



Child Protection and Welfare Handbook 2025

Review date: 24th November 2025

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FOREWORD

Statutory, voluntary and community organisations working in direct contact with children are required to have procedures and guidelines derived from and consistent with the current version of *Children First National Guidance for the Protection and Welfare of Children*. SAFE Ireland has prepared this handbook to comply with these requirements and in recognition that all of us, as service providers, and as members of society, have a duty of care towards children and young people. The purpose of this Child Protection and Welfare Policies and Procedures Handbook is to comprehensively present child protection and welfare principles, policies and procedures in order to facilitate implementation in domestic violence services.

In order to fully implement these Child Protection and Welfare policies and procedures need to be adopted by Board of Directors members, managers and staff, volunteers, students and all associated personnel in domestic violence organisations.

Domestic Violence organisations have significant knowledge and expertise in responding to the complex needs of children living with domestic violence. Services have developed considerable experience about the effects of domestic violence on children, how it contravenes children's fundamental human rights and overlaps with child protection and welfare issues and concerns. SAFE Ireland member organisations bring to their work an understanding that a non-abusing parent is an essential ingredient in supporting children's welfare and development. Our services work from the perspective that a child's welfare is connected to the welfare and support of their non-abusing parent.

We believe that in domestic violence situations the safety of a child is often linked to the safety of their mother and that by supporting a woman to secure protection and by providing support and advocacy to her, that the well-being of her children will be promoted. We understand that a non-abusing parent should not be held responsible for abuse perpetrated by her husband/partner/ex-partner or by another individual. We also understand our responsibilities around finding a proper balance between respecting the rights and needs of parents and protecting children and we acknowledge that where there is conflict, the child's welfare must come first.

Willow Domestic Abuse Services
39 Flower Hill, Navan,
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Tel: 046 9022393
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Designated Liaison Person:

Katie Carry, Children's Team Leader

Cheriece Corrigan for cover period

Signature _____

Designated Liaison Person:

Aileen Flood, Refuge Team Leader

Signature _____

Designated Liaison Person:

Amanda Alty, Outreach and Community Team Leader

Signature _____

Deputy Designated Liaison Person:

Imelda Fallon, Refuge Assistant Team Leader

Signature _____

Mandated Persons in the organisation:

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.

Person (s) Responsible for Willow Domestic Abuse Services Child Safeguarding Statement:

Frances Haworth

Date of Adoption of this Policy: Monday 23rd November 2020

Date of Adoption of Review of this policy: 29th May 2023

Date of Adoption of review of this Policy: 24th November 2025

1. POLICY STATEMENTS, PRACTICE PRINCIPLES AND DEFINITIONS OF CHILD ABUSE

1.1: Child Safeguarding Statement

Name of service being provided: Willow Domestic Abuse Services

Nature of service and principles to safeguard children from harm:

Willow Domestic Abuse Services provide a wide range of services and supports to women and children including:

Helpline and Refuge:

24 emergency refuge accommodation in a communal and community-based setting and the provision of one-to-one key working support through a care plan structure.

Outreach and Community:

Outreach service to women experiencing domestic violence including one to one support, case management, court accompaniment, assistance in the preparation of court paperwork. Provision of group peer to peer support groups for women. One to one counselling for women experiencing domestic violence.

Child and Youth Service:

One to one and group supports for children and young people in refuge and in the community. Play therapy and adolescent counselling for children and young people with external accredited play therapists and adolescent counsellors. Work with a wide range of external agencies to support the needs of women and children experiencing or at risk of domestic violence.

We fully subscribe to *Children First* principles (1.3) and adopt the following additional principles to reflect the specialist nature of domestic violence services:

- We understand that domestic violence and abuse is a child protection and welfare issue. We are committed to communicating our child protection and welfare policy, in particular our organisational responsibilities and confidentiality policy, to women receiving our services at the earliest opportunity, preferably at their first point of contact with our service;
- We know that empowering and protecting women is often an effective method of child protection. We believe that in domestic violence situations the safety of a child is most often linked to the safety of their mother and we believe that by supporting a woman to secure protection and by providing support and advocacy to her, that the well-being of her children will often be promoted. This is what we understand as woman protection being an effective strategy in child protection;
- In our interactions with women, it is our intention to be supportive, encouraging and open. We are committed to creating a supportive non-judgemental environment

where women feel safe and can engage with our service at their own pace. We acknowledge that it is never easy to address child protection concerns, particularly where a woman has turned to our service for support and safety as a result of her experience of abuse and violence. We understand that women sometimes have genuine anxieties in expressing concerns about their children for fear of sanctions and so may feel very challenged by us discussing possible child welfare and protection concerns. We believe we can support women **and** maintain the paramountcy principle regarding child welfare

- We believe that child protection and welfare is primarily the responsibility of a child's parent(s). In our work with women, we aim to support them in protecting their children and safeguarding their own well-being through service provision, support and advocacy (as appropriate) in the context of an ethos of partnership and in a way that ensures that choice and agency remains with the woman, where possible;
- We understand the need to recognise the possibility that a woman experiencing domestic violence and seeking support from our service may also be abusing her children;
- Being advocates for women and children is **always** central to our work. This means that in dealing with child protection issues internally and with statutory agencies, we will ensure in so far as possible that the mother has a central role (unless to do so puts a child at risk);
- The psychological welfare of children is most often inseparable from that of their mother's. We advocate that in child protection situations where the primary focus of concern is a child, responses take into account the context of domestic violence. We understand that the needs of women and children are interlinked and believe that child protection responses need to take account of this, so as not to focus on a child protection problem to the exclusion of a domestic violence problem;
- We respect the confidentiality of information entrusted to us, whilst understanding that this excludes any information needed for the protection and safeguarding of children;
- We believe that effective inter-agency work is essential in addressing the issue of domestic violence and in safeguarding of children in families in which such abuse occurs;
- We believe that children have the right to have their protection and welfare needs met in a culturally appropriate manner. We do not condone cultural 'norms' as a justification for abusive behaviour. We understand that children from diverse cultural, ethnic and social environments and backgrounds may have different experiences of abuse and may, in addition, experience racism and discrimination.
- We believe that children and young people have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives.
- We believe that child protection is a multi-agency, multi-disciplinary activity. Agencies and professionals must work together in the interests of children.

1. Risk Assessment

We have carried out an assessment of any potential for harm to a child while availing of our services. Below is a list of the areas of risk identified and the list of procedures for managing these risks.

	Risk identified	Procedure in place to manage identified risk
1	Risk of harm to a child/young person by another service user	<ul style="list-style-type: none"> • Child Protection Policy • Supervision of children at all times while using services (Supervising Children 4.9); • There is a mechanism for children to highlight incidents of concern (Feedback and Complaints Policy 6.9) • all highlighted concerns are addressed (Allegation against a young person using our service 4.10 and Allegations against a woman using our service 3.9) • One to one key working sessions, staff available on a 24-hour basis to report incidences.
2	Risk of harm to a child/young person by a staff member	<ul style="list-style-type: none"> • Child Protection Policy • Staff information and supervision procedures • Recruitment policies and procedures • Garda Vetting of all staff • Our employment and other practices further address this risk e.g., Induction (6.3), Probation (6.4), Support and Supervision (6.5), Staff Safety (6.7), Working with Children (4) Our Code of behaviour (4.4). • Our Feedback and Complaints Policy (6.9) provides a mechanism for children and young people to highlight concern or abuse and our Allegations made against a staff member procedure (4.11) ensures that all concerns highlighted are addressed.
3	Failure to recognise and respond effectively to child abuse	<ul style="list-style-type: none"> • Child Protection Training • Recruitment policies and procedures • Designated Liaison Person's in each office space • Reporting structure and supervision procedures in place
4	Failure to safeguard children's right to privacy and confidentiality	<ul style="list-style-type: none"> • Confidentiality (2.14) and Record Keeping (2.15) procedures. • GDPR Policies and procedures
5	Failure to respond effectively to the support needs of children in relation to their experiences of Domestic Violence.	<ul style="list-style-type: none"> • Child Protection Policy • Relevant training for all staff • Supervision policy and procedures

2. Procedures

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, *Children First: National Guidance for the Protection and Welfare of Children* (2017), and Tusla's *Child Safeguarding: A Guide for Policy, Procedure and Practice*. Willow Domestic Abuse Services has a strong management structure in place to ensure that the organisation is well run. All staff who work with children, young people and families are Garda Vetted, qualified and receive supervision. In addition to the procedures listed in our risk assessment, the following procedures from our Child Protection and Welfare Handbook support our intention to safeguard children while they are availing of our service:

- **Procedure for the management of allegations of abuse or misconduct against workers/volunteers of a child availing of our service;**
The relevant procedure, Allegations made against a staff member, is located at points 4.11 to 4.16 of Child Protection and Welfare Handbook.
- **Procedure for the safe recruitment and selection of workers and volunteers to work with children;**
The relevant procedure, Recruitment Procedure is located at point 6.1 of Child Protection and Welfare Handbook.
- **Procedure for provision of and access to child safeguarding training and information, including the identification of the occurrence of harm;**
The relevant procedures, Child Protection Training and Induction are located at 6.2 of Child Protection and Welfare Handbook.
- **Procedure for the reporting of child protection or welfare concerns to Tusla;**
The relevant procedure, Reporting Child Abuse, is available at point 2.10 of Child Protection and Welfare Handbook.
- **Procedure for maintaining a list of the persons (if any) in the relevant service who are mandated persons;**
The details of the mandated person are displayed on the title page and at point 2.5, Mandated Persons, of Child Protection and Welfare Handbook.
- **Procedure for appointing a relevant person.**
The details of the relevant person are displayed on the title page and at point 5.6, Designated Information Person, of Child Protection and Welfare Handbook.

All procedures listed are available upon request.

3. Implementation

We recognise that implementation is an on-going process. Our service is committed to the implementation of this Child Safeguarding Statement and the procedures that support our intention to keep children safe from harm while availing of our service.

This Child Safeguarding Statement will be reviewed in June 2026 or as soon as practicable after there has been a material change in any matter to which the statement refers.

Signed: _____ (Chairperson)

[Willow Domestic Abuse Services]

For queries, please contact Frances Haworth, Relevant Person under the Children First Act 2015.

Section One:

Policy Statements, Practice Principles And Definitions Of Child Abuse

1.2 Child Protection and Welfare Policies

- We are opposed to all forms of child abuse and we believe that children have the right to grow up free from harm and neglect in an environment supportive of their development;
- We believe that no child should be subjected to physical, sexual, verbal or emotional abuse or neglect;
- We consider that domestic violence is a child protection and welfare issue;
- We understand that the protection and welfare of children in our organisation is the responsibility of ALL members of staff, volunteers and associated personnel, whether or not their work brings them into direct contact with children;
- We will ensure that staff members are familiar with literature and research into the effects and consequences of childhood exposure to domestic violence;
- We will ensure that staff members are equipped with the knowledge to recognise and respond to Child Protection and Welfare concerns through appropriate training;
- We will work with SAFE Ireland in evaluating and updating our Child Protection and Welfare document, including reviewing its effectiveness and identifying staff training support needs, as required.

1.3 Children First Principles

We, Willow Domestic Abuse Services fully subscribe to **Children First's** key principles that inform best practice in child protection and welfare which are:

- The safety and welfare of children is everyone's responsibility
- The best interests of the child should be paramount
- The overall aim in all dealings with children and their families is to intervene proportionately to support families to keep children safe from harm
- Interventions by the State should build on existing strengths and protective factors in the family
- Early intervention is key to getting better outcomes. Where it is necessary for the State to intervene to keep children safe, the minimum intervention necessary should be used
- Children should only be separated from parents/guardians when alternative means of protecting them have been exhausted
- Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives
- Parents/guardians have a right to respect, and should be consulted and involved in matters that concern their family

1.4 Child Welfare & Abuse

The *Child Protection and Welfare Practice Handbook* defines child welfare concerns as ‘problems experienced directly by a child, or by the family of a child, that are seen to impact negatively on the child’s health, development and welfare, and that warrant assessment and support, but may or may not require a child protection response.

Children First identifies four categories¹ of child abuse; neglect, emotional abuse, physical abuse and sexual abuse (Children First, Chapter 2). Chapter 2 in ‘*Children First*’ provides a more detailed lists of features of child abuse. **Note:** In *Children First*, a ‘child’ means a person under eighteen years old, excluding a person who is, or has been, married.

1.5 Neglect

Neglect is the most common type of child abuse. Neglect is defined in terms of an *omission*, where a 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.

Neglect is categorised into four different levels:

- **Mild neglect** usually does not warrant a report to the Child Protection Notification System (CPNS)², but might necessitate a community-based intervention (eg, a parent failing to put the child in a car safety seat)
- **Moderate neglect** occurs when less intrusive measures, such as community interventions, have failed or some moderate harm to the child has occurred (eg, a child consistently is inappropriately dressed for the weather, such as being in shorts and sandals in the middle of winter). For moderate neglect, the Social Work Service may be involved in working in partnership with community support
- **Severe neglect** occurs when severe or long-term harm has been done to the child (eg, a child with asthma who has not received appropriate medications over a long period of time and is frequently admitted to hospital). In these cases, the Social Work Service will undertake an investigation, which may involve legal proceedings
- **Chronic neglect** can be defined as ‘*patterns of the same acts or omissions that extend over time or recur over time*’. An example of chronic neglect would be parents with substance

¹ We will use the term ‘child abuse’ throughout this document as an inclusive term for all four categories of child abuse, which are: neglect, emotional abuse, physical abuse and sexual abuse.

² For more information about the Child Protection Notification System, see CF pg 46

abuse problems who do not provide for the basic needs of their children on an ongoing basis. Because some behaviours are considered as neglect only if they occur on a frequent basis, it is important to look at the **history** of behaviour rather than focusing on one particular incident.

1.6 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 children, 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 by 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 or 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 under-achievement 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.

1.7 Physical Abuse

Physical Abuse of a child is that which results in actual or potential 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.

Note: The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult.

1.8 Sexual Abuse

Sexual Abuse occurs when a person uses a child for gratification or sexual arousal, or for that of others. Examples of child sexual abuse include:

- I. Any sexual act intentionally performed in the presence of a child
- II. An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- III. Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- IV. Sexual intercourse with a child, whether oral, vaginal or anal
- V. Sexual exploitation of a child, which includes:
 - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
 - Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
 - Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- VI. Exposing a child to inappropriate or abusive material through information and communication technology
- VII. 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.

NOTE: It should be noted that the definition of child sexual abuse presented is not a legal definition and is not intended to be a description of the criminal offence of sexual assault. It should be remembered that sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

1.9 Circumstances which make children more vulnerable to harm

Some children may be more vulnerable to abuse than others.

Parent or carer factors:

- Drug and alcohol misuse
- Addiction, including gambling
- Mental health issues
- Parental disability issues, including learning or intellectual disability
- Conflictual relationships
- Domestic violence
- Adolescent parents

Child factors:

- Age
- Gender
- Sexuality
- Disability
- Mental health issues, including self-harm and suicide
- Communication difficulties
- Trafficked/Exploited
- Previous abuse
- Young carer

Community factors:

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction.
- Culture-specific practices, including:
 - Female genital mutilation
 - Forced marriage
 - Honour-based violence
 - Radicalisation

Environmental factors:

- Housing issues
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Poverty/Begging
- Bullying
- Internet and social media-related concerns

Poor motivation or willingness of parents/guardians to engage:

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans³

³ Children First National Guidance for the Protection and Welfare of Children, Department of Children and Youth Affairs 2017, pg 19-20

Note: The presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.

Fatal Child Abuse

There are occasions where children have died as a result of child abuse or neglect. In the case of such tragic events, there are four important aspects to be considered:

- **Criminal aspects** - This is the responsibility of An Garda Síochána, and they must be notified immediately. The Coroner must also be notified and her/his instructions complied with in relation to post-mortems and other relevant matters
- **Child protection aspects** - This is particularly relevant if there are other children in the family in the same situation and will therefore require immediate intervention by Tusla to assess risk
- **Bereavement aspects** - The bereavement needs of the family must be respected and appropriate supports put in place so that family members are given the opportunity to grieve
- **Notification aspects** - Notification of a child death is required in several circumstances, including the death of a child who was known to the child protection system. In addition serious incidents involving a child in care or a child known to the child protection services, must also be notified. It is the responsibility of Tusla to notify the National Review Panel and the Health Information and Quality Authority about a child's death.

Managers and staff in our organisation may be asked to participate in, or supply information to reviews in these circumstances, in order that learning may be identified and appropriate improvements made in the delivery of supports and services to vulnerable children. Our organisation is committed to assisting where such requests are made.

2. CHILD PROTECTION & WELFARE RESPONSIBILITIES

2.1 How to use this Child Protection and Welfare Handbook

The purpose of this handbook is to give the reader sufficient information to respond appropriately and effectively to child protection and welfare concerns, by offering data on identifying child abuse and presenting clear procedures on responding to concerns. These guidelines are based on those contained in *Children First: National Guidance and* have been tailored to reflect the work of domestic violence services.

2.2 Who should use this Child Protection and Welfare Handbook?

This Child Protection and Welfare policies and Procedures Handbook is for all staff and associated personnel. This includes staff, Board of Directors committee members, volunteers, students, counsellors, trainers, therapists, facilitators, researchers, consultants, Community Employment workers, care workers, cooks, cleaners, housekeepers, caretakers, groundskeepers, gardeners and all other associated personnel engaged by our service.

Throughout this document we will use the terms ‘staff and associated personnel’, ‘staff members’ and ‘staff’ to cover **all persons** involved in delivering any aspect of our service and engaged by our service in any capacity. We believe that all staff and associated personnel in our organisation have responsibilities to fully implement our Child Protection and Welfare policies and procedures and that every individual has a role to play in protecting children and young people, including staff who do not work directly with children and young people.

This organisation will ensure that staff and associated personnel have a sound understanding and awareness about the identification of child abuse, the management of dealing with concerns and allegations about child abuse and the reporting of child welfare and protection matters. Through staff training, staff induction, team meetings, planning and review sessions we aim to develop a team approach to responding effectively to child protection issues. We believe that the safety of children is most often linked to the safety of their mother and that by supporting a woman to secure protection and by providing support and advocacy to her, that the well-being of her children will often, though not always, be promoted.

2.3 Exclusions/Exceptions

There are no exclusions to/exceptions from this policy.

2.4 Mandated Persons & Designated Liaison Persons

Some designated liaison persons will be working in organisations where mandated persons are also employed and some mandated persons will also fulfil the role of Designated Liaison Person. Designated Liaison Persons act as a resource to any staff member who has a child protection concern. Designated liaison persons are responsible for ensuring that reporting procedures are followed correctly and promptly and they act as liaison person with other agencies. (see 2.6)

Mandated persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm⁴ and have a statutory obligation to report concerns of harm which meet or exceed the threshold set out in the Children First Act 2015 directly to Tusla and to assist Tusla, if requested, in assessing a concern that has been the subject of a mandated report. (see appendices 9 and 11 for a full list of mandated persons and legal obligations)

Note: In the case of Willow Domestic Abuse Services the CEO (manager) will be a Mandated Person and the first point of contact in respect of the organisation’s Child Safeguarding Statement i.e. all of the above.

Due to the growth in the organisation and the addition of new office spaces, the organisation now has three Designated Liaison Person’s is Katie Carry, Child and Youth Service Team Leader, Aileen Flood Refuge and Helpline Team Leader and Amanda Alty, Outreach and Community Team Leader. The Deputy Designated Liaison Person is Imelda Fallon, Refuge Assistant Team Leader. Due to the service being 24 hour, we also have additional Deputy

⁴ Children First National Guidance for the Protection and Welfare of Children, Department of Children and Youth Affairs 2017, pg. 19

Designated Liaison Persons on the on-call team. These are Lorraine Fagan, Sandra Goonan, Lorraine Curtis, Key Workers in refuge.

2.5 Mandated Persons

We understand our obligation to have an appropriately trained **Mandated Person** who has a statutory obligation to report concerns of harm which meet or exceed the threshold set out in the Children First Act 2015 directly to Tusla and to assist Tusla, if requested, in assessing a concern that 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. The Act defines harm as assault, ill-treatment, neglect or sexual abuse, and covers single and multiple instances. The threshold of harm, at which a mandated person must report to Tusla under the Children First Act 2015, is reached when the mandated person knows, believes or has reasonable grounds to suspect that under any of the four categories; the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

If a mandated person provides counselling, it is recommended that they advise clients, before the counselling starts, that if any child protection issues arise and the alleged perpetrator is identifiable, information must be passed on to Tusla.

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, whether the harm occurred before or after that point. However, if a mandated person has a reasonable concern about past abuse, where information has come to your attention before the Act and there is a possible continuing risk to children, it should be reported to Tusla.

2.5.1 Exemptions from requirements to make a mandated report

There are certain exemptions from reporting underage consensual sexual activity under section 14(3) of the Children First Act 2015. If you are satisfied that all of the following criteria are met, you are not required to make a report to Tusla:

- The young person(s) concerned are between 15 and 17 years old
- The age difference between them is not more than 24 months
- There is no material difference in their maturity or capacity to consent
- The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person
- The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla

The legal obligation to report under the Act applies only to information that you acquire in the course of your professional work or employment. It does not apply to information you acquire outside your work, or information given to you on the basis of a personal rather than a professional relationship. While the legal obligation to report only arises for employment or professional duties, you should comply with the requirement to report all reasonable concerns to Tusla.

2.5.2 Mandated Assisting

The Children First Act 2015 provides that all mandated persons can be asked by Tusla to provide any necessary and proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report. You must comply with this request, regardless of who made the report. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. You can find the Tusla Children First – Protocol for Mandated Assisting on the Tusla website (www.tusla.ie).

If you are required to share information with Tusla when assisting in the assessment of risk to a child, you are protected from civil liability.

Mandated Protocol in Willow Domestic Abuse Services:

It is essential for mandated persons in our organisation to understand what the legal obligations are. Mandated persons hold a certain level of expectations which Tusla may ask them to meet in terms of the Mandated Protocol.

Assistance is relevant where a mandated person's existing knowledge of a child and/or its family are essential to the assessment. Also, where a mandated person's area of professional expertise is required to ensure the child's best interests are met.

It may be that a verbal telephone report is sufficient or that the mandated person is asked for copies of existing reports, records or correspondence.

The Social Worker may also request that a mandated person contributes their own professional report to the overall social work assessment.

What does this mean for Willow Domestic Abuse Services?

As mandated persons we are legally obliged to assist. However, if there are reasonable grounds as to why we believe we may not be able to assist this should be discussed with DLP's and/or Team Leaders.

At Willow Domestic Abuse Services, we ask that if mandated persons are requested to assist further in case conferences etc, that they discuss this with DLP's and/or Team Leaders.

It will be at this point a decision will be reached and it must be communicated to Tusla as soon as possible.

The service will then respond to the request to assist, and the social worker and their team leader may come back and ask for further clarification on this. Willow Domestic Abuse Services and the mandated person needs to engage with this process due to the legal responsibilities that are in place in terms of being a mandated person.

At all times the safety of children and young people is of paramount importance and Willow Domestic Abuse Services will act accordingly.

2.6 Designated Liaison Person

We understand our obligation to have an appropriately trained ***Designated Liaison Person*** who is responsible for reporting child protection concerns and for ensuring that staff are fully aware of child protection policies and procedures; who is willing to engage in training opportunities and induction; who promotes safe practices and ensures that staff numbers are adequate for this. The Designated Liaison Person holds responsibility for addressing and following up all concerns and allegations of child neglect or abuse.

Due to the growth in services and staffing in the organisation, the organisation now has three Designated Liaison Person's;

- Katie Carry, Child and Youth Service Team Leader
- Aileen Flood Refuge and Helpline Team Leader
- Amanda Alty, Outreach and Community Team Leader

They can be contacted at 046 9022393.

We accept our requirement also to have an appropriately trained ***Deputy Designated Liaison Person*** who is available to handle child protection and welfare concerns when the DLP's are absent or unavailable.

The Deputy Designated Liaison Person in our organisation is Imelda Fallon, Refuge Assistant Team Leader.

On-call Deputy Designated Liaison Persons are Lorraine Fagan, Sandra Goonan and Lorraine Curtis.

They can be contacted on 046 9022393.

The Designated Liaison Person needs to be a staff member who occupies a senior position within our organisation, who has good listening and feedback skills, is familiar with the issue of child welfare, abuse and neglect and associated matters, and is at ease in discussing emotional or sexual content. The Designated Liaison Person needs to have a continuing role within our organisation, and be open to on-going training.

The Designated Liaison Person's role includes the following:

- To ensure adherence to child protection & welfare policies and procedures in our service;
- To act as a resource person to members of staff and associated personnel providing support and guidance in matters relating to child protection;
- To liaise/mediate between a mother, organisation, staff and the statutory authorities where necessary;
- To liaise with statutory services in matters relating to child protection and welfare;
- To take the lead role within our organisation in ensuring the reporting and follow-up of referrals to Tusla and/or An Garda Síochána;

- To build and maintain networks with statutory agencies, community organisations, resource services and advocacy groups;
- To ensure that our reporting procedure is followed systematically and thoroughly, so that suspected cases of child neglect or abuse are referred promptly to Tusla;
- To ensure the provision of support to staff making a referral;
- To ensure that staff receive opportunities for ongoing practice discussion in relation to child protection practice;
- To ensure that proper records are kept on interventions and decisions made within our service during the process;
- To ensure that all reports regarding Child Protection and Welfare from staff, contract workers, volunteers, students or associated personnel are firstly discussed with them and are counter-signed by them;
- To ensure that they are knowledgeable about child protection and to participate in training to keep up to date with new developments;
- To ensure that an alternative and suitably trained Deputy Designated Liaison Person is available to handle child protection and welfare concerns in their absence;
- Both the Designated Liaison Person and the Deputy Designated Liaison Person will complete appropriate Child Protection training as a minimum and will participate in all appropriate Tusla training relating to child protection and welfare.

2.7 Guidelines for Recognising Child Neglect or Abuse⁵

The ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as on their knowledge, experience and information. There are commonly three stages in the identification of child neglect or abuse:

- 1) considering the possibility;
- 2) looking out for signs of neglect or abuse;
- 3) recording of information.

Child neglect or abuse can often be difficult to identify and may present in many forms (See Section 1 of this handbook). It is important to bear in mind that no single indicator should be seen as conclusive in itself of abuse and 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. It is necessary to familiarise yourself with the *Children First* list of indicators in order to increase your ability to recognise the signs of child abuse.

2.7.1 Reasonable grounds for a child protection or welfare concern include:

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect

⁵ For more information on this, see Section 4.7 and Children First, Ch 2, pages 7-10 and Ch 3, page 21

- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

2.8 Unidentifiable Children

It is essential that in our work with women we are mindful of children that we do not see, meet or work with. We need to consider ‘unidentifiable’ children, those children with whom we have no direct contact or do not meet face-to-face.

Child abuse sometimes comes to light as a result of a child or adult speaking directly about it. More often, however, it emerges as a result of someone feeling uneasy or concerned about a situation and feeling the need to find out more. In our interactions with women experiencing domestic violence, we need to consider the possibility that a child is being abused, or is at risk from harm or neglect. As professionals our challenge is to strike a balance between protecting children and respecting the rights and needs of women. Where there is conflict, a child’s welfare **must** come first.

A concern about a potential risk to children, even where services are not working directly with that child, needs to be communicated to the Tusla Child and Family Agency.

There will be situations, (for example, where a woman makes contact with a service anonymously via e-mail or may ring a telephone Helpline once only), where we hear details about a woman and children living with abuse but receive no identifying information about them, where they live or who they are. In such circumstance we are not in a position to consider making a report. In these situations where possible we will communicate with a woman about Safety Planning for her and her children and where appropriate we will discuss the likely impacts on her children of living with domestic violence.

2.9 Ways in Which Child Protection Concerns Come to our Attention

- A child’s mother may express her concern, observation or belief that her child is, or is at risk of, being abused or neglected;
- A child’s mother or another person may disclose they have abused a child;
- Another child, adult or anonymous person may communicate to staff their belief or observation that a child is, or is at risk of being, abused or neglected ⁶;
- A child may disclose that they are, have been, or are at risk of being abused or neglected, or they may hint that they are being, have been or are at risk of being harmed;
- A staff member (or associated personnel) may witness the abuse of a child;
- A staff member through observations of a child, their behaviour or their environment may form an opinion that a child has been, is being, or is at risk of being abused or neglected;

⁶ This includes disclosures received at external events, see Section 2.9

- Accumulative incidents and/or observations, collated over time, may indicate that a child is suffering from emotional abuse or neglect;
- An injury or behaviour that, in the context of the family’s known history, causes concern, irrespective of explanations provided by a child or their mother.
 - **NOTE:** When a child protection concern is communicated to you **it becomes your concern** and you need to act on it ALWAYS.

2.10 Reporting Child Abuse

This section should be read in conjunction with the Flow Chart presented in Appendix No. 2.

A prompt response is required to all concerns, allegations or disclosures of child neglect or abuse. Do not ignore your concerns, do not minimise others’ concerns and do not do nothing! The safety and well-being of a child is your foremost consideration. This is true even in situations where you have not met the child directly.

Note: As a Mandated person, under the legislation, you are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, or is at risk of being harmed.

2.10.1 Assessing concerns

When you have a concern that a child is experiencing or is at risk of abuse or when you receive a disclosure you must discuss this with (DLP/Deputy DLP unless you are the mandated person who will liaise with the DLP re co-ordination of reporting to ensure they are informed.

1. including as much detail as possible at the earliest opportunity, preferably on the same day.
2. When you have a concern about a potential risk to a child posed by a specific person, even when the child is unidentifiable,⁷ you should discuss this with (DLP/Deputy DLP unless you are the mandated person who will liaise with the DLP re co-ordination of reporting to ensure they are informed.
3. In consultation with you, as the person who has raised the concern, the Mandated Person /Designated Liaison Person establishes if **reasonable grounds for concern** exist.
4. The Mandated Person will make a Mandated Report if the concern reaches the legal definition of harm.
5. Where the Designated Liaison Person is unsure whether a concern constitutes *reasonable grounds for concern* they can informally consult the Tusla Duty Social Worker, not giving identifying information in relation to a child or family and stating explicitly that they are **not** making a report.
 - The purpose of this ‘informal conversation’ is to ascertain whether there are *reasonable grounds* for believing that the child has been, is being, or is likely to be,

⁷ See note on Unidentified Children in Section 2.6

abused or neglected and to make a decision about whether or not to formally report the matter.

- Where the Mandated Person is unsure whether the concern reaches the legal definition of harm for making a mandated report, Tusla can provide advice in this regard. If advice is to not submit a report, this must be logged on the mothers eSAFE file under a service intervention- external contact- Tusla Social Work.
 - In some instances it may be appropriate to have a conversation with the child's mother to gather more detail, for example, if a woman has expressed her concern that her child has been abused or where she has disclosed her child's exposure to domestic violence.⁸
 - Where the Designated Liaison Person decides that the information **does not** constitute sufficient grounds for concern, the information and the basis of this decision should be recorded on the mothers eSAFE file as an external contact- Tusla Social Work. In such circumstances this written record of the incident may be important later as one of a series of accumulative records of concern, (See Section 2.12)
6. Where the Mandated Person decides that there is a reasonable concern, but that the concern does not reach the threshold for a mandated report, the concern will be reported using the following procedure;

2.10.2 Procedure for reporting reasonable grounds

1. Where it is established that reasonable grounds exist, the Mandated Person/Designated Liaison Person will meet with the child's mother at the earliest possible time, in line with our practice of communicating respectfully with women, and she will be advised that a report needs to be/has been made, **unless to do so would place the child(ren) at further risk**. Where possible she will be kept informed of any communication in relation to the report, unless informing her is likely to endanger her child(ren).⁹ If it is decided not to inform the mother for this reason, this decision and its basis should be recorded, signed by the Mandated Person/Designated Liaison Person and filed.¹⁰
2. Where it is decided that the information constitutes **reasonable grounds for concern** the Mandated Person/Designated Liaison Person will submit a child protection referral via the Tusla Portal. If they wish to speak to Tusla about the referral an initial phone call can be made and the actions from this documented on the mother's file.
3. Tusla's Child Protection and Welfare Report Form (CPWRF, See Appendix No. 1) is completed by the worker and counter-signed by the Mandated Person/Designated Liaison Person if required. To ensure you use the most current version, the form can be downloaded **when needed** from <http://www.tusla.ie/services/child-protection->

⁸ See Section 3.6, Responding to a Woman Disclosing a Child's Exposure to Domestic Violence

⁹ For further detail about communicating with women about child protection concerns see Section 3.1

¹⁰ See Section 2.15 for further detail about Record Keeping

[welfare/publications-and-forms](#) Guidance notes for completing the form are available at this link also.

4. Reports should be printed and labelled clearly with the date, staff member and reference number of the CPWRF. The report should be scanned onto SharePoint under the folder 'child protection reports', this folder is password protected. This should then be stored in a locked filing cabinet. The report should also be logged as an external referral on the mothers eSAFE file with the reference number included.
5. In the event of an emergency when the relevant Tusla personnel are not available, contact will be made with the Designated Garda or Desk Sergeant of our nearest Garda station.
6. In line with our commitment to share our knowledge and experience about domestic violence and to enhance effective inter-agency working and with the statutory services Tusla and/or An Garda Síochána will be informed of any possible risks to the mother's or child's safety as a result of the report being made.
7. The mother will continue to be offered support and advocacy by our services, in line with her wishes, and in line with organisational staff safety policy.
8. Where there is disagreement between the Mandated Person/Designated Liaison Person and the staff member about whether to report concerns, the staff member who raised the concern should be given a clear written statement of the reasons why the organisation is not taking such action. If they remain concerned about the situation, they are free as individuals, to consult with and/or report to Tusla and/or An Garda Síochána. The provisions of the Protections for Persons Reporting Child Abuse Act 1998 apply once they communicate 'reasonably and in good faith' (see CF pg 16, Protections for Persons Reporting Child Abuse Act 1998).
9. Children First tells us that under no circumstance should a child be left in a dangerous situation pending the intervention of Tusla or An Garda Síochána. Whilst we have no right or power to remove a child, or detain one for its safety, all reasonable measures must be used in such a situation to prevent a child having continued contact with someone where there is a perceived or known danger. Staff are requested to contact the Mandated Person or Designated Liaison Person in these situations, whereby an appropriate response for protecting the child as an interim measure can be decided on and implemented.
10. **Note:** Reasonable measures that might be taken by our service to prevent a child having contact with someone where there is a perceived danger;
11. If the family are not in refuge, we could offer a woman and her children refuge.
12. Suggest she and her children go to stay with a family member.

- If a woman is in refuge and is returning home, encourage her to stay in refuge.
 - If the woman decides to leave, do a safety plan with her and inform the Gardai and Social Work Department.
1. In line with best practice Mandated Persons/Designated Liaison Persons will **not** make anonymous referrals.

2.10.3 Procedure for making a mandated report:

In addition to 2.10.2, points 1 and 5 to 11 above, Section 14 of the Children First Act 2015 requires mandated persons to report a mandated concern to Tusla 'as soon as practicable'. A report of a mandated concern to Tusla using the required report form, on which you should indicate that you are a mandated person and that your report is about a mandated concern. You should include as much relevant information as possible in the report as this will aid effective and early intervention for the child and may reduce the likelihood of Tusla needing to contact you for further information. You can find the report form and contact details on the Tusla website (www.tusla.ie).

If you feel the concern may require urgent intervention to make the child safe, section 14(7) of the Children First Act 2015 allows you to alert Tusla of the concern in advance of submitting a written report. You must then submit a mandated report to Tusla on the report form within three days.

A mandated person who makes a report to an authorised person is protected from civil liability under the Protections for Persons Reporting Child Abuse Act 1998.

2.10.4 Joint Reporting

As a mandated person, you may make a report jointly with any other person, whether that person is also a mandated person or not e.g a report may be made in conjunction with other professionals or with the designated liaison person in your organisation.

2.11 Receiving a Concern regarding a Child not involved in our Service

We are aware of the possibility of receiving child protection information concerning a child or young person when we are delivering training, information or Awareness Raising sessions in schools, Community Centres or other venues or when we are participating in fundraising events or other once-off public events. People we work with in interagency fora may also pass concerns to us.

For concerns regarding children involved in our services we will follow our standard procedure, see Section 2.10 Reporting Child Abuse.

There are a number of appropriate responses in situations concerning children not involved in our services and we need to consider the following:

- **Where the person sharing this information is a professional whose organisation has child protection responsibilities, we need to remind them of their duty to respond and**

confirm that they will proceed with their organisation's reporting procedure. For example, if we receive this information while delivering an awareness raising session in a school and a teacher speaks to us about a concern we will impress upon the teacher their duty to report. We will clarify that they know who is their organisation's mandated person is and how to proceed with a child protection report. We will also flag the issue with that organisation's mandated person. (Principal teacher).

- Where the person sharing this information is an individual not belonging to an organisation we will ascertain the reasons they are speaking to us about their concern, encourage them to make a report directly to Tusla and as soon as we return to our place of work we will follow our standard procedure, see Section 2.10 Reporting Child Abuse.
- Where the person sharing this information is a young person we will ascertain whether they have previously discussed their concern with the person in charge of organising the event (teacher/youth club leader or event co-ordinator), seek their permission to discuss the matter confidentially with the event organiser, and, as soon as we return to our place of work we will follow our standard procedure, see Section 2.10 Reporting Child Abuse.

2.12 Concerns Not Requiring Tusla Notification

Where it is decided ¹¹ (by the mandated person/Designated Liaison Person and the staff member) that the information gathered on a child protection and welfare issue does not constitute reasonable grounds for concern, this will be recorded in the child/family's file, including relevant information and the basis of this decision. This written record of the incident is very necessary and may be important later as one of a series of accumulative records of concern. We will address these concerns with the mother in the hope that the situation does not escalate. In these situations, the following steps will be considered:

- We will talk to the mother at the earliest possible time about our concerns. This will include explaining the concerns specifically, identifying why staff are concerned and discussing the issues with the woman in an open manner demonstrating an understanding of the difficult situation she and her children are in;
- Where necessary an informal discussion may take place with Tusla;
- We will explore options with the mother for resolving specific issues/concerns, which may include the provision of information, referring her to other supports, or the development of a care plan aimed at addressing the issue;
- Where concerns persist we will revisit our decision not to report and we will explore if there are now reasonable grounds for concern. This may involve an informal conversation with the Tusla Duty Social Worker and may result in us submitting a report to Tusla.
- We will agree a plan of action for supporting the mother that promotes the welfare and protection of the child(ren), including regularly reviewing the situation with her.

2.13 Our Involvement After A Report Is Made

- Once the report is made to Tusla, it is important for the staff member and the Designated Liaison Person to discuss and plan interventions required by our

¹¹ For what to do where staff member and DLP disagree, see Section 2.10.2, point 9

organisation in respect of the ongoing care plan for the family unit. Where concerns continue to be present, ongoing contact will be maintained with the Tusla Social Work team at least every 2 weeks.

- The Designated Liaison Person will ensure that they are kept informed of progress, including an acknowledgement of receipt of the report, progress reports as appropriate and notification of closure of Tusla engagement. These follow-ups should be recorded on file. If this is not forthcoming the matter will be brought to the attention of the Tusla Principal Social Worker or Children and Family Services Area Manager.
- Once a family moves on from refuge, we will notify Tusla to inform them of the situation. We will also be informing Tusla that the report will be closed from our side as the family no longer resides with Willow Domestic Abuse Services. This should be noted on the children's eSafe.
- We will continue to provide support and advocacy to the mother (and her children), in line with her wishes and in line with organisational staff safety policy. It may be necessary in such circumstances to provide a separate worker specifically for the mother, in particular where she is the alleged abuser.
- We will maintain a positive ongoing working relationship with the Tusla Social Work team, which can prevent or reduce some of the challenges that can arise in inter-agency working.
- We will follow the Mandated Assisted Protocol where needed in line with Willow Domestic Abuse Services policy.
- Team leaders (DLP's) will meet quarterly to review all child protection and welfare reports.

2.14 Confidentiality

We know that the effective protection of a child often depends on the willingness of staff in organisations to share and exchange relevant information. We understand the importance of having a clear understanding of our responsibilities with regard to confidentiality and the exchange of information. All information regarding concerns about child abuse will be shared on a 'need to know' basis with the relevant statutory authorities in the interests of the child. **Providing information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.** No undertakings regarding secrecy will be given ever to anyone involved.

We aim to ensure that women using our services understand our position regarding confidentiality, which is that no identifying information will ordinarily be passed on to an individual or organisation without their knowledge or consent. However, in the event of concerns relating to the safety of a child, information will be passed onto the relevant authorities on a 'need to know' basis. This is **not** regarded as a breach of confidentiality. Ethical and statutory codes concerned with confidentiality and data protection are not intended to prevent the exchange of information between professional staff with a responsibility for the protection and welfare of children. However, it must be clearly understood that information gathered for one purpose must not be used for another without consulting the person who provided that information.

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for protecting individuals and organisations who have communicated concerns or allegations of child abuse to the statutory authorities 'reasonably and in good faith'. Although all professionals involved in child protection and welfare cases are obliged to share relevant information, records are nevertheless kept confidential and are the property of the organisations that keep them.

Safeguarding a respectful and supportive work environment whilst dealing with child protection concerns depends on the willingness of staff to observe the 'need to know' aspect of sharing and exchanging relevant information. It is especially important that everyone on the team shares a clear understanding of their responsibility with regard to confidentiality and the exchange of information. This means that information will not automatically be shared within the team but rather only such information as is needed for good decision making and effective team work. Equally, Board of Directors members will receive only pertinent information, where possible with non-identifying details.

Section 17 of the Children First Act 2015 makes it an offence to disclose information to a third party which has been shared by Tusla during the course of an assessment, unless Tusla has given you written authorisation to do so. Failure to comply with this section, may result in a fine or imprisonment for up to six months or both. This offence can also be applied to an organisation.

2.15 Record Keeping

The keeping of good records throughout the child protection process is an essential ingredient in protecting children. Unless we keep accurate records, our ability to protect children who are vulnerable and at risk may be significantly curtailed (See note about cumulative records of concern, Section 2.12). Records of all disclosures and concerns about child abuse must be kept. Child Protection and Welfare Report Forms (CPWRF) should always be used. This will facilitate best practice and the standardisation of our reports.

All records need to be:

- Factual, accurate, legible and up to date
- Dated, signed and counter-signed by the mandated person/designated liaison person
- Backed up by verifiable facts
- When opinions are given the report needs to clearly state that these are opinions
- Accessible at all times to appropriate staff, including the mandated person/designated liaison person
- Secured safely, in keeping with our record retention and management policy;
- Records should never be removed from the premises.
- Child Protection Reports for children and young people are retained in perpetuity. They should be filed so as to be easily accessible in the future.
- It is our policy to keep a separate record file on our CRM system eSAFE for each woman and child directly accessing services provided by our organisation. It is the manager's responsibility to ensure that this information is relayed to relevant staff; that records are kept updated; and that information is exchanged through any 'handover' processes.

- All child protection reports need to be recorded on eSAFE as an external referral on the mothers file, the reference number should be recorded also.

2.16 Anonymous Reports

There may be instances where we receive communications about alleged child abuse from anonymous sources, or from someone known to us who does not wish their details shared with statutory services. In these situations it is our policy to prioritise the needs of the child and take steps to ensure that an accurate report is submitted to Tusla/An Garda Síochána.

A staff member receiving a report of suspected child abuse or neglect from an individual known to our service who wishes to remain anonymous needs to advise the reporter that their anonymity may restrict the capacity of the statutory services to access information needed for any assessment or to intervene to protect a child. As always the mandated person/DLP will be notified and standard child protection reporting procedures will be followed.

Where we receive information anonymously (for example, via a phone call, e-mail or letter) suggesting a child is at risk, the staff member receiving the information will make a record of the details and advise the mandated person/designated liaison person that the information has been received. The mandated person/designated liaison person will then make a decision as to whether there are reasonable grounds for believing that the child/ren in question are at risk and child protection reporting procedures will be followed. Where the report is made by phone, staff will additionally encourage the caller to make the report directly to Tusla.

- **REMEMBER:** When a child protection concern is communicated to you **it becomes your concern** and you need to act on it ALWAYS.

3. WORKING WITH WOMEN TO PROTECT THEIR CHILDREN

These following practice guidelines serve to support best work practices and facilitate effective communication with women as service users and parents in child protection and welfare situations.

3.1 Communicating Child Protection and Welfare Issues with Women

In our work with women it is our intention to establish and maintain an effective and supportive communication approach regarding child protection and welfare issues. Whether or not we deliver children's as well as women's programmes it is really important that each woman understands our dual role both to support her and to support her children, including responsibilities regarding child protection and welfare concerns. We undertake to clearly explain to women exactly how we identify child protection and welfare concerns, our confidentiality policy and what we do in terms of reporting child abuse and record keeping.

We will work with and support women when welfare and protection concerns arise in any of the following situations:

- Child protection concerns when the alleged perpetrator is the abuser of the mother
- General welfare concerns regarding a woman's capacity to meet her children's needs
- Child protection concerns when the alleged abuser is the mother
- Child protection concerns when the alleged abuser is another adult, another service user or another child
- Child protection concerns when the alleged abuser is a member of staff

We believe that the process of discussing child protection and welfare concerns with a woman is made a lot easier when we are clear with her in the early stages of engagement about our organisation's responsibilities towards children, and the reporting relationships we have in this regard. As part of our initial contact with women for example, on our helpline, as part of the admission procedure for a woman coming into refuge or at an initial one-to-one support session, staff will clearly inform women about our child protection policy and outline our service's child protection reporting requirements.

In our interactions with women it is our intention to be supportive, encouraging and open. We are committed to creating a supportive non-judgemental environment where women feel safe and can engage with our service at their own pace. We acknowledge that bringing a concern relating to a child's welfare to the attention of a woman may have a detrimental effect on our working relationship with her and/or her wish to continue to engage with our organisation. It is never easy to address child protection concerns, particularly where a woman has turned to our service for support and safety as a result of her experience of abuse and violence. Women sometimes have genuine anxieties in expressing concerns about their children for fear of sanctions and so may feel very challenged by us discussing our concerns about their children.

3.2 Principles Underpinning ‘Woman Protection as Child Protection’

- **Effectiveness:** Because we believe that working with women is important in ensuring the protection and welfare of children, we will encourage women from the outset to participate in decision-making about any protection issues for their children;
- **Women as an information source:** Women hold a unique knowledge and understanding of their children’s situation. This means that a woman’s contribution to discussions about what has/has not happened to her child and protection options for her child is essential;
- **Women have rights:** Women have a right to know what is said about them and their children and to contribute to all decisions about their lives. Women must be given the opportunity to discuss issues with whoever is notifying Tusla/An Garda Síochána, **unless to do so would further endanger children;**
- **Empowerment:** Involving a woman who has chosen to engage with a domestic violence service in decision-making on child welfare and protection issues gives recognition to her role and responsibilities as a non-abusing parent, increases her self esteem and encourages her to have more autonomy in her life. This is likely to have a beneficial effect both on her own well-being, and that of her child/children.
- **Resilience:** We believe that supporting women benefits their children’s well being. Research and experience confirm that supportive relationships with adult family members serve as protective factors for children exposed to domestic violence. A relationship with a parent or other familiar caring adult is an exposed child’s greatest resource. Research affirmed that 8-16 year olds identified their mothers as *‘their most important source of help than anyone else in their lives’* ¹².

3.3 Addressing Child Abuse Concerns with Women

In line with our commitment to effective communication with women using our services we will inform a woman immediately where there is a concern raised in respect of her child, unless to do so would place the child at risk.

- It is the responsibility of the **Designated Liaison Person** to notify a woman that a concern or disclosure of abuse has been received in respect of her child. Staff will explain the concerns and issues raised and our policy regarding notifying Tusla.
- We will inform the mother about the role of statutory services in child protection and the likely process following a report being made to Tusla.
- All our actions will support the possibility of the mother providing safe and nurturing care for her child now and in the future.
- We will endeavour to provide effective support to a woman throughout the child protection process and assign an advocate for her, if need be.

3.4 Working With Women Who Are The Source Of The Concern

- Where we have a child protection and welfare concern in which a child’s mother is the alleged abuser we need to inform her as soon as possible about our concerns, unless

¹² *‘Children’s Perspective on Domestic Violence’*, Mullender et al, 2002

to do so would place the child at risk. It is therefore essential that the decision about **when and how** to inform the mother be made with the child/young person's best interests in mind.

- Our reporting procedure will be followed. See Section 2.10
- Decisions may have to be made about a woman's ongoing engagement with our service and whether it is appropriate for her to continue to be a service user. The timing of these discussions must be sensitive to the position the mother now finds herself in.
- As before, the mother will be formally advised when a report is made to Tusla and/or An Garda Síochána, and if possible she will be encouraged to make reports of concerns herself to Tusla, except where this would pose a risk to the child.
- It is important also to inform the mother of the roles of various statutory bodies in child protection and the process that is likely to happen when a report is made to Tusla.
- It is a possibility that our organisation may be asked to either continue our engagement with the mother, or to commence a support role with her during or after a child protection assessment. In this situation every effort will be made to maintain and/or build our relationship with the mother during this time.

3.5 Working with Women Obligated to Engage with our Service:

In some situations a woman and her children are required by social services, An Garda Síochána or the Courts, to take up refuge accommodation and/or engage with support services, where the absence of such action could or would result in her children being taken into care. For these women their residence in a refuge and/or their involvement with our services is not self-chosen, in that there are significant stated sanctions for her should she not engage. Such situations can place tremendous strain on women, and may have an impact on their willingness to engage with the supports offered by our domestic violence service. In such situations, (as in all our engagements with women) it is our policy to develop an effective supportive relationship with a woman and her children. We are aware of potential difficulties of working with a woman who has not independently initiated contact with our service and will respond appropriately and sensitively in order to build effective and helpful interactions with her. We aim to make the situation easier for the woman and her children by:

- Being explicit with a woman about why she has been referred to us and about our policies regarding use of alcohol/drugs, supervising children, child welfare and protection concerns. We communicate this to all women availing of our service but in these situations we need to be sensitive about her limited choice to engage with us;
- Helping her to understand our concerns for children remaining in a violent family home;
- Outlining our role and responsibilities in terms of monitoring and reporting concerns to Tusla;
- Clarifying expectations of behaviour whilst using our services;
- Writing down these 'conditions' and providing a copy for her;

- Clearly communicating with a woman that her contact with us is voluntary and that she can terminate her engagement at any time. Where this situation arises, we will inform the woman that we will formally notify Tusla and/or An Garda Síochána;
- Maintaining effective working relationships with Tusla personnel involved with this family so as to ensure the best outcomes.

3.6 Women Disclosing a Child’s Experience of Domestic Violence:

In our work with women, as part of a one-to-one support session or during other interactions a woman may relay information to a staff member about her child(ren)’s experience of domestic violence which has child protection or welfare implications. The staff member will re-affirm our organisation’s policy on receiving information of a child protection nature. The staff member will gather relevant information from the woman about her child(ren)’s experiences. This information is very important. When a woman and her children are in the early stages of contact with our service this information can contribute greatly to the development of an appropriate support response. Later this information may assist in the development of a safety plan for children.

It is the responsibility of the staff member to ascertain the following:

- The nature and level of a child’s exposure to abuse and/or violence;
- The impact of domestic violence on a child (mother’s opinion or worker’s observation);
- The **current** risk and known protective factors associated with the family situation;
- Whether the child has ever intervened or been physically harmed during an assault on the mother;
- Whether the perpetrator has directly assaulted the child physically, emotionally or sexually;
- If the perpetrator has used the child by way of threats or bribes;
- If the family are already known to Tusla regarding child protection and welfare issues;
- Whether there is a risk of the child being returned to the situation, or whether access or contact arrangements might place the child at continued risk.

The worker will record all this information in a factual manner (See Section 2.15) and follow the child protection procedure as before by bringing the matter to the attention of the mandated person/designated liaison person as soon as possible (See Section 2.10).

3.7 Women ‘Moving On’ Where Child Protection Concerns Exist:

When a family with whom we have been working indicate they are planning to move away from the area and where there are continuing child protection and welfare concerns we will inform the mother that it is our policy to formally communicate with Tusla. We will contact Tusla (both the local department and the one nearest the family’s new address, if known) and provide any relevant information so that necessary protective actions relating to the child can be followed by Tusla wherever the family settle. We will also be informing Tusla that the report will be closed from our side as the family no longer resides with Willow Domestic Abuse

Services. This should be noted on the children's eSafe and the Child Protection and Welfare Reports Register.

The mandated person or designated liaison person as appropriate will formally notify Tusla of our child protection concerns. This is our procedure where concerns are the subject of ongoing Tusla intervention, where Tusla are not yet engaged or have closed their engagement. Women **must** be advised of our responsibility to undertake this notification.

3.8 Women Resuming a Relationship With an Alleged Abuser:

If we become aware that a woman is resuming a relationship with an alleged perpetrator of abuse/violence, it is our policy to continue to provide support, advocacy and information to her while also prioritising the protection and welfare needs of her child/ren.

In such a situation where a woman leaves our organisation intending to return to a violent and abusive situation, we consider that the child/ren's welfare is likely to be impaired. We will discuss with the woman the possible impact of this move on the child/ren and we will engage with her in safety planning for herself and her children. We will inform her also of our duty to notify the statutory services and we will **always** submit a report to Tusla. If, due to insufficient time or opportunity, it is not possible to explain this procedure, notification to Tusla will still be made.

3.9 Allegations Made Against A Woman Using Our Service:

If an allegation is made against a woman using our service, the matter will be brought to the attention of the mandated person/designated liaison person. The mandated person or designated liaison person as appropriate, together with the worker who received the allegation will follow our standard child protection reporting procedures. All allegations of this nature will be followed up promptly and carefully.

The Designated Liaison Person will notify the alleged abuser as soon as is practicable unless doing so is likely to further endanger the child, ensuring that the rules of natural justice prevail. There may be consequences in terms of residency/continued service access for the alleged abuser, and such a decision will need to be made by the team, depending on the situation. Consultations with Tusla may be required in order to inform this decision. Following this decision, the mandated person/designated liaison person will explain the decision and possible outcomes to the alleged abuser.

3.10 Women Disclosing Childhood Abuse:

Where a woman discloses experiences of childhood abuse we will support her, refer her to appropriate services and encourage her to submit a Retrospective Allegation Report Form (RARF) about the abuse or, if she is unable or unwilling, make a report ourselves as per our standard reporting procedure.

Women sometimes disclose childhood abuse due to their concern that the alleged abuser may have access to other children. Based on known or suspected past behaviour, a concern could exist about the risk an individual may pose to children with whom they may have contact. Any reasonable concerns about persons who may pose a risk to children should be reported to Tusla. Staff will support the woman to provide as much information as possible to facilitate Tusla and/or An Garda Síochána to protect any child perceived to be at risk. It is

important to submit a report to Tusla/An Garda Síochána without delay, due to the potential risk to children who may be in contact with the alleged abuser. We will follow our standard reporting procedure, as outlined in Section 2.10.

Staff will support and encourage the woman to access counselling or therapeutic support. Lastly, details of any sitting Review Boards on Institutional Abuse or other relevant retrospective investigations will be made available to the woman, as required.

3.11 Access and Contact Issues:

Many women survivors of domestic violence report that violence and abuse continues to be perpetrated after they have separated from their abusive partners during child contact arrangements. Experience has shown that although many women have taken protective measures to promote their own and their child(ren)'s welfare by leaving the relationship and often the family home, some abusive men use access and contact arrangements with their child(ren) to continue abusing their ex-partner.

Research and experience tell us that for children the ending of their parents' relationship does not necessarily mean an end of their exposure to violence, which all too often continues after separation. Several research studies¹³ indicate, in fact, that violence may actually increase in severity and post-separation contact is potentially an abusive experience for children who are exposed to the physical, psychological and sexual abuse of their mother during contact visits and are also themselves at risk of physical and sexual abuse and abduction. We know that children are often additionally abused by being forced to be involved in the ongoing abuse of their mothers, where, for example, they convey threatening messages to their mother, or where there are attempts made to indoctrinate children against their mother.

The rights bestowed by law regarding separated parents' ongoing access to their children are, rightly, contingent on this contact being in the best interest of the children. However, without considering the dynamic of domestic violence, unsupervised access can place women and children in significant danger. Often assumptions about a father's engagement with his children and too often these access and custody decisions are made from perspective of the 'rights of the father' rather than their motivations and willingness to nurture their children. This results in access orders being granted without any assessment of the reasons for the parental separation and whether such arrangements are in children's interest.

Whilst we may not have a direct role in access arrangements, we often undertake a supportive role for women and children and an awareness-raising role for statutory services. It is our policy to offer effective support to women emerging from domestic violence situations who are engaged in access, custody and contact issues. Our procedures are, as follows:

- We will communicate with women about inherent risks arising from domestic violence in the access process both for her and her children.
- We will encourage women to obtain legal advice and to access appropriate legal remedies at the earliest possible time. For example, an Interim Custody Order might

¹³ Reference: *'The impact of exposure to domestic violence on children and young people: A review of the literature'* by Stephanie Holt, Helen Buckley, Sadhbh Whelan, from *Child Abuse & Neglect, The International Journal*, Volume 32 (2008)

be necessary for a woman to prevent access arrangements, which are known to be abusive.

- We will facilitate safety planning for a mother and her children, so that children will know what to do if an access visit becomes distressing.
- In situations where we have reasonable grounds for believing that children may be abused emotionally or physically, or where they show distress at having to comply with access orders we will report our concerns to Tusla.

4. WORKING WITH CHILDREN

This section is specifically directed towards staff members and associated personnel who work directly with children and who are involved in providing children's services, including one-to-one work, group work, family-based support sessions, play-based services, pre-school, homework clubs, After School services, crèche facilities and child support work.

4.1 Child-Centred Approach Promotes Children's Welfare

- Our organisation recognises the United Nations Convention on the Rights of the Child (UNCRC) as a set of standards for protecting children's rights.¹⁴
- We are committed to the provision of good child support practice within our organisation. We acknowledge the right of children who use our services to be protected, treated with respect, listened to and to have their views taken into consideration when decisions are being made about their lives, taking into account their age and understanding.
- We believe that promoting a child's welfare means ensuring that her/his developmental and safety needs are met. These include a child's physical, emotional and mental health needs; supervision and safety needs; social interaction, stimulation and education needs.
- We believe that children who have experienced domestic violence should have their opinions listened to, have the right to be consulted about access visits and be protected from coercion and pressure arising from access and contact visits with an abusive parent.
- We aim to design and deliver all our initiatives for children in a child-centred manner that best promotes their welfare.

4.2 Children Living with Domestic Violence

Experience and research affirms that domestic violence is detrimental to children's physical, emotional and psychological well-being. We are aware of significant negative impacts on children who live with and witness domestic violence, which can manifest in behavioural, social and developmental problems including withdrawal, depression or anxiety. We know that intersecting issues including substance use, poverty or homelessness may have additional serious and negative impacts on children.

The adverse effects of domestic violence have been well established. At its most basic level, living with the abuse of their mother can be considered a form of emotional abuse, with negative implications for children's emotional and mental health and future relationships (Brandon & Lewis, 1996). The term 'witnessing domestic violence' is sometimes understood to mean that children are present during incidents of abuse, however, many researchers¹⁵ agree that children can 'witness' in ways that go beyond direct observation, such as overhearing arguments or observing the aftermath, for example, seeing bruises and cuts and broken furniture (Cunningham & Baker, 2004; Mullender et al., 2002).

¹⁴ See full text of UN Convention on the Rights of the Child on <http://www2.ohchr.org/english/law/pdf/crc.pdf>

¹⁵ Reference: *'The impact of exposure to domestic violence on children and young people: A review of the literature'* by Stephanie Holt, Helen Buckley, Sadhbh Whelan, from *Child Abuse & Neglect, The International Journal*, Volume 32 (2008)

Domestic violence is an important indicator of risk of direct harm to children, where violence towards women may coincide with the children also being at risk (McGuinness, 1993; Mullender and Morley, 1994; Farmer & Owen, 1995; North Western Health Board, 1998; Cleaver *et al.*, 1999). Where women are being abused, there is a 45-70% co-occurrence of child physical abuse (Stark & Flitcraft, 1988, cited in Hester *et al.*, 2000; McGee, 2000), and a raised incidence of child sexual abuse (Hooper, 1992; Hester & Pearson, 1998). Children may also be abused as part of the abuse of their mother (and indeed vice versa) (Hester & Radford, 1996; McGee, 2000).

Mullender *et al.*, highlight that women make considerable efforts to protect their children (2003). However the experience of continuing physical, psychological, emotional, sexual, social and financial abuse can affect women's relationship with their children (Mullender *et al.*, 2003), can impact negatively on women's ability to parent (Stephens, 1999) and can have a negative influence on the quality of attachment between a mother and child (Cleaver *et al.*, 1999; Levendosky *et al.*, 2003).

4.3 Addressing Children's Welfare Needs

Staff members who work directly with children are used to dealing with the widely differing experiences, abilities and temperaments of all the children accessing our service and therefore, understand the complexities involved in recognising and addressing children's welfare and support needs, which may arise as a result of their experiences of living with domestic violence and/or from other non-identified sources of concern.

Our children's services are designed to effectively assist children who have lived with domestic violence and are possibly coping additionally with leaving home, losing touch with friends, extended family, pets, community, and also moving school. Our interventions aim to support children to deal with their experiences of domestic violence. We want to enable children to develop awareness in the following areas:

- Naming and understanding feelings
- Dealing with anger
- Learning safety skills
- Learning that they are not responsible for the domestic violence at home
- Understanding family issues, including separation, dealing with conflicting loyalties

Preferably on a weekly basis, the child and youth staff team will meet to discuss the progress of each child. Based on observations and team discussions, we will plan adjustments to our programme of interventions and include activities to match the individual interests, abilities and needs of children. Team meetings also give staff opportunities to discuss child protection issues and to make decisions about potential child protection concerns.

4.4 Working with Children – Our Code of Behaviour

It is our policy that our staff and associated personnel behave responsibly and appropriately in our interactions with children and young people as part of ensuring a safe environment for children and young people, for women and for staff in our organisation. Our code of

behaviour should be read and signed by all personnel who have direct contact with children. We will ensure that staff members are aware of the consequences of breaching our code of behaviour.

We understand that valuing children means valuing workers as well; insisting on safe practices, eliminating any necessity for staff to take risks and providing them with support all makes for a healthier and safer organisation. We expect all workers and associated personnel to adopt a child-centred approach to children and young people and to have a clear understanding of what is appropriate and acceptable in relation to their behaviour towards children and young people. This enables children to feel safe and protects staff, volunteers and associated personnel from misunderstandings or misinterpretations of their actions.

Our approach to children and young people is based on the core values of:

- respect
- empowerment
- participation
- listening to children's views
- having children involved in decision-making, as appropriate

In order to promote the protection and welfare of children and young people, the following procedures apply to our work with children in our organisation.

Confidentiality - All staff need to be very clear about the difference between confidentiality and secrecy with regard to disclosures of sensitive and intimate information.

Meeting children outside work - Staff will, under no circumstances; arrange to meet a child or children outside of the work environment. Staff will never bring a child to their own home.

Travel - Staff should avoid being alone with a child whilst providing transport to them. Where this is unavoidable the line manager will be informed, a record should be made, and the child's mother informed.

Awareness of over-involvement - Staff need to be sensitive to the possibility of becoming over-involved with children, or showing favouritism to a particular child. Staff need to be very clear about their role and relationship with children. If a staff member is concerned either about their own or a colleague's over-involvement they have a responsibility to bring their concern immediately to the relevant manager or Designated Liaison Person.

Physical contact - Comforting reassuring physical contact is a valid way of expressing concern and care for children. However, such contact should **only** take place where appropriate, and boundaries should always be respected. Staff need to be aware of actions that could lead to misunderstandings and situations that might leave them open to allegations of inappropriate contact. Training, team discussions and supervision will indicate appropriate physical contact.

Physical punishment - Physical punishment of a child or young person is not permissible under any circumstances.

Participating in contact sports - Staff need to be sensitive to risks involved in participating in contact sports and activities with children. Training, team discussions and supervision will indicate appropriate involvement in sports and activities.

Telling jokes - Staff will not tell jokes of a sexual, derogatory or violent nature in the presence of children or other staff members.

Bullying – Children are encouraged to report cases of bullying to either a designated person or a worker of their choice. Complaints must be brought to the attention of management. In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral to Tusla and/or An Garda Síochána may be required.

Photography - Staff will ensure that no photographs or videos of children are taken that would endanger their safety in any way, for example, no names should be used, no identifiable backgrounds should appear, etc. Children should be advised about the dangers of sending photos and videos of themselves to others who may be able to trace their whereabouts inappropriately (particularly important with the rise in popularity of social networking internet sites, accessible from a wide range of devices, including smart mobile phones as well as computers and laptops).

Use of Internet - Staff should ensure that any computers that children can access are located in communal areas, are used under the supervision of their mothers and have appropriate filters installed to prevent access to inappropriate websites, unsuitable materials or games.¹⁶

Mobile phones - Many children and young people have mobile phones, and although these can play a role in keeping them safe, they can also pose a threat to their safety. Children should be advised to save any messages or contacts they receive which make them feel uncomfortable, and share them with a trusted adult immediately.

Personal safety - Staff need to be sensitive to potential risks to their personal safety or false allegations, which could arise when they have an individual session with a child or meet a child in a room alone. Practical actions aimed at reducing such possibilities will be used, for example, leaving doors ajar, using a room that has transparent door panels, and notifying another staff member of the planned session. Staff use of personal mobile phones should always be avoided. Staff will not make on-line contact with children or young people through social networking sites. Staff will not give children or young people access to their personal social network accounts/page/blogs.

4.5 Internet and Social Media Policy and Procedure

It is our policy to ensure that children in our services are introduced to our procedures for using the Internet responsibly.

Staff need to be vigilant at all times of the 'hidden' risk to children presented by the Internet and need to be alert to the possibility of children being exposed to online material or people which may place them at risk of abuse. Computers should always be located in communal areas. Children using Internet and e-mail in the service need to be supervised so that their 'surfing' is monitored for their own protection. Women are responsible for planning with their children the level of on-line contact they will have with their fathers or other family members while availing of domestic violence services.

¹⁶ There are resources that can assist with the application of blocks, for example, <http://www.opendns.com>

All computers that children use within the service need to have restricted Internet and e-mail access so that unsuitable material and Internet sites are inaccessible to children. This protects children from viewing unsuitable and/or pornographic images and reduces the possibility of them becoming involved in unsuitable 'chat room' discussions. Perpetrators of child sexual abuse are known to use social media, e-mail and other Internet spaces to entice children into abusive situations. Online child sexual exploitation can occur through the use of technology without a child recognising it, for example, being persuaded to post sexual images via the Internet or mobile phone. In all cases, those exploiting the child/young person have power over them by virtue of their age, intellect, financial, or other resources.

Online safety is an increasingly significant issue to consider in safeguarding children and young people. Significant changes in children/young people's conversation, behaviour and body language can indicate they have found themselves in situations where they are not comfortable and at worst where they are being groomed via the Internet. Staff need to be aware of the following signs but do remember there may be unrelated reasons why a child or young person shows similar signs:

- Excessive texting or use of the computer, especially social networking sites;
- Aggressive behaviour regarding Internet usage;
- Secretive behaviour around the computer;
- Change in use of sexual language.

Where staff become concerned or where a child discloses such access or contact, staff will immediately bring this matter to the designated liaison person and, with the designated liaison person, identify the nature and level of risk for the child. Responses include:

- Discussing the matter with the child's mother
- Monitoring the situation
- Making a report of their concerns to Tusla

4.6 Safety Planning for Children

As part of our support interventions with children it is our policy to undertake safety planning with both women and their children, where age appropriate. We understand that working in partnership with the mother is often an essential aspect of protecting children experiencing domestic violence, and will facilitate the undertaking of safety planning with children in a safe and supportive environment. Safety Planning is a specific intervention aimed at supporting children who are or who have experienced domestic violence and has several purposes as follows:

- Enabling children to keep safe when violence is happening at home by providing them with simple, concrete plans to get to safety;
- Facilitating a child's understanding of domestic violence, that the person being violent, and not them, is responsible for the violence and abuse at home;
- Stressing the importance of avoiding the perpetrator when violence is happening;
- Establishing boundaries and helping them understand that the person who is being violent need not be told about the safety plan.

Key 'safety messages' we want to communicate to children

- You do not have to keep secrets when you feel scared or sad
- There are safe places for your mother to take you and/or for you to go to next time the violence happens
- Children are not to blame when there is violence at home
- Feelings of anger and frustration are normal but violence is never okay. There are other ways to express these feelings
- It is okay to be angry with your parents. Having angry feelings does not mean that you don't love your parents
- It is okay to like your parent even though you do not like their violent behaviour.

Safety planning and protective factors

Awareness of protective factors in a child's life is an essential part of developing a safety plan for the child. For children who have experienced domestic violence, protective factors that help protect children from the adverse effects of experiencing domestic violence include:

- The protection of their non-abusing parent
- Social competence
- Intelligence
- High self-esteem
- Outgoing temperament
- Strong sibling and peer relationships
- Supportive relationship with an adult

Protective factors only have an impact for the child where there is a relationship between the protective factor and the identified risk. In the case of domestic violence, protective factors that facilitate the child to access safety, or provide an avenue for the child to talk to somebody, are more important than protective factors that have little connection to the risk the child is in.

4.7 Recognising Child Abuse

Children are in our service because they, with their mothers have experienced domestic violence and are now receiving a dedicated domestic violence service. Our focus in our interactions with children is to work with them in dealing with their experiences of living with domestic violence. We offer child support to facilitate their mothers' involvement in other services and dedicated interventions to support their recovery from their experiences.

It is essential that in addition to supporting children in dealing with the abuse perpetrated against their mother we are prepared to recognise other signs of child abuse or neglect, which can be physical, behavioural or developmental.

We may be alerted to child abuse when someone (a child or adult) tells us about it directly or when someone sees it happening. However it more often comes to light as a result of someone feeling uneasy or concerned about a situation and needing to find out more. The

ability to recognise child abuse can depend as much on a person's willingness to accept the possibility of its existence as on their knowledge and information. There are commonly three stages in the identification of child neglect or abuse:

(i) Considering the possibility

We need to consider the possibility that a child is being abused, or is at risk from harm or neglect. Injuries, inappropriate play, hints, actions or behaviours are all possible signals that we need to be aware of. Team discussions and observation, as well as training, will increase skills and confidence in being alert to possible child abuse signals.

(ii) Looking out for signs of neglect or abuse

By the very nature of our work in a domestic violence setting staff are alert for indicators associated with experiencing domestic violence. This may include a child witnessing physical or sexual violence against their mother or being encouraged or forced to participate in the abuse of their mother. It is important also that staff consider the possibility that other forms of child abuse and neglect might also be present.

Many signs of abuse are non-specific and need to be considered in the child's social and family context and it is important that staff are open to alternative explanations for physical or behavioural signs of abuse. If a child appears to have suffered an injury for which no reasonable explanation can be offered; if a child seems distressed without obvious reason, displays persistent and/or new challenging behaviours or unusual and/or fearful responses to parents or older children, the possibility of child abuse should be considered. Reasonable suspicions aroused after one event should not be ignored. If you observe an injury to a child you may find the following steps helpful:

- Ask the child how they received the injury
- Talk to the parent. If there is a satisfactory account of how the child received the injury that is consistent with the child's - record the incident and note in the incident report form.
- If the injury requires medical attention, contact the parent or guardian, and request that they bring the child to his/her GP
- Ask the parent the outcome of the GP appointment
- Continue to observe the child whilst attending the service
- In the event that the adult and child's account are inconsistent, you may wish to bring your concern to the mandated person/DLP
- If observing a child displaying sexualised behaviour you may find the following helpful:
- Be aware that sexualised behaviour can be observed in children's play, artwork or language.
- If you observe inappropriate play, language or artwork (inconsistent with a child's age and stage of development), you should record your observation, using diagrams and, where possible, the exact wording used by the child.
- Discuss with mandated person/ DLP and consider what next steps to take re further observations, informal consultation with Tusla or making a report.

It is important to remember that no one sign should be seen as certain evidence of abuse, as there may be other explanations. A cluster or pattern of signs is a more likely indicator of child abuse than a single issue.

Section 2.3 of the Child Protection and Welfare Handbook outlines the following circumstances in which a report **should always be made**:

- any concern about a child at risk of sexual abuse;
- physical injury caused by assault or neglect which may/may not ^[L]_[SEP] require medical attention;
- incidents of physical abuse that alone are unlikely to constitute significant ^[L]_[SEP] harm, but taken into consideration with other factors may do so;
- children who suffer from persistent neglect;
- children who live in an environment which is likely to have an adverse ^[L]_[SEP] impact on their emotional development;
- where parents' own emotional impoverishment affects their ability ^[L]_[SEP] to meet their child's emotional and/or physical needs, regardless of ^[L]_[SEP] material/financial circumstances and assistance;
- where parents' circumstances are adversely affecting their capacity to ^[L]_[SEP] meet the child's needs because of domestic violence, drug and/or alcohol misuse, mental health problems, intellectual disability;
- a child living in a household with, or having significant contact with, a person at risk of sexual offending or with previous convictions for offences against children;
- an abandoned child;
- children left home alone;
- bruising/injury to a pre-mobile baby;
- pregnancy where children have been previously removed;
- suspicion of fabricated or induced illness; ^[L]_[SEP]
- where a child under one year is present in a home where domestic violence is a concern.

These are examples of circumstances that may occur. There are other circumstances under which a referral should be considered. If you are in any doubt, discuss your concern with your mandated person/designated liaison person or contact Tusla Child and Family Agency's Duty Social Work Team for an informal consultation.

(iii) Recording the information

Record and date all observations and concerns, as contemporaneously as possible¹⁷ and speak to the mandated person/designated liaison person. Be vigilant and remember that a cluster of signs gathered over time may be indicative of abuse.

¹⁷ For more information see Section 4.8 'Receiving a Disclosure, Record' and Section 2.15 'Record Keeping'

4.8 Receiving a Disclosure of Child Abuse

A child using our services may disclose abuse at any time during our involvement with them. Disclosures will be taken very seriously and acted upon **at once**.

Receive the information: Listen carefully and calmly to what is being said (verbally and non-verbally). A child is likely to be hesitant in disclosing abuse and staff need to allow a child to tell in their own time. Be aware of the following:

- The child may have been bribed by the abuser not to tell anyone;
- The child may believe that they are ‘breaking a secret’;
- They might be frightened of the abuser;
- They will probably be afraid of the consequences of telling someone and may believe that they or another family member will be punished or blamed;
- The child may believe that any abuse that occurred was because they did something wrong - that they are responsible for the abuser’s actions;
- The child may believe that they are betraying a loved one or someone special. This often characterises the nature of the relationship an abuser forms with their victim.

Reassure: Reassure the child that they are right to share the information. Be careful not to make promises, no matter how well intentioned. Telling a distressed child that *‘everything will be all right’* might seem like an appropriate response, but as you cannot be certain of the outcome from the disclosure, it is better not to say it. Equally important is confidentiality. Remember that child abuse survives in a climate of secrecy, so it is important not to collude with ‘keeping secrets’, by promising not to tell anyone. This is a promise you cannot keep, as you are required to follow a pathway of referral after a disclosure. Lastly, reassure a child that the alleged abuse is **not** their fault. No child is responsible for the abusive actions of adults.

Refer: Bring this information to the mandated person/DLP, as soon as possible, preferably on the same day. Talk to your mandated person/DLP about the incident and continue talking to them during this process for guidance, supervision and case management. Agree the next stage with them.

Respond: Take early and appropriate action to raise the concerns, in line with this policy.

However, direct questioning should be avoided. A child must **not** be interviewed in detail about alleged abuse. Where a child does alert staff that they wish to make a disclosure, they will be facilitated in every way possible. The child may wish to have a support person with them, and this should be facilitated within the normal bounds of confidentiality. This, however, is not something that can be orchestrated and children will often tell at a time and place of their own choosing so you are likely to neither have the time nor the opportunity to manage the environment or method of disclosure much more than ensuring that you are fully “present”. If you have a sense that a child may be on the verge of a disclosure you could prepare by providing age appropriate methods, including drawing materials to facilitate the child to tell their story.

REMEMBER: Undertaking a comprehensive assessment or investigative interview is **not** your job. This is the responsibility of specialist Tusla and An Garda Síochána staff.

Record: An essential part of the disclosure process is to ensure that you make contemporaneous notes of what was said, using direct quotes where possible. Record specifically what the child said, without interpretation except where other information may already be known. This record will be dated and signed by the person to whom the disclosure was made. All records should be made in accordance with our record keeping procedures. See 2.15 Record Keeping and Appendix No. 5.

If you are recording what you observed, these observations should be accurately recorded and should include dates, times, names, locations, context, names of persons present and any other information that may be relevant. Where you record an opinion in respect of the disclosure, you are required to identify it as such. Staff should be aware of the information required in the Tusla Child Protection and Welfare Report Form (CPWRF) ¹⁸, so they can ascertain as much of the needed information as possible. Lastly, in complying with this procedure, staff recording a disclosure should note to whom they passed the information onto (mandated person/DLP) and when.

Seek Support: It is important to remember that dealing with disclosures of child abuse is stressful, and can have an impact on one's emotional wellbeing. Therefore, staff should actively seek out support from peers and line management within the bounds of confidentiality. We are committed to providing support in these situations.

Where children disclose information that does not constitute a disclosure of abuse, but still requires follow-up in terms of forming a complaint, they will be facilitated and may complete our service's Complaint Form, if age appropriate (See Appendix No. 4).

4.9 Supervising Children

During a woman's stay in a refuge, or as part of her engagement with a support service, unless supervised by staff, children are supervised by their mothers. There may be times when staff are in a position to provide practical support to women by facilitating child support and supervising their children on the premises.

Women, who need to attend community services, statutory supports (An Garda Síochána, Social Protection, Housing), fulfil an appointment with a solicitor or Court Clerk or visit other environments which may not be appropriate for children, may need back-up support from us. Women may also require time out to participate in other interventions, for example, participating in peer support sessions or receiving individual respite. Providing supervision for her child(ren) may be an appropriate way to support a woman in these situations. It is our policy to support women attending support and statutory services through the facilitation of child supervision, when appropriate and where resources allow.

NOTE RE: Parental Consent - Undertaking direct work with children and providing child supervision, as a support to women requires parental consent. It has been identified that obtaining consent is potentially problematic, particularly where it is considered that, where a child's parents are married, the consent of both parents may be required. There may be legal issues surrounding the consent required when engaging with children directly and as such it is important that consent is sought for certain activities e.g. counselling and play therapy in Willow Domestic Abuse Services.

¹⁸ See Appendix 1: Child Protection and Welfare Report Form (CPWRF)

4.10 Allegations Made Against A Young Person Using Our Service

We recognise that an alleged perpetrator of abuse might be a child or young person using our service. We take any abusive actions by a child or young person perpetrated on another child very seriously and we will adhere to our child protection procedures in all cases as outlined in Section 2.10 Reporting Child Abuse. In this situation our child protection procedures will be adhered to for **both the victim and the alleged abuser**.

The mandated person/DLP will take the lead role in managing the situation internally. If there is any conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare takes priority.

The mother of the young person against whom an allegation has been made is required to be fully engaged from the start in any follow-up process. In this regard the following applies:

- The mother will be advised about the situation at the earliest possible time.
- If the alleged perpetrator is involved in activities or recreational opportunities in the centre, a decision about his/her continued access to it will need to be made promptly by the team and communicated to the mother.
- The alleged perpetrator will be afforded an age-appropriate opportunity to respond to allegations and to give their interpretation of events. It is essential that such a meeting occur in the mother's presence, with her consent, that notes are taken, and that it does not constitute an investigative interview – this is the role of Tusla and must not be undertaken by staff of our organisation.
- If the mandated person/DLP considers that the continued involvement of the young person to the service constitutes a risk to other children and that the family are required to move to an alternative service, the mandated person/DLP, in conjunction with the team, will make a decision as to how best to support the family whilst the allegation is being investigated.
- If a decision is made that the young person can remain engaged with the service but that additional supervision is required, the staff team will formulate a clear plan to undertake this task, with the mother, and an agreed procedure for case management be drawn up and reviewed regularly.

4.11 Allegations Made Against A Staff Member¹⁹

Our organisation is committed to ensuring that all reasonable efforts are taken to create a work environment and a staff team that together promote the welfare of children. We aim to prevent the employment or engagement of persons that could pose a known or perceived risk to children. We believe that adherence to good and safe practices protect both staff who deliver, and children who avail of services within our organisation. We acknowledge that staff need to be aware that allegations of child abuse can be made against them and we understand that this should be discussed openly within supervision and team training. We recognise that an alleged perpetrator of abuse might be a staff member within our service and acknowledge that each of us has a responsibility to pass on any concerns we have about a colleague's conduct and behaviour.

¹⁹ This includes staff members, board members and all persons engaged by the service.

These practice guidelines serve to support best practice for staff teams when child protection concerns are raised regarding individuals working within the service. The guidelines are divided into the following sections:

- Responding to allegations made against a staff member
- Indisputable evidence of child abuse
- Process of investigation
- Potential outcomes of the process of investigation
- Considerations arising from allegations made against a staff member

4.12 Responding to Allegations Made Against Staff Member

We recognise that there exists a potential that a staff member, volunteer, student or associated personnel might abuse children in our organisation, and in such situations, the welfare of the child is our paramount consideration. We are committed to ensuring that our procedures for responding to such situations are based firmly on the rules of natural justice, will be implemented efficiently and in a timely manner to ensure a speedy resolution to the matter and uphold the rights of confidentiality of all parties involved.

We are committed to ensuring that staff are facilitated and encouraged, without fear of sanction or retribution, to discuss or report to senior staff, any actions or activities of their work colleagues that are suspicious or are actually abusive of children. It is the policy of this organisation to deal responsibly with any child protection allegations made against a staff member or any other associated personnel. We recognise that such allegations present our organisation with two distinct areas of responsibility. We are responsible for protecting the child from any immediate and future harm. We also have a responsibility as an employer towards the person against whom the allegation is made.

To prevent complications arising from possible conflicts of interest it is essential that two people are involved in the follow-up for the alleged victim and the alleged perpetrator.

The Designated Liaison Person cannot be responsible for dealing with the staff member, as they need to be the key person for the alleged victim. Therefore, a nominated member of the Board of Directors will be responsible for dealing with the employee in terms of the allegation against the staff member, their future position and the employer's duty of care to the employee. Where an allegation is made against the CEO of Willow Domestic Abuse Services, who is the Designated Liaison Person, mandated person or both, a Board member will be responsible. **It is essential that both aspects of any follow-up are co-ordinated.**

Procedure in relation to the child:

As in all child protection situations the mandated person/DLP will take responsibility for dealing with the matter. Our standard child protection procedures will be followed in relation to reporting any allegation or suspicion of abuse relating to a staff member (See Section 2.10 'Making a Report').

Where the Designated Liaison Person concludes that the information *does* constitute reasonable grounds for concern and a report will be made these additional steps are required:

1. The mandated person/DLP needs to inform Tusla that the person against whom an allegation has been made is a member of staff;
2. The mandated person/DLP needs to inform Tusla about the protective actions undertaken in respect of that staff member;
3. The mandated person/DLP needs to agree roles and responsibilities with Tusla and to identify and agree the sequence of events and roles.

Procedure in Relation to the Staff Member:

The second responsibility is to the staff member or associated personnel and must not unreasonably penalise them (financially or otherwise). To minimise distress it is essential that an early resolution be brought to the matter.

1. As in all cases of child protection, a staff member²⁰ will bring their concern, allegation or suspicion of child abuse to the mandated person/DLP.
2. Where the CEO is the mandated person and/or DLP s/he will meet with the referrer to obtain all relevant information relating to the allegation, as always. S/he will then ensure that the information constitutes reasonable grounds for concern and follow standard reporting procedures (See Section 2.10 'Making a Report').
3. Given the potentially serious implications for the staff member/associated personnel against whom the allegation is being made, it is essential that as much information as possible is gathered **prior to making a decision**. This provides for an opportunity to obtain any evidence that might support the allegation and information that might contradict the allegation. For example, information that the person was working the day of the alleged incident, or information about the whereabouts of the child, might give initial insight into the allegation prior to action being taken.
4. If the mandated person/DLP/CEO concludes that the information *does* constitute reasonable grounds for concern, s/he will liaise with Tusla **without delay**. If the mandated person/DLP/CEO is *uncertain* regarding the required course of action, it may be necessary to informally liaise with Tusla to seek clarification, get advice or support regarding the required course of action, as always giving no identifying details.
5. The staff member will be informed that the organisation has received an allegation against them at the earliest possible time in a suitably confidential manner. They are entitled to the full details of the allegation when the matter is initially discussed with them, to have a representative present and to make an initial response to the presenting information. A written record of the meeting will be made and the staff member will be given a copy. Guidance within *Children First* and *Our Duty to Care* suggests their response should be shared with Tusla. The worker needs to be aware of this. **NOTE: The purpose of this meeting is to notify the staff member, in accordance with the rules of natural justice. In discussing the matter, it must be remembered at all times that this internal process of notification must not frustrate any Garda or Tusla investigation by stepping outside the function of this meeting.**

²⁰ The staff member who brings the concern forward needs to be fully informed of their rights and protections in reporting suspicions or disclosures of child abuse or neglect. See Appendix 6 for more information on the legal protections provided for people reporting child abuse.

6. The CEO will convey the information and the proposed course of action to the Board of Directors. As our Board of Directors has employment responsibility they need to be 'kept in the loop' and be involved in the 'investigation', (most likely the Chairperson and/or HR Sub-Group).
7. The worker may be suspended from duty with pay for an agreed period of time, generally ten working days, while the allegation is being investigated.

4.13 Indisputable Evidence of Child Abuse Against a Staff Member

Where a referrer has indisputable evidence that a staff member or associated personnel has abused a child, for example, where the referrer saw abuse taking place, this will be formally highlighted when reporting to the mandated person/designated liaison person.

It is important to remember that it is **not** the responsibility of the mandated person/DLP to investigate the allegation or undertake an investigative interview. The purpose of this process is to assist in ascertaining that there are **reasonable grounds** for believing that child abuse may have occurred.

- The procedure outlined above will be followed (Procedure in Relation to a Staff Member). Again, the worker may be suspended from duty with pay for an agreed period of time, generally ten working days, while the allegation is being investigated.

It is essential that that the worker is kept fully informed throughout the investigation process. The exchange of information to the Board is strictly on a need-to-know basis. It is necessary to keep **relevant** members of the Board of Directors fully informed of the progress of the investigation and the ongoing status of the staff member. Our organisation will ensure that the staff member is offered access to support and counselling where necessary.

4.14 Process of Investigation where Allegations have been made against a Staff Member

There are potentially three investigations to be conducted. It is essential they do not duplicate, complicate or delay the process of adjudication on the allegation. The respective roles are:

1. **Tusla** has a statutory responsibility to undertake an assessment of all reports made to them of child abuse and neglect. Their focus is on the protection and welfare of the child. Tusla, through their social work, medical and allied social services have a role in assessing whether abuse has taken place, a process often undertaken in partnership with An Garda Síochána and thereafter taking or advocating protective and support measures to promote a child's safety and welfare.
2. **An Garda Síochána** have a responsibility to investigate all referred allegations of child abuse and neglect to ascertain whether a criminal offence has taken place. This may involve interviews and taking statements with the parties involved in the allegations, which will form part of any potential criminal prosecution.
3. **Our organisation.** Management have, as employers, a responsibility to undertake a review of our child protection procedures to ensure that our practice is in line with our policy. As an organisation we will need to review our practice to identify whether we are doing all that is needed to create a supportive environment that encourages ongoing reflective

professional development for staff and associated personnel. We also have a responsibility to adjudicate on the continued and future position of the employee.

It is essential that any role undertaken by us does not undermine or frustrate any investigations that may be conducted by Tusla or An Garda Síochána. In this regard, it is essential that close working relationships and regular exchange of information occurs between all parties involved. It is likely that our organisation will not be able to make a final decision regarding the employee's continuing role until An Garda Síochána and Tusla have concluded any investigation they may make into the matter.

Circumstances and the nature of allegations will vary from one situation to another, and therefore it is not possible to provide generic guidance on the exact route any investigation might take. It is therefore essential to consult with the organisation's legal advisors at all stages of the process, to ensure that due process and natural justice is observed at all times.

Throughout the process of the child protection assessment, it might be necessary for the staff members and/or the mandated person/DLP to attend formal meetings with Tusla to assist in the process of information collation, assessment or risk management.

4.15 Potential Outcomes of the Process of Investigation

There are three potential outcomes of a Child Protection Investigation into allegations made against a staff member:

Confirmation: The statutory investigation concludes that abuse occurred and that ongoing protective measures/supports need to be put in place. The conclusion of a 'confirmed' case may come around as a result of specialist assessment via a Child Sexual Abuse Unit, by admission of guilt by the perpetrator or by a ruling of a court. It is the responsibility of the Board of Directors, as employers, to make a decision about the future employment of the worker and to notify the employee formally in writing of same. It is essential to obtain legal advice throughout the process.

Inconclusive: The investigation into the alleged abuse concludes that it is 'inconclusive' whether child abuse actually occurred. There may be no child protection conference in this case. The conference, if held, may not make recommendations.

Our Board of Directors, as employer, will be required to come to a determination as to the future status of the employee within the organisation. Such a decision will have to consider all the information available. Legal advice is essential. Disciplinary procedures may need to be considered as while a concern may turn out to be non-abusive it may still be a breach of our code of behaviour or other policy within the service. The employers can make a number of decisions, including dismissal, relocation or increased monitoring and supervision.

Once the Board of Directors have come to a decision, the employee will be formally notified in writing of this decision and the actions the organisation now intends to take in respect of resolving the matter. Where the employee is to remain in post, any regulatory or supervisory requirements that might need to be met on reinstatement will need to be discussed, and it will be necessary to confirm with the employee the location and retention policy in respect of the records maintained in relation to the allegation.

Confirmed Non-abuse: The investigation into alleged abuse may conclude that there were no grounds for believing that abuse occurred and/or that the allegation was unfounded. There

may still be need for disciplinary procedures as while a concern may turn out to be non-abusive it may still be a breach of the code of behaviour or other policy within the service.

In all such situations, it will be necessary to seek legal advice before communicating the decision to the employee. The employee will be notified of the decision in writing. It will be necessary to discuss with the employee any supports or assistance that they might require, and any regulatory or supervisory requirements that might need to be met on reinstatement. It will also be necessary to confirm with the employee the location and retention policy in respect of the records maintained in relation to the allegation.

It should be noted that the above is not an exhaustive list of all possible outcomes or conclusions regarding the future employment of the staff member. Each situation must be dealt with on an individual basis and consideration given to any particular circumstances involved. Legal and employment advice may be required at all stages of the process.

4.16 Considerations Arising From Allegations Made Against A Staff Member

As well as the requirement to respond to an allegation against a staff member or associated personnel, it is also necessary to consider other matters that may arise during this process.

- To fulfil our commitment to creating a supportive, reflective and safe environment it is essential during this process that management and staff work together to maintain confidentiality and respect for all individuals involved in this process. Confidentiality is crucial within and without the organisation. As always confidentiality can only be maintained if each individual in our organisation takes personal responsibility to adhere to agreed protocols around maintaining confidentiality.
- Reactions of other staff members need to be monitored and managed appropriately. Feelings of shock, anger, disbelief, guilt or confusion may well manifest among the staff team. It is the responsibility of the Manager to put appropriate supports in place.
- The effect on the person against whom the allegation has been made.
- The reactions and actions of staff and service users towards the child whose allegation is being investigated must be monitored and observed at all times. Appropriate remedial action may be needed to ensure the child's protection and welfare.
- Reactions of the child's mother and other family members.

5. WITHHOLDING OF INFORMATION ACT

5.1 Background

In August 2012 the Criminal Law (Withholding of Information on Vulnerable Adults and Children) Act 2012 was enacted. Its introduction was a response to cases of sexual abuse against children and young people in institutional care and was intended to close a loophole in the law. It had always been an offence to fail to report serious offences under the Offences Against the State Act 1998. This Act added sexual offences to the list of serious offences. The Bill created a criminal offence of withholding information in relation to serious specified offences committed against a child or vulnerable person.

5.2 Offences under the Act

The offences include most sexual offences as well as assault causing harm, abduction, manslaughter and murder, as follows:

5.2.1 Schedule 1: Offences against Children (paraphrased)

- Murder and Manslaughter
- False Imprisonment
- Rape (all kinds)
- Sexual Assault and Aggravated Sexual Assault
- Incest
- Defilement (ie statutory rape but also buggery, **all** rape and aggravated sexual assault involving an under-age victim)
- Soliciting a person to commit certain sexual offences against them
- Offences under both sections 3 & 4 of the Child Trafficking & Pornography Act 1998
- Most offences under the Criminal Law (Human Trafficking) Act 2008;
- Children Act 2001 offences, namely: cruelty to children and causing or encouraging sexual offence upon a child
- Reckless endangerment of children (Criminal Justice Act 2006 section 176)
- Most offences under the Criminal Justice (Female Genital Mutilation) Act 2012
- Offences under the Non-Fatal Offences against the Person Act 1997
- Sexual offences committed outside State, which would be capable of being prosecuted in this country according to the Sexual Offences (Jurisdiction) Act 1996.

5.2.2 Schedule 2: Offences against Vulnerable Persons covered by the Act (paraphrased)

- Rape (any kind)
- False imprisonment
- Sexual assault or aggravated sexual assault
- Incest
- Sexual offences under section 5 of the Criminal Justice (Sexual Offences) Act 1993, against 'mentally impaired' persons
- Sexual offences committed outside State which would be capable of being prosecuted in this country; and
- Any offences under any of the following provisions of the Criminal Law (Human

5.3 Withholding of Information Offence

The legislation makes it an offence for anyone to:

- **'fail to disclose'** information 'as soon as reasonably practicable' to An Garda Síochána,
- **'without reasonable excuse'** (not defined by the Bill, quite deliberately to allow for unforeseen situations not otherwise covered), if you
- **'know or believe'** that a **'offence has been committed by another person against a child or vulnerable person'** (not simply have a hunch/suspect/ hear a rumour about, etc.),
- **AND** you have information about this offence which you **'know or believe'** might be of **'material assistance'**, (help to arrest, prosecute or convict the person concerned)
- **AND** this information relates to an offence **covered by the Bill**.

5.4 Additional Information about the Bill

This legislation is **not retrospective**, i.e, it applies only to information disclosed to us after the passing of the Act (August 2012). It covers offences that occurred before that date but which only came to our attention after the passing of the Act. As in all instance of concern we will follow our 'Reporting A Concern' procedure. However, it is notable that whereas Children First guidelines advocate submitting a report when you have 'reasonable grounds' for concern, this Act expects **knowledge or belief** about an offence. The legislation includes having knowledge or belief which may be of material assistance in relation to offences against children or vulnerable persons, **whenever** they occurred. This means it applies to **historic** child sexual violence.

5.5 Our Responsibilities

We have responsibilities under the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 regarding service users who are under the age of 18 years (whether or not ever married) or are specifically vulnerable persons who disclose offences committed against them. Our responsibilities also come into play if a service user discloses information about offences against other children or other specifically vulnerable persons.

Our Withholding of Information reporting obligations are **in addition to** our obligations under Children First National Guidance and under the Children First legislation when that comes into force. It is important to note that timely and appropriate disclosure of information to An Garda Síochána under this Act may reduce the risk of continuing serious harm occurring to a child and/or specifically vulnerable person.

Withholding of Information issues in relation to children generally arise in one of three ways:

1. When an adult discloses historical abuse and there are now children at risk from the same perpetrator;
2. When an adult discloses about a child currently at risk;
3. When a child under the age of 18 discloses abuse. 

Withholding of Information issues can also arise in situations involving service users who have an intellectual disability or mental illness (referred to in the Act as ‘vulnerable’). [L] [SEP]

Any person who **knows or believes** that a serious offence as defined in the Act has been committed against a person under the age of 18 and/or a vulnerable person has a statutory responsibility and a duty of care to report their concerns to An Garda Síochána. Service users right to give consent to the disclosure of information about an offence of which she/he is the victim is paramount within the limits of the legislation. Client confidentiality comes second to Withholding of Information formal reporting requirements.

5.6 Designated Information Person

We will appoint a staff member as the Designated Information Person. Where feasible, the Designated Information Person will be the **same** person as the Designated Liaison Person as the two roles are similar in nature.

The Designated Information Persons are Katie Carry, Amanda Alty and Aileen Flood.

When the DLP is not available, Imelda Fallon is the Deputy Designated Liaison Person. On-call Deputy Designated Liaison Persons are Lorraine Fagan, Sandra Goonan and Lorraine Curtis.

The Designated Information Person (and the Deputy Designated Information Person in the absence of the Designated Information Person) has the following responsibilities:

- Be the first point of contact in relation to our Child Safeguarding Statement
- Familiarise themselves with the responsibilities and defences set out in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.
- Maintain proper records on all cases referred to them in a secure, confidential place separate from other client files.
- Keep up to date on current developments regarding practice and legal obligations. This includes additional documentation and information sent out by SAFE Ireland.
- Ensure any necessary reports are made to An Garda Síochána ‘as soon as practicable’.
- Provide guidance, advice and support to staff and volunteers as needed, and in cases of doubt, seek legal advice from a solicitor or barrister.
- Create and maintain links with the Department of Justice and other relevant agencies [L] [SEP] and resource groups, where relevant. [L] [SEP]

5.7 Withholding of Information Responsibilities for CEO and Team Leaders in Willow Domestic Abuse Services

- Team Leaders alongside the CEO will coordinate training and workshops for staff and volunteers on the Withholding of Information legislation.

- Ensure that this Withholding of Information policy and procedure are followed.
- Ensure that this Withholding of Information policy and procedure is reviewed annually.
- Ensure that any feedback on this is communicated to SAFE Ireland so that our experience and expertise can inform the updating of this policy and procedure.
- Create links with Department of Justice, other relevant agencies and resource groups.

For more information follow this link to latest published version of the Act:

<http://www.oireachtas.ie/documents/bills28/bills/2012/3212/b32b12s.pdf>

6. RESPONSIBLE EMPLOYMENT PRACTICE

These practice guidelines serve to encourage and enhance good employment practice within our service.

6.1 Recruitment Procedure

The goal of our recruitment procedure is to identify competent applicants who are suitable for the post. We believe that best practice in our organisation starts with the appointment of suitably qualified, skilled and appropriately vetted individuals who have the desired competencies to deliver a quality service to our service users. The processes used, whether recruiting voluntary workers, full or part-time staff members will be clear, unambiguous, equitable and in the best interest of children and women alike. Likewise the same processes are used in our recruitment of sub-contractors who provide services such as play therapists and counsellors.

It is our policy to ensure that all staff employed within our organisation are properly vetted and checked by An Garda Síochána (and other appropriate vetting bodies) and that our recruitment practices adhere to best practice, in all areas, and in particular child protection and welfare. Volunteers, students and associated personnel will also be subject to appropriate vetting.

Recruitment Responsibilities

- Our recruitment procedures are applied consistently and thoroughly to all applicants and appropriate scoring sheets are used.
- Our recruitment processes are transparent, comply with rules of natural justice, and adhere to best practice in record keeping and human resource management.
- All reasonable steps will be taken to ensure that we eliminate applicants who are not suitable for working with vulnerable women and their children.
- Those engaged in the recruitment process will be suitably trained and/or experienced to undertake this task.

Application

- All posts advertised will have a clear Job Description outlining minimum qualifications and all the roles, responsibilities and service expectations of the post;
- Additionally a Person Specification will be drawn up, which will contain required and desirable attributes, skills and experience needed for the post;
- All applicants will be advised of their responsibilities towards children accessing or coming into contact with our organisation and their assessment of suitability will include an awareness of child protection and safe care practices;
- The application form will identify applicants' personal details, past and current work/volunteering experience, qualifications and skills, training and experience;
- All applicants will be required to sign a declaration stating that there is no known reason that would render them unsuitable for the post, declaring any past or pending criminal prosecutions against them and giving consent to comply with the police vetting process.

Interview

- The interview process will assess the applicant on a wide range of skills and competencies;
- During the interview the candidate will be asked questions that will check out their suitability and experience;
- The interview panel (always comprised of more than one person) will be constituted from experienced and qualified personnel, with an ability to explore information submitted on the application form with the candidate.

Checking References

- All applicants will be required to submit the names of two referees who will provide a character reference and include the referee's considered view on the candidate's suitability to work with children, where this is an integral part of the post;
- Referees must include the applicant's most recent employer;
- Written references will be sought and these will be followed up by a phone call to ensure they are bona fide and to allow the opportunity to explore any concerns that have not been outlined in the written reference;
- The application form will state how references will be obtained.

Follow Up

- All paperwork associated with the application process will be filed appropriately and held securely. All references, reports and communications in respect of the applicant will be in writing;
- Access to same will be available to appropriate personnel only. Candidates will be advised that their application and follow-up recruitment process will be dealt with confidentially;
- The successful applicant will be offered a position subject to:
 - a) suitable references
 - b) proof of qualifications,
 - c) relevant vetting/clearance procedures
 - d) positive proof of identification (two forms of identification should be supplied, including photo ID, for example, passport, drivers license).

6.2 Child Protection Training

It is our policy that all members of our Board of Directors, staff and volunteers are trained in Child Protection and Welfare, are supported and expected to access ongoing training and continuing professional development, are aware of the signs and symptoms of abuse and neglect, are familiar with our organisation's child protection policies and procedures and are prepared to implement same as appropriate.

Effective child protection requires that all those working in our service review their training needs regularly and participate in training which:

- Promotes understanding in the recognition and identification of child abuse;
- Promotes effective and consistent interventions across our service;

- Raises awareness and skill levels in the prevention of child abuse, including neglect;
- Ensures staff and associated personnel understand relevant legislation, national guidelines and our policy and procedures for the protection of children;
- Translates learning into better practice for women, children and young people using our service;
- The level and type of training we provide (either internally or in association with the Tusla and other social care providers) will depend on the degree of involvement that particular staff have in direct child support work. All staff are required to receive specific training in identifying child abuse and understanding our reporting procedures.

Training will be a combination of in-house, multi-disciplinary and trans-agency training with our partner organisations and statutory providers. All training will be recorded and signed off. Training specifically on the statutory responsibilities of mandated persons under the Act is made available the mandated person and the designated liaison person and the Deputy Designated Liaison Person will be released to attend Designated Liaison Person training and other relevant training as identified. Tusla child protection e learning module and other resources are available at www.tusla.ie.

6.3 Induction

On the appointment of new staff and associated personnel an induction programme is available that promotes our child protection and welfare policy and procedures. The staff member's line manager will conduct the induction programme. Induction will include an outline of the services expectations in relation to working with children ²¹, staff roles and responsibilities, and the reporting relationships in situations where abuse or neglect is suspected or witnessed. Induction will also involve the introduction of relevant literature and research on the consequences of childhood exposure to domestic violence. All managers, staff, volunteers, students and associated personnel are required to sign up to our Child Protection Policy.

6.4 Probation

All staff and associated personnel will be subject to an initial period of probation, where their working practices, suitability and commitment to child protection procedures will be one of the focuses of the ongoing monitoring and assessment by their immediate line manager.

6.5 Support and Supervision

Working with women and children experiencing domestic violence can be demanding and stressful, particularly where there are child protection issues. Staff (including volunteers) involved in dealing with allegations or concerns of child neglect or abuse will benefit from regular support and supervision. Effective support and supervision enables staff to recognise their own challenges in dealing with child protection concerns and develop an awareness of how and when to source support or assistance, as necessary. It is our policy that all staff and volunteers and associated personnel receive regular Support and Supervision sessions which,

²¹ For organisations who deliver children's services

in addition to other organisational requirements, acknowledges the impact of working with child protection issues.

It is the manager's responsibility to ensure that all staff and associated personnel are adequately supervised, and that supervision sessions facilitate ongoing discussion about, and monitoring of, safe care and child protection and welfare matters. Group supervision takes place on a monthly basis, (or more regularly where appropriate), and informal support is available regularly as and when required. Together managers and staff need to periodically review and monitor staff training needs in relation to child protection matters. Supervision needs to provide staff with an opportunity to reflect on the impact of the work and their support and training needs.

6.6 Outreach Work

It is our policy to be vigilant about the risks for staff associated with outreach work and to put procedures in place that will protect staff, volunteers, students and associated personnel from unnecessary risk.

Our outreach work includes individual work with women in the community, accompanying women to court and to agencies providing various services they may wish to access and support groups for women. On occasion a home visit might be considered when, due to geographical isolation, disability, lack of transport or other reasons, a woman using our outreach support is unable to access the outreach location or other location.

Working outside of our organisation's main base, be it in a woman's home, in the community or another designated place brings with it potential risks for staff. It is our responsibility to ensure that appropriate safety measures are in place for staff providing outreach support. We acknowledge also the increased exposure such practice might have for observing, or receiving disclosures about, child welfare issues.

We aim to implement the following procedures at all times:

- Staff leaving the service to meet a woman or child/ren as part of an outreach process will always inform their line manager of the venue, who they are meeting and their expected time of return;
- Staff will, where possible, telephone on arrival and on leaving the arranged meeting. Mobile phones will be carried at all times; ²²
- Staff will be aware of risk situations that can arise when working in a family home and must take reasonable steps to ensure that they are not put into difficult or risky situations;
- Staff will inform their line manager about potential or known risky situations;
- Staff will never arrange to meet a woman outside the service where there is a concern about their own, the woman's or a child's safety;
- All work outside the main work base must comply with insurance cover.

²² It may be helpful to have an emergency contact number available on speed-dial

6.7 Staff Safety

It is our policy to adopt at all times safe care practices, which protect staff from unnecessary risks that could potentially lead to accusations or suspicions of child neglect or abuse. It is our intention to promote a safe environment for those who use our services and for staff. Safe care and management practices enable our organisation to run smoothly and efficiently, minimise the possibility of accidents to children and others and eliminate practices that could place children at risk or put staff in risky situations.

Staff Safety Procedures

- The Middle Management Team in Willow Domestic Abuse Services will undertake to familiarise themselves with children using the service, as appropriate, so that in cases of concern, staff can engage in effective discussions with their Team Leader;
- When a family engages with our service we will endeavour to collate good referral information about the children as well as the mother to assist us in establishing a good working relationship with each individual child;
- As described in Section 2.15 (Record Keeping), a separate record will be kept on all children directly accessing services provided by our organisation;
- In residential settings the Middle Management Team are responsible for ensuring that children are appropriately supervised, either by the child's mother or by designated staff. Safe care practices ensure that children are not left unsupervised by the mother or by staff and that all reasonable steps are taken to prevent potentially dangerous behaviour or activities.
- When we are involved in running children's programmes it is the responsibility of the Child and Youth Services Team Leader to ensure that safe practices are upheld regarding transporting children, adult:child ratios, insurance and appropriate parental consent.

6.8 Protection for Staff Reporting Child Abuse

It is our policy that staff be fully informed of their rights and protections in reporting suspicions or disclosures of child abuse or neglect. The Protections of Persons Reporting Child Abuse Act 1998 Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015.

This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege. You can find the full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, on the website of each agency (www.tusla.ie and www.hse.ie)

Freedom of information

Although we are required to share relevant information in child protection and welfare cases, our records are nevertheless confidential. They do not belong to the individual who wrote them but are the property of our organisation, and it is our responsibility to keep them. Under the Freedom of Information Acts 1997 and 2003, members of the public have a right of access to records concerning them held by any public body. However, this does not apply in a range of circumstances that may be relevant in a child welfare context. Equally, the right of access does not extend to any information that identifies a third party where that third party had an expectation of confidence. We are not obligated to pass on the name of the person who brought a child protection concern to us because of protection afforded by the Data Protection Acts. A list of the relevant legislation concerning child protection and welfare can be found in Children First, Appendix 7.

6.9 Complaints

It is our policy that women and their children (where age-appropriate) who use our services are made aware that we have a feedback and complaints procedure in operation. Service users will be made aware of our Feedback and Complaints Policy, which is compliant with Tusla's "Tell Us" Policy, as part of their introduction to the service. We aim also to inform women about our evaluation procedure. We aim to work in partnership with mothers/women and young people by seeking their views and encouraging them to participate in decision-making in relation to our organisation, where appropriate. We undertake to ensure that all complaints are taken seriously and dealt with fairly and confidentially. We endeavour to quickly and informally resolve complaints through discussion with mothers and staff as appropriate. Where this is not successful the manager will bring the matter forward.

6.10 Health and Safety

It is our policy to create a safe environment for women and children availing of our services and all our staff.

6.11 Internet, Social Media and E-mail

It is our policy to ensure that women and children in our services are introduced to our procedures for using the Internet and e-mail responsibly and safely.

6.12 Evaluating our Child Welfare and Protection Procedures

It is the responsibility of the Manager to ensure that our Child Safeguarding Statement and our Child Protection and Welfare procedures are **evaluated every second year**, or sooner if there are significant changes to legislation or government policy, and where indicated, amended to incorporate new practices or processes as required to protect children using our services. We aim to review our child protection and welfare policies and procedures regularly as a staff development and training tool. This evaluation will also identify training and support needs for staff in relation to child protection practices.

7. APPENDICES

Appendix 1: Child Protection and Welfare Report Form (CPWRF)



An Ghairmhalreacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

**Use block letters when filling out this form.
Fields marked with an * are mandatory.**

1. Tusla Area (this is where the child resides)*

2. Date of Report*

3. Details of Child

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address*		Date of Birth*	
		Estimated Age*	
		School Name	
		School Address	
Eircode			

4. Details of Concerns*

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child's view, if known. Please attach additional sheets, if necessary

Please see *'Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns'* for additional assistance on the steps to consider in making a report to Tusla

5. Type of Concern

Child Welfare Concern	<input type="checkbox"/>		
Emotional Abuse	<input type="checkbox"/>	Physical Abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual Abuse	<input type="checkbox"/>

6. Details of Reporter

First Name		Surname	
Address if reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is this a Mandated Report made under Sec 14, Children First Act 2015?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Mandated Person's Type				

7. Details of Other Persons Where a Joint Report is Being Made

First Name		Surname	
Address if reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

First Name		Surname	
Address if reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

8. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to Tusla?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If the parent/carer does not know, please indicate reasons:				

9. Relationships

Details of Mother			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			

Is the Mother a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Details of Father			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
Eircode			

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is the Father a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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10. Household Composition

First Name	Surname	Relationship	Date of Birth	Estimated Age	Additional Information e.g. school, occupation, other

11. Details of Person(s) Allegedly Causing Harm

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

12. Name and Address of Other Organisations, Personnel or Agencies Known to be Involved Currently or Previously with the Family

Profession	First Name	Surname	Address	Contact Number	Recent Contact e.g. 3/6/9 months ago
Social Worker					
Public Health Nurse					
GP					
Hospital					
School					
Gardaí					
Pre-school/ crèche					
Other					

13. Any Other Relevant Information, Including any Previous Contact with the Child or Family

Please ensure you have indicated if this is a mandated report in section 6.

Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

14. For Completion by Tusla Authorised Person on Receipt of Report

Report Received by			
First Name		Surname	Date

Mandated Report Acknowledgement by

Child Protection and Welfare Report Form

*MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)*

First Name		Surname		Date Sent	
Authorised Person Signature*					
Date*					
Child Previously Known		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allocated Case No					

Appendix 2: Retrospective Allegation Report Form (RARF)

		An Ghníomhaireacht um Leasú agus an Teachúlach Child and Family Agency	
<h3>Retrospective Abuse Report Form</h3> <p>MANDATED PERSONS AND NON MANDATED PERSONS (Children First Act 2015 & Children First National Guidance)</p>			
<p>Use block letters when filling out this form. Fields marked with an * are mandatory.</p>			
1. Tusla Area (this is where the person subject to allegations of abuse resides (PSAA))*			
2. Reporter Details if Third Party*			
First Name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Reporter's relationship to adult complainant			
Is this a Mandated Report made under Sec 14, Children First Act 2015?*		Yes	<input type="checkbox"/>
Mandated Person's Type		No	<input type="checkbox"/>
3. Details of Person Disclosing Abuse (Adult Complainant)*			
First Name		Surname	
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Previous Address, if known	
Eircode			
4. Type of Abuse Being Reported*			
Emotional Abuse	<input type="checkbox"/>	Physical Abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual Abuse	<input type="checkbox"/>
5. Details and Description of Alleged Abuse*			
Date of alleged abuse		Period of alleged abuse	
Location of alleged abuse		Reason for report at this time	

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Further Detail (include, if known, age of adult complainant at time of abuse, age of PSSA at time of abuse). Please attach additional sheets if necessary.

--

6. Details of Person Subject to Allegations of Abuse (PSAA)

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation			

7. Details of PSAA's Social and Employment Status

--

8. PSAA Household Composition

First Name	Surname	Relationship	Date of Birth	Estimated Age	Additional Information e.g. school, occupation, other

9. Does the PSAA Have Contact with Children?* Yes No

If Yes, please complete information below. If No, proceed to 10.

Details of Child			
First Name		Surname	
Address		Mobile No.	
		Telephone No.	
		Email Address	
		Date of Birth	
Eircode		Age	

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
 (Children First Act 2015 & Children First National Guidance)

Parent/Carers' Names		Parent/Carers' Names	
Relationship to Adult Complainant		Relationship to PSAA	
Frequency of Contact, if known			
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
		Unknown	<input type="checkbox"/>

Please attach additional sheets for additional children, if necessary.

10. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide detail:				

11. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide detail:				

12. Based on information known at this time, has a report been made to An Garda Síochána?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Garda Name:		Telephone No.		
Garda District:		Email:		
Address:		PULSE ID Number:		
		Date Notification Made:		
Eircode		Date Report Made		

13. Is the PSAA aware of this report?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide further details:				

14. Any Additional Information	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please provide any further information that will assist Tusla in assessing and prioritising this report:				

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

Please ensure you have indicated if this is a mandated report in section 6.
Thank you for completing the report form.

15. For Completion by Tusla Authorised Person on Receipt of Report

Report Received by		
First Name	Surname	Date

Mandated Report Acknowledgement by		
First Name	Surname	Date Sent

Authorised Person Signature*	
Date*	

Child Previously Known	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Allocated Case No				

Appendix 3: Guide to Record Keeping

Recording systems need not be complex to fulfil their purpose. The best records are simple and clear. Record keeping contributes to the quality of women's and children's interventions and experiences. The following criteria will help effective record keeping:

Quick to complete: Develop a simple system, for example 3-5 general questions, so that record keeping can be done speedily and effectively

Time set aside to complete: Records are more likely to be kept up to date if a regular time is allocated to complete them

Easy to understand: This is especially important if records are shared with people outside the staff team, for example, service users or personnel from other agencies

Useful: Records give staff members a starting point for beginning to work with women and children, and an ongoing guide for developing appropriate interventions

Objective: Records need to be factual, focusing on what women and children do and say, avoiding assumptions and inferences.

Easy to access: Records should be easily accessible so information can be shared with women and appropriate staff readily.

Security: Records must be kept securely, so that confidentiality is never at risk.

Appendix 4: Relevant Legislation

Children Act 2001

The Children Act 2001 replaced provisions of the Children Act 1908 and associated legislation with a modern comprehensive statute. The 2001 Act covers three main areas of the law. Firstly, and predominantly, it provides a framework for the development of the juvenile justice system. Secondly, it re-enacts and updates provisions in the 1908 Act protecting children against persons who have the custody, charge or care of them. Thirdly, it provides for family welfare conferences and other new provisions for dealing with children where there is a real and substantial risk to their life, health, safety, welfare and development.

Domestic Violence Act 2018- The Domestic Violence Act 2018 replaces the Domestic Violence Act 1996 and the Domestic Violence (Amendment) Act 2002 and brings in significant changes, such as guidelines, extension eligibility for orders and intimate relationship being considered an aggravating circumstance in sentencing.

A new offence of coercive control of a spouse, civil partner or intimate partner also came into force under the 2018 Act. **Coercive control is a pattern of intimidation, humiliation and controlling behaviour that causes fear of violence or serious distress that has a substantial impact on the victim's day-to-day activities.**

Who can apply for a Domestic Violence Order?

All partners in an intimate relationship are eligible for Safety and Protection orders, with no need of cohabitation-this is a new development in the 2018 Act. **The relationship only needs to be "intimate" (and not also "committed" as previously) and that relationship does not cease to be an "intimate relationship" for the purposes of this Act by reason only that it is no longer sexual in nature.**

Data Protection Acts 1988 and 2003

The Data Protection Act 1988 applies to the processing of personal data. It gives a right to every individual, irrespective of nationality^[1] or residence, to establish the existence of personal data, to have access to any such data relating to him or her, and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

General Data Protection Regulation- To be completed

Education Act 1998

The Education Act 1998 places an obligation on those concerned with its implementation to give practical effect to the constitutional rights of children as they relate to education and, as far as practicable and having regard to the resources available, to make available to pupils a level and quality of education appropriate to meeting their individual needs and abilities.

Education (Welfare) Act 2000

The Education (Welfare) Act 2000, which was fully commenced in July 2002, replaced previous school attendance legislation and provided for the creation of a single national agency, the National Educational Welfare Board (NEWB), which has statutory responsibility to ensure that every child either attends school or otherwise receives an education or participates in training. The NEWB also assists in the formulation and implementation of Government education policy.

Non-Fatal Offences against the Person Act 1997

The two relevant provisions of this Act are:

- (i) it abolishes the rule of law under which teachers were immune from criminal liability in respect of physical chastisement ^[1]_[SEP] of pupils;
- (ii) it describes circumstances in which the use of reasonable force may be justifiable.

Freedom of information Acts 1997 and 2003

The Freedom of Information Acts 1997 and 2003 enable members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies. The specific provisions of the Acts include:

- (i) to provide for a right of access to records held by such public bodies, for necessary exceptions to that right and for assistance to persons to enable them to exercise it;
- (ii) to enable persons to have corrected any personal information relating to them in the possession of such bodies;
- (iii) to provide for independent review by an Information Commissioner both of decisions of such bodies relating to that right and ^[1]_[SEP] of the operation of the Acts generally;
- (iv) to provide for the publication by public bodies of guides to their functions and national guidelines, such as these, for the public.

Under the Acts, a person about whom a public body holds personal information has:

- (i) right of access to this information, subject to certain conditions;
- (ii) the right to correct this information if it is inaccurate.

Where a public body makes a decision that affects an individual, that individual has a right to relevant reasons and findings on the part of the body reaching that decision.

The Acts are also designed to protect the privacy of individuals and, in general, requires the prior consent of an individual before releasing personal information about them. Where the

release of social work or medical records contains information that would be harmful to a person's well being, the release may be made to a health professional who acts on the person's behalf. Under the Acts, there are regulations and guidelines relating to access by parents to their children's records; these emphasize that the overriding concern is the best interests of the child.

The exemptions and exclusions that are relevant to child protection include the following:

- (i) protecting records covered by legal professional privilege;
- (ii) protecting records that would facilitate the commission of a crime;
- (iii) protecting records that would reveal a confidential source of information.

Child Care Act 1991

This is the key piece of legislation which regulates child care policy in Ireland. Under this Act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

Protections for Persons Reporting Child Abuse Act 1998

This Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015. This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege.

You can find the full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, on the website of each agency (www.tusla.ie and www.hse.ie).

Criminal Justice Act 2006

Section 176 of this Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by:

1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or
2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

Criminal Justice (Withholding of information on offences against children and vulnerable persons) act 2012

Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána.

The provisions of the Withholding legislation are in addition to any reporting requirements under the Children First Act 2015.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016

Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.

Children First Act 2015

The Children First Act 2015 is an important addition to the child welfare and protection system as it will help to ensure that child protection concerns are brought to the attention of Tusla without delay. The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong organisational culture of safeguarding in all services provided to children; a provision for a register of non-compliance; and the statutory underpinning of the existing Children First Interdepartmental Implementation Group which promotes and oversees cross-sectoral implementation and compliance with Children First.

Criminal Law (Sexual Offences) Act 2017

This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

Appendix 5: Schedule 1 of the Children First Act 2015

defines Relevant Services as:

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in—

(a) an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,

(b) a school or centre of education, both within the meaning of the Education Act 1998,

(c) any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children,

(d) a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities,

(e) a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,

(f) a children detention school within the meaning of section 3 of the Children Act 2001,

(g) a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or

(h) a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.

2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.

3. Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.

4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.

5. Any work or activity which consists of the provision of—

(a) educational, research, training, cultural, recreational, leisure, social or physical activities to children,

(b) care or supervision of children, or

(c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.

6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.

7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.

8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.

9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to or contact with, children.

Appendix 6: Statutory Obligations of Relevant Services

The Act places specific obligations on organisations which provide services to children and young people, including the requirement to:

- Keep children safe from harm while they are using your service
- Carry out a risk assessment to identify whether a child or young person could be harmed while receiving your services
- Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified
- Appoint a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement

Appendix 7: Schedule 2 of the Children First Act 2015 (Mandated Persons)

Specifies the following classes of persons as Mandated Persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
- 8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.**
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - (a) manager of domestic violence shelter;**
 - (b) manager of homeless provision or emergency accommodation facility;
 - (c) manager of asylum seeker accommodation (direct provision) centre;
 - (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
 - (f) manager of a language school or other recreational school where children reside

away from home;

(g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;

(h) director of any institution where a child is detained by an order of a court;

(i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;

(j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;

(k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.

16. Youth worker who—

(a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and

(b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.

17. Foster carer registered with the Agency.

18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Appendix 8: Section 14(1) of the Children First Act 2015

states:

‘...where a mandated person knows, believes or has reasonable grounds to suspect, on the basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person, that a child–

- (a) has been harmed,
- (b) is being harmed, or
- (c) is at risk of being harmed,

he or she shall, as soon as practicable, report that knowledge, belief or suspicion, as the case may be, to the Agency.’

Section 14(2) of the Children First Act 2015 also places obligations on mandated persons to report any disclosures made by a child:

‘Where a child believes that he or she–

- (a) has been harmed,
- (b) is being harmed, or
- (c) is at risk of being harmed,

and discloses this belief to a mandated person in the course of a mandated person’s employment or profession as such a person, the mandated person shall, ... as soon as practicable, report that disclosure to the Agency.’

Section 2 of the Children First Act 2015 defines harm as follows:

‘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.’