

POLICY NO.11 CHILD PROTECTION POLICY**REV: 08 DATE: 13.08.2021**

We provide the following services/activities to children and young people:

- ECCE 3-hour preschool session
- Before and after ECCE care
- Before and after school care
- Full day care
- Part-time care
- Sessional & half sessional care

Scamps & Scholars believes that the best interests of children and young people attending our Service is paramount.

Our guiding principles are underpinned by Children First: National Guidance for the Protection and Welfare of Children, Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice, the United Nations Convention on the Rights of the Child and current legislation such as the Children First Act 2015, Child Care Act 1991, Protections for Persons Reporting Child Abuse Act 1998 and the National Vetting Bureau Act 2012.

Our guiding principles apply to our owner/manager/board of management, all paid staff, volunteers, and students on work placement within our organisation. All staff, volunteers and students must sign up to and abide by these guiding principles and our child safeguarding procedures.

We will review our guiding principles and child safeguarding procedures every two years or sooner if necessary due to service issues or changes in legislation or national policy.

Here at Scamps & Scholars we provide quality early years care and education and afterschool care to school aged children in the local community. We believe that:

1. Our priority to ensure the welfare and safety of every child and young person who attends our service is paramount.
2. Our guiding principles and procedures to safeguard children and young people reflect national policy and legislation and we will review our guiding principles and child safeguarding procedures every two years.
3. All children and young people have an equal right to attend a service that respects them as individuals and encourages them to reach their potential, regardless of their background.
4. We are committed to upholding the rights of every child and young person who attends our service, including the rights to be kept safe and protected from harm, listened to and heard.

5. Our guiding principles apply to everyone in our organisation.
6. Workers/volunteers must conduct themselves in a way that reflects the principles of our organisation.

DEALING WITH CHILD PROTECTION AND WELFARE CONCERNS

DESIGNATED LIASON PERSON

Children First requires that every organisation providing services to children appoint a Designated Liaison Person (DLP)/relevant person for reporting neglect or abuse.

The DLP (Derek O Leary - Manager) is responsible for dealing with child protection and welfare concerns in accordance with Children First 2015. The Deputy DLP (Rachel Ahern – Deputy Manager) will be appointed by the owner/board of management of Scamps & Scholars to undertake the below duties when the DLP is on leave or is unavailable for a long period of time.

Identity of Designated Liaison Person Scamps & Scholars nominated Designated Liaison Person is **Derek O Leary – Manager** and the Deputy Designated Liaison Persons is **Rachel Ahern – Deputy Manager**.

The role of the Designated Liaison Person (Derek O Leary)

The Designated Liaison Person in Scamps & Scholars has the ultimate responsibility for ensuring that the child protection and welfare policy is promoted and implemented.

The role of the Designated Liaison Person involves the following duties:

- Be fully familiar with your organisation’s duties in relation to the safeguarding of children.
- Have good knowledge of your organisation’s guiding principles and child safeguarding procedures.
- Ensure that the organisation’s reporting procedure is followed, so that child protection and welfare concerns are referred promptly to Tusla.
- Consult informally with a Tusla Duty Social Worker if necessary.
- Where appropriate, make a formal report of a child protection or welfare concern to Tusla on behalf of their organisation, using the Child Protection and Welfare Report Form.
- Inform the child’s parents/guardians that a report is to be submitted to Tusla or An Garda Síochána, unless:
 - Informing the parents/guardians is likely to endanger the child or young person;

- Informing the parents/guardians may place you as the reporter at risk of harm from the family;
 - The family's knowledge of the report could impair Tusla's ability to carry out an assessment.
-
- Record all concerns or allegations of child abuse brought to your attention as well as any action/inaction taken in response to these concerns.
 - Provide feedback to the referrer, as appropriate.
 - Ensure that a secure system is in place to manage confidential records.
 - Act as a liaison with Tusla and An Garda Síochána, as appropriate.
 - Where requested, jointly report with a mandated person.

MANDATED PERSONS

A list of mandated persons is maintained by Scamps & Scholars and each of these individuals has received Child Protection training and is aware of their legal obligations under the Children's First Act 2015.

All mandated persons in the service, 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. These reports will be made in line with the procedures in this policy.

These mandated persons must also assist Tusla, on request, in its assessment of child protection concerns about children who have been the subject of a mandated report. All employees, and volunteers of Scamps & Scholars, will be made aware of and be familiar with this child protection policy and safeguarding statement through an in-house induction and on-going training.

All staff and volunteers will sign up to the overall child protection policy and safeguarding statement of Scamps & Scholars.

The Designated Liaison Person acts as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns.

All staff that are mandated persons also have an obligation to report, child protection concerns at or above a defined threshold to Tusla - Child and Family Agency.

Please see list of mandated persons at the end of this policy.

REPORTING PROCEDURE FOR DEALING WITH DISCLOSURES, CONCERNS OR ALLEGATIONS OF CHILD ABUSE

DEFINITIONS OF CHILD ABUSE

Child abuse is complicated and can take different forms, but usually consists of one or more of the following signs and symptoms:

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 or medical care.

“The threshold of significant harm is reached when the child’s needs are neglected to the extent that his or her well-being and/or development are severely affected”. “Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety.

A child whose height or weight is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation”.

Emotional Abuse

Emotional abuse is normally to be found in the relationship between a caregiver and a child rather than in a specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security are not met.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning e.g. 'anxious' attachment, non-organic failure to thrive, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. Examples may include:

- the imposition of negative attributes on a child, 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 of the Childs parent/carer;
- unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
- unrealistic or inappropriate expectations of the child’s capacity to understand something or to behave and control himself or herself 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;

- exposure to inappropriate or abusive material through new technology.

Physical Abuse

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or lack of interaction, which is reasonably within the control of the parent or person in a position of responsibility, power or trust.

There may be single or repeated incidents.

Physical abuse can involve:

- severe physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair pulling
- terrorising with threats;
- observing violence;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness;
- allowing or creating a substantial risk of significant harm to a child.

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:

- 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 the sexual arousal or gratification;
- masturbation in the presence of the child in an act of masturbation;
- sexual intercourse with the child, whether oral, vaginal or anal,
- sexual exploitation of a child, which 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;
- Consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse. It should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Siochana will deal with the criminal aspects of the case under the relevant legislation.

Reckless Endangerment

Reckless Endangerment is when a person having authority or control over a child or an abuser, who intentionally or recklessly endangers a child by-

- (a) Causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
- (b) Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence’.
- (c) The above are some of the examples of abuse for more information see section 2 of Children First.

How to Make a Report

All staff and volunteers (included Mandated Persons) at Scamps & Scholars will follow the procedures in this section when they have a concern that a child has been, is being, or is at risk of being abused, harmed or neglected.

- When a staff member or volunteer (including a Mandated Person) has a child protection or welfare concern they will speak to the Designated Liaison Person for Child Protection (DLP) without delay. This includes concerns which reach the threshold for a mandated report under the Children First Act 2015 (appendix 1.)
- The DLP will report the following child protection and welfare concerns using the Child Protection and Welfare Report Form (available on www.tusla.ie) to Tusla: - Child protection and welfare concerns that meet reasonable grounds for concern but do not meet the threshold for mandated reporting - Child protection and welfare concerns that meet reasonable grounds for concern and have been passed to them by persons who are not Mandated Persons.
- If the DLP is unsure if a child protection concern meets the reasonable grounds for concern, they will contact Tusla Duty Social Work for advice and guidance using the informal consultation process. • Under no circumstances will a child be left in a situation that exposes him or her to harm or risk pending intervention from Tusla. In the event of an emergency and the unavailability of a Tusla Duty Social Worker, the DLP will contact An Garda Síochána.

Contact Details: Tusla Duty Social Work – 064 - 6636030

An Garda Síochána

- 066 9790500

- In addition to a report to Tusla, if there is a criminal or suspected criminal aspect to the child protection concern, An Garda Síochána will be notified by the Mandated Person or DLP as appropriate.

- The board of management of Scamps & Scholars will be informed when a report is made to Tusla under this policy. In accordance with the Confidentiality Policy identifying information about the child and family is only shared with them on a need to know basis

REPORTING PROCEDURES – MANDATED PERSONS

- Under the Children First Act 2015 Mandated Persons are legally 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 to Tusla.
- Mandated Persons will bring any child protection concerns to the attention of the Designated Liaison Person (DLP) without delay (as above).
- If the child protection concern reaches the threshold for harm as defined in the Children First Act 2015 it is a mandated report. See Appendix 1. The Mandated Person may seek advice and guidance from the DLP in relation to the child protection concern and the threshold of harm.
- Mandated reports will be made jointly by the Mandated Person (who raised the concern) and the DLP, using the Child Protection and Welfare Report Form (available on www.tusla.ie). The form must clearly indicate that the report is a Mandated Report.
- If the child protection concern requires a more urgent intervention to make the child safe, the Children First Act 2015 allows Mandated Persons to alert Tusla of the concern, by telephone or in person, in advance of submitting a written report. The mandated report must then be submitted to Tusla using the Child Protection and Welfare Report Form within 3 days.
- The statutory obligation of Mandated Persons to report under the Children First Act 2015 must be discharged by the Mandated Person and cannot be discharged by the DLP on their behalf. Mandated Persons can, however, report jointly with another person.
- Where the Mandated Person or DLP is unsure if the report meets the threshold of harm as outlined in the Children First Act 2015 advice and guidance will be sought through informal consultation with Tusla Duty Social Work
- If a child protection concern does not meet the criteria for a mandated report, it may meet ‘reasonable grounds for concern’ for a report to Tusla and this possibility must be considered. If ‘reasonable grounds for concern’ exist a report to Tusla will be made by the DLP.

- The Mandated Person may submit the report to Tusla solely, however, the DLP must be informed that the report has been made and be given a copy of the Child Protection and Welfare Report Form.
- If a child protection concern has come to the attention of a number of Mandated Persons, the report may be submitted jointly by a number of Mandated Persons.
- Mandated Persons are not required to make a report to Tusla where the sole basis of their knowledge, belief or suspicion of harm is of a result of becoming aware that another Mandated Person has made a report to Tusla.

How to Handle a Report of Abuse by a Child / Young Person

In the event of a child / young person disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally by the employee / volunteer involved. In such circumstances, the employee / volunteer will:

- React calmly;
- Listen carefully and attentively; take the young person seriously;
- Reassure the young person that they have taken the right action in talking to you;
- Do **NOT** promise to keep anything secret;
- Ask questions for clarification only. Do not ask leading questions, this is not an interview, but rather receiving a disclosure from a child;
- Check back with the child/young person that what you have heard is correct and understood;
- Do not express any opinions about the alleged abuser;
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record;
- Ensure that the child/young person understands the procedures which will follow;
- Pass the information to the Designated Liaison Person do not attempt to deal with the problem alone;
- Treat the information confidentially.

Retrospective Disclosures by Adults

Parents and staff who are working with children and young adults or who attend child protection training may disclose abuse which took place during their childhood.

A disclosure of abuse by an adult which took place during their childhood must be noted or recorded. In these cases, it is essential that consideration is given to the current risk to any child who may be in contact.

If any risk is deemed to exist to any child who may be in contact with the alleged abuser, a report of the allegation will be made to Tusla without delay. Investigation of disclosures

by adult victims of past abuse frequently uncovers current incidents of abuse and is therefore an effective means of stopping the cycle of abuse. An increasing number of adults are disclosing abuse that took place during their childhoods.

Such disclosures often come to light when adults attend counselling. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the Designated Liaison Person will report the allegation to Tusla without delay. The HSE National Counselling Service is in place to listen to, value and understand those who have been abused in childhood. The service is a professional, confidential counselling and psychotherapy service and is available free of charge in all regions of the country (see www.hse-ncs.ie/en). The service can be accessed either through healthcare professionals or by way of self-referral.

Protections for Persons Reporting Child Abuse Act, 1998

Scamps & Scholars wish to draw the attention of the staff and volunteers to this Act. The Protection for Persons Reporting Child Abuse Act 1998, provides immunity from civil liability to persons who report child abuse “reasonably and in good faith” to Tusla or An Garda Síochána. Section 3(1) of the Act states:

“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 child has been or is being assaulted, ill-treated, neglected or sexually abused, or
- 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”.

This protection applies to childcare services and to individuals.

INFORMING PARENTS ABOUT CHILD PROTECTION AND WELFARE CONCERNS

Staff/volunteers may feel uncomfortable approaching a parent about a concern. You may have to discuss a concern about the welfare or protection of a child/young person or an issue which relates to the child/young person's developmental needs.

The following best practice tips may be useful:

- Make sure parents/guardians have prior awareness of your guiding principles, procedures and duties to safeguard children.

- Be straightforward and clearly explain the nature of the concern or issue, e.g. by using facts and records of observations made.
- Think about the time and place to have the conversation. Find a time when parents/guardians are not in a hurry.
- Find a place that is quiet and allows privacy.
- Consider arranging to meet parents/guardians.
- Consider who is the best person/who are the best people to have the conversation with the parents/guardians.
- Use a calm and gentle tone, consider the language used.
- Start with positive comments and observations about the child/young person. Ensure that the parents/guardians know that you care about the welfare of their child and recognise their strengths.
- Refer to how the situation may be affecting the child/young person.
- Start with positive comments and observations about the parents/guardians. Most parents/guardians are trying to do their best for their children and will appreciate your acknowledgement of how challenging parenting can be at times.
- Give the parents/guardians an opportunity to talk; ask them for an explanation and acknowledge their feelings.
- Take the approach that you are working together to address any issues in the best interests of the child/young person.
- Don't blame, don't get defensive and don't take things personally.
- Ensure that you are supportive but also address the issue.
- Refer to your guiding principles and child safeguarding procedures for support.
- Offer possible solutions, where appropriate.
- Advise parents/guardians how you plan to follow up and keep them informed and involved, where appropriate. Where it is not possible to contact the parents/guardians to discuss a concern you may need to discuss the concern with the DLP or Tusla duty social worker.
- Remember if a report needs to be made to Tusla, do not delay.

CONFIDENTIALLY

In matters of child abuse, an employee/volunteer of Scamps & Scholars will never promise to keep secret any information which is divulged by a child.

It will be explained to the child/young person that this information cannot be kept secret but only those who need to know in order to safeguard the child, will be told.

When reporting any case of alleged/suspected abuse the principle of confidentiality applies. The information will only be shared on a 'need to know' basis which means sharing information with persons who have a need to know in order to safeguard a child/young person and is not a breach of confidentiality and the number of people that need to be informed will be kept to a minimum.

If an employee/volunteer at Scamps & Scholars has any doubt as to whether a report should be made, he/she will consult with the Designated Liaison Person.

RECORD KEEPING

Written records will be kept of all child protection concerns (including those not reported to Tusla) and these will be managed by Scamps & Scholars Designated Liaison Person. Information will include, details of the concern, who raised it, who was contacted, details about informal consultation, any action taken, details about informing parents.

If a child has made a disclosure of abuse, a written record will be made. If there are other grounds for concern that the child has been abused or neglected, a written record will be made. Records relating to child protection and welfare issues will be kept indefinitely.

Children First: National Guidance for the Protection and Welfare of Children states that if a Designated Liaison Person decides not to report a concern to Tusla, the following steps should be taken:

- The reasons for not reporting are to be recorded;
- If any actions are taken as a result of the concern, these should be recorded;
- The worker or volunteer who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla;

The worker or volunteer should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána. The worker or volunteer who raised the concern should also be reassured that if they do choose to further pursue the matter, they are covered by the Protections for Persons Reporting Child Abuse Act 1998.

Records should be factual and include details of contacts, consultations and any actions taken. Key points when maintaining child protection records:

All agencies dealing with children must cooperate in the sharing of records with Tusla where a child protection or welfare issue arises. An example of this could be information needed for a Child Protection Conference or Strategy Meeting or information important for the assessment of risk to a child (see the Key Practice Point on mandated assisting earlier in this section).

- Ensure that records on child protection concerns, allegations and disclosures are kept securely and safely within the organisation.
- Records should only be used for the purpose for which they are intended.
- Records should only be shared on a need to know basis in the best interests of the child/young person.

Child protection records should be updated as required and reviewed regularly by the Designated Liaison Person.

RECRUITMENT AND CHILD PROTECTION

Scamps & Scholars has a Recruitment Policy. All advertisements, screening and recruitment for vacant posts within the service will reflect our commitment to equality.

We will ensure that interviewers conduct interviews in a non-discriminatory way. Interviews will be undertaken by a minimum of two representatives of Scamps & Scholars using an agreed set of questions.

All applicants will be provided with

- Details of Scamps & Scholars
- A Job Description and Person Specification
- An Application Form (if appropriate).

A minimum of two references (one from the most recent employer) will be taken up followed by a telephone reference check prior to any staff member/volunteer commencing in Scamps & Scholars. References will only be accepted in writing and no references from family or relatives will be accepted.

Successful candidates will be offered a Contract of Employment in accordance with Employment legislation requirements and each contract will include a probationary period.

All employees' contracts will include signing up to Scamps & Scholars Child Protection Policy. Training in Child Protection and Children First will be sought for all employees.

These guidelines will apply both to the recruitment of new employees and to the selection of internal candidates for promotion or job change.

Scamps & Scholars will not employ, contract or involve as a volunteer, any person to work with children or young adults who has a criminal conviction for violent crime, sexual crime, drugs related offences, or any other offences deemed inappropriate in relation to work with children.

All workers employed, contracted to work, or volunteering to work with children through Scamps & Scholars will be required to sign a declaration form outlining any previous criminal convictions and granting permission for vetting from An Garda Síochána to be sought.

Garda Vetting will be undertaken for all managers, staff and volunteers. All references, qualifications, vetting, CVs and training information will be stored in a staff file, which will be retained as per Scamps & Scholars Data Retention Policy.

GUIDELINES FOR MANAGEMENT OF STAFF

Scamps & Scholars engages in ongoing support and supervision for all staff members. Formal support and supervision meetings take place monthly or more frequently if the workload requires it.

Informal support and supervision are available to all staff as requested or as required.

Full Team Meetings take place a minimum of twice per year. Individual teams meet as work demands require.

All staff undergo an induction process, which includes induction on this Child Protection Policy, and each staff member will confirm in writing that the induction process has taken place.

Scamps & Scholars Child Protection Policy will be rolled out to existing staff through an in-house training programme. On-going training will be provided following annual review or statutory/guideline changes.

ALLEGATIONS AGAINST AN EMPLOYEE/ VOLUNTEER

An allegation of abuse may relate to a person who works with children who has:

- Behaved in a way that has or may have harmed a child/young person;
- Possibly committed a criminal offence in relation to a child/young person;
- Behaved towards a child/young person or children/young people in a way that indicates they may pose a risk of harm to a child/young person;
- Behaved in a way that is contrary to the organisation's code of behaviour for workers and volunteers;
- Behaved in a way that is contrary to professional practice guidelines.

If an allegation is made against a worker/volunteer in your organisation you must ensure that everyone involved is dealt with appropriately and in accordance with the organisation's guiding principles and child safeguarding procedures, the rules of natural justice and any relevant employment law.

The organisation has a dual responsibility in respect of both the child/young person and the worker/volunteer. There are two separate procedures to be followed:

1. The reporting procedure to Tusla in respect of the child/young person and the alleged abuser;
2. The internal personnel/HR procedure for dealing with the worker/volunteer.

The priority is to protect the child/young person while taking account of the worker/volunteer's right to due process.

- It is recommended that the same person should not have responsibility for dealing with the child protection reporting procedure and the employment/contractual issues.
- The agreed reporting procedure should be followed by mandated persons and/or the DLP. Generally, the chairperson of the board will manage procedures relating to employment issues (including any internal investigation). Any action taken should consider the applicable employment contract and the rules of natural justice.
- When an allegation is made against a worker/volunteer a quick resolution should be sought for the benefit of all concerned.
- The procedures for dealing with allegations of abuse against workers/volunteers should be objectively applied in a consistent manner.
- All stages of the process must be recorded.
- Care must be taken by the employer to ensure that any actions or investigations do not prejudice or compromise the statutory investigation or assessment.
- Close liaison should be maintained between the employer and Tusla and An Garda Síochána (where appropriate).

Reporting allegations of abuse made against workers/volunteers to Tusla

- The agreed reporting procedure should always be followed by mandated persons and/or the DLP. In addition:
- The chairperson must be alerted to the allegation by the reporter, whether mandated person or DLP;
- The first priority is for the safety of the child/young person; management must make sure no child or young person is exposed to unnecessary risk;
- Parents/guardians should be informed of any action planned while having regard to the confidentiality rights of others, such as the person against whom the allegation has been made. Tusla's National Policy and Procedure for Responding to Allegations of Abuse and Neglect will be applied by Tusla when assessing allegations of abuse made against workers or volunteers.

Internal personnel procedures for dealing with the worker/volunteer

The organisation's disciplinary procedures will ensure that fair procedure is followed and take account of the employment contract as well as the rules of natural justice:

- In making an immediate decision about the worker's/volunteer's presence in the organisation, the Owner should as a matter of urgency take any measures necessary to protect the child/young person. These should be proportionate to the level of risk to the child/young person; 'protective measures' do not presume guilt.
- The employer will privately inform the worker/volunteer that an allegation has been made against him or her and the nature of the allegation.

- The worker/volunteer will be afforded an opportunity to respond. The employer should note the response and pass on this information if making a formal report to Tusla. The worker/volunteer should be offered the option to have representation at this stage and will be informed that any response may be shared with Tusla.
- While Tusla will not provide advice on employment matters, advice and consultation with regard to risk to children/young people can be sought from the local Tusla social work office
- The employer will ensure that actions taken by the organisation do not frustrate or undermine any investigations or assessments undertaken by Tusla or An Garda Síochána. The organisation will liaise closely with the investigating bodies to ensure this.
- The requirements of fair procedure and natural justice mean that Tusla usually will not share the detail of any assessment regarding allegations of abuse against a worker/volunteer until the worker/volunteer has had an opportunity to fully respond to the allegation and any findings and decisions of Tusla.
- Disciplinary procedures will be followed by the organisation.

CODE OF BEHAVIOUR

All employees and volunteers of Scamps & Scholars will make themselves aware of Scamps & Scholar's ethos, vision and mission and must be familiar with the Child Protection Policy and Safeguarding Policy and sign up to each of these

- Parents/Guardians of children will be informed of our policy and procedures Early Childhood Ireland 2020
- Scamps & Scholars has appointed a Designated Liaison Person (Derek O Leary - manager) to deal with any complaints or issues arising which concern the safety or welfare of any child / young person. This person is appropriately trained and familiar with the procedures to be followed in the event of an allegation, concern or disclosure of child abuse
- Staff at Scamps & Scholars show respect and understanding for the rights, safety and welfare of the children and young people
- Scamps & Scholars has put in place a complaints procedure, known as the Complaints Policy.
- Employees and volunteers will avoid working in isolation with children and favouritism.
- Scamps & Scholars respects and promotes the principles of equality and diversity and works with all children in a culturally sensitive way within the context of the Irish Constitution and law and the UN Convention on the Rights of the Child.

Staff adhere to Scamps & Scholar's Behaviour Management Policy.

Notification of our policy and any changes devised will be displayed within Scamps & Scholars.

Appendix 1

As a mandated person, under the legislation you 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, to the Authorised Person within Tusla.

Definition of Harm:

The threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined below. "Harm" means, in relation to a child: (a) assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development or welfare, or (b) sexual abuse of the child

NEGLECT

Neglect is defined as 'to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care'. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child's needs have been neglected, are being neglected, or are at risk of being neglected to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

EMOTIONAL ABUSE/ILL-TREATMENT

Ill-treatment is defined as 'to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated'. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

SEXUAL ABUSE

If, as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla under the Children First Act 2015. Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

A full list of relevant offences against the child which are considered sexual abuse is set out in Appendix 3 of Children First: Guidance for the Protection and Welfare of Children.

As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, you must submit all concerns about sexual abuse as a mandated

report to Tusla. There is one exception, which deals with certain consensual sexual activity between teenagers, which is outlined here.

DEREK O LEARY (DLP) can be contacted at **Scamps & Scholars Childcare facility, Langford Street, Killorglin, Co. Kerry - 0669762525.** The Deputy Manager, **RACHEL AHERN (DDLDP)** has been designated as deputy to **DEREK O LEARY** and can be contacted at **Scamps & Scholars Childcare facility, Langford Street, Killorglin, Co. Kerry - 0669762525.**

The Management has a duty to report concerns of child protection to the HSE. The **Childcare Act 1991** places a duty on the Health Board to investigate such matters. A copy of the **Childcare Act 1991** is available on the premises. The Management/staff will follow the procedures set out in the HSE / TUSLA Child Protection Documents and legislation e.g. **“Children First Act 2015” - the National legislation for the Protections and Welfare of Children** and as such will seek their advice on all steps taken subsequently.

A copy of the **Protections for Persons Reporting Child Abuse Act 1998** is available on the premises. Management will liaise with relevant outside agencies such as the Public Health nurse, Social Workers and Gardai when necessary.

Child Protection Issues

The Childcare Centre service undertakes to promote the general welfare, health and full development of children and protect them from harm of all kinds, in line with articles 19 and 34 of the United Nations Convention on the Rights of the Child (See Appendix 1V).

The service has and will develop procedures to respond to accidents and complaints and to alleged or suspected incidents of abuse.

The service has a commitment to the empowerment of all children to describe and express their feelings in an acceptable way. This will enable children to develop self-confidence and the skills and vocabulary to deal with inappropriate approaches.

- The service is committed to having the recommended ratio of adults at all times (see Appendix I) in order to maximize the positive development of children and to comply with good practice in the prevention of abuse.

The four types of abuse involved in this policy are:

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, medical care.

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 are not met. Unless other forms of abuse are present, it is rarely manifested in terms of physical signs or symptoms.

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 would include shaking, suffocation etc...

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

PROCEDURE FOR SUSPECTED ABUSE:

- If an adult has any concerns about a child in the Childcare Centre services being neglected or physically, emotionally or sexually abused, this should be raised with the Supervisor or Management.
- Following the raising of concerns, observations will be made and records will be kept on the individual child.
- These confidential records will include:
 1. Name, address and age of child.
 2. Time and date of observation
 3. A factual description of the child's behaviour/appearance, without comment or interpretation.
 4. The exact words spoken by the child.
 5. Signature of recorder.
- Having built up good relationship with parents from the start, the supervisor/Manager should be in a position to check out sensitively with parents any changes in behaviour or unexplained bruises/marks. A second person should always be present at this stage.
- If there appear to be any concerns regarding the injury, the Health Board will be notified.

PROCEDURE FOR REPORTING ABUSE.

- If there are still concerns the Supervisor / Manager must contact the Director of Community Care or nominated Health Board person and discuss the concerns with them, prior to putting them in writing. At this stage all records and observations must be made available to the Health Board and be aware that confidentiality cannot be guaranteed.
- Because the service is run by a Board of Directors, the Supervisor / Manager must inform the Chairperson, in confidence without mentioning the child's name.
- Parents should be informed when a case is referred to the Health Board. Sensitive handling will be required based on advice from the Health Board staff.
- A crisis may arise at any time, resulting in the necessity for a case to be referred to the Health Board immediately.
- The Childcare Centre services will continue to welcome the child and family where abuse is suspected in the home, for the duration of the investigation.

- With the proviso that the safety and welfare of the child is paramount, the Childcare Centre service will do all in its power to support the child and family.

Duties and Roles in Relation to Child Protection

Role of the Childcare Worker

- To provide care and stimulation to each child according to each child's needs
- To monitor the overall progress of each child
- To maintain accurate, dated and signed records of each child's progress
- To maintain a close but professional relationship with parents / guardian
- To be aware of signs and symptoms of the risk to child protection in all its forms
- To report concerns directly to supervisor /Management
- To keep the best interests of the child in mind at all times
- In times of concern to be prepared to err on the side of caution.

Role of Management

- To ensure that professional standards are maintained
- To ensure that records of all notes, logs and correspondence are dated and maintained
- To be aware of procedures to be followed in the case of child protection concern
- To liaise with the Health Boards and any other relevant personnel
- To be prepared to take action in the case of a child protection concern
- To provide direct support and counseling for any staff member involved in an on-going case

Who to contact in Scamps & Scholars about issues related to child protection and welfare

DEREK O LEARY (Manager Scamps & Scholars) has been designated as the person to contact if you have an issue or concern about any aspect of a child's or young person's safety and welfare.

It is the responsibility of this person to support and advise staff about policy and procedures in relation to child protection and to ensure that procedures are followed.

It is also the responsibility of the Designated Person to liaise with the Health Service Executive or Garda where appropriate.

The following excerpt from Children First: National Legislation for the Protection and Welfare of Children (4.3.2 - p.38) shows what would constitute reasonable grounds for concern:

- (i) specific indication from the child or young person that s/he has been abused
- (ii) an account by a person who saw the child/young person being abused
- (iii) evidence, such as an injury or behaviour, which is consistent with abuse and unlikely to be caused another way
- (iv) an injury or behaviour which is consistent both with abuse and with an innocent explanation but where there are corroborative indicators supporting the concern that it may be a case of abuse [an example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour]
- (v) consistent indication, over a period of time, that a child is suffering from emotional or physical neglect.

Children First Legislation

Children First, National Guidance for the Protection and Welfare of Children 2017 was launched on October 2nd 2017. This Guidance is a primary reference for all citizens to report concerns and includes the new legislative obligations. It provides clarity between the legislation and the existing non-statutory obligations which will continue to operate for all sectors of society.

Children First Guidance describes the four main types of abuse and sets out the steps which should be taken to ensure that the child or young person is protected from harm. It has been updated to include new information about the Children First Act 2015 and it includes specific information for the professionals and organisations that now have legal obligations to keep children safe. The Guidance also outlines the roles of the main statutory bodies involved in child welfare and protection: Tusla - Child and Family Agency, and An Garda Síochána. It contains details of how to report a concern about a child and what happens once the report is received by Tusla.

Children First Act 2015

The Children First Act 2015 was enacted on 19th November 2015 and commenced in full on December 11th 2017.

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

Through the provisions of the Act, it is intended to:

- Raise awareness of child abuse and neglect

- Provide for mandatory reporting by key professionals
- Improve child safeguarding arrangements in organisations providing services to children
- Provide for cooperation and information-sharing between agencies when Tusla – Child and Family Agency, is undertaking child protection.

The legislation also contains a provision that removes the defence of reasonable chastisement in relation to corporal punishment as part of court proceedings.

The policy intent is that the legislation will operate side-by-side with the existing non-statutory obligations provided for in Children First: National Guidance for the Protection and Welfare of Children (2017).

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012 and the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 are additional key pieces of complementary legislation designed to improve child safety and protection.

The act also denotes “mandated person” who have particular responsibility in relation to reporting suspected child abuse of any kind. All childcare workers are deemed to be mandated persons under the act.

APPROVAL DATE: _____

IMPLEMENTATION DATE: _____

SIGNED: _____
(On behalf of the Board of Directors)