to organisations as well as to individuals. This means that even if a report of suspected child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report. A person who makes a report in good faith and in the child's best interests may also be protected under common law by the defence of qualified privilege.

The 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 and www.hse.ie).

Criminal Justice Act 2006 – Reckless Endangerment

Section 176 of this Act creates an offence where a person, who has authority or control over a child or an abuser, intentionally or recklessly endangers the child by causing or permitting the 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 by 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

The Act creates a criminal offence of withholding information relating to the commission of 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 be of material assistance in securing the apprehension, prosecution or conviction of another 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 Garda Síochána.

The Act requires that any person who has information regarding a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochána. Failure to report under the Withholding Act is a criminal offence under that legislation. This obligation is in addition to any obligations under the Children First Act 2015.

The provisions of the withholding legislation are in addition to any reporting requirements under the Children First Act 2015.

National Vetting Bureau Act, 2012 to 2016

National Vetting Bureau (Children and Vulnerable Persons) Act 2012 to 2016 provides the statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons.

The Act stipulates that 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. The Council is deemed to be a relevant organisation for the purposes of the Act and shall vet relevant employees and volunteers accordingly.