

CHILD PROTECTION POLICY

Guidelines & Procedures in respect of Branch Involvement with Children/young persons and Vulnerable Adults

DEFINITION:

- A child or young person is defined as any person under 18 years.
- “vulnerable person” means a person other than a child who is suffering from a disability, impairment or disorder which is of such a nature or degree as to restrict the capacity of the person to guard themselves against harm by another person or that results in the person requiring assistance with the activities of daily living.

INTRODUCTION

- **COMHALTAS** fully recognises its responsibilities for Child Protection. Our policy applies to all staff, branch members, volunteers, teachers, etc (hereinafter ALL referred to as “members”) working with the organisation.
- COMHALTAS is an international organisation with many years experience in passing on our cultural traditions to younger generations through music, song, dance and the Irish language.
- As a COMHALTAS member, staff or volunteer it is important to understand that you are in a position of responsibility, authority and trust with respect to the young people and any vulnerable adults you may work with or come in contact with in the course of Comhaltas related activities.
- The welfare of children and vulnerable adults with whom Comhaltas works, their health and well being and their best interests are considered paramount.
- Comhaltas members are required to adhere to the Policy, Procedures and Code of Practice in the exercise of their duties.
- This document is written to ensure that working with Comhaltas in whatever capacity will be a safe and enjoyable experience for all involved.

POLICY STATEMENT

- The health, safety and well being of all our children and vulnerable adults are of paramount importance to all staff, members and volunteers who are a part of Comhaltas. Our children have the right to protection, regardless of age, gender, race, culture or disability. They have a right to be safe as participants in all our activities.
- In our activities we value our children, young people and vulnerable adults. A culture of mutual respect between children/young people/vulnerable adults and those who represent

the organisation in all its activities will be encouraged with adults modelling good practice in this context.

- Comhaltas recognises that good child protection policies and procedures are of benefit to everyone involved with our work, including staff, branch officers, members and volunteers, as these policies can help protect them from erroneous or malicious allegations.

AIMS AND OBJECTIVES

This policy ensures that staff, branch members and volunteers are clear about the actions necessary with regard to child protection issues.

Its aims are :-

- To raise the awareness of all - staff, branch members and volunteers- on the importance of child protection and to identify responsibility in reporting possible cases of abuse.
- To ensure effective communication between staff, branch members and volunteers when dealing with child protection issues.
- To apply the correct procedures when dealing with an issue of child protection.

LEGISLATION:

Under The Children First Act 2015 and Children First – National Guidelines for the Protection and Welfare of Children 2011 - voluntary sector organisations such as Comhaltas have a statutory duty of care for the children and young people to whom we provide services.

- *The Children First Act 2015 obliges certain professionals and others working with children to report child protection concerns to the Child and Family Agency (Tusla) and to assist the Agency, if requested to do so, in its assessment of a child protection risk.*
- *The Children First Act 2015 puts elements of the Children First: National Guidance for the Protection and Welfare of Children (2011) on a statutory footing. The legislation forms part of a suite of child protection legislation which includes the National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.*
- *The revised Children First: National Guidance for the Protection and Welfare of Children was published in July 2011. The Guidance sets out a number of key messages relating to the duty to protect children. Among these are that the safety and welfare of children is everyone's responsibility, that children will have safer lives where everyone is attentive to their wellbeing and that people who work with children across a range of areas understand their responsibility for safe practice and the reporting of concerns. It provides greater clarity and guidance for individuals and organisations in identifying and responding appropriately to child abuse and neglect and sets out specific protocols for Social Workers in the Child and Family Agency, Gardaí and other front line staff in dealing with suspected abuse and neglect of children.*
- *The principle, which should inform best practice in child protection, is that the welfare of the child/vulnerable adults is of paramount importance.*

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

- *Safe and clearly defined methods of selecting staff and volunteers*
- *Developing effective procedures for the reporting and management of child protection concerns*

- *Identifying a designated staff member/volunteer to act as a liaison (DLP) with outside agencies and as a resource person to any staff member or volunteer who has child protection concerns. The designated person (DLP) will be responsible for reporting allegations or suspicions of child abuse to the Child & Family Agency (TUSLA) and/or An Garda Síochána.
(Children First – National Guidelines for the Protection and Welfare of Children 2011)*

The Child and Family Agency (TUSLA) has a primary responsibility to promote the safety and well-being of children. An Garda Síochána also has statutory responsibilities for the safety and welfare of children.

Everyone must be alert to the possibility that children with whom they are in contact may be suffering from abuse or neglect. This responsibility is particularly relevant for professionals such as teachers, child care workers, health professionals and those working with adults with serious parenting difficulties. It is also an important responsibility for staff and volunteers involved in COMHALTAS CÉOLTÓIRÍ ÉIREANN catering for children.

The Agency (TUSLA) should always be informed when a person has reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected.

Child protection concerns should be supported by evidence that indicates the possibility of abuse or neglect.

A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to the Agency (TUSLA).

The guiding principles in regard to reporting child abuse or neglect may be summarised as follows:

- *the safety and well-being of the child must take priority;*
- *reports should be made without delay to the Agency.*

COMPLIANCE

This policy document applies to all Comhaltas activities in Ireland, Northern Ireland, Britain, North America and elsewhere. They have been designed to work within current guidelines to meet the legislative requirements of each country. Should any conflict arise between any of our policies and procedures and the laws of individual countries then the relevant law will take precedence. We will endeavour to ensure that our policy documents are updated appropriately to reflect future changes in the law.

RATIONALE

- To adopt a Policy and Code Of Practice on safeguarding the welfare of children/vulnerable adults.
- To plan and monitor the work of Comhaltas so as to eliminate situations where the abuse of a child may occur
- To apply agreed procedures for protecting children to all staff, members and volunteers

- To use supervision as a means of protecting children
- To ensure that staff, branch members and volunteers are aware of this Policy, Code Of Practice and Child Protection procedures to be followed
- To ensure that **mandatory** vetting by the National Vetting Bureau (NVB) is applied to all Comhaltas personnel (who have frequent access to children) who provide a service to children and others.

DESIGNATED LIAISON PERSON (DLP):

A Designated Liaison Person will be nominated by each Comhaltas Branch each year. The **D.L.P** has responsibility for managing child protection issues within the branch. The role and responsibilities of the DLP are:

- To implement and promote the unit's Child Protection Policy and Procedures.
- To act as the main contact for child protection within the branch.
- To provide information and advice on child protection for the branch membership.
- To create awareness of the importance of child protection.
- To communicate with members on child protection issues.
- To keep abreast of developments and understand the most recent information on related issues – data protection, confidentiality, legal and other, that impact on child protection.
- To encourage good practice and support of the procedures involved.
- To maintain confidential records of reported cases and the action taken and to liaise with the statutory agencies and ensure that they have access to all necessary information.
- To regularly monitor and review the branch Policy and Procedures

FIVE ELEMENTS:

1. We establish a safe environment in which children/vulnerable adults can learn, perform and develop

- We create an environment where children feel secure, are encouraged to communicate and are listened to.
- We ensure children know that there are adults in Comhaltas whom they can approach if they have concerns.
- We ensure that adult members of Comhaltas, and other adults working with Comhaltas, possess an understanding of the responsibility placed on the organisation for child protection by stating its obligation in this policy.

2. We raise awareness of the child protection issues among members and co-workers

- We ensure every member in contact with children is aware of this Policy and Procedures/guidelines and are aware of their inherent responsibilities.
- We raise awareness of the Child Protection Policy with all members, parents, tutors and supervisors.

3. We practise safe recruitment and check the suitability of staff/teachers.

- We recognise the importance of checking the background of teachers (music, singing, dancing, etc) and others before they are given responsibility to work with children. Comhaltas, as a voluntary organisation, has registered with the

NVB (National Vetting Bureau), Current legislation requires mandatory vetting for all personnel working with children in Éire

- (Please check requirements in Northern Ireland, Britain, North America, etc)

4. We implement Procedures in respect of suspect, alleged or confirmed cases of abuse

- We recognise that members may in some instances have cause for concern. Should the latter occur guidance should be sought from the DLP and liaise with statutory agencies, namely The Child & Family Agency (TUSLA) and An Garda Síochána.

NOTE: Please refer to the relevant agencies in other jurisdictions – Northern Ireland, Britain, North America etc. for guidance.

- We will maintain effective links with the relevant agencies and co-operate with any enquiry regarding child protection matters.
- We will follow child protection procedures where an allegation is made against a member/volunteer. (Refer to “Children First National Guidelines for the Protection and Welfare of Children” (1999, 2009, 2011)

NOTE: Please refer to child protection guidelines in Northern Ireland, Britain, North America, etc.

- Certain children are more vulnerable to abuse than others. Such children include those with disabilities, children who are homeless and those who, for one reason or another, are separated from their parents or other family members and who depend on others for their care and protection. The same categories of abuse – neglect, emotional abuse, physical abuse and sexual abuse – are applicable, but may take a slightly different form. For example, abuse may take the form of deprivation of basic rights, harsh disciplinary regimes or the inappropriate use of medications or physical restraints. All those involved in caring for children in residential settings, including those for educational and recreational purposes, outside of the home (as in the case of attendance at Comhaltas classes/functions) must be alert to the possibility of abuse by other children, visitors and members.

5. We recognise the possibility of retrospective disclosures by adults

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 counsellor/ health professional should report the allegation to the HSE Children and Family Services 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 (Freephone 1800 477477).

PROTECTION FOR PERSONS REPORTING CHILD ABUSE ACT 1998:

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse ‘reasonably and in good faith’ to designated officers of the HSE or to any member of An Garda Síochána. This protection applies to

organisations as well as to individuals. This means that even if a communicated suspicion of 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.

This act was passed on 23rd Jan 1999. The main provisions of the act are:

- *The provision of immunity from civil liability to any person who reports child abuse "reasonably and in good faith" to designated officers of the HSE or An Garda Síochána.*
- *The creation of a new offence of false reporting of child abuse where a person makes a report "knowing that statement to be false"*
- *"A person 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*
 1. *A child has been or is being assaulted, ill-treated, neglected or sexually abused, or*
 2. *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"*
 3. *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"*

REPORTING PROCEDURES:

- If a member of Comhaltas receives an allegation, or has a suspicion that a child is being abused, he or she must, in the first instance, consult with the branch DLP.
- It is important that the suspicions or allegations are recorded by the DLP.
- In cases where an allegation is made, the DLP must report the matter immediately to the relevant authorities, ie. to the designated officer in the Child & Family Agency social work department (TUSLA) or to An Garda Síochána. (NOTE: Any query or concern in relation to children out of hours should be reported to An Garda Síochána)
- It is essential that at all times the matter is treated in a confidential manner.
- It is NOT the responsibility of the DLP or any other person to find a resolution or discuss the matter with anyone else except the appropriate agencies.
- All advice proffered by TUSLA - Child & Family Agency social work department and An Garda Síochána should be strictly adhered to.
- Where an allegation of abuse or neglect is made against a branch member/teacher/officer, the DLP shall immediately act in accordance with the procedures outlined no. 3 above.
 - Once a disclosure is made by a child, a written record of the disclosure shall be made as soon as possible by the person receiving it.
 - Where an allegation of abuse or neglect is made by an adult, a written statement should be sought from this person.
 - Whether or not the matter is being reported to the Child & Family Agency or An Garda Síochána, the DLP shall always inform the branch officers of the allegation.
 - Where the allegation or concern relates to the DLP, the matter should be reported to the branch officers. In such cases, the branch officers, as appropriate, shall assume the role normally undertaken by the DLP and shall follow the procedures set out at no.3 above.
- From this point on, only the Statutory Authorities should deal with the matter.

COMHALTAS CODE OF PRACTICE:

The following guidance includes a variety of contexts in which Comhaltas members carry out their activities:

The Code Of Practice is to safeguard the welfare of the young children in our charge and to ensure that safe and sensible steps will continue to be taken to ensure the safe practice and environment for young people, staff, branch members and volunteers alike.

1. Branch Classes / Activities

- All Branches should be responsible for the appointment of teachers / tutors.
- Ensure that TWO Branch adults, preferably one male and one female, or an adult tutor and one other adult arrive together to open the venue.
- Arrange seating appropriately for both tutor and pupil with respect to physical proximity.
- Where a tutor is dealing with an individual pupil, ensure another adult, preferably a Branch adult is in close vicinity.
- It is necessary for a tutor to report inappropriate behaviour to a Branch adult and to the DLP
- Trust your intuition if a pupil is acting inappropriately and take action, ie share concerns with the DLP and implement measures to reduce risk.
- Use verbal affirmation to praise rather than physical touch.
- Never use physical forms of discipline.
- Tutors and parents should be made aware of class timetable.
- Ensure that after class all children are collected promptly and TWO Branch adults, preferably one male and one female or a tutor and one other adult are present to lock up the venue.
- Drop off and collection times should be strictly adhered to.
- There should be adequate supervision of young people while they are waiting for class.
- A class register and incident book should be kept.

(Record details of any incident occurring – date, time, place and summary of the incident pertaining to children’s welfare)

2. Transport

- Ensure that two adults, preferably one male and one female, travel in the car when only one child is being transported.
- When transporting young persons seat them in the back seat,
- Only carry the appropriate number vis a vis seat belts.
- Journey duration should be reported to another adult.
- A parental consent proforma should be completed regarding trips / outings.

3. Insurance

Comhaltas Insurance Policy provides cover for all Branch Activities. While Comhaltas has an Insurance Policy the following guidelines must be adhered to:

- Ensure adults are first to arrive at the venue.
- Ensure classes are supervised if or when the tutor has to leave the room.
- Ensure that all pupils have been collected prior to the adults leaving the venue.
- Pupils must be supervised at all times.

- Ensure the venues are safe from all/any potential hazards.

4. Photography: Authorisation.

Child protection issues and sensitivity towards identity theft have presented challenges to all those involved with recording images of people for promotional purposes. In the same way that video and audio recordings require authorisation and permissions at competitions, it is also important to follow the proper procedures in photographing young persons.

A model release form is available in the downloads section of the Press room at www.comhaltas.ie.

The subjects of any photographs must be informed that their picture has been taken and may be used for promotional purposes by Comhaltas. Ideally, if under 18 years, subjects' parents or their guardians must sign approval on the official form.

Recognising child neglect or abuse

Child neglect or abuse can often be difficult to identify and may present in many forms. A list of indicators of child abuse is contained in Appendix 1. No one indicator should be seen as conclusive in itself of abuse.

It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

Guidelines for recognition

The ability to recognise child abuse can depend 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 neglect or abuse:

- Considering the possibility;
- Looking out for signs of neglect or abuse;
- Recording of information.

Recommendations:

- All Comhaltas personnel, tutors and all other volunteers working with children will be provided with a copy of this policy to raise awareness of child protection and to provide as much information as possible.
- Parents/Guardians of children attending Comhaltas events will be made aware of this policy and arrangements will be made to view the policy if requested to do so.
- Comhaltas will review this policy at regular intervals and will provide effective management and training for all personnel.

Appendix 1: DEFINITIONS OF ABUSE

TYPES OF CHILD ABUSE:

Children First identifies 4 categories of child abuse. The definitions of child abuse within the document are the agreed national definitions. Everyone working with children and families needs to be aware of these definitions and of the signs and symptoms of abuse. It is important that workers from different disciplines and agencies have a shared understanding of what constitutes child abuse and a common language to communicate concerns about children. A child may be subjected to one or more forms of abuse at any given time.

NEGLECT:

- 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.
- 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.
- A distinction can be made between 'wilful' neglect and 'circumstantial' neglect. *Wilful neglect* generally incorporates a direct and deliberate deprivation by a parent/carer of a child's most basic needs, e.g. withdrawal of food, shelter, clothing, contact with other. There is a criminal aspect to wilful neglect and a person can be charged for this.
- *Circumstantial neglect* more often may be due to parental stress/inability to cope by parents or carers. Consider not only the parent's role, but also the societal and environmental factors contributing to the parent's inability to provide for the basic needs of the child, such as social isolation, poor housing, low levels of employment and poverty (*Children Protection and Welfare Practice Handbook*, Section 1.5).
- *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 the child's health and development as compared to that which could reasonably be expected of a child of similar age (*Children First*, Section 2.2.2). Tusla Social Work Departments have the responsibility to assess whether a child has reached the threshold of significant harm.

EMOTIONAL ABUSE:

- When a child's need for affection, approval, consistency and security are not met.
- Emotional abuse is normally to be found in the relationship between a caregiver and a child.
- Unless other forms of abuse are present, emotional abuse is rarely manifested in terms of physical signs or symptoms. Like neglect, emotional abuse is a series or pattern of instances *over a period of time* rather than a single event.
- Emotional abuse is not necessarily associated with physical deprivation. Emotional neglect and abuse is found typically in a home lacking in emotional warmth. The emotional needs of the child are not met; the parent's relationship to the child may be without empathy and devoid of emotional responsiveness.
- Emotional abuse is not easy to recognise because the effects are not easily observable.
- It should be noted that no one indicator is conclusive of emotional abuse. Emotional abuse and neglect is more likely to impact negatively on a child where there is a cluster of indices, where these are present over time and where there is a lack of other protective factors.

- Children who are physically and sexually abused and neglected also suffer from emotional abuse.
- Some examples of emotional abuse are:
 - persistent criticism, sarcasm, hostility or blaming;
 - conditional parenting – level of care contingent on child’s behaviours or actions;
 - exposure to domestic violence.

PHYSICAL ABUSE

- Any form of non-accidental injury or injury which results from willful or neglectful failure to protect a child.
- Physical abuse can occur as single or repeated incidents. Some examples include:
 - pinching, biting, choking or hair-pulling;
 - use of excessive force in handling.
- Unsatisfactory explanations, varying explanations, frequency and clustering of indicators – all can give rise to high levels of concern for physical abuse.
- There are many different forms of physical abuse, but skin, mouth and bone injuries are the most common.
- The age and developmental stage of the child, the site/location of the injury and the pattern of the injury need to be examined in relation to the history of the incident.

SEXUAL ABUSE:

- When a child is used by another person for his or her gratification or sexual arousal or for that of others
- Child sexual abuse often covers a wide spectrum of abuse activities. It rarely involves just a single incident and usually occurs over a number of years. Sexual abuse most commonly happens within the family.
- Cases of sexual abuse principally come to light through: (*Children First Guidance 2011, Appendix 1*)
 - disclosure by the child to his or her siblings/friends;
 - the suspicions of an adult;
 - physical symptoms.
- Non-contact sexual abuse can include offensive sexual remarks, obscene telephone calls, ‘exposure’ of an offender to a victim, an offender observing a victim in a state of undress or activities that provide sexual gratification to the offender.
- Some examples of child sexual abuse can include:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- showing sexually explicit material to children, which is often a feature of the ‘grooming’ process by perpetrators of abuse.
- Section 2.5.1(vi) of Children First refers to **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.

STATEMENT OF COMHALTAS BRANCH COMPLIANCE

COMHALTAS BRANCH NAME: _____

- 1) Child Protection Policy has been formally adopted at a branch meeting and noted in the minutes.
- 2) A Designated Liaison Person (DLP) has been appointed.
- 3) Copies of this Policy have been provided to all branch officers, teachers/tutors, and other relevant persons
- 4) This Policy is available to be viewed by any branch member and by any parent/guardian of class students

Signed:

Cathaoirleach: _____ **Dáta:** _____

Rúnaí: _____ **Dáta:** _____

DLP: _____ **Dáta:** _____

Policy Review: October 2016

FURTHER REFERENCE: Go to www.dcy.gov.ie and check “Children First –Child Protection Guidance”