

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

**CHILD
SAFEGUARDING
STATEMENT
COMPLIANCE
UNIT**

**Guidance for Providers of Relevant Services on Risk
of Harm Assessment**

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Introduction

The Child Safeguarding Statement Compliance Unit (CSSCU) is a unit within Tusla with responsibility for ensuring that Relevant Services are compliant with the requirements of Part 2, Section 11 of the Children First Act 2015. The Act requires that relevant services undertake a Risk Assessment to determine where and how harm may happen to children, as defined by the Act, within their services. The CSSCU has identified following analysis of received statements that there is a need for clearer understanding by relevant services for how risk is interpreted and managed. The CSSCU has developed this document to provide assistance to organisations in the development and review of Risk Assessments.

This document is not a regulatory framework but a tool to guide organisations and should be read alongside the [Guidance on Developing a Child Safeguarding Statement](#) and pages 32 and 33 of the [Children First National Guidance 2017](#).

This document is not intended as a directive to organisations but may be referenced in communication to services to assist services in developing their risk assessment.

Where an organisation has a complex service delivery model it will be the responsibility of the organisation to determine what level of service delivery is most effective for managing risk within the service. Organisations may choose to undertake a risk assessment at wider corporate level or risk assess at service delivery level.

Regular assessment of risk is a key safeguarding measure that helps to identify and address potential gaps in services that can create opportunities for children and young people to be harmed while availing of services. This begins with identifying both the general and service specific risks that may be posed to children. Whilst many organisations have recognised more general risks to children, they have not expanded their risk identification beyond that.

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Relevant services to children are listed under schedule 1 of the Children First Act, 2015 and further information can be found on the Tusla website here:

<https://www.tusla.ie/children-first/organisations/in-my-service-a-relevant-service-under-the-act/>

Providers of relevant services are required to have a Child Safeguarding Statement in place that includes a written risk of harm assessment with details of the procedures that will be used to manage any potential risk identified.

Section 11(1a) of the Children First Act 2015 defines risk as *“any potential for harm to a child while availing of the service”*. Part 1, Section 2 of the Act defines harm as: *“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 sexual abuse of the child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise”*.

Section 11(3) of the Children First Act 2015 requires that Providers of Relevant services undertake a written assessment of risk and specify the procedures in place to manage those risks. This definition of harm is understood as the harm caused to children by physical abuse, emotional abuse, sexual abuse, or neglect. In the context of safeguarding, it may include the serious incidents of bullying of children. Particular attention should be paid to the contexts that increase the possibility of children being vulnerable to harm. As our society changes so too does the complexity of risks faced by children, vigilance and awareness are essential safeguards in themselves. Children and young people live more of their lives in the world of social media and all providers of services must be mindful that harm may not occur in plain sight and may be experienced by children and young people in the spaces they occupy online whether through social media or

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other online spaces. Much harm that occurs to children occurs opportunistically and gaps in safeguarding may occur by virtue of presumptive thinking.

Children and young people can be harmed by people in various spaces and places where they participate in activities, avail of services and live. In the many cases the risk of children being harmed is increased because of a failure to recognise the possibility that harm to children may occur and the failure of adults to have sufficient safeguards in place or to act to protect children. Furthermore, people who want to harm children, exploit child safeguarding gaps in organisations to target the most vulnerable children such as children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives, separated children seeking asylum, LGBTQ+ children or racialised or ethnic minority children.

Origin of this document

This document has been developed in response to recognition, by the CSSCU, that there are ongoing patterns of shortfalls in the statements submitted to the unit for review. Repeated sector compliance reviews have shown that Risk Assessment is the area that services most struggle with understanding. As a result, significant support is provided by the unit to services in the understanding and recognition of risk of harm as defined in the Children First Act 2015.

Frequently services submit generic risks that don't sufficiently address safeguarding risks or omit risks that are commonly found in comparable services. Often the risk assessments fail to consider sufficiently the type of service they are providing and identify the relevant risks. Service often overly rely on templates and fail to explicitly address the safeguarding risks in the services they provide. There can also frequently, be the inclusion of irrelevant risks, such as health and safety risks, that are better recorded on a wider organisational risk assessment.

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This has the result in confusing the reader and service user as to the purpose of the Child Safeguarding Statement.

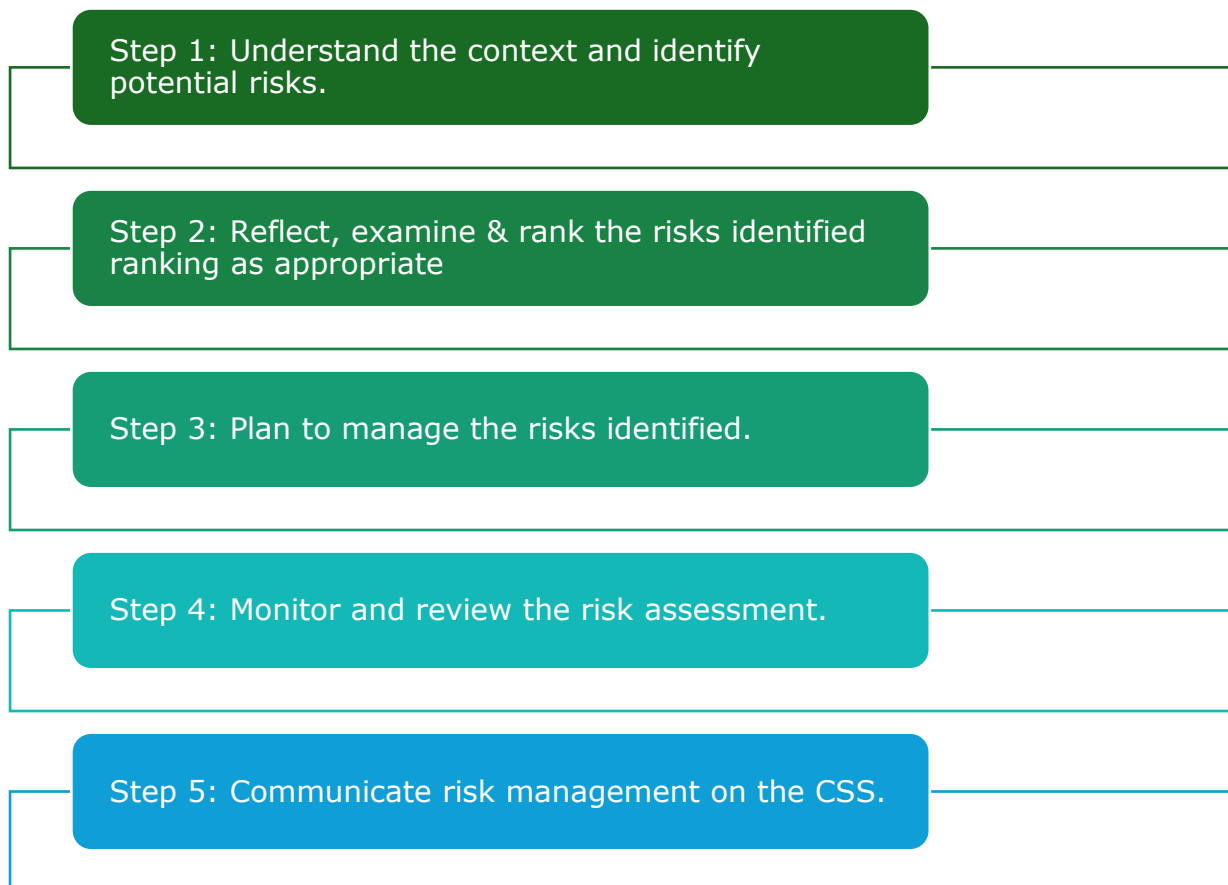
In addition to this, there can be a poor level of understanding in respect of the requirement to align mitigation procedures with identified risks. Frequently risks are not sufficiently linked with the procedures in place to mitigate these risks.

The Unit has developed experience, through the review of Child Statements, from a wide range of services that informs the approach to understanding risk as set out here and it is intended that this document is a tool for services engaging in risk assessment to apply to their own services. Furthermore, through consultation with young people we have established that they want to participate in creating safer spaces and contribute to the understanding of where and how they are protected. This guidance can contribute to the incorporation of young people's voices in the Risk Assessment for Child Safeguarding Statements.

Existing Guidance for Development of a Risk of Harm Assessment for the Purpose of a Child Safeguarding Statement.

The Children First National Guidance on the Protection and Welfare of Children 2017 provides guidance on risk assessment and identifies four steps in carrying out a risk assessment (Chapter 4, pg32-33). The steps are to identify potential risks; rank each risk; control and manage the risks and monitor and review.

To support Providers of Relevant services to put these steps into practice, this document expands on guidance for each step and includes an additional step to the process about communication of risk management on the Child Safeguarding Statement.



These steps assist providers of relevant services to consider all potential risks of harm that are sufficient, relevant, and realistic in relation to the purpose, function and nature of the service and activities being provided to children and young people.

Step 1: Understand the context and identify potential risks.

When identifying potential risks, it is important to understand the purpose, function, situation and setting of the service context. This is done by considering all the people involved the activities being provided and the spaces and places where children and young people participate in these activities, the types of harm that may occur, and the opportunities for same. It is also necessary to identify safeguarding gaps that may increase the possibility of harm occurring.

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Think about the who, how, where and what as outlined in the diagram and suggested considerations below. Then list all the potential situations and ways children could be harmed when using the service.



Who could harm children or young people in this service?

Consider persons **who** may have

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- contact, access to, or interact with children or young people while the children are participating in the service
- such as staff, volunteers, visitors, peers.

How could children or young people be harmed?

Consider **harm as it is defined in the Children First Act, 2015** such as

- assault,
- ill treatment,
- neglect,
- physical,
- emotional,
- sexual abuse.
- Also consider
 - the risk of child trafficking or sexual exploitation,
 - harm that may be caused by discrimination, harmful cultural practices,
 - harm that may be caused to children online through the misuse of digital technology or on internet platforms.

Where could children or young people be harmed?

Consider all the

- spaces,
- places
- types of activities involved in the delivery of the service such as individual or group work;
- indoor or outdoor;
- residential or overnight;
- outings or trips away;
- online spaces or interaction;

- intimate care.

What could increase the possibility of harm to a child or young person occurring within a service?

Consider

- gaps in safeguarding implementation such as lack of training, lack of recognition of harm,
- lack of reporting of abuse,
- lack of appropriate procedures to manage risks, or
- lack of clarity on safeguarding roles and responsibilities.

Top tip: Talk to staff, volunteers, children, young people, and parents when identifying potential risks. All people involved in the service, including children will have different perspectives of what a risk is.

In order to establish a culture of safeguarding within an organisation it is important to have clear values that prioritise child safeguarding. The possibility that children can be harmed is underpinned by knowledge and an attitude that places children at the centre of the service culture.

A safeguarding culture that explores and promotes awareness of risks of harm at all levels of an organisation is influenced by the values, beliefs, knowledge, attitudes and understanding of the possibility that children and young people can be harmed within services.

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A commitment to recognising and proactively managing risks of harm as a collective responsibility can reduce the likelihood of harm occurring. By creating a culture where the recognition and management of risk is everyone's responsibility a culture is fostered that prioritises children's safety.

Reflect and examine if the list of risks identified is sufficient by considering the following questions.

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Are the activities where there is direct or indirect contact with children or young people being clearly identified?

Is safeguarding discussed regularly at organisational meetings?

Are safeguarding practices audited regularly?

Does the assessment identify all risks specific to the context of the service provision, e.g. services where children must reside there or remain overnight away from home?

Are the risks sufficiently specific to the type of service and activities provided?

Does the risk assessment address the possibility that adults and children may abuse?

Do the risks identified demonstrate an organisational safeguarding culture that recognises the need for awareness of potential risks and risk management at all levels of the organisation?

Do the risks address the vulnerability of the children using the service?

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Are the procedures and plans to manage the risks suitable and realistic?

Does the risk assessment consider the collective responsibility and duty of care to safeguard children and young people within the service?

Do the risks address both physical and online environments?

Does the risk assessment consider the risk of failure to protect?

Are the procedures in place sufficient to address or mitigate against the risks listed?

Does the risk assessment consider risks of lack of response to a safeguarding incident or allegation of harm?

Are there any specific characteristics in respect of the service users that makes them more vulnerable to the risk of harm (risk of sexual exploitation, risk of harm from criminals targeting young people, risk of harm due to identity, risk of harm relating to race or ethnicity, risk of harm due to vulnerability in respect of ability/ disability)

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Once satisfied that all risks applicable to the service being provided have been considered you may review this list of commonly recognised risks that are applicable and expected within most relevant services.

- Risk of harm to a child by a member of staff/volunteer.
- Risk of harm to a child by a visitor to the service.
- Risk of harm to a child by bullying from another child/peer.
- Risk of harm to a child on outings by a member of staff/volunteer/stranger/peer.
- Risk of harm to a child through unauthorised photography.
- Risk of harm to a child through social media/internet use.
- Risk of harm to a child through lack of supervision.
- Risk of harm to a child due to failure to protect or respond to a safeguarding incident or allegation or harm.

Step 2: Reflect, examine & rank the risks identified.

Once you have considered the context and identified risks reflect on the list of risks to examine that it is sufficient, relevant, and realistic in relation to the purpose, function and nature of the service and activities being provided to children and young people.

You may rank each risk in terms of low, medium, and high risks. To help rank each risk, consider the likelihood of the risk occurring and how serious the consequences may be. Could the impact of the harm seriously affect the child's health, development, and welfare?

See matrix below as an example to assist in calculating a risk rating.

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This matrix is not mandatory and should be considered as a useful guide to assisting and guiding those developing the Child Safeguarding Statement in their understanding and thinking about risks to children.

Likelihood x Impact = Risk Level

Likelihood of risk of harm occurring.					
Almost certain (5)	5	10	15	20	25
Likely (4)	4	8	12	16	20
Possible (3)	3	6	9	12	15
Unlikely (2)	2	4	6	8	10
Rare/ Remote (1)	1	2	3	4	5
Impact of harm on a child's wellbeing.	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)

Extreme risk	20-25
High risk	15-19
Medium risk	4-14
Low risk	1-3

The Children First Act, 2015 does not prescribe a risk rating format to be used by providers of Relevant Services, but the situation and rating below using the matrix above may be used as an example.

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Situation: negative interactions between children or young people with adults in the service.

Risk Rating: High Risk (15)

Likelihood of harm occurring is possible (3) and the potential impact of harm on a child or young person's wellbeing may range from negligible (1) to extreme (5).

Likelihood 3 x Impact 5 = High Risk 15

Step 3: Plan to manage the risks identified.

For each risk identified there is a need to put a plan in place to manage the risk. Prevention is key to effective safeguarding and having procedures and implementation plans in place to manage the risks identified supports an organisation to reduce the risk and reduce the likelihood of harm from occurring.

Ways in which a service may manage a risk.

Identify an existing safeguarding procedure within the service that helps to mitigate against the risk.

Update an existing procedure to adequately manage the risk.

Develop a new procedure to manage the risk.

Plan to implement plans & actions that mitigates against the risk, in particular if proposed by child protection services.

Communicate and train staff and volunteers in the appropriate procedures to manage the risk.

Clarify roles and responsibilities in relation to managing a risk.

Ensure that it is clear that safeguarding is everybody's responsibility.

Include details on the CSS about the procedures in place to manage each risk.

Using a table format to correlate procedures with specific risk for managing these risks can help to share key information briefly and clearly on a Child Safeguarding Statement. The details of these procedures and how they are implemented are included in safeguarding policy and procedure documents that accompany the CSS.

Top tip: The risks of harm identified on a CSS and how they will be managed may inform and be included in wider organisational risk management processes. However, details of other organisational risks such as health and safety risks do not need to be included on the Child Safeguarding Statement.

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CASE EXAMPLE:

Situation: negative interactions between children or young people with adults in the service.

Risk Rating: High Risk (15)

Likelihood of harm occurring is possible (3) and the potential impact of harm on a child or young person's wellbeing may range from negligible (1) to extreme (5).

Likelihood 3 x Impact 5 = High Risk 15

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Potential Risk of Harm	What we will do to manage this risk
Assault, ill-treatment, neglect or sexual abuse of a child or young person by an adult they interact with in the service.	<ul style="list-style-type: none"> • Implement safe recruitment and selection procedures including garda vetting. • Provide safeguarding information and training to all personnel. • Manage complaints and allegations of abuse or misconduct against staff or volunteers. • Report all child protection or welfare concerns to Tusla. • Appoint safeguarding roles and responsibilities (e.g. all personnel, DLP, mandated reporters, CSS relevant person). • Implement a code of conduct for staff & volunteers. • Provide supervision and support for all staff & volunteers. • Supervise service activities with appropriate adult-child ratios and procedures for managing activities in physical and online environments. • Promote participation and work in partnership with children and families.

Step 4: Monitor and review risk assessment.

There is a requirement for the Child Safeguarding Statement and risk assessment to be reviewed every two years, or sooner if there has been a change in any of the issues to which it refers. Therefore, all CSSs must be up to date and appropriate for the service currently being provided.

The relevant provider should ensure that the risk assessment is kept under review to ensure that it applies to all people involved, all activities being provided

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and all locations where the service is delivered. When a risk assessment is updated, the CSS should be updated to reflect any changes.

Key Questions:

- ❖ Are the controls in place to manage the risks identified explicit and robust?
- ❖ Are the controls in place to manage the risks identified effective?
- ❖ Are there any further actions required?
- ❖ Are there plans to monitor and review the implementation of the controls?
- ❖ Has the risk assessment & CSS been updated to reflect service changes, additional controls, or actions?

Step 5: Communicate risk management

It is important that risk management for the purpose of the Child Safeguarding Statement is communicated to all staff and volunteers during induction or safeguarding training and regularly during team meetings.

Including details of potential risks of harm and the procedures in place to manage those risks on a Child Safeguarding Statement is an effective way of communicating risk management to the children or young people, parents or members of the public who engage with the service. Management and staff should explore creative, age appropriate ways of engaging children and young people in this process.

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It provides assurance that risks of harm are recognised and responded to. The Child Safeguarding Statement inclusive of details of a risk of harm assessment must be displayed publicly and made available to parents and guardians, Tusla and members of the public upon request.

Revision History

The document was amended as follows:

Version number	Nature of Changes	Author of Change	Date
V1.0	Document developed for the first time	MMcG	19/11/2024