

## **Child Protection Policy**

Swan Training Institute is committed to safeguarding the well-being of all the children and young people with whom our staff come into contact. Our policy on child protection is in accordance with “Children First – National Guidance for the Protection and Welfare of Children” (Department of Children and Youth Affairs, 2011) and Our Duty to Care. The principles of good practice for the protection for children and young people”.

We are committed to promoting the rights of the child to be protected, be listened to and have their own views taken into consideration.

This policy is underpinned by the Childcare (Preschool Services) Regulations 2006 and Children First: National Guidance for the Protection and Welfare of Children.

This policy applies to all employees and volunteers who have contact with children and young people on childcare service premises or through their work on behalf of the childcare service.

It is of high importance to ensure all employees/ volunteers have an ability to recognise abuse as it can be defined in many ways. Please see the appendices for the Definitions of Abuse.

All employees, and volunteers of Swan Training institute, will be made aware of and be familiar with the childcare services child protection policy through an in-house induction, on-going training and they will sign up to the overall child protection policy of the childcare service.

### **Dealing with Child Protection and Welfare Concerns**

All staff and volunteers will sign up to the overall child protection policy of the childcare service. The Mandated and Designated Liaison Persons act as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns. The Mandated Person and/or the Designated Liaison Person is responsible for reporting allegations or suspicions the Child and Family Agency Tusla or An Garda Siochana. (See Children First 3.3)

Swan Training Institute has put in place a standard reporting procedure for dealing with disclosures, concerns or allegations of child abuse. The childcare service has appointed the SELT Mandated Person as Kristina Vaughan and the Designated Liaison Person as Dermot McSharry

Reporting procedure for dealing with disclosures, concerns or allegations of child abuse

1. The employee or volunteer who has received a disclosure of child abuse or who has concerns about a child should bring them to the attention of the Mandated Person and/ or the Designated Liaison Person immediately.
2. Under no circumstances should a child be left in a situation that exposes him or her to harm or of risk to harm pending Tusla intervention. In the event of an emergency where

you think a child is in immediate danger and you cannot get in contact with Tusla, you should contact the Gardaí. This may be done through any Garda station.

3. Where the Mandated Person/Designated Liaison Person considers that a child protection or welfare concern meets the reasonable grounds for concern criteria outlined below, then the Designated Liaison Person can refer to Tusla.

Examples of reasonable grounds for concern are: • specific indication from the child that he/she was abused; • an account by the person who saw the child being abused; • evidence, such as an injury or behaviour which is consistent with abuse and unlikely to be caused in another way; • an injury or behaviour which is consistent 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; Consistent indication over a period of time that a child is suffering from emotional or physical neglect. See Appendix 1 or also visit: [FAQ on www.tusla.ie/services/child-protection-welfare/children-first/](http://www.tusla.ie/services/child-protection-welfare/children-first/)

4. Where the Designated Liaison Person remains uncertain he/she should contact the Child and Family Agency Tusla for informal advice relating to the allegation, concern or disclosure.

5. The Mandated Person/Designated Liaison Person will ensure that the parents/ carers are informed that a report/ referral had been made to Tusla. The Mandated Person/ Designated Liaison Person will make an appointment with parents to inform them that the report has been made to Tusla unless to do so would be likely to endanger the child.

6. After consultation with the Duty Social Worker the Mandated Person/Designated Liaison Person will then take one of two options:

a. Report the allegation, concern or disclosure to the relevant authority (e.g. Tusla, An Garda Síochána, etc.) using the standard reporting form from Children First and in the case of out of hours or immediate danger contact An Garda Síochána.

b. In those cases where a childcare service decides not to report concerns to Tusla or An Garda Síochána, the individual employee or volunteer who raised the concern should be given a clear written statement of the reasons why the childcare service is not taking such action. The employee or volunteer should be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, the Tusla or An Garda Síochána. The provisions of the Protections for Persons Reporting Child Abuse Act 1998 apply

once they communicate 'reasonably and in good faith' (see Paragraph 3.10.1 of Children First National Guidance for the Protection and Welfare of Children).

In making a report on suspected or actual child abuse, the Mandated Person/Designated Liaison Person must ensure that the first priority is always for the safety and welfare of the child/ young person and that no child/ young person is ever left in a situation that could place a child/young person in immediate danger.

### **How to Make a Report**

If the report is in relation to the safety and welfare of children / young people, the report should be made to the Mandated Person/Designated Liaison Person in Swan Training Institute. Guiding principles to reporting child abuse:

- The safety and well-being of the child or young person must take priority;

- Reports should be made without delay to the Child and Family Agency Tusla, Local Health Office area where child resides.

- A suspicion, which is not supported by an 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 by the Mandated Person/ Designated Liaison Person as future suspicions may lead to the decision to make a report and earlier suspicions may provide important information for the statutory child protection agency or An Garda Síochána.

### **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. In such circumstances,

- 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 Mandated Person/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 should be made to the Child and Family Agency 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 Mandated Person/Designated Liaison Person should report the allegation to the Child and Family Agency Tusla without delay.

The 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 [http://www.hse.ie/eng/services/list/4/Mental\\_Health\\_Services/National\\_Counselling\\_Service/](http://www.hse.ie/eng/services/list/4/Mental_Health_Services/National_Counselling_Service/)). The service can be accessed either through healthcare professionals or by way of self-referral.

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

Swan Training Institute wish to draw the attention of the staff and volunteers to this Act 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 the HSE 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.

#### **Identity of Mandated Person & Designated Liaison Person:**

**Kristina Vaughan & Dermot McSharry**

#### **Role of the Mandated Person Person:**

The Mandated Person in Swan Training Institute has the ultimate responsibility for ensuring that the child protection and welfare policy is promoted and implemented.

The role of the Mandated Person involves the following duties:

- To be familiar with "Children First", National Guidance for the Protection and Welfare of Children and "Our Duty to Care", the principles of good practice for the protection of children & young people and to have responsibility for the implementation and monitoring of the child protection and welfare policy;
- The Swan Training Institute Designated Liaison Person provides support to staff members who are dealing with/have dealt with a child protection concern or disclosure.
- To receive reports of alleged / suspected or actual child abuse and act on these in accordance with the guidelines;
- To ensure that training is provided for all new and existing staff in Insert Service Name here on the child protection policy;
- To build a working relationship with the Child and family Agency Tusla, An Garda Síochána and other agencies, as appropriate;
- To ensure that supports are put in place for the young person, employees or volunteers in cases of allegations being made;
- To keep up to date and undertake relevant training on child protection policy and practice, in order to ensure the relevance and appropriateness of Insert Service Name here policy and procedures in this area;
- To review the Insert Service Name here policy and procedures on child protection on an annual basis and amend as appropriate;
- To ensure that systems are in place for recording and retaining all relevant documentation in relation to child protection issues.

In matters of child abuse, an employee / volunteer should never promise to keep secret any information which is divulged. It should 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. In the absence of the Mandated Person, the Designated Liaison Person takes on this role.

It is essential in reporting any case of alleged / suspected abuse that the principle of confidentiality applies. The information should 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 should be kept to a minimum.

If an employee has any doubt as to whether a report should be made, he / she should consult with the childcare service's Mandated Person/Designated Liaison Person.

Under the Data Protection Act every person has a right to establish the existence of personal data, to have access to any such data relating to him and to have inaccurate data rectified or erased. The Swan Training Institute Data Controller will ensure that data that is collected fairly, is accurate and up-to-date, is kept for lawful purposes and is not used or disclosed in any manner incompatible with those purposes. All data in relation to child protection records collected must be stored in a safe and confidential manner in a secure locked cabinet.

Swan Training Institute 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 Swan Training Institute 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 Swan Training Institute Board and staff.

Swan Training Institute staff provides monthly work reports to Line Managers. Formal Support & Supervision meetings take place monthly or more frequently if the workload requires it. Informal Support & supervision is available to staff members as requested or as required. Full Team Meetings take place a minimum of twice per year. Individual teams meet fortnightly as work demands require.

In accordance with the Swan Training Institute Staff handbook all staff undergoes an induction process including the Child Protection Policy and will confirm in writing that the induction process has taken place.

Swan Training Institute 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.

Upon receipt of an allegation, the Mandated Person/Designated Liaison Person will notify the Manager/Owner/ Committee Chairperson. If the allegation relates to the manager/Owner/Committee Chairperson, the Designated Liaison Person will notify the Board of Management of the allegation. If the allegation relates to the Mandated Person or Designated Liaison Person then the Deputy Designated Liaison Person will notify the Manager/Owner/Committee Chairperson.

If an allegation is made against an employee, the Mandated Person or the Designated Liaison Person, in these situations there are two parts to the process, i.e. dealing with the allegation of abuse and dealing with the employee/volunteer. Where possible these two pieces should be dealt with by two different people.

There are two different procedures that are followed:

1 The reporting procedure in respect of the child

- a) The safety of the child is the first priority of Swan Training Institute and all necessary measures will be taken to ensure that the child and other children/young people are safe.
- b) The Mandated Person/Designated Liaison Person will deal with the procedure involving the child/young person and the reporting to the Child and Family, Tusla.

2 The procedure for dealing with the worker

- a) The Mandated Person/Designated Liaison Person and the Owners will work in close co-operation with each other and with the HSE and An Garda Siochana.
- b) If a formal report is being made, the Manager/Owner/Committee Chairperson), will notify the employee that an allegation has been made and what the nature of the allegation is. The employee has a right to respond to this and this response should be documented and retained. Furthermore, Swan Training Institute will ensure that the principle of 'natural justice' will apply whereby a person is considered innocent until proven otherwise.
- c) The Owners will suspend the employee / volunteer with pay (where appropriate). In the case where the worker is not suspended the level of supervision of the worker will be increased.
- d) The Owners will liaise closely with the HSE Children and Family Services/An Garda Siochana to ensure that the actions taken by the childcare service will not undermine or frustrate any investigations.
- e) The protective measures which can be taken to ensure the safety of children and young people can include the following: • suspension of duties of the person accused, • re-assignment of duties where the accused will not have contact with children / young people, • working under increased supervision during the period of the investigation • or other measures as deemed appropriate.

## **Guidelines for Management of Staff**

### **Allegations Against an Employee/Volunteer**

- All employees and volunteers of Swan Training institute must make themselves aware of the childcare service's good practice guidelines and must be familiar with the overall child protection policy of the childcare service and sign up to it;
- Parents of children involved with our work must be informed of our policy and procedures;
- Swan Training Institute has appointed a Designated Liaison Person to deal with any complaints or issues arising which concern the safety or welfare of any child / young person (see above for identity of the Designated Liaison Person of the childcare service). 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;
- Swan Training Institute has put in place an anti-bullying policy. Swan Training Institute will not tolerate any bullying behaviour by children/young people or adults and will deal with any incidents immediately in accordance with the DCYA anti-bullying policy when working with children and young people. Where bullying amounts to any form of abuse it will be treated as such and be recorded and reported as appropriate; (see appendix 3).
- Swan Training Institute Staff show respect and understanding for the rights, safety and welfare of the children and young people;
- Swan Training Institute has put in place a complaints procedure, (See Appendix 4)
- Employees and volunteers should avoid working in isolation with children and favouritism.
- Swan Training Institute 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 i.e. staff should never physically punish or be in anyway verbally abusive to a child, nor should they ever tell jokes of a sexual nature in the presence of children.

Swan Training Institute will review their Child Protection Policy on an annual basis. The next review will take place in..... Notification of our policy and any changes devised will be displayed on the Insert Service Name here on the Staff and Parents Noticeboard/ website.

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

**Signed by:** \_\_\_\_\_ **on behalf of Management**

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

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.

### **Definition of Child Abuse**

“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 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. 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 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* 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 Síochána will deal with the criminal aspects of the case under the relevant legislation.

*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'.