



**Laois Sports Partnership  
Children and Vulnerable Persons'  
Welfare and Protection Policy**

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## **Policy Statement**

Laois Sports Partnership (LSP) is committed to safeguarding the well being of children and vulnerable persons. Those working for, or on behalf of LSP, should, at all times, show respect and understanding for the rights of children and vulnerable persons and conduct themselves in a way that reflects the principles of the organisation, the Code of Ethics and Good Practice for Children's Sport as issued by the Irish Sports Council and the Children's First Guidelines, National Guidelines for the Protection and Welfare of Children issued by the Department of Health and Children.

LSP recognises that it has a duty of care to protect all children and vulnerable persons and safeguard their welfare, irrespective of age, disability, gender, racial origin, religious belief and sexual identity.

LSP is committed to a children and vulnerable person centred approach to all services and activities operated by LSP. We undertake to provide a safe environment where the welfare of children and vulnerable persons is paramount.

We will adhere to the Children's First National Guidelines for the Protection and Welfare of Children by implementing policies covering:

- Safe Recruitment
- Garda Vetting

LSP commits to reviewing these Guidelines every two years or following changes in legislation.

## **Source Documentation**

The guidelines, definitions, policies and procedures set out in this document have been sourced and/or adapted from the following documents:

Children First Bill 2014

National Vetting Bureau (Children and Vulnerable Persons) Bill 2012

Protections for Persons Reporting Child Abuse Act 1998

Safeguarding Vulnerable Persons at Risk of Abuse National Policy and Procedures; HSE Social Care Division

Children First: National Guidance For The Protection And Welfare Of Children; Department of Children and Youth Affairs 2011

Code of Ethics and Good Practice for Children's Sport; Irish Sports Council and Sports Council Northern Ireland

All policies and procedures described refer to vulnerable persons as well as children insofar as this is possible or relevant. Some of the source material has been edited to include vulnerable persons to reflect LSPs commitment to safeguarding this group.

## **Definition and Roles**

The following terms and abbreviations are used in this document:

### **Child**

A 'child' means a person under the age of 18 years.

### **Vulnerable Person**

A Vulnerable Person means a person, other than a child, who:

- (a) has a disorder of the mind, whether as a result of mental illness or dementia,
- (b) Has an intellectual disability,
- (c) has a physical impairment, whether as a result of injury, illness or age, or
- (d) has a physical disability,

Which is such a nature or degree –

- (i) is to restrict the capacity of the person to guard himself or herself against harm by another person, or
- (ii) that results in the person requiring assistance with the activities of daily living including dressing, eating, walking, washing and bathing.

### **Designated Safeguarding Liaison Person**

The appointment of a Designated Safeguarding Liaison Person (DSLIP) is an essential element of the safeguarding of children and vulnerable persons in LSP. They act as a resource with regard to children and vulnerable persons' issues, including reviewing current policies in relation to children and vulnerable persons, checking all activities are safe and fun, informing adults of how to deal with any concerns that may arise in relation to the protection of children and vulnerable persons.

The DSLIP should be a member of the LSP Board, or have access to the Board (e.g. Co-ordinator) and its accompanying documents, to ensure that children and vulnerable person's interests are kept on, and influence the decisions of, the agenda of LSP.

The role of the DSLIP within LSP is to:

- act as a liaison with outside agencies and a resource person to any staff member, volunteer or adult leader who has child protection concerns;
- ensure that the standard reporting procedure is followed, so that suspected cases of child neglect or abuse are referred promptly to the designated person in the Children and Family Agency or in the event of an emergency and the unavailability of the Children and Family Agency, to An Garda Síochána;
- ensure that he/she is knowledgeable about child protection and undertakes any training considered necessary to keep updated on new developments.
- oversee the implementation of LSPs Children and Vulnerable Persons' Welfare and Protection Policy and associated policies (Garda Vetting Policy, Safe Recruitment Policies)
- oversee the implementation of appropriate methods of record keeping in relation to confidentiality and data protection while allowing for appropriate information to be passed to relevant authorities where necessary.
- oversee the implementation of procedures designed to deal with concerns regarding poor practice within LSP activities.
- co-ordinate the ongoing development and implementation of the organisation's children and vulnerable persons welfare and protection training needs

- liaise with staff and adult leaders to ensure that LSP programmes and activities are child and vulnerable person centred and promote the values that make sport enjoyable for children and vulnerable persons.

DSLPS do not have the responsibility of investigating or validating child protection concerns within the organisation and have no counselling or therapeutic role. These roles are filled by the Statutory Authorities as outlined in Children First.

### **Mandated Person**

The Children First Act 2015 places a legal obligation on certain people, many of whom are professionals, to report child protection concerns at or above a defined threshold to Tusla - Child and Family Agency. 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. Mandated persons are people who have contact with children and/or families who, by virtue of their qualifications, training and experience, are in a key position to help protect children from harm. Mandated persons include key professionals working with children in the education, health, justice, youth and childcare sectors. Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also mandated persons.

### **What are the legal obligations of a Mandated Person?**

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

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

A mandated person, under the legislation is 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

The reporting requirements under the Children First Act 2015 apply only to information that a mandated person, received or became aware of since the Act came into force. However, if the mandated person has reasonable concern about past abuse, where the information came to his/her attention before the Act and there is possible continuing risk to children, it should be reported it to Tusla under the Children First Guidance 2017.

### **Core Values**

The following are LSP’s Core Values and are particularly relevant for our work with children and vulnerable adults.

### **Inclusiveness**

We believe that everyone should have the opportunity to participate in sport and physical activity. We are passionate about the power of sport and physical activity to engage, include and inspire people to reach their potential and improve their health, well being and quality of life.

### **Respect**

We respect the unique and diverse contributions and efforts of everyone and encourage an environment that is open, safe and welcoming where we treat people fairly and with courtesy and kindness.

### **Relationships**

We recognise the importance of our relationships, the synergy of our collective strengths, the power of community, partnership and collaboration and the value of team effort. We want the experience of working with or for us to be positive and progressive.

### **Integrity**

We will honour our word and earn trust by acting in an ethical and professional manner. We will say what we mean, match our actions to our words and take responsibility for our actions.

### **Sustainability**

We will strive to take a sustainable approach to our activities by empowering and enabling others, seeking value for money and focusing on effectiveness, impacts and outcomes.

### **Leadership**

We will lead the way by staying true to our values, promoting best practice and offering a quality service. We will be forward looking and embrace opportunities to grow, develop and learn from our experience and the experience of others.

## **Code of Good Practice in relation to Children and Vulnerable Persons**

LSP wishes to provide the best possible environment for children and vulnerable persons involved in our activities.

Children and vulnerable persons:

- deserve to be given enjoyable, safe sporting opportunities, free of abuse of any kind.
- have rights, which must be respected, and responsibilities that they must accept.
- should also be encouraged to realise that they have responsibilities to treat other participants and sports leaders with fairness and respect.

The Code of Good Practice is structured under the following headings:

1. Implementation of Good Practice within LSP
2. LSP General Good Practice Guidelines for working with Children and Vulnerable Persons
3. Code of Good Practice for those leading LSP activities

### **1. Implementation of Good Practice within LSP**

LSP aims to implement good practice by:

- Providing policy training for staff and leaders on LSP programmes in line with these guidelines
- Making this policy and related policies available on LSP's website to download
- Reviewing and updating policies and procedures as per policy statements
- Ensuring that LSP has relevant information in relation to children and vulnerable persons as determined by the nature of the activity
- Complying with the Data Protection Policy in respect of personal and sensitive data regarding children and their parents and guardians subject to child protection concerns
- Having procedures in place for the reporting and recording of accident, injuries and emergencies
- Reporting any concerns to a Designated Safeguarding Liaison Person and following reporting procedures
- Regularly evaluating work practices where contact with children and vulnerable persons occurs
- Being proactive in dealing with concerns or potential problems
- Keeping parents and guardians informed of any issues of concern regarding their children
- Ensuring that partner organisations are familiar with LSP guidelines
- Ensuring that there are adequate insurance arrangements in place to cover all relevant activities.

### **2. LSP General Good Practice Guidelines for working with Children and Vulnerable Persons**

#### Supervision

- LSP shall endeavour to ensure that there are adequate adult to child ratios. The appropriate ratio will depend on the nature of the activity, the age of the children and any special needs of the group. A general guide is 1:8 for under 12 years of age and 1:10 for over 12 years of age (good practice is a minimum of two or more persons) however this may vary for participants with a disability.

- If participants are of mixed gender ensure that there are leaders of both sexes present at sessions where possible
- Staff and leaders on LSP programmes shall endeavour to avoid being left alone or on a one-to-one situation with children or vulnerable persons
- If a person needs to talk separately to a child or vulnerable person this should be done in an open environment in view of others whilst offering the individual confidentiality
- When dealing with a disruptive child or vulnerable person, it is recommended that where possible more than one staff member or leader be present. Instances of disruptive behaviour that require the intervention of the staff member or leader, and which put at risk the safety and well-being of others, must be documented and dealt with sensibly and appropriately. As an example, this may include setting ground rules for the group, discussions with parents or guardians or additional supervision from partner organisation.
- Times for start and finish of activities should be clearly communicated with parents and guardians
- Late collection of children or vulnerable persons by parents and guardians presents a potentially difficult situation. In this situation, a child or vulnerable person is never to be left unattended.
- Staff and leaders on LSP programmes:
  - shall attempt to contact the child's parent or guardian on their contact number
  - use an alternative contact number for a parent or guardian given by the child or vulnerable person if necessary
  - wait with the child or vulnerable person with another leader or participant where possible
  - avoid taking children on journeys alone in a car where possible and never without the consent of the parent and guardian
- Supervision of changing rooms if necessary (where children are very young or need special assistance), should be in pairs of appropriate gender
- Keep attendance records and record of any incidents / injuries that arise

Staff and leaders on LSP programmes shall not:

- Take the child or vulnerable person home or to another location without permission from a parent or guardian;
- Send the child or vulnerable person home with another person without permission from a parent or guardian

### Safety

LSP should have a safety statement, including specific and potential risks attached to the delivery of activities. They should also have procedures in place for safeguarding against such risks.

In considering health and safety in relation to children and vulnerable persons, LSP will:

- Ensure that children or vulnerable persons are not left unattended or unsupervised
- Ensure that children or vulnerable persons are not in contact with any dangerous materials
- Ensure that staff and leaders on LSP programmes are familiar with and comply with WSP procedures in relation to accidents
- Ensure that staff and leaders on LSP programmes are familiar with and, where necessary, comply with the emergency evacuation procedures particular to the

- location of the activity and brief the children and vulnerable persons in their care on what they are to do and where they must go in an emergency
- Be familiar with the particular risks associated with the activity and location at which the activity is based.
  - When undertaking a risk assessment take account of a child's natural curiosity and include appropriate precautions to safeguard a child's potential exposure
  - Ensure that LSP has relevant information in relation to children and vulnerable persons as determined by the nature of the activity
    - For open events (e.g. come and try sessions, open events or festivals) a registration sheet should be used
    - LSP programmes or activities – a participation form should be completed for each participant (e.g. participant name, parent or guardian name, address, relevant medical information, emergency contact & parental consent in the case of a child).
    - LSP programmes with partners (school, disability group, youth group) – the presence of an adult or group leader from a partner organisation is required with the information in relation to the participants in the group held by that partner.
  - Ensure LSP activities are suitable for age and stage of development of participants
  - Ensure any necessary protective gear is available to staff, leaders and participants
  - Keep first aid kit appropriately stocked with contact numbers of emergency services
  - Ensure easy access to medical personnel if needed and consider the actions required in the case of an emergency
  - Leaders should hold appropriate qualifications required
  - Ensure there is adequate insurance cover for all activities.

### Physical Contact

Activities on occasion require a 'hands on approach', especially in a teaching or coaching situation, e.g. it may be necessary to assist a young person when learning how to grip a piece of sports equipment for the first time but the following should be taken into consideration:

- Avoid unnecessary physical contact
- Any necessary contact should be in response to the needs of the child and not the adult
- It should be in an open environment with the permission and understanding of the participant
- It should be determined by the age and developmental stage of the participant - Don't do something that a child can do for themselves
- Where physical contact is an inherent part of an activity, it is important to seek consent of the child or vulnerable person in relation to physical contact (except in an emergency or a dangerous situation)
- Check with child or vulnerable person about their level of comfort when doing touch exercises e.g. games may involve holding hands and it is about ensuring that this is done openly and within safe and comfortable limits for the child or vulnerable person
- Never allow or engage in inappropriate touching of any form
- Do not hit or physically chastise children or vulnerable persons

### Bullying

Bullying is a repeated aggression that can be verbal, psychological or physical, which is conducted by an individual or group against others. It also includes cyberbullying which is bullying that takes place using electronic technology. Electronic technology includes devices and

equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites

It is behaviour, which is intentionally aggravating and intimidating and occurs mainly among children and vulnerable persons in social environments such as schools, sports clubs and other organisations working with children and vulnerable persons. It includes behaviour such as teasing, taunting, threatening, hitting or extortion by one or more children or adult against a victim. However, bullying can also occur between two adults or between an adult and a child e.g. a coach, leader.

Bullying can only survive in an environment where the victim does not feel empowered to tell someone who can help or in which it is not safe to do so.

Incidents of bullying should be dealt with immediately and not tolerated under any circumstances.

*Who should deal with bullying?*

Bullying behaviour is normally the responsibility of the leader of LSP activities. However, more extreme forms of bullying regarded as physical or emotional abuse should be reported to the Child and Family Agency or An Garda Síochana.

*How can it be prevented?*

- Encourage the development, where appropriate, of a code of conduct for participants for medium to long term programmes that promotes the rights and dignity of others
- Deal with any incidents as they arise
- Use a whole group policy or “no blame approach” i.e. not bullying the bully but working with bullies and the group helping them to understand the hurt they are causing and make the problem a shared concern of the group
- Reinforce that there is a permission to tell culture
- Encourage children and vulnerable persons to negotiate, co-operate and help others particularly new participants or those with specific needs
- Offer the victim immediate support and put the ‘no blame approach’ into operation
- Never tell a young person to ignore bullying, they can’t ignore it, it hurts too much
- Never encourage a young person to take the law into their own hands and beat the bully at their own game
- Tell the victim that there is nothing wrong with them and it is not their fault

For further information on bullying and the ‘no blame approach’ see the Sport Ireland website [www.sportireland.ie](http://www.sportireland.ie)

### Photography

LSP use of images on its social media, website and/or publications is intended for the positive promotion of sport and LSP activities. LSP is committed to implementing the following steps to ensure that children and vulnerable persons are protected from the inappropriate use of their image. This is not to prevent parents and guardians taking photographs; it is to ensure that only those who have a right to take photographs do so. Anyone concerned about photography taking place at an event can contact the leader or DSLP to deal with the matter.

When using children and vulnerable persons’ photographs you should:

- Inform participants and parents that a photographer may be in attendance at an event
- Ask for parental or guardian permission to use the participant’s image and consult with the child or vulnerable person about its usage where appropriate

- Ensure the content of the photograph promotes the programme or activity not just focuses on a particular child or vulnerable person

This may be done in the following ways:

- Signage and/or announcements at open or public events notifying participants that photographers are present and to contact LSP staff if they have concerns or do not wish for their image to be taken or used in publications.
- Parental consent for the taking and use of images included as part of participation forms or registration sheets for LSP programmes or activities.
- Consent for the taking and use of images agreed with partners on LSP programmes (e.g. school, disability group, youth group).

### Mobile Phones

Mobile phones are often given to children and vulnerable adults for security enabling parents or guardians to keep in touch and make sure they are safe. Young people value their phones as it gives them a sense of independence. However, such technology has also increased direct personal contact with young people, in some cases used to cross personal boundaries and cause harm. The following guidelines should be followed:

- Where possible ensure that parental consent is obtained where young people and vulnerable persons are being contacted directly by adults or a parent or guardian receives the text in addition to the young person as part of a group text
- It is not appropriate or acceptable to have constant contact with an individual participant
- Do not use your phone in certain locations; inappropriate use of your camera phone may cause upset or offence to another person e.g. changing rooms

### Internet Safety

Children are becoming increasingly sophisticated in their use of communication tools on the internet such as social networking sites, internet enabled camera phones and video and photograph sharing websites. While this technology offers fantastic opportunities for them to learn, play and to interact with their peers, there can be downsides too. The anonymous and instantaneous nature of the internet can leave people exposed to greater risks from potential sexual predators.

The Office for Internet Safety (OIS) was established in March 2008 as an Executive Office of the Department of Justice and Equality and has primary responsibility for the development and promotion of strategic actions to promote the highest possible levels of internet safety, particularly in relation to combating child pornography. The Office for Internet Safety plays a key role in ensuring a cohesive approach is being taken across Government Departments, State Agencies and other key stakeholders in addressing illegal content on the internet.

The OIS offer a lot of advice and guidance to parents and young people on the safe use of the internet.

Any instances of suspected online child abuse should be reported to [www.hotline.ie](http://www.hotline.ie) immediately.

### Social Media

Social networking sites are becoming increasingly popular as a quick and easy way of communicating with participants.

- LSP social media sites should always be set up as a business site
- Inappropriate, derogatory or defamatory remarks or unseemly language should never be used and all staff, leaders and young people should be encouraged to be responsible regarding use of social media networks
- Posts and comments on LSP social media sites should be monitored and inappropriate, derogatory or defamatory remarks or unseemly language from public will be removed.
- Young people should be advised that if an offensive photo, email or message is received, they should not reply, it should be saved and a note taken of the times and dates and the parent or leader on the programme, club or organisation informed.

### Website

- LSP needs to ensure website is managed carefully with particular attention to any links (cases have arisen where links have been redirected to inappropriate material)
- If the site has a discussion board facility, LSP needs to ensure care in relation to moderation of comments particularly where children and vulnerable persons are concerned.

### **3. Code of Good Practice for those leading LSP activities**

#### **Code of Good Practice for those leading LSP activities**

All leaders of LSP activities (Staff, Service Providers, Partner Personnel, Volunteers) must read and agree to deliver programmes within LSP general good practice guidelines. Leaders must sign up to and abide by the following Code of Good Practice.

#### ***LSP Child Centred and Vulnerable Person Centred Approach***

All LSP activities involving children and vulnerable persons shall be guided by what is best for the child and vulnerable person. Activities shall be conducted in a safe, positive and encouraging atmosphere. Standards of excellence should extend to personal conduct.

Children and Vulnerable Persons are entitled to:

- be safe and to feel safe
- be listened to
- be believed
- be happy, have fun and enjoy sport
- be treated with dignity, sensitivity and respect
- have a voice in the programme or activity
- comment and make suggestions in a constructive manner
- participate in sporting activities on an equal basis, appropriate to their ability and stage of development
- participate at a level at which they feel comfortable
- make complaints in an appropriate way and have them dealt with through an effective complaints procedure
- get help against bullies
- say no
- protect their own bodies

- be afforded appropriate confidentiality

### ***Creating a Positive Atmosphere***

Those leading LSP activities must:

- have children and vulnerable person's safety and enjoyment as their number one priority
- strive to create a positive environment for children and vulnerable persons in their care and ensure that positive and healthy experiences are provided
- be aware of and respect the rights, dignity and worth of every child and vulnerable person and treat everyone equally, regardless of sex, ethnic origin, religion or ability
- remember that skills and personal development rank above winning
- understand the developmental needs of children and vulnerable persons and make them aware that their participation is valued.
- prioritise the learning of appropriate skills above competition or too much training
- be aware of time limitations, e.g. school/exams, when scheduling activities
- be generous with praise and never ridicule or shout at children and vulnerable persons for making mistakes or not winning an event. We all learn by making mistakes so improvement in skills should be praised and an individual's efforts treated with respect
- give equal time and attention to all participants and avoid singling out any one participant for special attention, praise, criticism or ridicule
- act quickly and appropriately if any form of bullying is identified whether from other participants, leaders or parents and guardians
- act within the rules of the activity and ensure that participants understand the rules.
- respect a child's or vulnerable person's personal space
- never use physical punishment

### ***Setting Good Example***

Those leading LSP activities should:

- act as good role models. Promote the positive aspects of sport and physical activity and maintain the highest standards of personal conduct.
- avoid smoking when working with young people or vulnerable persons and not consume alcohol or non-prescribed drugs before or during sessions. Avoid consuming alcohol in view of young people.
- avoid socialising or communicating inappropriately with children and vulnerable persons e.g. outside of structured organisational activities
- treat other leaders and officials with respect and encourage children and vulnerable persons to do likewise. Accept decisions made by officials in a sporting manner.
- ensure that their language and gestures are appropriate avoiding foul, racist, sectarian remarks or signs.
- ensure that offensive or sexually suggestive physical conduct and/or verbal language is not used or allowed.
- promote a sense of fair play and appreciation and respect for the skills of other participants.
- act in a professional manner.
- treat all children and vulnerable persons as individuals.
- create an atmosphere of trust.
- use all information in respect of children or vulnerable person only for the purpose for which it was given, subject to child or vulnerable person protection concerns

The Leader's responsibilities are to:

- be familiar with and follow the required procedures in the LSP Children and Vulnerable Person Welfare and Protection Policy
- carry out agreed duties and responsibilities understanding that the welfare of children and vulnerable persons is paramount
- be qualified for the position and keep up-to-date with required knowledge and skills
- create a safe environment for children and vulnerable persons by:
  - planning and preparing appropriately for sessions
  - adhering to the adult / child or vulnerable adults ratios
  - making sure all levels of participation are appropriate to development stage with the setting of age appropriate and realistic goals
  - ensuring all equipment is checked prior to session and that any necessary protective equipment is used by participants
  - keeping attendance records
  - making yourself aware of any relevant medical conditions of the participants (via information provided by LSP staff)
  - carrying out a verbal pre-screening of participants
  - having access to emergency contact numbers for parents and guardians (via information provided by LSP staff)
  - ensuring that there is a First Aid kit at all session, keeping a record of injury(s) and actions taken and contacting the relevant WSP staff member and the participant's parents and keeping them informed of all details
  - keeping a brief record of problem/actions/outcomes if behavioural issues arise
  - reporting any concerns in accordance with this policy reporting procedures
  - ensuring the conduct of the activity is fair and safe
  - ensuring parents / guardians are present at finishing time of sessions or events
  - ensuring that children or vulnerable persons are not left unattended or unsupervised.

### **Recruitment, Selection, Supervision and Support of Staff and Adult Leaders**

LSP is committed to safeguarding the wellbeing of children and vulnerable persons. LSP staff work in partnership with tutors, sports club volunteers, work and student placement staff and volunteers from community groups and organisations in the delivery of programmes to children and vulnerable persons-

LSP Safe Recruitment Policy framework outlines the steps LSP is taking to ensure that people who are employed by or work with LSP are suitable to work with children and vulnerable persons. These include the following policies:

1. Safe Recruitment Policy – LSP Staff
2. Safe Recruitment Policy – LSP Service Providers
3. Safe Recruitment Policy – LSP Partner

For further details, these policies are available on the LSP website.

### **Dealing with incidents of poor practice**

All allegations against staff or adult leaders who work with LSP must be reported to the DSLP. If the suspicion or allegation is against the DSLP then the LSP Chairperson should be contacted immediately.

### **Allegations of a general nature**

Allegations of a general nature (not related to the alleged abuse or neglect of a child) which are made against LSP, its employees or adult leaders must be investigated, dealt with and managed by LSP in accordance with the procedures outlined in the relevant policy e.g. Complaints Policy, Staff Handbook.

Employees and adult leaders are required to co-operate with investigations by or on behalf of LSP in accordance with the relevant procedures.

The Case Management Committee (CMC), appointed by the LSP Board, will consider and make decisions with respect to child welfare and protection concerns. This includes allegations of a general nature in regard to children and vulnerable persons in addition to its role in considering vetting applications, disclosures and/or returns referred to the LSP Contact Person by Sport Ireland.

LSP disciplinary procedures may be invoked in circumstances where it is found that an employee has engaged in negligent, unsafe or otherwise inappropriate behaviour in respect of the allegation.

## **Child Protection and Welfare Concerns**

### **Child Welfare Concern**

Often cases encountered are of a welfare nature and may not be recognised as obvious or deliberate (abuse) but the effect of the problem may have similarly negative consequences for the child and so needs to be responded to. It is equally important that the same procedures are applied to matters relating to the welfare of children as well as that of abuse.

### **Child Protection Concern**

Child abuse can be categorised into four different types: neglect, physical abuse, sexual abuse and emotional abuse. A child may be subjected to one or more forms of abuse at any given time. (see Appendix 1 for guidance on categories of child abuse)

### **Recognising Child Abuse**

Child abuse can occur in many different situations including the home, in school, in youth and sports activities and elsewhere. Child abuse can often be difficult to identify and may present in many forms (see Appendix 1 for link to further information on signs/symptoms that may indicate child abuse). 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.

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. Early detection is important and individuals working with children should share their concerns about child protection or welfare with the DSLP in LSP.

### **Reasonable Grounds for Concern**

The Children and Family Agency 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.

The following extract from *Children First Practice Handbook* sets out examples, which are by no means an exhaustive list, of reasonable grounds for concern to report to the Child & Family Agency:

- An injury or behaviour which is consistent both with abuse and with an innocent explanation but there are corroborative indicators supporting the concern that it may be a case of abuse.
- Consistent indication, over a period of time that a child is suffering from emotional and physical neglect.
- Admission or indication by someone of an alleged abuse.
- A specific indication from the child that he or she was abused.
- An account from a person who saw the child being abused
- Evidence (e.g. injury or behaviour) that is consistent with abuse and unlikely to be caused in any other way.

***Note: A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable ground for concern.***

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 Child and Family Agency.

The Child and Family Agency has a statutory obligation to identify children who are not receiving adequate care and protection, to provide family support services and, where necessary, to take children into the care of the Child and Family Agency. People who report concerns need to be assured that their information will be carefully considered with any other information available, and a child protection assessment will only proceed where sufficient risk is identified.

### **Reporting Child Protection & Welfare Concerns**

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

- (i) the safety and well-being of the child must take priority;
- (ii) reports should be made without delay to the Child and Family Agency

The following procedure is designed to help LSP staff report concerns so that the LSP DSLP can make effective reports to the relevant authorities, using the standard reporting procedure, concerning suspected, disclosed or alleged child protection and welfare situations.

To enable this to happen the Sports Co-ordinator should:

- (a) Have the contact details for the local Child and Family Agency Social Work Department and the Local Garda on file
- (b) Have the Child and Family Agency Standard Form for Reporting Child Protection and/or Welfare Concerns available on the LSP network or downloaded from Tusla at [www.tusla.ie/uploads/content/Children\\_First\\_SRF.pdf](http://www.tusla.ie/uploads/content/Children_First_SRF.pdf)

- (c) Ensure that each staff member and adult leader working with children and vulnerable adults has completed a Child Welfare and Protection Basic Awareness course.

Under no circumstances should any individual employee or adult leader working with LSP attempt to intervene or deal with the problem of suspected child abuse alone.

**Procedure for Reporting a Concern or Disclosure:**

**1. Write down accurate notes as soon as possible.**

Observe and note dates, times, locations and contexts in which the incident/disclosure occurred or suspicion was aroused, together with any other relevant information.

**2. Contact the Designated Safeguarding Liaison Person immediately or as soon as possible.**

Contact the DSLP immediately and discuss the matter in confidence. The matter should not be discussed with any other person. *If the DSLP is unavailable, contact the LSP Chairperson.*

**3. Decide, in consultation with the DSLP, if a report will be made to the Child and Family Agency duty Social Worker.**

Consult with the DSLP and decide if the matter will be reported to the Child and Family Agency duty Social Worker.

In the event that both the DSLP and staff member/adult leader conclude that there is no definite knowledge or reasonable grounds for concern of child protection or a child welfare issue, note the reason for not making an official report to the Child and Family Agency and record on file.

The process of making the decision to report or not may involve informal consultation with the duty social worker in the Health Service Executive.

The DSLP telephones the Child and Family Agency duty social worker and makes clear that it is an informal consultation in confidence. A record should be kept of this informal consultation and any decisions arising out of it.

If the social worker states that the information constitutes reasonable grounds for concern, make a formal report to the Child and Family Agency.

If the social worker states that the information does not constitute reasonable grounds for concern, a note of the informal consultation and the reason for not making an official report should be recorded on file.

It is possible for LSP staff to report even if the advice has been that the Social Worker does not think there are reasonable grounds for concern.

**4. Making a report.**

The person reporting suspected child abuse to the statutory authorities will first inform the family of their intention to make such a report unless doing so would endanger the child or undermine an investigation.

A report will be submitted using the standard reporting form (See Appendix 2) and a copy held on file.

## **5. Following the submission of a Report.**

After you have submitted the report to the Child and Family Agency, you may not have any further contact from them.

### **Procedure for Reporting a Concern or Disclosure in an Emergency Situation:**

In cases of emergency where a child appears to be at serious and immediate risk and you are unable to contact the Child and Family Agency duty social worker, An Garda Síochána should be contacted. Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending Child and Family Agency intervention.

As soon as possible after the young person is safe, prepare the standard reporting form and submit to the Child and Family Agency. File a copy of the Report.

### **Procedure for Dealing with Child Protection Complaints or Allegations against the LSP Employees and Leaders:**

All allegations against staff or leaders who work with LSP must be reported to the DSLP. If the suspicion or allegation is against the DSLP then the LSP Chairperson should be contacted immediately. The same reporting procedures, as outlined earlier in this chapter, will be applied to these allegations.

#### **Allegations against an Employee or Leader**

Where an allegation of abuse of a child is made against an employee or volunteer the reporting procedure must be dealt with and managed by LSP, guided by LSPs DSLP. It is important to note that the investigation of suspected child abuse is the responsibility of the statutory authorities i.e. Child and Family Agency or An Garda Síochána and shall not be undertaken by DSLP or other LSP employees.

When an allegation of abuse is received, it should be assessed promptly and carefully by LSP. Action taken in reporting an allegation of child abuse against an employee should be based on an opinion formed 'reasonably and in good faith'. It will be necessary to decide whether a formal report should be made to the Child and Family Agency. This decision should be based on reasonable grounds for concern.

The first priority is to ensure that no child is exposed to unnecessary risk. LSP should, as a matter of urgency, take any necessary protective measures. These measures should be proportionate to the level of risk and should not unreasonably penalise the employee, financially or otherwise, unless necessary to protect children. Where protective measures penalise the employee, it is important that early consideration be given to the case.

Any action taken should be guided by agreed procedures, the applicable employment contract and the rules of natural justice.

The LSP Chairperson should be informed about the allegation as soon as possible.

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

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

The employee should be afforded an opportunity to respond. The employer should note the response and pass on this information if making a formal report to the Child and Family Agency.

Employers or persons-in-charge should take care to ensure that actions taken by them do not undermine or frustrate any investigations/assessments conducted by the Child and Family Agency or An Garda Síochána. It is strongly recommended that employers maintain a close liaison with the statutory authorities to achieve this.

Employers or persons-in-charge should be notified of the outcome of an investigation and/or assessment. This will assist them in reaching a decision about the action to be taken in the longer term concerning the employee.

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 within the Child and Family Agency (see Appendix 3) 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.

## **Safeguarding Vulnerable Persons at Risk of Abuse**

A national policy on the protection of vulnerable people from abuse and neglect has been produced by the HSE's Social Care Division which is responsible for the provision of services for older persons and persons with a disability. This policy is for staff from all HSE and HSE funded services and builds on, and incorporates, existing policies and procedures in the HSE Disability and Elder Abuse services and in a range of other Disability Service providers.

For people working outside of the HSE, an alleged abuse case can be reported to any HSE staff member at any time.

### **Storage of written records**

The following procedures should be followed by staff when dealing with the creation, storage and communication of written records and documents relating to child protection/child welfare concern cases:

1. Files containing records on child protection and child welfare concerns must be secured using a locked filing cabinet. Only the DSLP and relevant staff member should have access to these files.
2. When a decision is made to submit a written formal report to the Child and Family Agency in relation to a child protection or welfare concern, the formal report is made by completing the Child and Family Agency Standard Report Form (Appendix 3).
3. Reports should be sent by post or hand delivered, within an envelope clearly marked "Strictly Private and Confidential—Addressee Only".
4. Ask for a formal acknowledgement in writing of the receipt of the report made to the Child and Family Agency.
5. Any further correspondence with the statutory bodies will be recorded and held on file.

### **Confidentiality**

Confidentiality is about managing sensitive information that arises in a trusting relationship and doing so in a manner that is respectful, professional and purposeful.

LSP is committed to ensuring people's rights to confidentiality. However, in relation to child protection and welfare it is important that:

- Information will only be shared on a 'need to know' basis in order to safeguard the young person
- Giving such information to others for the protection of a child or young person is not a breach of confidentiality
- The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.
- No guarantee of confidentiality is given where the best interests of the child or young person are at risk
- Parents and children have a right to know if personal information is being shared, unless doing so could put the child at further risk.

Anyone who received information from colleagues about possible or actual child abuse must treat it as having been given in confidence subject to the above. Any breaches of confidential information may be regarded as a disciplinary matter, subject to the above.

Record must be kept in accordance with the Data Protection Act and be available only to those directly involved and within the confines of the obligations and duties of the Data Protection Act 2003.

### **Further Information**

Further information on child protection and welfare is available from the LSP Designated Safeguarding Liaison Person and from the Children and Family Agency.

## Appendix 1 – Categories and Definitions of Child Abuse

### Categories

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

#### 1. Neglect

##### Definition of '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.

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.

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.

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.

#### 2. Emotional Abuse

##### Definition of 'emotional abuse'

Emotional abuse is normally to be found in the *relationship* between a parent/carer and a child rather than in a specific event or pattern of events. It occurs when a child's developmental 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.

Examples may include:

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

- (ix) use of unreasonable or over-harsh disciplinary measures;
- (x) exposure to domestic violence;
- (xi) exposure to inappropriate or abusive material through new technology.

Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning. Examples of these include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour. The *threshold of significant harm* is reached when abusive interactions dominate and become *typical* of the relationship between the child and the parent/carer.

### **3. Physical Abuse**

#### **Definition of '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 a parent or person in a position of responsibility, power or trust. There may be single or repeated incidents.

Physical abuse can involve:

- (i) severe physical punishment;
- (ii) beating, slapping, hitting or kicking;
- (iii) pushing, shaking or throwing;
- (iv) pinching, biting, choking or hair-pulling;
- (v) terrorising with threats;
- (vi) observing violence;
- (vii) use of excessive force in handling;
- (viii) deliberate poisoning;
- (ix) suffocation;
- (x) fabricated/induced illness;
- (xi) allowing or creating a substantial risk of significant harm to a child.

### **4. Sexual Abuse**

#### **Definition of '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:

- (i) exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
- (ii) intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
- (iii) masturbation in the presence of the child or the involvement of the child in an act of masturbation;
- (iv) sexual intercourse with the child, whether oral, vaginal or anal;
- (v) 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, modeling 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;

(vi) 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.

It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.

### **Signs, symptoms and characteristics of Abuse**

For further information on the signs, symptoms and characteristics of the four categories of abuse detailed above please visit [www.dcy.gov.ie/documents/Publications/ChildrenFirst.pdf](http://www.dcy.gov.ie/documents/Publications/ChildrenFirst.pdf).

## **Appendix 2 – Key Contacts for LSP**

### **Laois Duty Social Work Teams (9am-5pm)**

Child and Family Agency,  
Athlone Health Centre,  
Coosan Road,  
Athlone,  
Co. Westmeath.  
0906 483106

OR

Charney Weitzman  
Children First Information and Advice Officer,  
Child and Family Agency,  
Top Floor, Primary Care Unit,  
St Loman's Campus,  
Springfield,  
Mullingar, Co Westmeath  
Phone: (044) 9395510  
Mobile: 086 8157030  
E-mail: charney.weitzman@tusla.ie

### **LSP Designated Safeguarding Liaison Person and Mandated Person**

Caroline Myers  
Co ordinator,  
Laois Sports Partnership  
Portlaoise Leisure Centre  
Moneyballytyrrell  
Portlaoise  
Co. Laois  
R32 YP11

Portlaoise Garda Station,  
Abbeyleix Road,  
Portlaoise  
Co. Laois  
057 8674100

## **Appendix 3 – Abbreviations**

CFA	Child and Family Agency
DSLSP	Designated Safeguarding Liaison Person
HSE	Health Service Executive
SI	Sport Ireland
OIS	Office for Internet Safety
LSP	Laois Sports Partnership