



## Child Safeguarding Policy and Procedures

Is this document a:

Policy 
     
 Procedure 
     
 Protocol 
     
 Guideline

Title of PPPG Development Group:	Clinical Governance / Kevin O'Farrell		
Approved by:	Clinical Governance Committee		
Reference Number:	17-AGP-HR		
Version Number:	V3		
Publication Date:	15.10.2025		
Date for revision:	14.10.2027		
Electronic Location:	SharePoint		
<b>Version</b>	<b>Date Approved</b>	<b>List section numbers changed</b>	<b>Author</b>
V2	03.01.2024		Kevin O'Farrell

*It is the intention of Aiséirí to review and, if necessary to revise this policy document according to the time-frame indicated by the Review Date above. If, however there is a delay in doing so, this policy will remain current and in operation until such time as the review (and revision) is properly completed* This policy must be read in conjunction with:

[Children First, National Guidance for the Protection and Welfare of Children \(2017\)](#), and [Child Safeguarding: A Guide for Policy, Procedure and Practice](#).

## Contents

1. Introduction:	5
2. Aims & Objectives	5
2.2 Objectives	6
3. Guiding principles:	7
3.2 Statutory Obligations	7
4. Scope of Policy	8
5. Definitions and Terms	8
6. Roles and Responsibilities	15
6.1. Board of Directors	15
6.2. Chief Executive Officer (CEO) / Senior Management Team	16
6.3 Designated Liaison Person (DLP)	16
6.4 Deputy Designated Liaison Person (Deputy DLP)	16
6.5. Managers, Team Leaders, and Supervisors	17
6.6. All Staff, Students, and Volunteers	17
6.7. External Contractors and Partner Organisations	17
6.8 Children, Young People, and Families	18
7. Actions that will assist the implementation and maintenance of the safeguarding children principles include:	18
8. Safeguarding children	20
8.2 In the process of safeguarding children Aiseiri commits to the following:	20
9. Aiseiri Code of Behaviour for adults working with children and young persons	21
9.1 Responsible adults will not:	22
10. Safe management of activities	22
10.2 Staff must also ensure that the following actions are also taken to safeguard children:	23
10.3 Physical contact:	23
10.4 Responsible Adults should:	23
10.5 Health and safety:	23
10.6 Young Person's code of behaviour	24
10.7 Young people should not:	24
11. Children with disabilities and/or specific health needs	25
12. Missing young people	25
13. Managing child abuse or welfare concerns	26
14. Responding to child protection and welfare concerns	27
14.2 Responding to a concern	27
14.3 Children First national guidance 2017 lists the following as reasonable grounds for concern:	28
14.4 The primary functions of the Designated Liaison Person are:	28
14.5 Responding to a child who discloses abuse	29
14.6 Responding to an adult who discloses childhood abuse	30

14.7 Responding to a person who admits abusing a child.....	30
14.8 Responding to allegations of child abuse made against a child by another child .....	30
14.9 Safe Practice for visitors: .....	31
14.10 Responding to allegations of abuse of a child made against staff/volunteers .....	31
The following issues should be taken into consideration when responding to allegations made against staff/volunteers: .....	31
14.11 The key principles to be followed in responding are as follows: .....	31
15. Responding to a person who is dissatisfied with how their allegation was dealt with by Aiseiri .....	33
15.2 Talking to parents/guardians about a concern .....	33
16. Reporting child protection and welfare concerns.....	34
17. False abuse allegations .....	35
17.2 Protected Disclosures .....	35
17.3 Anonymous reports .....	36
17.4 Malicious reports .....	36
18. Reporting concerns in an emergency or where there is an immediate risk to a child .....	36
19. Recording child protection and welfare concerns. ....	37
20. Mandated Persons.....	37
20.2 Legal obligations of a mandated person .....	38
20.3 Procedure:.....	39
20.4 Consequences of non-reporting by the mandated person.....	40
20.5 Mandated Assisting .....	41
20.6 Information sharing .....	41
20.7 Protection from civil liability .....	41
21. Confidentiality.....	42
22. Safe Recruitment .....	42
22.2 Recruitment of Staff .....	43
22.3 Recruitment of volunteers.....	44
22.4 Supervision of Staff.....	44
23. Safeguarding children Training Plan.....	45
24. Safeguarding children communications plan .....	45
25. Online safety and social media.....	46
26. Photography and children. ....	47
27. General health and safety considerations.....	47
28. Aiseiri Designated Liaison Person and Deputy DLP are the following: .....	47
29. Documentation .....	49
30. Implementation .....	49
31. Review & Audit .....	49
32. References, Legislation & Guidance .....	50

**Appendices:**..... 50

**Appendix 1** ..... 50

**Appendix 2** ..... 64

**Appendix 3** ..... 68

**Appendix 4** ..... 77

**Appendix 5** ..... 85

**Appendix 6** ..... 91

**List of mandated persons as specified by Children First Act 2015** ..... 91

**Appendix 8** ..... 96

**Appendix 9** ..... 97

## 1. Introduction:

This policy aims to support Aiséirí Services in creating and maintaining the safest possible environment for children and young people who come into contact with the organisation, whether directly through its services, programmes, or facilities, or indirectly through family engagement and outreach work.

In creating and maintaining this safe environment, Aiséirí will implement clear child safeguarding measures, policies, and training supports to guide all staff, students, and volunteers.

These measures are designed to promote the protection and welfare of children, prevent abuse, and ensure that concerns or disclosures are handled appropriately and sensitively.

The guiding principles of this policy reflect Aiséirí's Child Safeguarding Statement and the organisation's wider commitment to providing care that upholds respect, dignity, and protection for all service users. It is the responsibility of Aiséirí Services to ensure that these principles are understood and implemented across all areas of operation, safeguarding, as far as practicable, all children and young people who engage with or are affected by Aiséirí's work.

## 2. Aims & Objectives

The aim and purpose of this policy and associated procedures is to safeguard children, young people, families, staff and volunteers. Aiseiri's Child Safeguarding Policy and Procedure is a document which assists Aiseiri in identifying and responding to allegations and suspicions of child abuse or neglect. The document is based on and adheres to the Department of Children and Youth Affairs *Children First: National Guidance for the Protection and Welfare of Children*, (henceforth the *National Guidance* ) published in 2017 and the Children First Act 2015. 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*.

**The Safeguarding Statement is displayed prominently on the Aiseiri website and in the Aiseiri residences. The Staff Handbook and the Volunteer Handbook contain detailed information on all Aiseiri policies and procedures.**

## **2.2 Objectives**

To achieve these aims, Aiséirí will:

### **Promote a Culture of Safeguarding**

Foster an organisational culture that prioritises child safety, wellbeing, and protection in every aspect of service delivery.

Ensure Compliance with Legislation and Best Practice

Operate in full compliance with the Children First Act 2015, Children First: National Guidance for the Protection and Welfare of Children (2017), and all relevant statutory and regulatory frameworks.

### **Implement Robust Child Safeguarding Procedures**

Establish and maintain clear procedures for the identification, reporting, and management of child protection and welfare concerns, ensuring timely and appropriate responses.

Provide Training and Support to Staff and Volunteers

Ensure all employees, students, and volunteers receive appropriate induction, ongoing safeguarding training, and supervision to carry out their responsibilities competently and confidently.

### **Appoint Designated Liaison Persons (DLPs)**

Maintain clearly identified Designated Liaison Persons and Deputy DLPs who are trained and accessible to provide guidance, advice, and support in safeguarding matters.

### **Ensure Safe Recruitment and Vetting Practices**

Implement rigorous recruitment, Garda vetting, and selection procedures to ensure that only suitable individuals work with or have access to children and young people.

### **Engage Families and the Wider Community**

Promote open communication with families, guardians, and external agencies to support a collaborative approach to child protection and welfare.

### **Monitor and Review Safeguarding Practices**

Regularly evaluate safeguarding policies, procedures, and practices to ensure ongoing relevance, effectiveness, and alignment with current legislation and best practice.

### **Promote Awareness and Empowerment**

Encourage awareness among children, families, and staff about children's rights, personal safety, and the mechanisms available for seeking help and protection.

### **Respond with Compassion and Integrity**

Ensure that all concerns, disclosures, or incidents are managed with sensitivity, confidentiality, and respect for the rights and dignity of all involved.

### 3. Guiding principles:

The guiding principles of Aiseiri set out the beliefs, values and codes that Aiseiri wishes to uphold in relation to the protection and welfare of children and young people. Aiseiri's guiding principles reflect the commitment to protecting and promoting the rights of children and young people in our practice, including their right to be protected, treated with respect, listened to, and to have their own views taken into consideration in all decisions affecting them. These principles are referenced in detail within the Child Safeguarding Statement. (Appendix 1).

This policy and procedure aims to ensure that no child or young person, in contact with our services, is disadvantaged or treated differently because of gender, social or ethnic background, family status, sexual orientation, religion or disability. This policy and procedures apply to all staff, service users and their families, volunteers, board members, and other professionals directly involved with Aiseiri.

#### 3.2 Statutory Obligations

The services provided by Aiseiri are relevant to Schedule 1, Section 2 of the Children First Act 2015: As referenced below.

*"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."*

As a provider of "relevant services", Aiseiri is subject to statutory obligations as follows:

- a. To keep children safe from harm while availing of Aiseiri services
- b. To carry out a safeguarding children risk assessment
- c. To prepare and publish a Child Safeguarding Statement, to be reviewed after 24 months or as soon as practicable after any material change to which the statement refers.
- d. To appoint a relevant person as the first point of contact in respect of the Child Safeguarding Statement.

As a relevant service, Aiseiri has appointed a "relevant person" to be the first point of contact in respect of our Child Safeguarding Statement and associated policies and procedures. The Aiseiri Child Safeguarding Statement applies to all staff, volunteers and

board members of Aiseiri and sets out the legal requirements required by the Children First Act.

**The relevant person for Aiseiri is Sara Cassidy, Head of Clinical Services.**

#### **4. Scope of Policy**

As a relevant body Aiseiri adheres to the Children First Act 2015 and Article 1 of the UN Convention on the Rights of the Child's definition of a child as anyone below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

The Policy and Procedures for the Protection and Safeguarding of Children applies to;

- All staff of Aiseiri (which includes employees, interns, contracted workers and volunteers)
- Board members

The Policy and Procedures for the Protection and Safeguarding of Children applies when staff are working in the Aiseiri facilities and while representing Aiseiri at another venue.

#### **5. Definitions and Terms**

##### **Age of Consent**

The age of consent is 17 years. It is a criminal offence to engage or attempt to engage in a sexual act with a child under 17 years of age.

##### **Agency:**

In the Children First Act, 2015 "agency" means the Child and Family Agency (Tusla).

##### **An Garda Síochana:**

It is the responsibility of An Garda Síochana to investigate if a crime has been committed with regard to child protection and welfare concerns. They will liaise with the Designated Liaison Person/s in respect of child protection and welfare concerns, as appropriate.

##### **Assault:**

see physical abuse.

##### **Associated organisations:**

means contractors, visitors, external parties who are granted access to Aiseiri facilities but who are not under the direct management of Aiseiri.

##### **Authorised persons:**

have been appointed within Tusla, under the requirements of the Children First Act 2015. They have a responsibility to receive reports under Section 14 of the Act and to ensure an acknowledgement of receipt is sent to the mandated person or other persons who made the report.

**Child:**

A person who has not attained 18 years of age, excluding a person who is or has been married (Note from 1.1.19, under the Domestic Violence Act 2018, a person under the age of 18 can no longer apply to the Circuit Courts for permission to marry. However, a person may get married if permission was granted before 1.1.19 or an application was made before 1.1.19 and permission was granted afterwards).

**Child Abuse:**

Where the words “child abuse” are used in these procedures they should be taken to include all four categories (neglect, emotional abuse, physical abuse and sexual abuse) as outlined in chapter 2 of Children First: National Guidance for the Protection and Welfare of Children 2017.

**Child protection:**

Child protection focuses on **one** aspect of safeguarding, the protection of a child who has suffered from, is suffering from, or has the potential to suffer from harm.

Child protection requires staff to **recognise, respond, report** and **record** such concerns.

**Child protection procedures:**

are the detailed procedures in place in for responding to and reporting child protection concerns.

**Child Safeguarding Statement:**

A Child Safeguarding Statement is a statement prepared by a relevant service in accordance with section 11 of the Children First Act, 2015

**Dedicated Tusla Contact Point**

Each Tusla area has a dedicated contact point that you can contact to discuss and/or report your child protection or welfare concern

**Designated and Deputy Designated Liaison Persons:**

The Designated Liaison Person (DLP) liaises with the relevant statutory agencies responsible for child protection and welfare and is the resource person to staff members who have child protection and welfare concerns. This person has the responsibility to ensure that the reporting procedure within Aiseiri is followed so that suspected cases of child abuse or neglect, where reasonable grounds for concern exist, are referred without undue delay to Tusla or, in an emergency and the unavailability of Tusla, to An Garda Síochana.

In the event that the Designated Liaison Person is unavailable a Deputy Designated Liaison Person with delegated responsibility has been appointed by Aiseiri.

**Digital Age of Consent:**

the digital age of consent is 16 years

**Emotional abuse:**

the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child.

**Employee:**

a full time, part time or voluntary employee of Aiseiri

**Harm:**

in relation to a child Harm has the meaning assigned to it under section 2 of the Children First Act, 2015, “

“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 whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances, or otherwise.”

### **Ill Treatment:**

in relation to a child ill treatment is defined as to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated

### **Mandated Persons:**

A Mandated Person is a person specified in schedule 2 of the Children First Act, 2015. The Act contains a list of classes of mandated persons (**Appendix 6**). Under this Act, mandated persons have a statutory obligation to report concerns which meet or exceed a particular threshold and to cooperate with Tusla in the assessment of such mandated reports, where requested to do so

### **Mandated report:**

a report made by a Mandated Person in accordance with Sections 14 (1) and 14(2) of the 2015 Children First Act

### **Named Person/s:**

In the context of Aiseiri there is a named person nominated to this role. This person is responsible for implementing and maintaining compliance with Children First both from the perspective of the Children First Act 2015 and Children First: National Guidance for the Protection and Welfare of Children 2017. This person will also take a lead in ensuring the review of the Aiseiri Policy and Procedures for the Protection and Safeguarding of Children occurs within the agreed timeframe.

**The named person for Aiseiri is Sara Cassidy Head of Clinical Services**

### **Neglect:**

in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care

### **Parent :**

A birth parent, a foster parent, a legal guardian appointed under the Guardianship of Children Acts, 1964 to 1997, as amended by the Children and Family Relationships Act 2015 or other person acting in *loco parentis* who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under

the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.

### **Physical**

#### **Abuse :**

Deliberate physical hurt to a child or action/s that puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been affected as a result of suspected physical abuse.

#### **Provider:**

Provider has the meaning assigned to it under section 8 of the Children First Act, 2015.

as defined in the *Children First Act 2015*, 'means, in relation to a relevant service, a person-

- (a) who provides a relevant service, and
- (b) who, in respect of the provision of such relevant service—
  - (i) employs (whether under contract of employment or otherwise) one or more than one other person to undertake any work or activity that constitutes a relevant service,
  - (ii) enters into a contract for services with one or more than one other person for the provision by the person of a relevant service, or (iii) permits one or more than one other person (whether or not for commercial or other consideration and whether or not as part of a course of education or training, including an internship scheme) to undertake any work or activity, on behalf of the person, that constitutes a relevant service'.

#### **Reasonable grounds for concern:**

Reasonable grounds for concern exist when you have a view that a child may have been, is being, or is at risk of being abused or neglected. Such concerns shall be supported by evidence or indicators of abuse.

#### **Relevant Person:**

Relevant person has the meaning assigned to it under section 8 of the Children First Act, 2015 and is a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider's child safeguarding statement.

#### **Relevant Service:**

Relevant service means any work or activities specified in schedule 1 of the Children First Act, 2015.

**Responsible adult:**

This is a person of or above the age of 18 years who, in relation to a person under the age of 18 years (the child/young person), belongs to one of the following classes of persons:

(a) parent, step-parent or guardian of the child/young person

Or

(b) a person who, for the time being, has parental rights, duties and responsibilities for the child/young person

**Risk Assessment:**

Risk assessment as used in the Children First Act, 2015 means an assessment of any potential for harm to a child while availing of the provider’s services

**Safeguarding:**

Safeguarding children/young persons’ involves creating and maintaining safe environments for children by:

- Protecting children/young persons from harm, abuse and neglect
- Ensuring children have access to the care and support they need
- Enabling safe and effective care by families and other carers
- Enabling children to achieve the best outcomes

**Scheduled Offence:**

an offence as specified in Schedule 1 or Schedule 2 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.

**Sexual Abuse:**

in relation to a child

- a) an offence against the child, specified in Schedule 3 of the Children First Act 2015,
- b) wilful exposure of the child to pornography, or
- c) wilful sexual activity in the presence of the child

**Tusla Web Portal:**

A web portal has been developed to allow professionals to securely submit Child Protection and Welfare Report Forms and Retrospective Abuse Report Forms to Tusla. It can be accessed from the Tusla website

**Volunteer:**

Any activity that involves spending time, unpaid, doing something that aims to benefit the environment or someone (individuals or groups) other than, or in addition to, close relatives. Central to this definition is the fact that volunteering must be a choice freely made by each individual. This can include formal activity undertaken through public, private and voluntary organisations as well as informal community participation.

**Vulnerable adult:**

a person (a) who:

- (i) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or
  - (ii) has an intellectual disability, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person, or
- (b) who is suffering from an enduring physical impairment or injury, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both.

In certain cases, and pursuant to certain offences under law, this definition can apply to a child aged 17 and over.

**Welfare concern:**

A child welfare concern experienced directly by a child, or by the family of a child, that is seen to impact negatively on the child's health, development and welfare and that warrants assessment

and support, but may not require a child protection response

## **6. Roles and Responsibilities**

Aiséirí is committed to ensuring that all staff, volunteers, students, and board members understand their individual and collective responsibilities in safeguarding and promoting the welfare of children and young people.

Every person working within Aiséirí plays an important role in creating a culture of safety, trust, and accountability.

### **6.1. Board of Directors**

The Aiséirí Board of Directors holds overall accountability for ensuring that appropriate safeguarding structures, policies, and procedures are in place and implemented effectively across all services.

Responsibilities include:

Approving and reviewing the Child Protection and Safeguarding Policy and Child Safeguarding Statement.

Ensuring compliance with the Children First Act 2015 and all relevant statutory obligations.

Supporting and overseeing the Designated Liaison Person (DLP) and ensuring they have the authority and resources to fulfil their duties.

Ensuring safeguarding is a standing agenda item at Board meetings and that regular reports on safeguarding activity are received and reviewed.

Promoting a culture of openness, accountability, and transparency in relation to child protection matters.

## **6.2. Chief Executive Officer (CEO) / Senior Management Team**

The CEO and Senior Management Team are responsible for operational oversight of safeguarding practices throughout Aiséirí.

Responsibilities include:

Ensuring that safeguarding policies are effectively implemented within all centres and programmes.

Allocating sufficient resources (human, financial, and training) to support compliance and best practice in child protection.

Supporting the DLP and Deputy DLPs in carrying out their functions.

Ensuring that all staff and volunteers understand and fulfil their safeguarding responsibilities.

Overseeing that all incidents, disclosures, and concerns are managed in line with Aiséirí's procedures and reported appropriately to Tusla and/or An Garda Síochána.

## **6.3 Designated Liaison Person (DLP)**

The DLP is the key contact person in Aiséirí for all child protection and welfare concerns.

Responsibilities include:

Acting as the central point of contact for staff, volunteers, and external agencies regarding child protection concerns.

Receiving, documenting, and assessing reports or disclosures of abuse or welfare concerns in accordance with Children First procedures.

Making formal reports to Tusla, and where necessary, to An Garda Síochána.

Providing advice, guidance, and support to staff on child protection matters.

Maintaining accurate and confidential safeguarding records.

Ensuring that the Deputy DLP is kept informed and trained to fulfil the role when required.

Participating in safeguarding reviews and updating procedures as needed. The DLP for the organisation is Sara Cassidy, Head of Clinical Services.

## **6.4 Deputy Designated Liaison Person (Deputy DLP)**

The Deputy DLP supports and acts in the absence of the DLP.

Responsibilities include:

Being fully familiar with all safeguarding procedures and capable of performing the DLP role as required.

Assisting with training and awareness sessions for staff.

Supporting the DLP in maintaining safeguarding records and responding to concerns.

The Deputy DLP for the Organisation Helen O'Brien, Recovery Support & Volunteer Manager.

### **6.5. Managers, Team Leaders, and Supervisors**

Managers and team leaders at all levels play a crucial role in embedding safeguarding within daily practice.

Responsibilities include:

Promoting awareness and adherence to safeguarding procedures within their teams.

Ensuring all staff and volunteers are trained and competent in recognising and reporting child protection concerns.

Providing supervision and support to staff dealing with safeguarding matters.

Escalating safeguarding concerns promptly to the DLP.

Ensuring that recruitment and induction processes include safeguarding requirements.

### **6.6. All Staff, Students, and Volunteers**

Every individual working within Aiséirí has a duty of care to protect and safeguard children and young people.

Responsibilities include:

Being familiar with and adhering to Aiséirí's Child Protection and Safeguarding Policy and Procedures.

Completing all required child protection training and refresher sessions.

Remaining vigilant and reporting any concerns, suspicions, or disclosures immediately to the DLP or Deputy DLP.

Maintaining appropriate professional boundaries at all times.

Ensuring that interactions with children and young people are respectful, safe, and in line with Aiséirí's code of ethics

Cooperating with investigations and reviews when required.

### **6.7. External Contractors and Partner Organisations**

All external contractors, visiting professionals, and partner organisations engaged by Aiséirí are expected to comply with its safeguarding principles.

Responsibilities include:

Adhering to Aiséirí's child safeguarding policy and code of ethics while on Aiséirí premises or working with Aiséirí service users.

Ensuring their staff are Garda vetted and appropriately trained where their work involves contact with children or young people.

Reporting any safeguarding concerns arising during their engagement with Aiséirí services to the DLP immediately.

## 6.8 Children, Young People, and Families

Aiséirí recognises the importance of involving children, young people, and their families in safeguarding. Responsibilities include:

Encouraging open communication where children and families feel safe to express concerns or complaints.

Providing age-appropriate information to children and young people about their rights and how to seek help.

Supporting families to understand safeguarding principles and to work in partnership with Aiséirí to promote safety and wellbeing.

## 6.9 Named Person.

Children First national guidance states that providers of relevant services should appoint a named person to lead the implementation of guiding principles and child safeguarding procedures. This person is also responsible for ensuring that the policies and procedures are aligned with best practice as set out in Children First national guidance 2017.

**The named person for Aiseiri is Sara Cassidy, Head of Clinical Services, 052-7441166.**

## 6.10 Relevant Person

In accordance with **Section 8(7) of the Children First Act 2015**, the *Relevant Person* is the individual appointed by the provider of this relevant service to be the **first point of contact** in respect of the organisation's **Child Safeguarding Statement**.

## 7. Actions that will assist the implementation and maintenance of the safeguarding children principles include:

- Responding without undue delay to protection and welfare concerns in respect of children and following the guidance contained within Aiseiri Policy and Procedures for the Protection and Safeguarding of Children 2023 document.
- Ensuring that a Relevant Person and a Named Person are appointed for the purposes of the Children First Act 2015.
- Ensuring that a Designated Liaison Person (DLP) and a Deputy Designated Liaison Person (DDLDP) are appointed for the purposes of the National Guidance in respect of Children First 2017.
- Reporting child protection or welfare concerns/suspicions to the Designated Liaison Person or the Deputy Designated Liaison Person and following Children First compliant procedures.
- Ensuring that identified mandated staff fulfil their responsibilities under the Children First Act 2015 and that a list is maintained by Aiseiri of such personnel.
- Ensuring appropriate management, safe recruitment and supervision of staff is in place and is subject to regular internal review.

- Drafting and implementing a safeguarding children training plan for all staff and a role specific training plan for the safeguarding children post holders
- When Aiseiri is partnering with another body in respect of a children's event there must be **prior** agreement on which bodies reporting procedures are to be followed in cases of incidents or suspected child protection or welfare concerns. This includes any work carried out by Aiseiri staff in the community.
- Compliance with Aiseiri Data Protection policy in respect of the retention, by the Designated Liaison Person (DLP), of confidential, personal and sensitive data regarding children and their parents/carers who are subject to protection and/or welfare concerns. Such sensitive personal information must only be shared on a 'need to know' basis.
- Ensuring, when practicable, that parents/guardians are informed of any issues or concerns regarding their children.
- Ensuring children and parents/guardians are aware of the Aiseiri Policy and Procedures for the Protection and Safeguarding of Children 2023.
- Aiseiri will be inclusive of children and young people with disabilities and/or health issues in the provision of and access to their services.
- Ensuring that all appropriate organisations and the general public are aware of Aiseiri Policy and Procedures for the Protection and Safeguarding of Children 2025 document.
- Ensuring that the Policy and Procedures for the Protection and Safeguarding of Children document and appendices are available on the Aiseiri website.
- Encouraging children to report any bullying concerns and staff being aware of the dignity at work policy and procedures.
- Ensuring a Whistleblowing Policy is in place which reflects the needs of children.
- Ensuring that photographing or recording identifiable visual images of children or permitting such actions will only take place with the written consent of the parent/guardian.
- Not displaying images of children attending Aiseiri without the written consent of the parent/guardian. This will apply in particular to the Aiseiri website or social media links of the body/individual staff.

- Any observed possible breach of the Aiseiri code of conduct, related to children, by staff, which is observed by a colleague, will be reported without delay to the relevant manager for appropriate response.
- Aiseiri will be responsible for reviewing and updating the Policy and Procedures for the Protection and Safeguarding of Children and the Child Safeguarding Statement at a minimum bi-annually, or as soon as possible if there has been a material change in any national policy, legislation or relevant procedural issues.

## 8. Safeguarding children

The welfare and best interests of children and are of paramount importance. Aiseiri is committed to respecting the right to dignity and bodily integrity of every child and to protecting those rights in line with the core principles of the UN Convention on the Rights of the Child (UNCRC) as articulated in Articles 2, 3 and 6.

All Aiseiri staff and board members have a responsibility to protect children and therefore the organisation has a duty to protect children by having clear policies and procedures in place.

### 8.2 In the process of safeguarding children Aiseiri commits to the following:

- All planned group activities will be risk assessed.
- Aiseiri code of behaviour for adults applies to all staff when working with children.
- Aiseiri endeavours to ensure that staff are not left alone with a child in Aiseiri premises. In the event that one-to-one work with a child is necessary and appropriate, this will be done on a planned basis and in an appropriate location. The child's parent or guardian will be made aware of the likely need for the one-to-one work prior to any engagement with Aiseiri
- If activities are planned that involve taking children off-site as a group, as well as the previously mentioned factors, consideration will be given to ensuring safe and appropriate methods of transport and accommodation, relevant parental consent and declaration of individual needs as well as clear communication processes.
- Aiseiri Public Liability Insurance will be in place

- Aiseiri fully accepts and endorses the Children First Act and the Children First Guidance and encourages any partners to develop child protection policies in line with the legislation and endorsing Children First Guidance.
- Aiseiri will not knowingly engage with any person, organisation or finance any project that poses a risk to children or that does not meet the child protection and safeguards outlined in the Children First Act and the Children First: National Guidance for the Protection and Welfare of Children (2017).
- Aiseiri upholds and is guided by the principles of the UNCRC and, in this regard, is committed to ensuring that all children with whom staff members have contact are treated equally and that all children have a right to voice their opinion in matters affecting them (Articles 2, 12 and 13).
- Aiseiri ensures that staff receive the appropriate training in child protection and welfare. All staff, volunteers and board members are required to complete Tusla and the HSE's online e-learning training module, Introduction to Children First.
- Aiseiri recruitment policy and procedure ([Recruitment Policy 9-AGP-HR](#)) adheres to best practice and Aiseiri ensures that all relevant staff are vetted by the Garda Central Vetting Unit (GCVU).
- Interns and volunteers working with young people will also be vetted by the GCVU and work alongside a named member of staff who has been vetted by the GCVU
- All staff and volunteers have access to the Aiseiri Child Safeguarding Policy and have signed a declaration that they are familiar with the procedures contained within it.

## 9. Aiseiri Code of Behaviour for adults working with children and young persons

### Child centred approach

All staff, volunteers, visitors and facilitators should be aware of the following points and should adhere to them at all times in line with our child centred approach to working with children:

- Treat all children equally
- Listen to and respect children
- Involve children in decision-making, as appropriate
- Provide encouragement, support and praise (regardless of ability)
- Use appropriate language (physical and verbal)
- Have fun and encourage a positive atmosphere
- Offer constructive criticism when needed
- Treat all children as individuals
- Respect a child's personal space

- Discuss boundaries on behaviour and related sanctions, as appropriate, with children and with their primary carers
- Agree group 'contract' before beginning any group sessions
- Encourage feedback from group
- Lead by example
- Be cognisant of a child's limitations, for example due to a health condition
- Create an atmosphere of trust
- Respect differences of ability, culture, religion, race and sexual orientation

### **9.1 Responsible adults will not:**

- Develop sexual, or inappropriately intimate, relationships with any child attending Aiseiri
- Spend excessive time alone with any child
- Socialise with children outside of structured Aiseiri or interagency activities. This includes use of social media or other online or digital platforms.
- Engage in sexually provocative activities, jokes or make suggestive comments.
- Shame, humiliate or single-out a child in a degrading way.
- Hit, physically chastise or verbally abuse any child.
- Conduct themselves outside Aiseiri in any way that could adversely impact the reputation of Aiseiri or bring it into disrepute.
- Use or allow offensive or sexually suggestive physical and/or verbal language.
- Allow/engage in inappropriate touching of any form.

All staff must exercise vigilance in their relationship with children, ensuring that the appropriate balance between the needs of the child and the discharge of professional responsibility is reached. It is the adult's responsibility to set appropriate boundaries and tone for interactions.

## **10.Safe management of activities**

### **Aiseiri takes responsibility to:**

- ensure that at Aiseiri group activities involving children, the appropriate minimum staff supervision ratio of one adult to seven children is maintained
- ensure that the relevant risk assessment has been completed for the activity
- ensure that at events, being organised by Aiseiri partner organisations or other agencies, in which Aiseiri is participating, those organisations have in place a child safeguarding statement, together with policies and procedures and that representatives of Aiseiri receive a copy in advance of the activity
- If activities are planned that involve taking children off-site as a group, as well as the previously mentioned factors, consideration will be paid to ensuring safe and appropriate methods of

transport and accommodation, parental consent and declaration of individual needs as well as clear communication processes.

- Aiseiri Public Liability Insurance will be in place

#### **10.2 Staff must also ensure that the following actions are also taken to safeguard children:**

- In a difficult situation involving a child, try and ensure another member of staff is present.
- Contact a manager and/or An Garda Síochana if you have cause to believe that a child is missing or may be at possible risk of harm.
- Do not make arrangements to directly contact a child related to work-based activities either by phone or through electronic or social media.
- Do not carry out tasks of a personal nature for a child that the child could do for him/herself.
- Ensure that clear child friendly guidance exists for children and their primary carers to be able to communicate with and access staff if they have a complaint.

#### **10.3 Physical contact:**

Aiseiri recognises that physical contact with children is often a valid way to offer comfort and reassurance. In particular, children who have suffered significant trauma in their lives may seek out such contact and it is important that individuals representing Aiseiri can offer appropriate support in such circumstances. Aiseiri ensures that staff and Board members exercise vigilance in their relationship with children, ensuring that the appropriate balance between the needs of the child and the discharge of professional responsibility is reached. No physical contact will take place unless it is acceptable to all parties concerned and the following guidance applies.

#### **10.4 Responsible Adults should:**

- Seek consent of child in relation to physical contact (except in an emergency or a dangerous situation)
- Avoid horseplay or inappropriate touch
- Check with children about their level of comfort if doing touch exercises.

#### **10.5 Health and safety: Adults should**

- Not let children manage or handle any dangerous materials

- Provide a safe environment
- Be aware of accident and incident procedures and follow accordingly

## **10.6 Young Person's code of behaviour**

This code of behaviour aims to ensure that young people who interact with Aiseiri staff **and each other** are aware of what is expected of them and feel safe, respected, and valued.

### **The code of behaviour aims to:**

- Identify acceptable and unacceptable behaviour.
- Encourage cooperation, fairness, honesty, and respect.
- Encourage young people to recognise and respect the rights of others.
- Encourage young people to take responsibility for their own behaviour.
- To assist with conflict resolution and to give clarity as to the outcome if this code is not followed.

### **The code of behaviour sets out the following guidance for young people attending Aiseiri in terms of:**

- Cooperating with others.
- Listening to others
- Treating everyone with respect
- Taking responsibility for their own behaviour
- Talking to a responsible adult about anything that they may be worried or concerned about.
- Following this code of conduct and other guidance, including the law.

## **10.7 Young people should not:**

- Be disrespectful to others.
- Bully others whether online or offline.
- Behave in an intimidating manner to others.
- Be abusive to anyone either verbally or physically.

## 11. Children with disabilities and/or specific health needs

Safeguarding standards for children with specific health needs and/or disabilities are the same as for all young people. They have the same rights to be protected from abuse however there are certain factors that can increase their risk of being abused, these include the following:

- Due to their disability and/or health needs some children may be socially isolated and have fewer outside contacts.
- They may have a reduced capacity to recognise, resist or avoid abuse.
- They can be particularly vulnerable to bullying and intimidation.
- They may have communication difficulties which may make it problematic for them to tell staff if something is happening to them which is of an abusive nature.
- A possible reluctance to accept that children with disabilities or specific health needs can be abused.
- Confusing signs and symptoms of abuse with what may be regarded as behaviour linked with a child's disability and/or health needs and not related to abuse.
- In organising activities for children with disabilities/specific health needs higher adult/child ratios may be required to supervise the activity
- If a child has specific intimate care needs, they should be assessed prior to involvement in any activity and an agreed action plan be put in place by the relevant body.

## 12. Missing young people

If a child attending Aiseiri goes missing, Aiseiri will initiate and apply the following procedure:

- Immediate action is required in the event of a missing child. Make a note of the circumstances in which the child has gone missing and where they were last seen and prepare a detailed physical description of the child, to include their hair and eye colour, approximate height and build and clothing they were wearing, as this will be required by An Garda Síochána if they need to be notified.
- Ensure that all other persons are fully accounted for and continue to be supported appropriately while a search for the child concerned is carried out.
- Notify the manager on duty and relevant agency manager

- Follow Garda guidance if further action is recommended.
- Maintain close and ongoing contact with the parents / guardian / carer, An Garda Síochána and the manager to aid the early and safe recovery of the missing child
- Complete an incident report form.
- Ensure that all involved including the parents / guardian / carer, searchers and Gardai shall be informed immediately if at any stage the child is located

## 13. Managing child abuse or welfare concerns

The necessary stages of managing a concern are:

- **Recognising a concern**
- **Responding to a concern**
- **Reporting a concern**
- **Recording a concern**

### 13.2 Recognising a concern

**Child abuse is categorised as four main types; neglect, emotional abuse/ill treatment, physical abuse and sexual abuse.**

**Neglect** is where a child is deprived of adequate food, warmth, clothing, hygiene, supervision, safety, or medical care. The threshold of harm for neglect is where a child's health, development or welfare have been or are being seriously affected or are likely to be seriously affected.

**Ill treatment** is defined as to abandon or cruelly treat a child, or to cause or procure or allow a child to be abandoned or cruelly treated. Emotional abuse is the systematic emotional or psychological ill treatment of a child as part of the overall relationship between a care giver and a child. The threshold of harm for emotional abuse is reached when a child's health, development or welfare have been or are being seriously affected or are likely to be seriously affected.

**Physical abuse** is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. This may occur as a single incident or as a pattern of incidents. The threshold of harm for physical abuse is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being or is at risk of being assaulted and that as a result the child's health,

development or welfare have been or are being seriously affected, or are likely to be seriously affected.

**Sexual abuse** occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts or exposing the child to sexual activity directly or through pornography. The threshold of harm for sexual abuse is any concern where reasonable grounds for concern exist that a child has been, is being, or is at risk of being sexually abused. In this context the concern must be reported to Tusla under the Children First Act 2015.

**Note** that in cases of serious instances of bullying where the behaviour is regarded as possibly abusive, or poses a serious risk to the health, development or welfare of a child, a report may be made to Tusla and/or An Garda Síochana.

**Note** abuse may not always be due to personal contact with a child. Abuse may also occur through use of social media or the use of information and communication technology.

**Appendix 3** references, in detail, recognising child protection and welfare concerns.

## 14. Responding to child protection and welfare concerns

If a staff member becomes concerned that a child's behaviour or presentation suggests that there may be child protection or welfare concerns they will follow Aiseiri Policy and Procedures for the Protection and Safeguarding of Children 2023.

In summary this will involve initially contacting the Designated Liaison Person (DLP) of Aiseiri or the Deputy DLP (DDL) who may then need to inform Tusla, Child and Family Agency.

In this situation best practice would support the parents/guardians being informed, unless to do so could possibly put the child further at risk or if it could interfere with a possible investigation by An Garda Síochana or it is the considered opinion that it could place the person making the report at potential risk from the family.

Aiseiri has in place a Designated Liaison Person and a Deputy Designated Liaison Person for Children First.

### 14.2 Responding to a concern

- The responsibility to safeguard children and to report child welfare or protection concerns, without undue delay, is shared by all Aiseiri staff and volunteers.

- Tusla must be informed if a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.
- Unless it is an emergency such reports will not be made without a consultation with a DLP.
- If a report is made by a mandated person, the DLP must be informed of the action.

#### 14.3 Children First national guidance 2017 lists the following as reasonable grounds for concern:

- Evidence, for example of an injury or behaviour, which 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.
- 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 a child being abused.

#### 14.4 The primary functions of the Designated Liaison Person are:

- To receive and consider, in consultation with the person making the report, child protection and welfare concerns and to consider if reasonable grounds exist for reporting to Tusla.
- To ensure that reporting procedures are followed within Aiseiri and such child protection and welfare concerns are referred promptly to Tusla.
- To ensure that all such concerns and the subsequent actions taken by Aiseiri are recorded and retained in a confidential file. This includes recording concerns where it is decided reasonable grounds for concern do not exist and the DLP does not make a report to Tusla.
- To ensure that a secure system is in place to manage and store confidential records of concerns of a child welfare or protection nature.
- To be available for advice and guidance when someone is unsure about reporting a concern.
- Where necessary to carry out informal consultation with the Tusla duty social work service in respect of a concern
- To ensure that a working relationship is established with An Garda Síochána and Tusla in respect of liaison arrangements for child protection and welfare concerns
- To develop procedures for liaison between the Designated Liaison Person, Deputy Designated Liaison Person and the mandated persons in relation to child protection and welfare concerns. This is with particular regard to concerns that come to the notice of mandated persons.
- Where requested to jointly report with a mandated person.
- To inform, with the person making the report, the child's parents/guardians that a report is to be submitted to Tusla or An Garda Síochána unless:

- Informing the parent/guardian is likely to endanger the child or young person.
- Informing the parents/guardians may place the reporter at risk of harm from the family.
- The family's knowledge of the report could impair Tusla's ability to carry out an assessment or interfere with a Garda investigation.
- To provide feedback to the reporter, as appropriate.
- The Designated Liaison Person is responsible for ensuring that a detailed record of all persons working on behalf of Aiseiri who have access to children is kept by the organisation. This must include the following: full contact name and address, a description of their role, confirmation that they have been Garda vetted, and any other relevant information, such as training or qualifications.
- The Designated Liaison Person ensures that all staff members who have access to children have received sufficient training in accordance with guidance and standards set down by Tusla.
- Where an allegation or concern is not reported to Tusla, a Designated Liaison Person's records should clearly indicate the basis of their decision not to report and any actions taken by them.
- All notes relating to reporting are kept in hard copy by the Designated Liaison Person. The DLPs and the CEO are the only persons who are permitted to access this information.

#### **14.5 Responding to a child who discloses abuse**

In responding to a disclosure of abuse by a child the following guidance should be followed:

- Remain as calm as possible
- Listen to the child and give them time to share their concerns
- Try not to show any feelings such as anger or disbelief
- Accept the child's story. **False disclosures by children are rare**
- Reassure the child that they have taken the right step in disclosing
- Avoid asking leading questions
- Advise the child that you cannot guarantee to keep confidentiality as you may need to share information with Tusla and/or An Garda Síochána
- Keep a record of the conversation and record the actual words used by the young person.

- Reflect back to the child what you think you have heard, and, in the words, they used to you
- Do not make any comments about the alleged abuser
- Do not make any attempt to confront the alleged abuser
- Ensure the child is aware of what may need to happen next in terms of the process
- Inform the DLP and duty manager immediately with a view to appropriate notifications to the statutory authorities.

**(Appendix 4 Child Protection and Welfare Report Form CPWRF)**

**14.6 Responding to an adult who discloses childhood abuse**

In responding to a disclosure of childhood abuse by an adult the following guidance should be followed:

- Establish whether there may be any current risk to children from the alleged abuser e.g., is this person still alive and do they have contact with children.
- Advise that you cannot guarantee to keep confidentiality as you may need to share information with Tusla and/or An Garda Síochana
- Reports of retrospective child abuse are assessed by Tusla.
  - Inform the DLP and duty manager immediately with a view to appropriate notifications to the statutory authorities

**(See appendix 5 for Retrospective Abuse Report Form)**

**14.7 Responding to a person who admits abusing a child**

In responding to a person who admits abusing a child the following guidance should be followed:

- This information cannot be kept confidential
- Inform the DLP and duty manager immediately with a view to appropriate notifications to the statutory authorities.

**14.8 Responding to allegations of child abuse made against a child by another child**

In responding to an allegation of child abuse made against a child by another child the following guidance should be followed:

- Note that this type of abuse may be called peer abuse
- Inform the DLP and duty manager immediately with a view to appropriate notifications to the statutory authorities
- If statutory reports are to be made, they should be made in respect of both young people individually.

#### **14.8 Abuse by visitors to the service:**

The possibility of abuse by a visitor (adult or young person) must be recognised. If such abuse occurs, it will be dealt with in the same way as other incidents of suspected abuse.

#### **14.9 Safe Practice for visitors:**

If a parent or a guardian brings a child into the service, the service will record the name and address of the child, but the child will be the responsibility of the parent / guardian.

In the event that a child is brought into the organisation accompanied by an adult who is not their parent / guardian, and where this is a new arrangement or unknown arrangement, the Clinical Team should be contacted; they have a role of determining whether this arrangement is suitable.

Visiting children should at no time be left unattended. As far as possible the child will remain with the responsible adult.

#### **14.10 Responding to allegations of abuse of a child made against staff/volunteers**

**The following issues should be taken into consideration when responding to allegations made against staff/volunteers:**

- The concern may relate to possible harm to a child
- The concern may relate to a possible criminal offence
- An adult's behaviour may suggest that the person may pose a risk of harm to a child
- The adult's behaviour may be a breach of the code of conduct for adults in respect of children
- The behaviour may be contrary to professional practice guidelines.

**Note** that in such cases the reporting system to Tusla is to be followed with the DLP, and the internal HR procedures will also be initiated. The DLP is to ensure that the CEO or their designate is advised of such concerns.

#### **14.11 The key principles to be followed in responding are as follows:**

- In making an immediate decision about the staff members presence in the work environment the CEO/designate will as a matter of urgency take any measures necessary to protect the child. Such

measures should be proportionate to the level of risk to the child and do not presume any finding of guilt.

- The same person in Aiseiri should not have the responsibility for dealing with the child protection reporting procedure and the employment/contractual issues.
- The Aiseiri reporting procedures for the reporting of child protection and welfare concerns will be followed by the DLP and/or deputy DLP.

The Aiseiri CEO or their designate will oversee procedures relating to employment issues:

The Designated Liaison Person will liaise with the CEO or their designate who, acting on behalf of the employee, volunteer, intern or contract worker will:

- inform the individual that an allegation has been made against them;
- explain to the employee the details of the allegation;
- tell the staff member whether or not a report has been made to Tusla, the Child and Family Agency;
- perform a risk assessment to identify whether or not suspension of the individual is appropriate;
- give the employee copies of any written records relating to the allegation;
- offer the employee an opportunity to respond to the allegations within a specific time frame; and
- forward the employee's response to the Tusla Child and Family Agency (if appropriate).

**Aiseiri must ensure that any actions or investigations by them do not compromise or prejudice any statutory investigation by An Garda Síochana or assessment by Tusla**

- If an allegation is made against a Designated Liaison Person, then the Chair of the Board, or a person that they nominate, we will carry out the above steps.
- Any action taken will take into consideration the applicable employment contract and the rules of natural justice.
- It will be to the benefit of everyone concerned that a timely resolution to the allegation is achieved.
- The agreed procedures for dealing with allegations of abuse against staff and/or volunteers should be applied objectively and in a consistent manner.
- All elements of the process will be recorded, including any liaison with the statutory agencies.
- Close liaison will be maintained between Aiseiri, An Garda Síochana and Tusla. The DLP will be the liaison person for Aiseiri with the statutory agencies.
- Formal inter agency meetings will be requested by Aiseiri with Tusla and An Garda Síochana to ensure effective liaison takes place in respect of the allegation and the necessary follow up actions.

- It should be noted that the requirements of fair procedure and natural justice will result in Tusla not sharing the details of any assessment against a staff member until he/she has had an opportunity to respond fully to the allegation and any findings or decisions by Tusla.

## 15. Responding to a person who is dissatisfied with how their allegation was dealt with by Aiseiri

Aiseiri has a feedback and complaints policy in place, **Complaints Policy and Procedures 7-AGP-HR** which is available on the Aiseiri website for children and parents to access, as well as staff. Any review of a complaint in terms of how a child abuse allegation was processed must involve the DLP of Aiseiri, excepting if that person or their deputy is the subject of the complaint.

This policy may also be accessed by persons who wish to make complaints in respect of children that may not be of a child protection or welfare nature. Examples of such complaints may include breaches of the codes of conduct which are deemed not to be child protection or welfare concerns.

**If necessary, the DLP will consult with HR and/or Tusla if it is deemed necessary during the management of such a complaint.**

### 15.2 Talking to parents/guardians about a concern

The Children First Act 2015 does not place a legal responsibility on the person making the report to advise a family that such a report has been made under the legislation to Tusla. However, it is the view of Aiseiri that it is good practice to do so and where possible the person making the report and/or the Designated Liaison Person should tell the family that a report is being made to Tusla and the reasons for doing so.

It is not necessary to inform the family that a report is being made if by so doing the child may be placed at further risk or where the family's knowledge of the report being made could impair Tusla's assessment process. In addition, the family may not be informed if it is the reasonable opinion of the person making the report that they may be at risk of harm from the family if the family were advised of the reporting to Tusla.

**Note: If the parents/guardians are to be met to be informed about the fact that a concern has been reported the following guidance should be considered:**

- Make sure, as far as practicable, that parents/guardians have prior knowledge and awareness of Aiseiri guiding principles, procedures and duties to safeguard children

- In contact with parents/guardians clearly explain the nature of the concern, for example, by using information and records of observations made
- Consider who is best placed to have this conversation with the parents/guardians e.g., good practice requires that it should be the person making the initial report and the DLP. Noting that the reporter could be a mandated person
- Take an approach which is positive and that everyone is working towards what is in the best interests of the child
- Ensure that the approach to the parents/guardians is supportive but also ensure the concern is made clear to all in the discussion
- Ensure you have been in contact with Tusla and An Garda Síochána to confirm that such planned contact with the family does not have the potential to interfere with their statutory functions.

## 16. Reporting child protection and welfare concerns

The following steps will be taken by Aiseiri in responding to and reporting child protection and welfare concerns:

### Step 1

- On receipt of a concern a staff member will immediately report the details to the Aiseiri DLP or Deputy DLP and the duty manager
- This information should be relayed to the DLP using the Tusla Child Protection and Welfare Report Form.
- If there is an immediate risk to a child, the safety and welfare of the child is paramount. The DLP in that situation may after consultation with the initial reporter make an immediate report to Tusla or the Gardaí, if Tusla are unavailable.

### Step 2

- The DLP will consult with the person who raised the concern with a view to deciding if reasonable grounds for concern exist to report. Informal consultation can take place between the DLP and the Tusla duty social work service (Such a consultation must be recorded by the DLP). This consultation will be with a view to assisting the DLP in terms of deciding whether reasonable grounds for concern exist to report to Tusla.

### Step 3

- If reasonable grounds for concern are deemed to exist, the DLP will report the concern to Tusla without any undue delay via the Tusla portal.

#### Step 4

- If the DLP is of the view that a report should not be made to Tusla then the staff member must be given a written explanation for this decision. In this situation the staff member can still make their own report to Tusla or An Garda Síochana if they are of the view that reasonable grounds for concern do exist. They have protections from the Protection of Persons Reporting Child Abuse Act 1998 in making such an independent report in good faith.

#### Step 5

- A confidential file will be created and held securely by the DLP in respect of any child welfare or protection concern/suspicion that comes to the attention of Aiseiri. This will be a record of all actions taken and all relevant correspondence issued and received by Aiseiri in respect of the concern.

#### Step 6

- Concerns that do not initially meet reasonable grounds for concern may upon review show patterns or trends which may raise the level of concern to the extent that the DLP may decide that reasonable grounds for concern do now exist and that Tusla should receive a report.

## 17. False abuse allegations

In working with or having contact with children, staff on some occasions can be subject to false allegations of abuse. These may be due to a misunderstanding of what took place or a genuine mistake.

It is therefore good practice that any allegation of abuse against a staff member is dealt with sensitively. In addition, support should be made available by Aiseiri for both the person against whom the allegation has been made and for the person who reported the alleged abuse.

Throughout the process of responding to the allegation appropriate levels of confidentiality will also be maintained, in the interests of the child and the person against whom the allegation has been made.

### 17.2 Protected Disclosures

Staff of Aiseiri have guidance available in respect of protected disclosures in the **Aiseiri Whistleblowing Policy**. This document provides guidance for staff in respect of the internal and external reporting of wrongdoing and the legal protections of reporting under the Protected Disclosures Act 2014.

In the context of safeguarding children, it remains the responsibility of the individual staff member to bring matters of concern forward to the appropriate person within the Aiseiri structures. This may prevent a child in particular from remaining in a situation where there is a risk of abuse.

### **17.3 Anonymous reports**

Designated Liaison Persons when making a report to Tusla or An Garda Síochana must comply with the requirements of this policy and procedures, thereby not report anonymously. The same principle is applied to the staff member who makes the initial report to the DLP. Under the Freedom of Information Acts anonymity should never be promised as it cannot be guaranteed.

It is also not possible for mandated persons to submit a report of a mandated concern anonymously as to do so would not discharge the statutory obligations for a mandated person under the Children First Act 2015.

### **17.4 Malicious reports**

Malicious reports have the potential to cause harm to the named child and the person/s identified as the alleged abuser/s. The Protection of Persons Reporting Child Abuse Act 1998 has introduced an offence of false reporting of child abuse where a person makes a referral of child abuse to the appropriate authorities “knowing that statement to be false. “In the event that any staff member is concerned that a report is malicious they should initially bring it to the notice of the DLP.

## **18. Reporting concerns in an emergency or where there is an immediate risk to a child**

In an emergency where the considered opinion is that there is an immediate risk to a child’s health or welfare and the Designated Liaison Person or their Deputy, or Tusla, cannot be contacted a report should be made directly to An Garda Síochana. Following such an action the standard report (CPWRF) should be forwarded to the Designated Liaison Person with a view to submission to Tusla as per normal procedures on the next working day via the Tusla portal.

The information to be provided to An Garda Síochana by the person making such an emergency report is as follows:

- Child’s name, address, and age
- The names and addresses of parents or guardians.
- Name/s, if known, of who is allegedly harming the child or not caring for him/her appropriately.
- A detailed account of the grounds for concern (e.g., details of the allegation/s, dates of incidents, location/s of incident/s, description of any injuries or possible bruising)
- Current location of the child
- Names of other children in the household, if known
- Name of the school the child attends, if of school age, if known

## 19. Recording child protection and welfare concerns.

When child abuse, neglect or a welfare concern is suspected, it is essential that a written record of all the information created is maintained by Aiseiri. Therefore, Aiseiri staff reporting a concern to the DLP and duty manager shall be expected to provide as detailed an account as possible of the concern by completing the TUSLA Child Protection and Welfare Report Form or the Retrospective Report form.

All written records created must be factual and objective. The name, contact details and relationship to the child of the person bringing the concerns must be included in the written record.

All records shall include the name of the person bringing the concerns, be signed and dated. All records must then be passed onto the DLP for secure storage and appropriate action.

**Note:** The reporter and DLP may subsequently be invited to attend a child protection conference or any proceedings where the matter is being assessed by TUSLA and/or being investigated by An Garda Síochana as to whether a crime may have been committed.

### 19.2 Follow up on Child Protection Report with Statutory Services.

Where the organisation has an ongoing relationship with the case, follow up with the relevant social worker can be organised as part of the care plan; where there is consent provided by the service user involved in the case. Ideally this will be through the medium of a case meeting which aims to reach an agreement on what supports need to be provided and which agency is most suitable to provide these. In some cases, this may be done through phone or email communications.

## 20. Mandated Persons

### **Reporting mandated concerns of harm.**

Mandated persons are persons who have ongoing 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 and young people from harm. Professionals who may not work directly with children, such as those who work in adult counselling or psychiatry, are also mandated persons.

The Children First Act 2015 contains a list of mandated persons. The full list is available in Appendix 6 of this document.

Under the Children First Act 2015 mandated persons are required to report any concern that meets or exceeds the threshold for reporting harm to a child under the legislation. If reporting is to be

made independent of the Designated Liaison Person, the mandated person should inform the DLP that a report has been made.

The statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the Designated Liaison Person on their behalf.

The Children First Act 2015 requires that Aiseiri maintains a list of mandated persons on the staff.

**Note: Staff who are mandated persons under this Act will be made aware of their responsibilities at the start of their employment or engagement with Aiseiri.**

## **20.2 Legal obligations of a mandated person**

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

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

The Children First Act 2015 requires that mandated persons report any knowledge, belief, or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed. They are also required, if requested, to help Tusla in assessing a concern which has been the subject of a mandated report.

The Children First Act 2015 defines harm as:

- 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,

Whether caused by a single act, omission or circumstance or a series or combination of acts, omissions, or circumstances, or otherwise."

### **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 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" (Tusla)*

**Section 14 (2) of the Children act 2015 also places legal 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” (Tusla)*

### 20.3 Procedure:

- It will be best practice within Aiseiri that mandated reports when made are brought to the attention of the Designated Liaison Person and the duty manager.
- The statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the Designated Liaison Person on their behalf.
- Mandated persons can make a joint report with the Designated Liaison Person or another person, mandated or otherwise.
- If Aiseiri or the DLP do not wish to report to Tusla, the mandated person should still proceed with the report if the defined threshold for reporting has been met or exceeded. In this case the provisions of the Protection for Persons Reporting Child Abuse Act 1998 apply.
- If the mandated person has a concern that they believe does not reach the threshold for a mandated report they must consider whether the concern meets reasonable grounds for concern. The concern will then be reported to the DLP if the mandated person is of the view that reasonable grounds for concern exist.
- If a mandated person is in doubt as to whether the concern reaches the legal definition of harm for making a mandated report, the Tusla duty social work service can be approached to give advice in this regard. The decision to report remains the individual responsibility of the mandated person. Any advice received must be recorded on the confidential file which will have been created by the DLP.
- Mandated persons who receive a disclosure of harm from a child which meets or exceeds the thresholds set out in Children First: National Guidance for the Protection and Welfare of Children 2017 are required to make a mandated report to Tusla. It is not required of the mandated person that they would assess the accuracy or credibility of the child’s claims.
- As noted previously in this document under no circumstances should a child be left in a situation that exposes him or her to harm or risk of harm pending intervention by Tusla. If the mandated person is of the view that the child is in immediate danger and Tusla cannot be contacted, An

Garda Síochana should be contacted. A mandated report should then be made to Tusla on the next working day by the mandated person.

- The same concern should not be reported more than once. If, however, additional information comes to the attention of the mandated person in respect of the reported concern this should be considered and forwarded to Tusla without undue delay in the form of a further report.
- The legal obligation to report under the Children First Act 2015 applies only to information that a mandated person acquires in the course of their professional work or employment. It does not apply to information acquired outside of their employment, or information given to them in respect of a personal rather than a professional relationship.
- Reporting requirements under the Children First Act 2015 only apply to information that a mandated person has received or become aware of since the Act came into force, irrespective of whether the harm occurred before or after the commencement of the section related to mandated reporting. However reasonable concerns about past abuse where information came to the notice of the professional prior to the Act where there is a possible *continuing risk* to children can be reported to Tusla under Children First: National Guidance for the Protection and Welfare of Children 2017.
- Mandated persons cannot report a concern anonymously and if they do so they are not in compliance with their obligations under the Children First Act

#### **20.4 Consequences of non-reporting by the mandated person**

The Children First Act 2015 does not impose criminal sanctions on mandated persons who fail to make a report to Tusla. However mandated persons should be aware that there are possible consequences for a failure to report. If after an investigation by Tusla it emerges that the mandated person did not make a mandated report and a child was subsequently left at risk and harmed, Tusla may:

- Make a complaint to the Fitness to Practice Committee of a regulatory body of which the mandated person is a member.
- Pass information about the mandated person's failure to make a report to the National Vetting Bureau of An Garda Síochana. This information can therefore be disclosed to the mandated person's current employer or a future employer when that person is next vetted by the National Vetting Bureau.
- Aiseiri may consider a failure to report a child protection or welfare concern as a disciplinary matter for a member of staff.
- The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 requires that any person who has information about a serious offence against a child, which may result in charges or prosecution, must report this to An Garda Síochana. Failure to report under this Act is a criminal offence. This obligation is in addition to any obligations placed on mandated persons under the Children First Act 2015

## **20.5 Mandated Assisting**

As noted earlier, the Children First Act 2015 also places a statutory requirement on mandated persons to assist Tusla in the assessment of risk of mandated reports, when requested to do so. Such assistance should be as deemed necessary and proportionate, with a view to assisting Tusla in assessing the risk to a child arising from the mandated report. A mandated person must comply with this request from Tusla, regardless of who made the mandated report.

Mandated assistance may include, for example, a request to provide further information or attend a meeting in relation to a mandated report.

Information may be shared by Tusla with the mandatory reporter in order to enable their assistance. This information cannot be shared by the mandatory reporter with any third parties, and such disclosure is subject to criminal sanction.

## **20.6 Information sharing**

The Data Protection Acts of 1998 - 2018 do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection. Tusla has the authority to share information concerning a child who is undergoing a risk assessment with a mandated person who has been asked to provide assistance. In doing so, Tusla must only share with the mandated person what is necessary and proportionate in the circumstances of each individual case.

### **Note:**

As noted above Section 17 of the Children First Act 2015 makes it an offence if a mandated person discloses information to a third party which has been shared by Tusla during the course of an assessment, unless Tusla has given the mandated person written permission to do so.

Failure to comply with this section may make the mandated person liable to a fine or imprisonment for up to six months or both. This offence can also be applied to the mandated person's employer.

## **20.7 Protection from civil liability**

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

Section 16 (3) of the Children First Act 2015 states:

*'If a mandated person furnishes any information (including a report) document or thing to the Agency (Tusla) pursuant to a request made under subsection (1), the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.'*

## 21. Confidentiality

Aiseiri is committed to protecting a person's right to confidentiality.

However, considerations in respect of confidentiality will not overrule a child's right to be protected. It is not a breach of data protection or confidentiality to provide information with the intention of protecting a child. On that basis Aiseiri undertakes to:

- Where child protection and/or welfare concerns arise, to share personal information on a 'need to know' basis, in the best interests of the child, with the relevant statutory authorities and the parents/guardians. Such sharing may require attendance at formal meetings organised by Tusla e.g. child protection conferences or strategy meetings.
- Not to give undertakings regarding secrecy. Those staff members engaged with or in contact with children should make this clear to parents/ guardians and the children themselves.
- To provide information on a proportionate basis to the statutory agencies necessary for the protection of a child.
- To advise children and parents/guardians that personal information is being shared, unless it is the considered opinion that doing so could put the child at further risk or may place the reporter at risk or such contact could interfere with a criminal investigation by An Garda Síochana or an assessment by Tusla.
- To retain records generated in respect of child protection and welfare concerns in accordance with Data Protection legislation, in a secure setting, managed by the DLP.
- To respond to breaches by staff in respect of the sharing of confidential information which is not related to child protection or welfare concerns which may be regarded as a disciplinary matter.

### Note:

- The Protection for Persons Reporting Child Abuse Act 1998 provides immunity from civil liability and from possible disciplinary action by an employer to persons who report child protection concerns "reasonably and in good faith "to the authorised persons in Tusla or An Garda Síochana.
- The Aiseiri Organisation's [Confidentiality Policy \(13-AGP-HR\)](#) contains clear guidance in regard to extensions of confidentiality regarding issues relating to Child Protection. The Aiseiri Organisation policy states that confidentiality may be extended when a client discloses that:
  - they have perpetrated sexual / physical abuse on another person,
  - they intend to perpetrate sexual / physical abuse on another person,
  - any other issues in relation to Child Protection, as described in Children First Act.

## 22. Safe Recruitment

Aiseiri will take all necessary steps to ensure that people working with children are suitable and appropriately qualified. Recruitment and selection procedures are therefore necessary and these procedures apply to all persons recruited including those with substantial access to children.

Safe recruitment requires that Aiseiri will:

- Ensure that all reasonable steps are taken to ensure that all relevant applicants who may pose a risk to children are identified and that an appropriate HR response is initiated prior to any appointment.
- Ensure that persons involved in the recruitment of staff are trained appropriately and have the experience to undertake this role.
- Ensure that Aiseiri recruitment procedures are transparent, comply with best practice standards and also comply with the principles of natural justice, data protection compliant record keeping and human resource management.
- Ensure that the recruitment procedures of Aiseiri are inclusive and treat all applicants as having equal status.

## 22.2 Recruitment of Staff

**The following procedures will apply to the appointment of Staff:**

- The relevant interview process, including 2 reference requests, will be completed by Aiseiri. Interviews should be undertaken by at least two representatives of the organisation who are suitably qualified and/or have proven experience to undertake such interviews. This process will include a declaration relating to there being no reason why a person would be considered unsuitable to work with or near children and/or vulnerable persons. This declaration should also be in place for adult volunteers, interns and contracted persons.
- The successful applicant will be offered employment, post interview, subject to:
  - Appropriate suitable references
  - Completed relevant interview scoring sheet
  - Signing relevant employment contract of employment
  - Where applicable, proof of qualifications
  - Appropriate Garda vetting, where applicable
  - Positive proof of identification.
- Employment contracts are written so as to include an employment probationary period.

- Newly employed staff members are required to agree to the terms and conditions of employment, as well as explicit acknowledgement of this Policy and Procedures including the Child Safeguarding Statement, and all codes and policies, as outlined in the Staff Handbook.
- 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.

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 its provisions.

- In terms of other persons providing a relevant service as a partner from a third-party organisation, that body is responsible for the Garda vetting of their relevant personnel. If the service provider or volunteer is not associated with a body registered with the National Vetting Bureau for Garda vetting, it may not be possible for Aiseiri to allow their engagement with children only relevant activities. They may however provide or be involved with activities to groups where the presence of children is incidental to the presence of people in general.

### **22.3 Recruitment of volunteers**

For adult volunteers and interns a statement of suitability to work with children and or vulnerable persons must be secured in respect of each individual person as well as Garda vetting.

As part of their induction all new volunteers receive briefings in respect of the policies contained within the staff and volunteer handbooks, and the safeguarding children policy and procedures. In addition all volunteers are required to complete the HSE Children First E learning module.

### **22.4 Supervision of Staff**

All staff are subject to formal and informal reviews, evaluation and supervision. These are positive actions in place to provide the opportunity to discuss work, review practice and progress and to plan for future development. It also helps maintain best practice and safeguards the children attending Aiseiri services. This supervision can take various forms, depending on the individual requirements of the work. Volunteers are supervised by staff members.

## 23. Safeguarding children Training Plan.

Aiseiri commits to the following actions in respect of training staff in respect of safeguarding children:

- That all post holders within the safeguarding children structure will receive training commensurate with their roles.
- That the induction programme for all Aiseiri staff/volunteers/board members will include a briefing in respect of the Aiseiri Policy and Procedures for the Protection and Safeguarding of Children 2025 plus completion of the HSE E learning Children's First. The DLP has the responsibility for ensuring that this is actioned.
- That all Aiseiri staff/volunteers and board members will be facilitated to access the HSE Children First E learning module.
- That a training needs analysis in respect of safeguarding children training needs for all staff and volunteers will be initiated with a view to completion by the end of December 2025. This will inform and help to frame any future training plans.
- That an annual safeguarding children training plan will be in place from November 2025.
- All training and guidance documents will be regularly reviewed and updated as appropriate and all staff and board members will be informed of these updates.

### **Note**

A copy of "Children First" is available to all staff in the Clinical Staff Office. Staff must sign to indicate that they have read and understood the National Guidelines. This document can also be downloaded from:

<https://www.dcy.gov.ie/documents/Publications/ChildrenFirst.pdf>

## 24. Safeguarding children communications plan

Aiseiri commits to the following actions to ensure that staff and the general public are aware of the company's commitment to safeguarding children:

The child safeguarding statement and the Policy and Procedures for the Protection and Safeguarding of Children will be placed on the Aiseiri website.

All Aiseiri locations will display a child safeguarding notice which references in particular the contact details for the Designated Liaison Persons and the website link for the child safeguarding statement.

All relevant agencies, including statutory bodies, will be given details in respect of the internet links for accessing the child safeguarding statement and the related policy and procedures.

Feedback systems will be developed with children, parents/guardians, staff/volunteers to advise Aiseiri as to whether the safeguarding children communication process is working.

## 25. Online safety and social media

The following are key actions for Aiseiri staff to implement in maintaining a safe environment for children/young people when online and when using social media:

- Ensure there are online safety policies and procedures in place as part of creating a safe environment for children/young persons.
- Be aware of the signs of online abuse and harm.
- Respond to any concerns immediately and follow Aiseiri procedures for reporting child protection or welfare concerns.
- Ensure that in any employees' or volunteers' work-based communication with a child/young person, personal accounts should never be used as a form of communication. Any such communication must have secured parental/guardian consent in advance.
- An Aiseiri mobile phone or tablet must be used if a work-related communication with a child is essential.
- Any such communication with a child should include a reference for the child to unsubscribe to any further communications.
  
- Ensure that parental controls are on all Aiseiri devices that children may access.
- Ensure that if children are provided with access to live stream within an Aiseiri location that this can only be done in an open area which can be supervised by staff/volunteers and with the prior consent of a parent/guardian.

**Note: On admission a young person is aware that personal smart phones and/or other communication technology are not to be brought into the centre.**

### Use of Images

- Images of a child will not be used for any reason without the consent of the parent/carer.
- Procedures will be put in place in relation to the use of images of children
- Procedures will also be put in place for the recording and storing of information in line with Aiseiri confidentiality policy and data protection.

## 26. Photography and children.

The following guidelines are to be followed by staff and volunteers, in respect of photography and children:

- Photographs of children at Aiseiri facilities will not be taken by staff or volunteers using their own cameras, except for specific authorised official reasons.
- Photographing of persons is not permitted within an Aiseiri location unless a request is made to and approved by the relevant Manager. A form should be filled out by any person wishing to take photographs, detailing the photographers' name, contact details, membership of photography association (if relevant) and reasons for photographs being taken.
- Professional photographs for official events should have an appropriate accreditation which must be provided to the General Manager in advance of the event.
- Inappropriate use of children's images by staff or volunteers will be reported to the DLP and may be considered a breach of the code of behaviour.
- The use of a phone's camera function in Aiseiri changing areas or toilet facilities is prohibited.

## 27. General health and safety considerations.

General Health and Safety considerations referenced for children accessing Aiseiri facilities include:

- Obligations under the Employment Equality Acts (1998 – 2011) and Equal Status Acts (2000 – 2012) must be taken into consideration. In providing services, staff shall not discriminate against any child on the basis of the nine grounds detailed in the Acts.
- Obligations under the Disability Act 2005 shall also be taken into consideration.
- Aiseiri must ensure there is compliance with the requirements of the relevant fire certificates and any recommendations or requirements of the fire authority and the facilities' insurers.
- Aiseiri must ensure that there is awareness of each Aiseiri location's first aid arrangements.
- Aiseiri must ensure there is an awareness of the emergency evacuation procedures relevant to each location and ensure that children are also aware of what to do if there is an emergency.

## 28. Aiseiri Designated Liaison Person and Deputy DLP are the following:

### **Designated Liaison Person**

**Sara Cassidy, Head of Clinical Services, Head of Clinical Services**

### **Deputy Designated Liaison Person**

**Telephone: 052-7441166**

**Helen O'Brien, Recovery Support &  
Volunteer Manager Telephone:  
052-7441166**

**An Garda Siochana,**

Garda Headquarters,

Phoenix Park,

Dublin 8,

D08 HN3X

**Phone:** (01) 6660000

**Tusla Child & Family Agency,**

The Brunel Building,

Heuston South Quarter,

Saint John's Road West,

Dublin 8,

D08 X01F

**Phone:** (01) 7718500

**Portal** <https://portal.tusla.ie>

## 29. Documentation

Any documentation noted in the appendices can be found on the Aiseiri Hub. All staff gain access to the Aiseiri Hub during induction.

## 30. Implementation

**30.1** Managers of the service will be responsible for implementation of this guideline.

**30.2** When approved by the clinical development committee and thereafter the clinical governance committee, the Compliance Manager will be made aware. The Compliance Manager is responsible for disseminating this policy to staff. Once finalised, the policy is uploaded by the Compliance Manager to Aiséiri's shared drive, "The Hub." The Compliance Manager then shares the policy directly to each staff member's email address via the system. Staff are required to acknowledge that they have read and understood the policy by accepting it through the provided link. The Compliance Manager maintains a central record of all staff who have completed this acknowledgment. For staff who have not yet accepted the policy, individual follow-up emails are sent by the Compliance Manager. Additionally, staff will receive a weekly alert until the policy has been accepted.

**30.3** Policies signatures are audited quarterly by the Compliance Manager.

**30.4** Managers are responsible to ensure all appropriate education and training is provided where necessary. This is explored with staff through an annual staff development meeting and via other meetings such as clinical team meetings and Operational management monthly meetings.

**30.5** Ensure all staff are aware of the policy, whether it is new or updated, operation managers communicate a new policy development or the review of an existing policy through weekly inter-departmental meetings. These minutes are sent to all staff members.

**30.6** Ensure that necessary resources are made available to facilitate implementation of the guideline.

**30.7** Audits are completed on a yearly basis in line with the Aiseiri Quality Improvement Plan.

## 31. Review & Audit

This procedure and its implementation will be audited as part of Aiseiri's audit programme. This procedure shall be reviewed on an annual basis, or as determined by the Documentation Owner, and in line with any changes in relevant legislation, national guidance, or best practice standards.

## 32. References, Legislation & Guidance

- Children First Act 2015 (No. 36 of 2015).
- Department of Children and Youth Affairs (2017). *Children First: National Guidance for the Protection and Welfare of Children*.
- Tusla – Child and Family Agency (2018). *Child Safeguarding: A Guide for Policy, Procedure and Practice*.
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.
- Protected Disclosures Act 2014.
- Data Protection Act 2018 and Regulation (EU) 2016/679 (General Data Protection Regulation).
- United Nations (1989). *Convention on the Rights of the Child*.
- Domestic Violence Act 2018.
- Employment Equality Acts 1998–2011.
- Equal Status Acts 2000–2012.
- Disability Act 2005.
- Health Service Executive (HSE) & Tusla. *Children First e-Learning Programme* (latest version).
- Aiséirí internal documents: *Child Safeguarding Statement; Staff Handbook; Volunteer Handbook; Recruitment Policy (9-AGP-HR); Complaints Policy and Procedures (7-AGP-HR); Confidentiality Policy (13-AGP-HR); Whistleblowing Policy*.

### Appendices:

#### Appendix 1

## Child Safeguarding Statement

This Child Safeguarding Statement is in compliance with the requirements of the Children First Act 2015 and of Children First National Guidelines for the Protection and Welfare of Children 2017. The statement sets out the services being provided by and the principles and procedures that are in place to ensure, as far as practicable, that a child/young person availing of, or in contact with, Aiseiri services is safe from abuse or harm. This statement includes an assessment of risk of “harm” to a child/young person while residing in or in contact with Aiseiri services. Procedures to manage and mitigate such risks are also specified. This statement has been reviewed in full as a result of an internal audit to ensure continued compliance with legislation, best practice, and organisational standards.

This document has been developed with reference to the following:

*Children First Act 2015*

*“Children First National Guidelines for the Protection and Welfare of Children”. DYCA 2017*

*“Guidance on Developing a Child Safeguarding Statement” (tusla.ie)*

*“What is a risk assessment?” (tusla.ie)*

### **Legal framework**

Section 11(3) of the Children First Act 2015 states that a “child safeguarding statement **shall** include a written assessment of the risk and, in that regard, specify the procedures that are in place:

- a) To manage any risks identified
- b) In respect of any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service.
- c) For the selection or recruitment of any person as a member of staff of the provider with regard to that person’s suitability to work with children
- d) For the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm
- e) For reporting to the Agency (TUSLA, Child and Family Agency) by the provider or a member of staff of the provider (whether a mandated person or otherwise) in accordance with this act or the guidelines issued by the Minister under Section 6 (Children First National Guidelines, 2017)
- f) For maintaining a list of persons (if any) of the relevant service who are mandated persons, and
- g) For appointing a relevant person for the purposes of this part of the Act.

**The relevant person for Aiseiri is Sara Cassidy, Head of Clinical Services, who is also the Designated Liaison Person for Children First.**

### **Named Person**

Children First national guidance states that providers of relevant services should appoint a named person to lead the implementation of guiding principles and child safeguarding procedures. This person is also

responsible for ensuring that the policies and procedures are aligned with best practice as set out in Children First national guidance 2017.

**The named person for Aiseiri is Sara Cassidy, Head of Clinical Services, 052-7441166**

### **Name of Service being provided**

**Aiseiri** provides community, residential and detox services to help young people, adults and families overcome addiction and lead meaningful lives in recovery.

### **Nature of Service**

Aiseiri has 2 residential adult centres located in Cahir, Co. Tipperary and Roxborough, Co. Wexford. Aislinn, is our adolescent residential centre, in Ballyraggett, Co. Kilkenny.

Aiseiri also provides secondary care and supportive housing in Waterford City.

Aiseiri employs (approx.) 127 staff members and 80 volunteers.

The primary activity of the volunteers is to act as facilitators for groups attending the aftercare programme.

### **Principles to Safeguard Children and keep them safe from harm**

The Aiseiri organisation recognises and upholds the dignity and rights of all children and young people and is committed to ensuring their safety and well-being; and we will work in partnership with family members, guardians and agency partners to do this.

#### **Aiseiri is committed to the following principles to keep children safe from harm:**

- a child-centred approach in the provision of services and the use of our services by all persons under 18 years
- That the safety and welfare of children/young people is everyone's responsibility
- That the promotion of the welfare, health and safety of children/young people is paramount
- That children/young people residing in and in contact with Aiseiri services are to be respected as individuals and encouraged to reach their potential, regardless of background
- That children/young people raising welfare or abuse concerns will be treated equally and listened to by staff members and/or volunteers

- That any identified welfare or protection concern of a child/young person that becomes known to Aiseiri staff or volunteers will be managed in a safe manner by the company. The response will be in compliance with best practice as set out in Children First National Guidance 2017 and will adhere to Aiseiri Policy and Procedures for the Protection and Safeguarding of Children 2023.
- That Aiseiri respects the confidential nature of information that our clients and families share with us. However, there are exceptions and limits to this confidentiality, including when information needs to be shared to protect a child.
- That safe management procedures are in place for all staff, volunteers and students, covering in particular; recruitment, Garda vetting and a person's suitability to work with children and vulnerable persons
- That designated liaison persons and mandated persons in respect of child safeguarding are identified, trained and are known to all staff members and volunteers.

**Note - all registered counsellors, nurses and social care workers employed by Aiseiri are mandated persons under the Children First Act 2015**

- That Aiseiri retains and maintains a list of all staff who are mandated persons
- That safe procedures are in place and implemented, to respond to an allegation of abuse of a child/young person against a staff member, volunteer, student or other adult.
- That procedures are in place to respond to an allegation of abuse of a child/young person by another child/young person.
- That a specific safeguarding children training plan is in place to ensure that all staff and volunteers are aware of their role in keeping children/young people safe and to raise organisational awareness of this issue.
- That a specific safeguarding children communications plan is in place to ensure that staff, service users, volunteers, partners and the general public are aware of the policy and procedures in place to safeguard children/young people engaged with Aiseiri.
- That Aiseiri has developed and is maintaining clear and secure record keeping procedures in respect of child protection and welfare concerns. Such records are held by the Designated Liaison Person.
- That a code of conduct is in place for staff, volunteers and other adults, which sets out their responsibilities in their engagement with children and young people.

- That a code of conduct is in place which outlines the responsibilities of children and young people in their interactions with each other and adults whilst attending an Aiseiri facility or engaging with its services.
- That Aiseiri recognises the importance of multi-agency working in keeping children and young people safe and on that basis working relationships have been developed with the relevant statutory agencies e.g. An Garda Síochana and Tusla.

### **Note**

**For the purpose of this document, a child is a person between the ages of 0 and 12 years, and a young person is a person between the ages of 13 and 18 years.**

### **Risk Assessment**

On the basis of being a relevant service as defined under Schedule 1 of the Children First Act 2015 Aiseiri has completed a safeguarding children risk assessment. This is with a view to having a safeguarding plan in place which minimises the risk, as far as practicable, to any child/young person attending their facilities and/or having contact with the services.

The completed risk assessment framework is set out below.

### **Note**

Section 11(1) (a) of the Children First Act 2015 defines risk as ‘any potential for harm to a child while availing of the service’

Section 2 of the Act defines harms as ‘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, whether caused by a single act, omission or circumstances or a series or combination of acts omissions or circumstances or otherwise’

**The table below sets out the identified risks to the safety of children and young people, involved with or attending Aiseiri services and the steps taken to manage and minimise the risk of harm. These risks are relevant to Aiseiri.**

**The risk rating rationale is as follows:**

**L-Low** – Such risks are mitigated and are in direct control of Aiseiri and can be monitored and controlled effectively on an ongoing basis

**M-Medium** – While the risk is mitigated and policies and procedures are in place, the risk may not be in direct control of Aiseiri entirely and reliance on other third parties may be required and demonstrable for control measures to be fully effective

**H-High** – While the risk may have control measures in place and supported by policies and procedures, the risk is still vulnerable and the likelihood for an occurrence is high

**Note**

Responsibility is placed on relevant services contracted by or in partnership with Aiseiri, in contact with children/young people, to manage the risk issues relevant to them and to take steps to minimise the risk of harm.

## Aiseiri Child Safeguarding Risk Assessment October 2025

No.	Risk Description	Risk Level	Controls / Mitigations in Place	Evidence / Supporting Information	Responsible Person / Department
1	Risk of harm to children by staff	Low	Safe recruitment in place. Induction in place. Staff code of conduct in place. Lone working policy in place. Safeguarding policy and procedures implemented.	Garda vetting evidenced. Training log evidenced. Policies and procedures evidenced. Staff acknowledging compliance with policy.	Managers
2	Risk of harm to children by other adults	Low	Protocol on room usage by external groups implemented in units. High levels of staff supervision on site plus 24-hour monitored CCTV.	Staffing levels and CCTV monitoring evidenced.	Managers
3	Unsafe recruitment of staff and contractors	Low	Safe recruitment of staff in place. Safe procedures in place for contractors.	Evidenced via access to database. Contractors working with clients are Garda vetted.	Managers
4	Risk of harm to a child from another service user	Low	Responsibility for supervision of residents in operation across the staff group and 24-hour monitored	Evidenced.	Managers

			CCTV in operation. Code of behaviour also in place for residents and staff.		
5	A child safeguarding statement is not in place, reviewed and revised a minimum of biannually	Low	Child Safeguarding Statement in place. Statement on website.	Poster for the statement evidenced on site. Evidenced on website.	Managers
6	Child protection and safeguarding policy and procedures are not operational	Low	Policy and procedures signed off by CEO. Reports of child protection and/or welfare concerns received by DLP and forwarded to TUSLA when appropriate.	Policies and procedures evidenced. Evidence of a redacted report to Tusla received.	DLP
7	Bullying of a child	Low	Guidance regarding bullying within policy and procedures.	Guidance evidenced within policy and procedures.	Clinical
8	Staff not reporting a concern	Low	All staff have completed Children First briefing and mandated staff will be completing in-house half-day Children First training before end of 2025.	Training records evidenced. Details of reports made by staff to DLP evidenced.	Compliance
9	Exposure of children to violence, challenging behaviour or substance misuse	Medium	These issues are managed by staff on a daily basis and through the young person's treatment programme which is subject to daily updates.	Policies in place, Challenging behaviour training being rolled out November 25	Clinical
10	Access to inappropriate	Low	While resident, the young	Evidenced. On document	Clinical

	media content by staff or children		people do not have access to communication devices.	009.AAK – items not to bring.	
11	Cyber bullying of a child and inappropriate use of ICT	Low	As above.	Mobile phones are prohibited as per 009.AAK document.	Clinical
12	System not in place to recognise, respond, report and record child protection or welfare concerns	Low	System implemented through safeguarding children policy and procedures.	Evidenced and to be enhanced by half-day Children First training in last quarter of 2025.	Clinical
13	All staff not in receipt of relevant Children First training	Low	All staff have completed Children First briefing and mandated staff will complete half-day Children First training before end of 2025.	Evidence re briefings seen.	Clinical
14	Staff handbook is not Children First compliant	Low	Staff handbook being revised as part of a process to strengthen staff induction.	Work in progress – will be finalised by end of Quarter 4 2025. Digital one available on SharePoint.	Managers
15	Clear signage is not in place re use of toilet and shower facilities	Low	All residents' bedrooms have ensuites.	Sole use only signs in place in all ensuites.	Managers
16	Risk assessments are not completed by groups booking Aislinn facilities	Low	Event management plans are in place. Staff member attends fellowship meetings.	Evidenced.	Managers
17	Clear signage is not in place re the use of camera facility on phones	Low	An issue for visitors and/or contractors.	Completed and displayed, external sign to be purchased in Q4.	Manager
18	Images of children are posted online without consent	Low	During treatment, residents do not have access to	Signage in place re no use of cameras.	Manager

			communication devices.		
19	Records not maintained of mandated and non-mandated reports by the DLP	Low	Copies of reports submitted to Tusla are retained by the DLP. Copies of reports not submitted to Tusla are retained by the DLP.	Evidenced. To be actioned and records retained by DLP end of November 2025.	DLP
20	Safeguarding and child protection information is not available to service users or the general public	Low	On website and on statement poster.	Evidenced.	DLP
21	The Child Safeguarding Statement is not reviewed biannually as required by the Act	Low	Reviewed bi-annually along with the child safeguarding policy and procedures.	Evidenced.	Clinical
22	Harm or potential harm to children is not recognised by staff	Low	All staff have completed Children First briefing and mandated persons will be attending in-house Children First Training. Staff receive monthly group supervision and individual supervision.	Briefing evidenced.	Clinical
23	Staff unclear re procedure to respond to a lost or missing child	Low	Procedure for all residents. Specific guidance regarding missing children in policy and procedures.	Procedure evidenced.	Managers
24	A named person is not in place as required by the Act	Low	Named person appointed.	Named person identified by role in the statement.	DLP
25	A list of mandated persons is not maintained	Low	List established and	List completed and stored on computer.	DLP

			maintained by DLP.		
26	All mandated persons have not been informed of their role and responsibilities under Children First	Medium	Mandated persons to receive half-day Children First training led by the DLP.	Across all Aiséirí units in November.	Clinical
27	There is not a policy in place to respond to information requests from young people	Low	Initial information on the service is on the website for young people.	Policy in place.	Compliance
28	There is no staff training in the management of challenging behaviour	Low	Train the trainer programme to begin rollout across the Aiséirí system in October 2025.	Pending completion of training.	Clinical
29	The staff handbook is not reviewed on a regular basis	Low	Staff handbook currently under review.	Digital copy available and will be reviewed annually	Compliance
30	Staff are not trained in responding to abuse disclosures from service users	Low	Staff training to be enhanced by half-day Children First training led by the DLP. Guidance also in policy and procedures for safeguarding children.	Evidenced.	Clinical
31	Staff do not receive regular professional supervision	Low	See 23.	See 23, supervision takes place once a month.	Clinical
32	There is not a Protected Disclosures policy in operation	Low	Policy in place.	Whistleblowing Policy in place.	Clinical
33	Children and families have not been made aware of the code of behaviour for children/young people	Low	Admission pack in place.	Evidenced.	Compliance
34	Children/young people are not	Low	See 33 above.	Evidenced.	Clinical

	informed of their right to be protected, consulted, and treated with respect				
35	The safeguarding policy and procedures are not made available to parents/guardians and relevant bodies	Low	On website and link on Statement poster.	Evidenced.	Management
36	A partnership policy regarding working with parents is not operational	Low	Contract on admission is countersigned by parents. Family support policy also in place.	Evidenced.	Clinical
37	Regular, recorded management team meetings do not take place	Low	Monthly management meetings are in place. Safeguarding and clinical governance are standing items.	Evidenced terms of reference for management team meetings.	Clinical
38	The staff induction programme does not include training in respect of Aiséirí safeguarding children policy and procedures	Low	Half-day Children First training before end of 2025 for all relevant staff.	All staff are required to complete Children First training prior to starting employment.	Managers
39	There is no evidence of service level agreements with partner organisations	Low	Service Level Agreements in place with HSE and Probation Service. Arrangements with Tusla on a case-by-case basis.	SLA's evidenced. No SLA with Tusla.	DLP
40	There is no system in place to record complaints and compliments	Low	Complaints and compliments policy in place. Quarterly reports on activity to Board and HSE.	Policy in place. Clients also complete evaluation forms before discharge from treatment.	Clinical

**Note:** A definition of staff in this table includes paid staff, volunteers, and students.

### **Procedures for Managing Risks**

In addition to the mitigating procedures listed in our risk assessment, the following procedures support our intention to safeguard children while they are availing of our service:

- Aiseiri child safeguarding statement (2025)
- Aiseiri child safeguarding risk assessment and plan (2025)
- Aiseiri policies and procedures for the protection and safeguarding of children (2025)
- Aiseiri case notes and written records policy (8-AGP-CM)
- Aiseiri protocol on room usage by external groups, guidance in place for staff
- Aiseiri Work Place Dignity & Respect Policy & Procedures (6-AGP-HR)
- Aiseiri online safety for children guidance (2025)
- Aiseiri CCTV policy (21-AGP-CO)
- Aiseiri Recruitment policy & procedures (9-AGP-HR).
- Aiseiri Garda vetting policy (2-AGP-HR)
- Aiseiri Induction policy and procedure (11-AGP-HR)
- Aiseiri Complaints Policy and Procedures (7-AGP-HR)
- Aiseiri code of ethics for staff, volunteers & students with regard to their interactions with children and young people.
- Aiseiri code of conduct for children and young people for when they are availing of Aiseiri services and facilities.
- Aiseiri Aislinn anti bullying policy and procedures (31-AGP-CM)
- Aiseiri Whistleblowing Policy & Procedures (21-AGP-HR)
- Aiseiri Grievance Policy & Procedure (1-AGP-HR)
- Aiseiri Disciplinary Policy & Procedure (28-AGP-HR)
- Aiseiri safeguarding children training plan 2025
- Aiseiri safeguarding children communication plan 2025
- Aiseiri lone working policy and procedure (15-AGP-HR)
- Aiseiri confidentiality guidance in respect of safeguarding children

All procedures and policies listed above are available on request or are available on the Aiseiri SharePoint site.

### **Implementation**

In undertaking this risk assessment the board of management has endeavoured to identify, as far as practicable, the risks of harm that are relevant to Aiseiri and to ensure that adequate procedures are in place to manage the identified risks.

This Child Safeguarding Statement has now been provided to;

- All staff, volunteers, contractors and partners linked with Aiseiri
- On request it will be provided to a parent/guardian (primary carer) of a child/young person availing of our services or activities
- Or to TUSLA, Child and Family Agency.

This statement is also available on line on the Aiseiri web-site [www.aiseiri.ie](http://www.aiseiri.ie)

Aiseiri is committed to the implementation of this child safeguarding statement and to the policies and procedures that will support our intention to keep children and young people (under 18 years) safe from abuse or harm, as far as practicable, while attending our facilities and/or services.

This child safeguarding statement will be reviewed no later than 2 years from the date of issue of this document or as soon as practicable if there has been a material change in any matter to which this statement refers.

**Signed:** \_\_\_\_\_

**Date** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Chairperson, Board of Management, Aiseiri**

## Appendix 2

### Legislation

#### **Child Care Act 1991**

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 receiving children into care, if necessary.

#### **Non Fatal Offences Against The Person Act 1997**

This act codifies the criminal law on offences against a person and includes the offences of assault causing harm, endangerment and abduction. Generally speaking, the act does not limit in terms of age and can apply to offences against a person perpetrated by a child and an offence suffered by a child. The defence of assault was previously defensible by virtue of a common law defence of reasonable chastisement, and this defence was removed in the children first act.

It is worth noting that a number of offences, such as assault causing harm, are scheduled offences under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 and accordingly information on such an offence must be notified to An Garda Síochána.

#### **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 a person reports 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. A person who makes a report in good faith and in the child's best interests, may also be protected under common law by the defence of qualified privilege.

The act created an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or of the Health Service Executive (HSE) or to a member of an Garda Síochána "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

A full list of persons in Tusla and the HSE, who are designated officers under the 1998 Act, can be found on the website of each agency ([www.tusla.ie](http://www.tusla.ie) and [www.hse.ie](http://www.hse.ie)).

## **Criminal Justice Act 2006**

### ***Reckless Endangerment***

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.

Accordingly, it is very important to note that -

The fact that a member of staff has dealt with a child protection or welfare concern in accordance with these procedures and/or reported it under the Children First Act, 2015 does not absolve that person of his or her statutory obligation to disclose

information to an Garda Síochána under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 where that person has information that falls within the scope of that act or

The fact that a member of staff has disclosed information to An Garda Síochána does not absolve that person of his or her obligations to report concerns to Tusla in accordance with the requirements of these procedures and/or in accordance with requirements of 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**

This act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

The schedule of relevant services under the Children First Act 2015 is contained in Appendix 8 of these procedures.

A full schedule of Mandated Persons under the Children First Act 2015 is contained in Appendix 7 of these procedures.

Through the provisions of the act, it is intended to:

- Raise awareness of child abuse and neglect or harm against a child;
- Provide for mandatory reporting of instances of harm by key professionals;
- Improve child safeguarding arrangements in organisations providing services to children; Provide for cooperation and information-sharing between agencies when Tusla – child and family agency, is undertaking child protection assessments.

The Children First Act 2015 will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

### **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.

### **Freedom of Information Acts 1997, 2003 & 2014**

Any reports which are made to Tusla may be subject to the provisions of the freedom of information acts, which enable members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the freedom of information acts also provide that public bodies may refuse access to information obtained by them in confidence.

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

- (a) protecting records covered by legal professional privilege;
- (b) protecting records which would facilitate the commission of a crime;
- (c) protecting records which would reveal a confidential source of information.

Aiseiri notes that records forwarded to a public body by all staff of Aiseiri and held by that body may be subject to the provisions of the freedom of information acts.

### **The Data Protection Acts, 1998 and 2003**

The data protection acts are designed to protect the rights of individuals with regard to personal data. The law defines personal data as “data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller”.

The acts give a right to every individual, irrespective of nationality 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.

## **GDPR (General Data Protection Regulation)**

This is a regulation in EU law on data protection and privacy for all individuals within the European Union. It also addresses the export of personal data outside the EU. It came into force on May 25<sup>th</sup> 2018, giving individuals more control over how our data is used, and putting more responsibility on businesses who use it.

## Appendix 3

### **Recognising child protection and welfare concerns**

#### **Categories and indicators of abuse:**

#### **Types of child abuse and how they may be recognised**

Child abuse can be categorised into four main types: *neglect, emotional abuse, physical abuse and sexual abuse*.

A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institution. The abuser may be known to the child or a stranger and can be an adult or another child.

**In a situation where abuse is alleged to have been carried out by another child, it should be considered a child protection and welfare issue for both children and child protection procedures should be adhered to for both the possible victim and the alleged abuser.**

The important factor in determining whether behaviour constitutes abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/guardian

**The definitions of neglect and abuse presented in this section are not legal definitions. They are intended to describe ways in which a child might experience abuse and how this abuse may be recognised.**

### **Neglect**

Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation, supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. These factors include the extent, if any, of positive influence in the child's life, as well as the age of the child and the frequency and consistency of neglect.

Neglect is associated with, but not necessarily caused by, poverty. It is strongly linked with parental substance misuse, domestic violence and parental mental illness and disability

Neglect, including serious neglect, may be apparent immediately and on the basis of one engagement. An example is a child who is seriously underweight (without a medical condition) and has persistent hair and skin infections from poor hygiene. This condition is not the result of a one-off lapse on the part of a parent.

Other forms of neglect may only emerge over time as a pattern emerges. For example, a child who suffers a series of ongoing minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child who

consistently misses school may be being deprived of intellectual stimulation or adequate supervision.

**A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer.**

**The following are examples of child neglect:**

- children being left alone without adequate care and supervision;
- malnourishment, lacking food, unsuitable food or erratic feeding;
- non-organic failure to thrive, such as, child not gaining weight due not only to malnutrition but also to emotional deprivation;
- failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation;
- inadequate living conditions – unhygienic conditions, environmental issues, including lack of appropriate heating and furniture;
- lack of adequate clothing;
- inattention to basic hygiene;
- lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age;
- persistent failure to attend school;
- abandonment or desertion.

### **Emotional abuse/ill treatment**

Emotional abuse/ill treatment is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child.

Once-off and occasional difficulties between a parent/guardian and child are not considered emotional abuse. Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when

adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs. Emotional abuse is not easy to recognise because the effects are not easily seen.

**A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.**

**Emotional abuse may be seen in some of the following ways:**

- rejection;
- lack of comfort and love;
- lack of attachment;
- lack of proper stimulation (for example, fun and play);
- lack of continuity of care (for example, frequent moves, particularly unplanned);
- continuous lack of praise and encouragement;
- persistent criticism, sarcasm, hostility or blaming of the child;
- bullying;
- conditional parenting in which care or affection of a child is made contingent on his or her behaviours or actions;
- extreme over-protectiveness;
- inappropriate non-physical punishment (for example locking a child in a room)
- ongoing family conflicts and family violence;
- seriously inappropriate expectations of a child relative to his/her age and stage of development.

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

**It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.**

### **Physical abuse**

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents.

**A reasonable concern exists where the child's health and/or development is, may be or has been damaged as a result of suspected physical abuse.**

### **Physical abuse can include the following:**

- physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair-pulling;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness;

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 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. There has been no change to the reporting requirements in relation to corporal punishment.

### **Sexual abuse**

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and, in some instances, occurs over a number of years. Child sexual abuse most commonly happens within the family, including older siblings and extended family members.

Cases of sexual abuse principally come to light through disclosure by the child or his or her siblings/friends; from the suspicions of an adult and/or by physical symptoms.

**NOTE. It should be remembered that sexual activity involving a child or young person may be sexual abuse even if the child or young person concerned does not themselves recognise it as abuse.**

### **Examples of child sexual abuse include the following:**

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in the act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal

- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and underage person
- Sexual exploitation of a child, which includes:
  - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography
  - Inviting or 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

An Garda Síochána have the responsibility to investigate any criminal aspects of a sexual abuse case under the relevant criminal justice legislation and the prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that, for the purposes of criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal; however, it may not necessarily be regarded as child sexual abuse.

### **Bullying**

**It is recognised that bullying affects the lives of an increasing number of children and can be the cause of genuine concerns about a child's welfare.**

Bullying can be defined as repeated aggression – whether it be verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such

as physical aggression, cyber bullying, and damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, through mobile phones, the Internet and other personal devices.

While bullying can happen to any child, some may be more vulnerable such as disabled children or children who have special educational needs, those from ethnic minority and migrant groups, from the Traveller community, lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT and children of minority religious faiths.

There can be an increased vulnerability to bullying amongst children with special educational needs and particularly those who do not understand social cues and /or have difficulty communicating. Some children with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

Bullying in schools is a particular problem due to the fact that children spend a significant portion of their time there and are in large social groups. In the first instance, the school authorities are responsible for dealing with such bullying. School management boards are required to have a code of conduct and an anti-bullying policy in place. School personnel should be aware of their school's anti-bullying policy and of the relevant procedural guidelines.

#### **NOTE**

**In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, or poses a serious risk to the health, development or welfare of a child, a report may need to be made to Tusla and/or An Garda Síochána.**

### **Complicating factors in child welfare and protection**

The following are some of the complicating factors and circumstances that may make children more vulnerable to child protection and welfare concerns:

- Age of child
- Gender
- Sexuality
- Trafficked and/or exploited children
- Children with communication difficulties
- Children with mental health issues
- Children with disabilities
- Domestic violence
- Sexual violence
- Adolescent parents
- Parental mental health issues
- Parental substance misuse
- Parental intellectual disability
- Unknown male partners and their history/association with the child's family

- Families who are uncooperative or hard to engage
- Poverty and social exclusion

Outside of the above child and parental factors there may also be relevant community, environmental and motivational engagement factors with and for parents/guardians

Examples of these may include:

- Housing issues
- Children who are out of home and not living with their parents
- Bullying
- Internet and social media concerns
- Non- attendance of children at health appointments
- Parents/guardians avoiding contact with services and displaying a reluctance to work with services

**NOTE:**

It is important to remember that the identification of additional vulnerability to risk of abuse does not mean that a child in those circumstances or environment is being abused.

Appendix 4

**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.**

<b>1. Tusla Area (this is where the child resides)*</b>	
---	--

<b>2. Date of Report*</b>	
---------------------------	--

### 3. Details of Child

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

### 4. Details of Concerns\*

Please complete the following section with as much detail about the specific child protection 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

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

### 6. Details of Reporter

<b>First Name</b>		<b>Surname</b>	
<b>Address If reporting in a professional capacity,</b>		<b>Organisation</b>	
		<b>Position Held</b>	
		<b>Mobile No.</b>	

please use your professional address		Telephone No.	
Eircode		Email Address	
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

<b>First Name</b>		<b>Surname</b>	
<b>Address</b> If reporting in a professional capacity, please use your professional address		<b>Organisation</b>	
		<b>Position Held</b>	
		<b>Mobile No.</b>	
		<b>Telephone No.</b>	
<b>Eircode</b>		<b>Email Address</b>	

<b>First Name</b>		<b>Surname</b>	
<b>Address</b> If reporting in a professional capacity, please use your professional address		<b>Organisation</b>	
		<b>Position Held</b>	
		<b>Mobile No.</b>	
		<b>Telephone No.</b>	

<b>Eircode</b>		<b>Email Address</b>	
----------------	--	----------------------	--

### 8. Parents Aware of Report

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

### 9. Relationships

<b>Details of Mother</b>			
<b>First Name</b>		<b>Surname</b>	
<b>Address</b>		<b>Mobile No.</b>	
		<b>Telephone No.</b>	
		<b>Email Address</b>	
<b>Eircode</b>			

<b>Is the Mother a Legal Guardian?*</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
---	-----	--------------------------	----	--------------------------

<b>Details of Father</b>			
<b>First Name</b>		<b>Surname</b>	
<b>Address</b>		<b>Mobile No.</b>	
		<b>Telephone No.</b>	
		<b>Email Address</b>	

<b>Eircode</b>				
<b>Is the Father a Legal Guardian?*</b>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

### 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

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

<b>Telephone No.</b>	
<b>Eircode</b>	
<b>Occupation</b>	
<b>Position Held</b>	
<b>Email Address</b>	
<b>Organisation</b>	

<b>Relationship to Child</b>	
<b>Address at time of alleged incident</b>	

<b>If name unknown please indicate reason</b>	
---	--

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

<b>Relationship to Child</b>	
<b>Address at time of alleged incident</b>	
<b>If name unknown please indicate reason</b>	

**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	Rece Cont e.g. 3 mon
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](http://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**

<b>Report Received by</b>					
<b>First Name</b>		<b>Surname</b>		<b>Date</b>	

<b>Mandated Report Acknowledgement by</b>					
<b>First Name</b>		<b>Surname</b>		<b>Date Sent</b>	

<b>Authorised Person Signature*</b>					
<b>Date*</b>					

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

Appendix 5

**Retrospective Abuse 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.

<b>1. Tusla Area (this is where the person subject to allegations of abuse resides (PSAA))*</b>	
---	--

<b>2. Date of report*</b>	
---------------------------	--

<b>3. Date information was received by reporter*</b>	
--	--

<b>4. Reporter details if third party*</b>			
<b>First name</b>		<b>Surname</b>	
<b>Address</b> If reporting in a professional capacity, please use your professional address		<b>Organisation</b>	
		<b>Position held</b>	
		<b>Mobile no.</b>	
		<b>Telephone no.</b>	
<b>Eircode</b>		<b>Email address</b>	

<b>Reporter's relationship to adult complainant</b>	
---	--

<b>Is this a mandated report made under Sec 14, Child</b>	<b>ren First Act 2015?*</b>	Yes	<input type="checkbox"/>	No
---	-----------------------------	-----	--------------------------	----

<b>Mandated person's type</b>	
-------------------------------	--

**5. Details of other persons where a joint report is being made**

<b>First Name</b>		<b>Surname</b>	
<b>Address</b> If reporting in a professional capacity, please use your professional address		<b>Organisation</b>	
		<b>Position Held</b>	
		<b>Mobile No.</b>	
		<b>Telephone No.</b>	
<b>Eircode</b>		<b>Email Address</b>	

<b>First Name</b>		<b>Surname</b>	
<b>Address</b> If reporting in a professional capacity, please use your professional address		<b>Organisation</b>	
		<b>Position Held</b>	
		<b>Mobile No.</b>	
		<b>Telephone No.</b>	
<b>Eircode</b>		<b>Email Address</b>	

**6. Details of person disclosing abuse (adult complainant)\***

<b>First name</b>		<b>Surname</b>			
<b>Address</b>		<b>Female</b>	<input type="checkbox"/>	<b>Male</b>	<input type="checkbox"/>
		<b>Date of birth</b>			
		<b>Estimated age</b>			

		Previous address, if known	
Telephone No.			
Eircode			

**7. Type of abuse being reported\***

Emotional abuse	<input type="checkbox"/>	Physical abuse	
Neglect	<input type="checkbox"/>	Sexual abuse	

**8. Details and description of alleged abuse\***

Date of alleged abuse		Period of alleged abuse	
Location of alleged abuse		Reason for report at this time	

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

--

**9. 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.	

<b>Eircode</b>		<b>Email address</b>	
<b>Occupation</b>			

### 10. Details of PSAA's social and employment status

--

### 11. PSAA household composition

<b>First name</b>	<b>Surname</b>	<b>Relationship</b>	<b>Date of birth</b>	<b>Estimated age</b>	<b>Additional information, school, occupation, etc.</b>

<b>12. Does the PSAA have contact with children?*</b>	Yes	<input type="checkbox"/>	No
---	-----	--------------------------	----

If Yes, please complete information below. If No, proceed to 11.

<b>Details of child</b>			
<b>First name</b>		<b>Surname</b>	
<b>Address</b>		<b>Mobile no.</b>	
		<b>Telephone no.</b>	
		<b>Email address</b>	
		<b>Date of birth</b>	
<b>Eircode</b>		<b>Age</b>	

<b>Parent/carers' names</b>		<b>Parent/carers' names</b>	
<b>Relationship to adult complainant</b>		<b>Relationship to PSAA</b>	
<b>Frequency of contact, if known</b>			
<b>Male</b>	<input type="checkbox"/>	<b>Female</b>	<input type="checkbox"/>
		<b>Unknown</b>	<input type="checkbox"/>

Please attach additional sheets for additional children, if necessary.

<b>13. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?</b>	Yes	<input type="checkbox"/>	No
If yes, please provide detail:			

<b>14. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?</b>	Yes	<input type="checkbox"/>	No
If yes, please provide detail:			

<b>15. Based on information known at this time, has a report been made to An Garda Síochána?</b>	Yes	<input type="checkbox"/>	No
<b>Garda name:</b>		<b>Telephone no.</b>	
<b>Garda district:</b>		<b>Email:</b>	
<b>Address:</b>		<b>PULSE ID number:</b>	
		<b>Date notification made:</b>	
<b>Eircode</b>		<b>Date report made</b>	

<b>16. Is the PSAA aware of this report?</b>	Yes	<input type="checkbox"/>	No
--	-----	--------------------------	----

If yes, please provide further details:

**17. Any additional information**

Yes

No

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 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](http://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**

**2. Thank you for completing the report form.**

**18. For completion by Tusla authorised person on receipt of report**

**Report received by**

<b>First name</b>		<b>Surname</b>		<b>Date</b>	
-------------------	--	----------------	--	-------------	--

<b>Mandated report acknowledgement by</b>					
<b>First name</b>		<b>Surname</b>		<b>Date sent</b>	
<b>Authorised person signature*</b>					
<b>Date*</b>					
<b>Child previously known</b>	Yes	<input type="checkbox"/>	No		
<b>Allocated case no</b>					

## Appendix 6

### List of mandated persons as specified by Children First Act 2015

#### MANDATED PERSONS

The following classes of persons are specified as mandated persons for the purposes of this 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 protection and welfare 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.

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

## Appendix 7

### Schedule of relevant services under the 2015 Children First Act

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, 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) (b) care or supervision of children, or
  - c) (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 legal 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 8

### 1. PROCEDURE FOR APPOINTING A RELEVANT PERSON/S

(A specified procedure under the Children First Act 2015)

#### **PROCEDURE FOR APPOINTING A RELEVANT PERSON/S FOR THE PURPOSES OF THE CHILDREN FIRST ACT, 2015**

The Children First Act 2015, Section 11 requires organisations that are providers of Relevant Services to prepare a Child Safeguarding Statement. This is a written statement that specifies the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm.

Section 11, (3) (g) of the Act requires that *'A child safeguarding statement shall... in that regard, specify the procedures that are in place' for appointing a relevant person for the purposes of this Part.*

Part 2 (8) of the Act outlines the definition in relation to *"Relevant Person"* which means a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider's Child Safeguarding Statement.

#### **Aiseiri as an organisation we have a responsibility to appoint a Relevant Person/s in line with the above Act. Purpose of this procedure**

The purpose of this procedure is to:

1. Meet the requirements of the Children First Act, 2015, by outlining in the Child Safeguarding Statement/s the specified procedures required, which include a "procedure for the appointment of Relevant Person/s.
2. Ensure that all staff/volunteers within the organisation are aware of the process to appoint the Relevant Person/s.
3. Ensure all staff/volunteers are aware of who has been appointed as the Relevant Person/s as outlined in the Child Safeguarding Statement.
4. Ensure that all parents, children, members of the public and Tusla are aware that they may receive a copy of the Child Safeguarding Statement upon request. This statement will contain the details of the Relevant Person/s.

#### **Roles associated with this procedure**

1. The CEO, Board of Directors, has responsibility for appointing a Relevant Person/s.
2. The appointed Relevant Person/s in line with the Children First Act, 2015 will be the first point of contact in relation to the Child Safeguarding Statement.
3. Management and Staff/volunteers will ensure that any queries in relation to the Child Safeguarding Statement are directed to the Relevant Person/s named.

#### **Outline of Procedure**

The procedure to appoint a Relevant Person/s is as follows.

1. The, Chair of Board of Directors, may decide to be the named Relevant Person/s for the purpose of the Child Safeguarding Statement.

2. The, Board of Directors, may appoint the Relevant Person/s and delegate the function to a nominated person in the organisation.
3. If appointed, the role and function of the Relevant Person/s will be outlined in a letter to the nominated person.
4. The name of the Relevant Person/s will be included on the Child Safeguarding Statement.
5. All staff/volunteers will be made aware of who has been appointed as the Relevant Person/s by receiving a copy of the Child Safeguarding Statement which includes the name of the Relevant Person/s. All parents, children, members of the public and Tusla will also receive a copy of the statement upon request which will inform them of who has been appointed as a Relevant Person/s.
6. This procedure and the role and function of the Relevant Person/s will be reviewed within 24 months of the date and outlined on the Child Safeguarding Statement, or as soon as practicable after there has been a material change in any matter to which the statement refers.

## Appendix 9

# **PROCEDURE FOR MAINTAINING A LIST OF MANDATED PERSONS**

**(A specified procedure under the Children First Act 2015)**

## **PROCEDURE FOR MAINTAINING A LIST OF MANDATED PERSONS**

The Children First Act 2015, Section 11 requires organisations that are providers of Relevant Services to prepare a Child Safeguarding Statement. This is a written statement that specifies the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm.

Section 11, (3) of the Act requires that 'A *child safeguarding statement shall... in that regard, specify the procedures that are in place*' for maintaining a list of the persons (if any) in the relevant service who are mandated persons.

**Aiseiri as an organisation we have a responsibility to maintain a list of mandated persons in line with the above Act.**

### **Purpose of this procedure**

The purpose of this procedure is to:

- Meet the requirements of the Children First Act, 2015, by putting in place a procedure for maintaining a list of persons who are mandated persons as outlined in Schedule 2 of the Act.
- Ensure that all management, staff/volunteers within the organisation are aware of the procedure for maintaining a list of mandated persons.
- Ensure that all management and staff/volunteers within the organisation are aware of the responsibilities of Mandated Persons

### **Role of the Mandated Persons**

As defined in the Children First Act 2015, mandated persons have a statutory obligation to report concerns which reach or exceed a particular threshold to the local Tusla social work duty service and to cooperate in the assessment of mandated reports (please see Children First: National Guidance (2017) Chapter 3, for further information on the roles of mandated persons and Appendix 2: Schedule of Mandated Persons under the Children First Act 2015 a copy of which is available as an Appendix in this procedure).

### **Outline of procedure**

#### **Employers**

It is the responsibility of The Operations Management Team to identify persons in positions that could be characterised as Mandated Persons with responsibility under Section 14 of the Children First Act 2015. Those staff members will be advised of their responsibility as Mandated Persons by letter, and a copy of the letter sent will be held on their personnel file. Line Managers of all staff who are identified as Mandated Persons will also be informed of their status by letter.

A full list of the employees and line managers who were sent letters in this regard will be held by the DLP

#### **Line Managers**

Line Managers of identified Mandated Persons will inform new and existing staff of their Mandated Person responsibility and this should be discussed within Supervision.

- Managers must ensure that employees who are Mandated Persons meet their responsibilities and comply with these procedures through monitoring, audit and review
- Managers must facilitate training for employees who are Mandated Persons where necessary
- Managers are responsible for consulting with staff to review the Mandated Persons list to remove persons who are not identified as Mandated Persons. They must inform [Board of Management, Delegated Manager, Sara Cassidy](#) of any changes required to the list.

It is the Line manager's responsibility to ensure that all information, induction and training necessary for staff members who are Mandated Persons is undertaken with particular reference to the reporting procedure.

#### **Staff (and or volunteers)**

- Staff who are Mandated Persons when fulfilling their legal responsibility should ensure their line manager/Designated Liaison Person is aware when they are making a report.
- Those who were graded as Mandated Persons but self-determined they did not meet the criteria as Mandated Person are advised to inform their line management.

#### **Arrangements to notify staff of their Mandated Person Responsibility**

Employment contracts for all staff will indicate that they must adhere to all relevant legislation. This includes the Children First Act. The following will be included in all existing and new employee contracts. 'You are required to comply with legislation / policies which have particular application to your position. Details of these policies will be communicated to you by your Line manager'.

#### **Maintenance and Production of a List of Mandated Persons**

A list of Mandated Persons will be maintained *at* a local level. Where multiple lists are being kept, line managers will be identified to hold lists of Mandated Person which must be updated and submitted to [Sara Cassidy, Head of Clinical Services, DLP](#), who will maintain a the organisational list of Mandated Persons.

#### **Review**

All arrangements for maintaining a list/s of mandated persons outlined in this procedure will be reviewed within 24 months of the date outlined below or if there has been a material change in any matter to which the statement refers.

## **Appendix 10 Statement poster**

## **Aiseiri Child Safeguarding Statement**

The child safeguarding statement of Aiseiri has been completed in compliance with the requirements of the Children First Act 2015 and of the Children First National Guidelines for the Protection and Welfare of Children 2017.

The services being provided by Aiseiri are set out. The principles and procedures that are in place to ensure, as far as practicable, that a child attending Aiseiri or in contact with their staff / volunteers is safe from abuse or harm are also stated.

An assessment of risk of harm to a child while attending Aiseiri or in contact with our staff or volunteers has also been completed. Procedures to manage such identified risks have also been specified.

A full version of the statement and the risk assessment is available on the Aiseiri website [www.aiseiri.ie](http://www.aiseiri.ie)

The relevant person for any enquiries in respect of the child safeguarding statement is *Sara Cassidy, Head of Clinical Services*

If you have a protection or welfare concern in respect of a child please contact: Sara Cassidy, Designated Liaison Person Telephone 052-7441166 email: [scassidy@aiseiri.ie](mailto:scassidy@aiseiri.ie)

Signed

\_\_\_\_\_ Aiseiri

