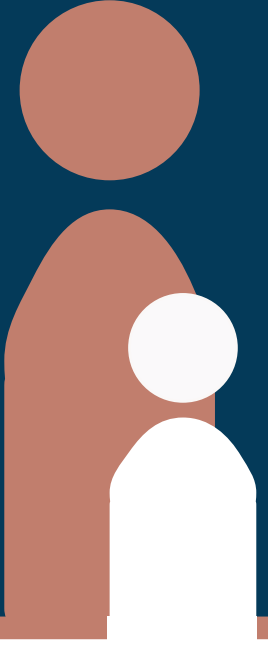
An Chomhairle Oidhreachta
The Heritage Council

CHILD PROTECTION POLICY

February 2018



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INTRODUCTION

The Heritage Council has a statutory responsibility to create a culture of safety that promotes the welfare and protection of children and young people availing of its services. This policy document deals with the recognition, reporting and management of child safety concerns and will assist anyone working on behalf of Council in having due regard for the rights and interests of children. This policy applies to all those in receipt of Heritage Council funding as well as Heritage Council staff and those working on behalf of the Heritage Council such as Heritage in Schools (HIS) Specialists.

The Children First Act (2015) places specific statutory obligations on organisations which provide 'Relevant Services' services to children and young people. The definition of 'relevant services' in Schedule 1 of the Act includes 'any work or activity which consists of the provision of educational, research, training, cultural, recreational, leisure, social or physical activities to children'. The Heritage Council interacts with young people through the provision of the Heritage in Schools programme, Heritage Officer Projects, other grant aided projects and education projects. As the provider of a relevant service, and in line with 'Children First – National Guidance for the Protection and Welfare of Children' (2017), the Heritage Council is obliged to prepare a Child Safeguarding Statement. This is a written statement that specifies the services provided by the Heritage Counicl and the principles and procedures to be observed to ensure, as far as practicable, that a child availing of these services is safe from 'harm'.[1] It also includes an assessment of risk of 'harm' to a child while availing of our service and specifies the procedures in place to manage the identified risks. The Heritage Council will publicly display its Child Safeguarding Statement and make it available to parents and guardians, Tusla and members of the public upon request.

The Department of Culture, Heritage and the Gaeltacht also ensures compliance with the Heritage Council's obligation to put in place suitable child protection policies and procedures through the Service Level Agreement process and through the oversight Committee on Child Protection. Given the wider societal concerns in relation to child protection, it is essential that strong guidelines regarding child protection are in place to support all staff and those supported by the Heritage Council who may interact with children in any capacity and to ensure protection of any child in our care. For the purposes of this document a child is defined as anyone under 18 years of age who is not or has not been married.

1. Section 11(1)(a) of the Children First Act (2015) defines **harm** as follows: "harm means in relation to a child – 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.

2. Established in January 2014, **Tusla -the Child and Family Agency** is the State agency responsible for improving wellbeing and outcomes for children.

The Department of Children and Youth Affairs published the current version of *Children First: National Guidance for the Protection and Welfare of Children* in 2017, which revises and replaces the 2011 edition of the Children First Guidance. It is available on the website of the Department of Children and Youth Affairs at www.dcya.gov.ie. The guidelines which follow have been developed for the Heritage Council against this background.

All staff members of the Heritage Council, both permanent and temporary, have been given a copy of this Child Protection Policy and Child Safeguarding Statement. New staff members and service providers who deal directly with children will be briefed on the policy and their responsibilities at induction. Staff members dealing directly with children on a regular basis must sign a copy of the Staff Declaration Form at Appendices 8 and 9. Everyone working on behalf of the Heritage Council should complete the online child welfare and protection e-learning programme prepared by Tusla and available free of charge at www.tusla.ie.

NOTE:

Where the terms 'Heritage Council and 'HC' are used within this document, they apply to everyone working on behalf of the Council, on projects which involve direct contact with children and/or young people, including HC staff, volunteers and registered Heritage in Schools Specialists as appropriate.

CHILD SAFEGUARDING STATEMENT

The mission of the Heritage Council is to ensure that our heritage is nurtured, managed and conserved to enrich the lives of people now and the future. In order to secure a legacy of appreciation for the intrinsic value of heritage, it is essential to engage children and young people with the natural and cultural heritage that surrounds them.

SERVICE BEING PROVIDED:

The Heritage Council offers services to and for children for the purposes of engagement and education through the provision of the Heritage in Schools Scheme. This outdoor education programme provides a panel of 160 Heritage Specialists and facilitates their visits to primary schools nationwide. The aim of this scheme is to encourage both teachers and pupils to engage with their local heritage in a hands-on, interactive and meaningful way. The Heritage Council also engages with young people through Heritage Officer Projects, other education and grant aided projects, consultations and focus groups.

PRINCIPLES TO SAFEGUARD CHILDREN FROM HARM:

The Heritage in Schools Scheme operates according to the key principle that the welfare of children is of paramount importance. It is our policy that any group or organisation that receives support from the Heritage Council and provides services to children must comply with the Heritage Council's child protection policy and procedures. The Heritage Council is committed to ensuring, so far as is possible, that children are protected from harm while in the company of Heritage Council staff, Heritage in Schools Specialists or with those working on behalf of the Heritage Council. In order to foster a culture of safety that promotes the welfare and protection of children, the Heritage Council has put in place a standard reporting procedure for dealing with disclosures, concerns or allegations of child abuse. The safety and well-being of the child must take always priority.

The Heritage Council undertakes to fulfill its statutory obligations under the Children First Act 2015 and to adhere to the Children First: *National Guidance for the Protection and Welfare of Children*.

RISK ASSESSMENT

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

	RISK IDENTIFIED	PROCEDURE IN PLACE TO MANAGE RISK IDENTIFIED
1	Unsanctioned recirculation of photographs featuring children, without parental consent	The Heritage Council's Chld Protection Policy includes clear procedures for taking and circulating photograps of children. Staff, grant beneficaries and those working on behalf of the Heritage Council (HC), are required to sign a Staff Declaration Form certifying that that have read and will abide by our Child Protection policies and procedures.
2	Inability of staff members or Heritage in Schools (HIS) Specialists to properly recognise 'harm'.[1]	Management will provide, and HIS Specialists and relevant HC staff will participate in, recognised and appropriate Child Protection Training and be familiar with the HC Child Protection Policy and Child Safeguarding Statement.
3	Incident of inappropriate behaviour by a member of staff or Heritage in Schools Specialist	Staff members dealing with children must be garda vetted and declare in writing that they will adhere to the HC's code of practice when on Council premesis, in a school or visiting a heritage site. All HIS panelists must also be garda vetted after the robust recruitment process. They must attend child protection training, sign a Memorandum of Understanding with the HC clearly outlining their responsibilities regarding child protection. All experts are issued with photo ID and the Heritage Council maintains oversight of the scheme through the online booking process, evaluation forms and mentoring of new panelists.
4	Inadequate supervision of children	When making a booking, schools are required to confirm that 'the class teacher will be present at all times and that the Heritage Expert will not be left alone at any time with the pupils.' Mandatory adult/child ratios outlined in the Child Protection Policy must be adhered to by all staff and CCTV is in place on Heritage Council property.
5	Incident of inappropriate behaviour by a grant beneficiary	In accepting a HC grant offer, those organising events for children and young people undertake to ensure that they 'will comply with the Heritage Council's child protection policy proper reporting and registration processes'.

1. Section 11(1)(a) of the Children First Act (2015) defines **harm** as follows: "harm means in relation to a child – 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.

PROCEDURES

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, the Children First: National Guidance, and Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice. In addition to the procedures listed in our risk assessment, the following procedures support our intention to safeguard children while they are availing of our service:

- Procedure for the management of allegations of abuse or misconduct against a staff member or Heritage in Schools Specialist of a child availing of our service
- Procedure for the safe recruitment and selection of Heritage in Schools Specialists
- Procedure for provision of and access to child safeguarding training and information, including the identification of the occurrence of harm
- Procedure for the reporting of child protection or welfare concerns to Tusla

All procedures listed are available upon request.

IMPLEMENTATION

We recognise that implementation is an ongoing process. Our service is committed to the implementation of this Child Safeguarding Statement and the procedures that support our intention to keep children safe from harm while availing of our service. This Child Safeguarding Statement was formally approved by the Board of the Heritage Council on 8 March 2018 and will be reviewed every 24 months, or as soon as practicable after there has been a material change in any matter to which the statement refers.

SIGNED

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DESIGNATED LIAISON PERSON

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DEPUTY DESIGNATED LIAISON PERSON

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The Heritage Council
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CODE OF PRACTICE FOR STAFF & HERITAGE IN SCHOOLS SPECIALISTS

Staff in the Heritage Council will observe the following good work practices to ensure that every child remains safe and has a favourable interaction with the Heritage Council whether in work placement, in participation in our education programmes or through Heritage in Schools visits. Anyone working on behalf of the Heritage Council who is in contact with children as part of their working day must adopt a child-centred approach:

- Always put the child's welfare and safety first
- Treat all children and young people equally and as individuals, with respect and dignity
- Involve children and young people in decision-making, as appropriate
- Use appropriate language and maintain awareness around language and comments made. If you think that something you said may have caused offence or upset, then try to address it in a sensitive manner
- Respect a child's or young person's personal space
- Lead by example and create an atmosphere of trust
- Be cognisant of a child's or a young person's limitations, due to a medical condition for example
- Give children encouragement, support and enthusiastic and constructive feedback rather than negative criticism
- Ensure any dangerous behaviour is avoided or stopped
- Ensure that any personal details relating to children are kept confidential
- Keep a written record of any injury that occurs to a child, along with details of treatment given
- Ensure there are clear channels of communication and access to staff/teachers if parents/guardians or children/young people wish to voice their concerns if there is something they are not happy about.

All Heritage Council staff or a Heritage in Schools Specialist:

- Should not take one young person alone on outings such as car journeys. Where this is unavoidable, it should be with the full consent and knowledge of the parents/guardians.

- Should not work on a one to one basis with a child or young person. They should not spend excessive amounts of time alone with an individual child/young person. Where an adult needs to meet with a child/young person alone, the door should be left open and another adult informed of the meeting.

- There should be no unnecessary physical contact between a staff member and a young person although there are times when for example, placing a hand on a distressed child/young person's shoulder to comfort him/her would be appropriate. Physical contact should only be in response to the needs of the child and should be appropriate to the age and the level of development of the child. Generally the
- consent of the child should be sought in relation to physical contact (except in an emergency or a dangerous situation).

  Should not communicate with children they have met through their workplace using text messages, facebook or any other forms of social media. Phone calls on personal mobiles should also be avoided.

In addition, anyone working on behalf of the Heritage Council will never engage in the following inappropriate behaviour;

- Do not use or allow offensive or sexually suggestive physical and/or verbal language
- Do not single out a particular child/young person for unfair favouritism, criticism,
- ridicule, unwelcome focus or attention
- Do not allow/engage in inappropriate touching of any form
- Do not hit or physically chastise children/young people
- Do not leave children unattended or unsupervised

A breach of any of the above will be seen as a breach of the Code of Practice and could give rise to both disciplinary and criminal proceedings. Anyone working on behalf of the Heritage Council should report concerns they note about any inappropriate behaviour with regards to a child/ren in writing where relevant to a Head of Service or the CEO.

OUTDOOR ACTIVITIES

The Heritage Council has additional responsibilities with regard to outdoor activities. The Heritage in Schools scheme has many occasions where children are taken outdoors with their teachers/parents to undertake educational activities.

All schools have their own child protection policies in place. When visiting a school the Heritage in Schools Specialist is subject to the child protection policies of the school that has booked the Specialist.

However, all Specialists must sign the Declaration Form as set in Appendix 6 and 7, certifying that they have read the Heritage Council Policy, they agree to abide by it and that there is no reason why they should be considered unsuitable for working with children/young people. Specialists are also required to sign a Memorandum of Understanding (MoU) with the Heritage Council, which clearly outlines the role and responsibility of the Specialist and of the Heritage Council, the terms of membership of the panel, procedures and guidelines in relation to visits and child protection.

All new staff recruited, either on a permanent or temporary basis, whose work involves contact with children must fill out the Self Declaration form at Appendix 7. Garda vetting will be required for all Heritage in Schools Specialists and staff whose role primarily involves working with children. The Heritage Council will assist with the provision of training for relevant personnel.

GUIDELINES FOR PHOTOGRAPHING CHILDREN

There is some evidence that photographs of children can be used inappropriately. Therefore, the following guidelines will be observed by anyone working on behalf of the Heritage Council.

- Permission will be sought from primary carer/teacher/parent and the children if it is desired to take photographs. If the Heritage Council wishes to use the photograph of any child for promotional or publicity reasons, they will first contact the child's parents and obtain written permission.
- Anyone working on behalf of the Heritage Council will not take photographs of children for any reason other than specified official reasons.
- No child appearing in any promotional photograph will be named.

- Only images of children in suitable dress can be considered for use.
- Inappropriate use of images of children must be reported to the DLP (Designated Liaison Person) and it will be considered as a breach of the Heritage Council's Code of Practice and could give rise to both disciplinary and criminal proceeding

ROLE OF THE DESIGNATED LIAISON PERSON

The ultimate responsibility for the implementation of the Child Protection Policy is the Secretary General of the Department. However, in compliance with legislation (Children First Act, 2015) the Heritage Council has appointed a Designated Liaison Person and a Deputy Liaison Person who will ensure that the Child Protection Policy of the Council is promoted and will support the implementation of the policy. It is also the responsibility of the Designated Liaison Persons (DLP) to liaise with the Child and Family Agency or An Garda Siochána where appropriate. The DLP shall ensure that the standard reporting procedure is followed so that suspected cases of child neglect or abuse are referred promptly to the designated person in Tusla, or in the event of an emergency, and in the unavailability of the Tusla to An Garda Síochána.

Helene O'Keeffe, Head of Education & Communications (hokeeffe@heritagecouncil.ie / 0567770777) is Designated Liaison Person and Amanda Ryan, Grants Administrator (aryan@heritagecouncil.ie 0567770777) is Deputy Designated Liaison Person for the Heritage Council and are the people to contact if you have an issue or concern about any aspect of a child's or young person's safety and welfare in the carrying out of your work duties or if a child discloses information regarding abuse in the workplace to you.

TYPES OF CHILD ABUSE AND HOW THEY MAY BE RECOGNISED

Child abuse occurs when the behaviour of someone in a position of greater power than a child causes the child harm. As children can be abused in a number of ways, sometimes at the same time, it is not always easy to categorise it, but four broad definitions can be considered and may be briefly summarised as neglect, emotional abuse, physical abuse and sexual abuse.

Definitions of the four types of abuse and how to recognise abuse are included in Appendices 1 and 2, which are based on *Children First – National Guidance for the Protection and Welfare of Children*. However, no one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

The following examples would constitute **reasonable grounds of concern**[2] (taken from *Children First: National Guidelines for the Protection and Welfare of Children*, Section 2.2):

- Evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way
- Any concern about possible sexual abuse
- Consistent signs that a child is suffering from emotional or physical neglect
- A child saying or indicating by other means that he or she has been abused
- Admission or indication by an adult or a child of an alleged abuse they committed
- An account from a person who saw the child being abused

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

(a) considering the possibility,
(b) looking out for signs of abuse,
(c) recording of information.

2. Guidance for mandated persons on the thresholds at which, or above which, they have a statutory obligation to report the concern under the Children First Act 2015 can be found in Chapter 3 of Children First: National Guidelines for the Protection and Welfare of Children (2017).

(A) CONSIDERING THE POSSIBILITY OF CHILD ABUSE

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should also be considered if the child displays unusual or fearful responses to parents/carers.

(B) LOOKING OUT FOR SIGNS OF ABUSE

Signs of abuse can be physical, behavioural or developmental. They can exist in the relationship between children and parents/carers, between children and other family members/other persons and amongst their peers. A cluster or pattern of signs is likely to be more indicative of abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be believed. Most signs of abuse are non-specific and must be considered in the child's social and family context. It is important to always be open to alternative explanations for physical or behavioural signs of abuse. Sometimes a specialist assessment may be required to clarify if particular concerns constitute abuse.

(C) RECORDING OF INFORMATION

If abuse is suspected, it is important to establish the grounds for concern by obtaining as much detailed information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. This information should be communicated to the DLP as soon as possible and without delay. The DLP will take any necessary follow-up action. Records will be maintained centrally by the DLPs.

If a staff member has any concerns that are not, as a once off, sufficient to provide reasonable grounds for concern but which taken with other factors over time may lead to a child protection or welfare concern, they should contact one of the Heritage Council's DLPs, who will maintain the records and review in consultation with the Child and Family Agency as necessary.

With regard to a Heritage in Schools Specialist, the same applies and any concerns must be communicated as above to the DLP officer of the school where the visit is being undertaken who has primary responsibility for children's welfare in the school.

DISCLOSURE OF CHILD ABUSE

In the Heritage Council we are most likely to become aware of a case of abuse if a child should disclose it to us. It is essential that this is dealt with sensitively and professionally by anyone carrying out work on behalf of the Heritage Council. The following are guidelines to support the worker in this:

- React calmly- give the child time to say what he/she wants
- Listen carefully and attentively; take the young person seriously
- Reassure the young person that they have taken the right action in talking to you and they are not to blame
- Aim to ensure 'observed confidentiality', where you are witnessed speaking to the child, but cannot be overheard
- Do not be judgemental
- Do not promise to keep anything secret; or make any other promises
- Ask questions for clarification only and do not ask leading questions
- Do not speculate or make assumptions
- Check back with the child/young person that what you have heard is correct and understood using their own words
- Do not express any opinions about the alleged abuser
- Record the conversation as soon as possible, in as much detail as possible.
- Sign and date the record
- Ensure that the child/young person understands the procedures which will
- follow
- Be honest with the child about what we can and cannot do. Tell them that we
- cannot keep secrets and inform them what will happen next
- Do not confront the individual who is alleged to be responsible
- Pass the information to the Designated Liaison Person (for Heritage in Schools Specialists to the school DLP) and for HC staff to the HC DLP as above. It is important that HC Staff do not attempt to deal with the problem alone

All the above steps should be carried out without undue delay whilst not compromising the thoroughness of the process.

WHERE ABUSE IS SUSPECTED OR DISCLOSED THE ONE THING YOU MUST NOT DO IS NOTHING.

RESPONSIBILITY TO REPORT SUSPECTED OR ACTUAL CHILD ABUSE

Any person who has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused, has a responsibility and a duty of care to report their concerns to the Tusla - the Child and Family Agency, either directly or through the Designated Liaison Persons. A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to the to the Child and Family Agency, either directly or through the Designated Liaison Persons. If you ignore what may be symptoms of abuse, it could result on ongoing harm to the child.

It is not necessary for you to prove that abuse has occurred to report a concern to Tusla. All that is required is that you have reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it. If you report a concern, you can be assured that your information will be carefully considered with any other information available and a child protection assessment will be carried out where sufficient risk is identified.

The guiding principles in regard to reporting child abuse is that the safety and well-being of the child or young person must take priority. No child must be exposed to unnecessary risk and reports of concerns should be made without delay to Tusla.

In the Heritage Council, suspicions of abuse will be reported immediately to either of the Designated Liaison Persons listed below (please see Section 6). For Heritage in Schools Specialists each school has its own DLP (Designated Liaison Persons).

The Designated Liaison Persons for the Heritage Council.

Helene O'Keeffe,
Head of Education & Communications (hokeeffe@heritagecouncil.ie / 0567770777)
Amanda Ryan
Grants Administrator, (aryan@heritagecouncil.ie 0567770777)

3. Guidance for mandated persons on the thresholds at which, or above which, they have a statutory obligation to report the concern under the Children First Act 2015 can be found in Chapter 3 of Children First: National Guidance

REPORTING PROCEDURE IN RESPECT OF CHILD ABUSE

The Heritage Council has put in place a standard reporting procedure for dealing with disclosures, concerns or allegations of child abuse. The safety and well-being of the child must take priority. The standard reporting procedure for dealing with disclosures, concerns or allegations of child abuse is that set out in the *Children First: National Guidance for the Protection and Welfare of Children* document.

1. The Heritage in Schools Specialist who has received a disclosure of child abuse or who has concerns of abuse should bring it to the attention of the School's Designated Liaison Person immediately.

2. The HC employee who has received a disclosure of child abuse or who has concerns of abuse should bring it to the attention of one of the Heritage Council's two Designated Liaison Persons immediately.

3. It is important that all those working on behalf of the Heritage Council are aware that the person who first encounters a case of alleged or suspected abuse is not responsible for deciding whether or not abuse has occurred. That is a task for the Child and Family Agency and An Garda Síochána. Under no circumstances should any HIS Specialist/HC staff member attempt to deal with the problem of abuse alone.

4. That HIS Specialist/HC employee who initially expresses concern will be required to complete a report, in consultation with the appropriate Designated Liaison Persons, outlining the situation, including the date, time and people involved. The report should be factual. Any opinions should be stated as such and supported by factual information. A Standard Report Form should be used when reporting child welfare and protection concerns to Tusla . This standard form is in Appendix 8.

5. The Designated Liaison Person will review the information that has been provided to ensure that all relevant information has been gathered. They will contact the Child and Family Agency for informal advice without delay relating to the allegation, concern or disclosure, when necessary.

6. The Designated Liaison Person will then take one of two actions:

(i) Report the allegation, concern or disclosure formally to the Child and Family Agency or,

(ii) Not make a formal report to the Child and Family Agency but keep a record of the concerns on file. The reasons for not reporting the allegation, concern or disclosure will be clearly recorded. The HIS Specialist / HC employee who made the initial report will be informed in writing if a formal report is not being made to the Child and Family Agency and it is open to him/her to make a formal report themselves, directly to the relevant authority if they feel this is necessary. Provisions of the Protection for Persons Reporting Child Abuse Act, 1998 will apply.

It is important that reports are made to the Child and Family Agency without delay.

7. Where a formal report is made, it is likely that the Child and Family Agency will want to speak to the person who first made the report to clarify facts and the circumstances of the report.

8. In an emergency, out of hours, a report should be made directly to An Garda Síochána. In making a report on suspected or actual child abuse, the individual must ensure that the first priority is always for the safety and welfare of the young person and that no young person is ever left in an un-safe situation. Parents/ guardians of the child will be informed of the allegation, concern or disclosure unless doing so is likely to endanger the child.

Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child. Failure to act may result in incurring criminal charges under Section 176 of the Criminal Justice Act 2006 which introduced the criminal charge of reckless endangerment of children.

RETROSPECTIVE DISCLOSURES BY ADULTS

An increasing number of adults are disclosing abuse that took place during their childhoods. Where the identity of the alleged perpetrator or alleged victim is known the service should always consult with the Child and Family Agency to discuss whether a report should be made. Where appropriate, reports should be made to the Child and Family Agency without delay either directly or through the Designated Liaison Persons.

CONFIDENTIALITY

Considerations of confidentiality will not be allowed to over-ride the right of the child to protection. The welfare of the child will be paramount. It is not a breach of confidentiality or data protection to give information which supports the protection of a child.

Therefore, in matters of child abuse, a HIS Specialist /HC employee should never promise to keep secret any information which is divulged. It should be explained to the young person that this information cannot be kept secret but only those who need to know will be told.
It is essential in reporting any case of alleged/suspected abuse that the principle of confidentiality applies. The information should only be shared on a 'need to know' basis and the number of people that need to be informed should be kept to a minimum.

Concerns about a child that are reported anonymously should be followed up fully in accordance with Tusla standard procedures. If the report has been made through a third party, the person mediating should be requested to facilitate contact between the original person who reported the concern and the Child and Family Agency. If, however, contact is not facilitated, the concerns reported via the third party must be reported to the Child and Family Agency.

Records in relation to child protection and welfare concerns will be kept securely and maintained by the Designated Liaison Persons. The Department will co-operate with the Child and Family Agency on the sharing of their records where a child welfare or protection issue arises. The Department is committed to attend and share information, as required, at formal child protection and welfare meetings as organised by the Child and Family Agency i.e. Child Protection Conferences and Strategy Meetings.

The Protections for Persons Reporting Child Abuse Act, 1998

This Act provides immunity from civil liability and from penalisation by an employer to persons who report child abuse 'reasonably and in good faith' to the Designated Officers in the Child and Family Agency or An Garda Síochána.

HERITAGE IN SCHOOL SPECIALIST & STAFF ALLEGATION PROCEDURES

In the event of allegations being made against anyone working on behalf of the Heritage Council or a HC staff member suspects another member of staff of inappropriate behaviour towards or abuse of a child, the protection of the child/young person is the first and paramount consideration. The first priority is to ensure that no child is exposed to unnecessary risk. The Heritage Council should as a matter of urgency take any necessary protective measures (Appendix 5). The measures should be proportionate to the level of risk and should not unreasonably penalise anyone carrying out work on behalf of the Heritage Council, financially or otherwise, unless necessary to protect children. Where protective measures penalise it is important that early consideration be given to the case.

Where there is a complaint of abuse against a member of staff, procedures will take on two strands.

The reporting of the child abuse will be the same as above (HIS Specialist/HC staff member → Designated Liaison Person → Tusla . However, there will also be an investigation into the alleged abuse. In fact, there may be three investigations:

1 an internal investigation by the Schools or Heritage Council as relevant
2 an investigation by the Child and Family Agency investigation
3 and possibly a criminal investigation by the Gardaí.

The Heritage Council HR Manager will handle the Heritage Council investigation into the alleged abuse by a HC staff member. This investigation will be dealt with promptly and carefully. The HR Manager will consult with the Child and Family Agency and An Garda Síochána in order to avoid unintentionally impeding an investigation.

It must be remembered that HIS Specialists/ HC staff may be subjected to erroneous or malicious allegations. Therefore, any abuse allegation must be dealt with sensitively, and support and, if necessary, counselling should be provided. While the primary goal must be to protect the child, care will be taken to ensure that the employee is treated fairly.

As soon as an allegation against a HIS Specialist/HC staff member has been made, these steps will be followed:

1. The person making the allegation will make a report in writing to the Heritage Council HR Manager (& DLP)
2. The reporting procedures outlined in these guidelines will be followed.
3. The Heritage Council HR Manager (& DLP) in taking action will be guided by the agreed procedures, the applicable employment contract and the rules of natural justice.
4. The Heritage Council HR Manager (& DLP) will privately inform the employee of the following;
    (i) the fact that an allegation has been made against him or her;
    (ii) the nature of the allegation.
5. The employee will be afforded the opportunity to respond and this response will be shared with the Child and Family Agency where a report has been/is being made.
6. The HC HR Manager will, as a matter of urgency, take any necessary protective measures to ensure that no child is exposed to unnecessary risk. These measures will be proportionate to the level of risk and will not unreasonably penalise the employee financially or otherwise.
7. The HC HR Manager will follow up the allegation of abuse against the employee in consultation with the Child and Family Agency and/or An Garda Síochána and will ensure that any action taken does not undermine any investigations being conducted by these bodies. The parents of the child in question will be informed at the earliest opportunity taking care also to protect the employee's rights. All stages of the process will be recorded by Personnel.

The Child and Family Agency social work referral points are shown in Appendix 5. This contact information is for the benefit, not only of the Designated Liaison Person, but also in situations where the Designated Liaison Person is unavailable.

MALICIOUS CLAIMS: If it is found that a malicious claim has been made by a member of the public, the case will be referred to the necessary authorities. If it is found that a malicious claim has been made by a HIS Specialist or a HC staff member, the disciplinary process will be invoked and any necessary action will be taken as appropriate. All records relating to allegations against staff will be kept secure by HR/Personnel Division.

If you are accused of abuse, and subject to the procedures above, it is recommended that you observe the following points:

- Make notes of all your contacts / actions with the child in question as soon as possible.
- Seek access to professional and legal advice.
- Ensure that you no longer have any contact with the child in question.

ACCIDENT PROCEDURES

If an accident happens to a child (or adult) while in the care of the Heritage Council it is important not only to treat the situation competently, but also to report and record it correctly. The following steps should be observed:

- If at all possible, two adults should remain with the injured child. However, other children may need to be removed from the scene, and it may not always be possible to have two adults present.
- First Aid as appropriate should be administered if a competent person is available and should as best practice be carried out in the presence of another adult.
- If necessary, an ambulance should be requested or another emergency service such as cliff and mountain rescue (dial 999 or 112). Insofar as possible, the person dialling for help will need to convey as much concise information as possible to the emergency services such as nature of the injury and medical history if known.
- They should stay beside the phone to await a return call confirming the request. HIS Specialist/HC Staff must be aware of the nearest phone at all times. If moving far from a phone, either a mobile phone or a radio should be carried.
- Once the casualty is stabilised and/or removed by ambulance, the parents / carers must be contacted. In practice for HIS Specialists, this will be via the school.
- Immediately after the incident, a detailed report must be filed with the school and Heritage Council DLP.

COMPLAINTS PROCEDURE FOR STAFF, PARENTS AND CHILDREN

If a member of staff, teacher, a parent or child has any complaints with how the Heritage Council's Child Protection Policy is being implemented or if it is perceived that the Code of Practice has been breached by a HIS Specialist/ HC member of staff, a complaint can be made, preferably in writing, to one of the Heritage Council's Designated Liaison Persons. In the case of a complaint by a child, this can be done orally to any HIS Specialist / HC member of staff who will then contact the Designated Liaison Person in writing regarding the particulars of the complaint.

The complaint will be handled by the Designated Liaison Person who will consult with HR and/or Tusla as necessary. The complaint will be dealt with promptly and sensitively and complainants will be kept informed at all stages of the process.

Contact details for the Heritage Council's Designated Liaison Persons are listed below:

DESIGNATED LIAISON PERSON

Helene O'Keeffe

Head of Education and Communications
The Heritage Council
Tel:+353(0)56 777 0777

DEPUTY DESIGNATED LIAISON PERSON

Amanda Ryan

Grants Administrator
The Heritage Council
Tel:+353(0)56 777 0777

APPENDIX 1

DEFINITION AND RECOGNITION OF CHILD ABUSE

(Children First; National guidance for the Protection and Welfare of Children 2017)

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone 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, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser.

The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

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

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. 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 or supervision and safety. Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. 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 poverty but not necessarily caused by it. It is strongly linked to

parental substance misuse, domestic violence, and parental mental illness and disability.

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. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features 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, i.e. a child not gaining weight due not only to malnutrition but also 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 adequate 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

Emotional abuse 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/carer 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.relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

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 (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- 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. 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.

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
- Female genital mutilation

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

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 mainly 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.

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

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 whether 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 an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
  - » Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of

sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means).

- Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
- Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse

- Exposing a child to inappropriate or abusive material through
- information and communication technology

Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. 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 in 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. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in Chapter 3 of C*hildren First: National Guidance for the Protection and Welfare of Children*.

APPENDIX 2

Additional measures for Child Protection for the Heritage Council and for the Heritage Council's Heritage in Schools Scheme 2018

The practices and procedures as laid out in this document are supplementary to the measures set out above in the Heritage Council's Child Protection Policy.

GENERAL GUIDELINES:

- The child's welfare and safety will always be put first.
- HIS Specialists and HC Staff will ensure, to the best of their ability; that every child remains safe and experiences our education service positively.
- Management will provide, and the HIS Specialists and HC staff will participate in, recognised and appropriate Child Protection Training.
- HIS Specialists and HC Staff will apply the practice and procedures as outlined in their training.
- All young people will be treated with dignity and respect.
- All HIS Specialists and HC staff will give children enthusiastic and constructive feedback.
- All HIS Specialists and HC staff will have a complete First Aid kit nearby them at all times when in the company of any programme participants.
- HIS Specialists/ Staff will keep a written record of any incident that occurs to a child, along with an outline of any action taken by them. This will be copied to the Heritage Council's Designated Liaison Person.
- Heritage in Schools Specialists and HC staff members will familiarise themselves with the Heritage Council's Child Protection Policy and Child Safeguarding Statement and sign declaration forms as required.
- Heritage Council Staff and HIS Specialists providing services to children should complete Tusla's Child Protection e-learning module available at www.tusla.ie

DEFINITION OF 'RESPONSIBLE ADULTS'

For the purpose of this policy document 'responsible adults' are teachers, parents, guardians, or club leaders who accompany groups of children or individual children participating in any Heritage in Schools or Heritage Council activities. These responsible adults have the primary responsibility for the welfare and behaviour of each child in their care and on whose behalf the appropriate registration forms were signed by them. The responsible adults (e.g. teachers, parents, guardians, leaders) who accompany groups of children or individual children participating in any Heritage in Schools/ Heritage Council activities have the duty to make the HIS Specialists/ HC staff aware of any medical or other condition of any participant that they "need to know" of in the interests of the child and the group.

SITE SPECIFIC CHILD SAFETY PROVISIONS

Due to the wide range of events and activities that the Heritage Council hosts nationwide, it is essential that each organisation and/or individual in receipt of funding from the Heritage defines its own site specific child safety provisions. It is the responsibility of each school and event management to ensure that the site specific child safety provisions are updated as required and that the Heritage Council's Designated Liaison Person. (as set out in the Child Protection Policy) is informed of any revisions made to these provisions.

HERITAGE IN SCHOOLS SCHEME REGISTRATION:

Heritage in Schools Programme Booking forms are the official registration forms that are provided for groups and individual children participating in any education programme activities. The responsible HC staff member must ensure that they are fully completed before being accepted for processing and the form must be stored (or an exact copy) in the specified record keeping facility.

The HC Staff member who is taking a booking must ensure that responsible adults for individual children or groups/classes participating in any form of education programme / activity complete, sign and date the booking form or relevant registration form before permitting them to participate in the program / activity.

The procedure above is particularly relevant for Heritage in Schools visits and other events being organised directly by HC staff such as, summer projects, Heritage Week, Biodiversity Day projects etc when the child is not participating as part of a pre-existing group.

GRANT RECIPIENTS OR ORGANISATIONS IN RECEIPT OF FUNDING FROM THE HERITAGE COUNCIL:

Those organising events for children and young people that are directly funded by the Heritage council must ensure that they have put in place their own Child Protection Policy and proper reporting and registration processes.

RECORDING INCIDENTS INCLUDING ACCIDENTS:

All accidents and other incidents (e.g. near misses) that occur should be fully recorded, signed, dated and stored appropriately by the HC staff member and/or teacher on duty as soon as is reasonably possible after the incident. The Accident / Incident Report Form must be counter signed by the school and dated by a Safety Officer as soon thereafter as is reasonably possible.

RECORDS:

The Heritage Council / School must have a secure locked filing cabinet that will contain the

following information, dated and signed by the appropriate person(s):

- Booking / Registration Forms
- Incident / Accident Report Forms, if required
- Consent of parents or school to use photographs or other material that relates to children participating in any Heritage Council activities, if required.

All staff/Heritage in Schools Specialists must record data for groups they book or work with. The Head in Schools Administrator must ensure that records are kept up to date with regards to the Heritage in Schools Scheme.

LOCATIONS;

The following practices and procedures are outlined for HIS Specialists/HC Staff to minimise the possibility of children who participate in a Heritage Council programme coming to harm of any sort when they are:

a. On Heritage Council premises
b. In their own school grounds
c. Visiting a site that is not one of the above (e.g. visiting a woodland or bog or beach whether it owned by the NPWS, Coillte or the property of another agency or individual).

Irrespective of which of the above locations is being used, the HIS Specialist/ HC Staff member in charge must inform the accompanying 'Responsible Adult/s' of the following important facts:

- The accompanying adults are the "responsible adult(s)" for each participants welfare and behaviour and the management of the group as a whole.
- They must stay with their participants at all times.
- If a child or children need to leave the main group at anytime, it is they who must accompany their child / students (e.g. to avail of toilet facilities, retrieve forgotten items from another location, or attend A&E departments, etc.)
- They must adhere to the instructions of HIS Specialists/HC Staff in relation to site or activity specific safety instructions.

A. HERITAGE COUNCIL PREMISES

Heritage Council staff will ensure that:

- The official registration form is completed and stored in the appropriate file, for the individual, group/s attending the office before they use the Heritage Council facilities.
- They respond appropriately to the information regarding the medical or other

conditions of the participants given to them by the accompanying responsible adult.

- They note the total number of participants that actually attend on the day of the visit.
- The total number of participants [not including responsible adults] visiting the
- Heritage Council at any one time does not exceed the maximum designated for the Office by the Safety Officer.
- Ensure that there are at least two 'responsible adults' (not to include the HC Staff member) accompanying the participants even when the group is less than 20.
- A responsible adult to child ratio of not less than 1:10 must be maintained. Where the group number exceeds 20 i.e. where more than 2 'responsible adults' are required, the HC staff member may, at DLP's discretion, be included in the calculation of sufficient responsible adults.
- They have a complete First Aid kit close by at all times. Ensure that there are at least two 'responsible adults' (not to include the HC Staff member) accompanying the participants even when the group is less than 20.
- A responsible adult to child ratio of not less than 1:10 must be maintained. Where the group number exceeds 20 i.e. where more than 2 'responsible adults' are required, the HC staff member may, at DLP's discretion, be included in the calculation of sufficient responsible adults.
- They have a complete First Aid kit close by at all times.

B. IN SCHOOL GROUNDS

HIS Specialists/ HC staff will ensure that:

- The official registration form is completed and stored in the appropriate file
- They respond appropriately to the information regarding the medical or other conditions of the participants given to them by the accompanying responsible adult.

C. VISITING A SITE THAT IS NOT ONE OF THE ABOVE

HIS Specialists/ HC staff will ensure that:

- The official registration form is completed and stored in the appropriate file, for the individual, group/s visiting the site, before the visit commences.
- Ensure that there are at least two 'responsible adults' (not to include the Heritage in Schools Specialists /HC Staff member) accompanying the participants even when the group is less than 20.
- A responsible adult to child ratio of not less than 1:10 must be maintained. Where the group number exceeds 20 i.e. where more than 2 'responsible adults' are required, the Heritage in Schools Specialist may, at the schools' discretion, be included in the calculation of sufficient supervisory adults.

- They note the total number of participants that actually attend on the day of the visit.
- There is a limit of 30 child/young adult participants per Heritage in Schools Specialist.
- This must not be exceeded irrespective of the number of responsible adults e.g. if there were 40 children and 5 accompanying responsible adults this is simply too much for one Heritage in Schools Specialist to provide a quality service.
- One responsible adult remains at the rear of the group and that all participants must stay in front of this person at all times.
- They respond appropriately to the information regarding the medical or other conditions of the participants given to them by the accompanying responsible adult.
- They have a complete First Aid kit close by at all times.
- They have some form of communication by which the emergency services can be contacted as soon as possible should the need arise.

APPENDIX 3

Procedures additional to those set out in the Department's Child Protection Policy

ACCIDENT /INCIDENT

Note: *It must be remembered that the "Responsible Adult" is primarily responsible for the welfare and behaviour of each child in their care and on whose behalf the appropriate registration forms were signed.*

- If at all possible two adults (one of whom must be a "Responsible Adult" other than the HIS Specialist / HC staff member) will remain with the injured child. If one adult is with the child, at least one other adult should remain at the scene.
- The appropriate emergency service should be contacted if necessary as soon as possible (Dial 999 or 112). The person making the contact will need to give location of incident and outline of incident and any injury detected. The contact person must await confirmation that the information given has been received.
- First aid is to be administered as appropriate by a competent person who holds a valid First Aid Certificate.
- HIS Specialist/ HC staff member should inform the line manager (normally school teacher or HC DLP) of the incident as soon as possible and keep them updated.
- If there is a casualty, parents / guardians must be notified as soon as possible via the school personnel.
- Immediately after the incident an incident report sheet must be completed, dated and signed by the Heritage in Schools Specialist / HC staff member(s) present, and
- presented to and signed and dated by a line manager, i.e. the school teacher / HC DLP.

LOST/MISSING PERSON(S)

Please see the section 'Procedures for dealing with Lost / Missing Children' above

DEALING WITH CHALLENGING OR DISRUPTIVE BEHAVIOUR

The safety and welfare of the children and young people is a priority and the HIS Specialist/ HC staff will deal sensitively and professionally with any difficult issues that may arise. Where instances of challenging or disruptive behaviour occur with children/young people, a record will be kept of this where the instance requires the intervention of a HIS Specialist/ HC staff member or where the safety and well being of others are at risk. HIS Specialists/ Staff members who are present at the time, should complete an incident/accident report form.

APPENDIX 4

Protection for persons reporting child abuse

PROTECTION FOR PERSONS REPORTING CHILD ABUSE ACT 1998

The Protection for Persons Reporting Child Abuse Act 1998 provides immunity from civil liability to persons who report child abuse "reasonably and in good faith" to Tusla or An Garda Síochána. This means that even if a reported suspicion of child abuse proves unfounded a plaintiff who took action would have to prove that the reporter had not acted reasonably and in good faith in making the report.

This protection applies to organisations and to individuals. It is considered therefore that organisations should assume full responsibility for reporting suspected child abuse to the appropriate authorities. Reports to the Tusla and to the Garda Síochána should be made as per the Heritage Council's policy and guidelines.

Section 3 (1) of the Act states:

"3. (I) A person who apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that-

(a) a child has been or is being assaulted, ill-treated, neglected or sexually abused, or

(b) a child's health development or welfare has been or is being avoidably impaired or neglected, unless it is proven that he or she has not acted

unless it is proven that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person".

Under Section 4 of the same Act no employee will be penalised for making a report of child abuse in good faith to the Tusla or to the Garda Síochána.

THE DEFENCE OF QUALIFIED PRIVILEGE

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 Common Law provides a defence, in particular circumstances, to individuals who make 31 verbal or written statements of a kind, which could expose their author to a claim of defamation

if such statements were made in different circumstances. The defence exists in recognition of the fact that there are circumstances in which individuals have to be able to speak freely without fear of adverse legal consequences.

In general, the privilege covers situations where the maker of the statement has a duty to speak or is obliged to protect some interest. The duty in question does not have to be a strictly legal one: a moral or social duty to make a statement or report is sufficient. The recipient of the statement must have a corresponding duty to receive the statement. The defence only applies where the individual who makes the statement is not motivated by malice in making this statement.

In circumstances where an individual has a duty to speak and does so without malice, he can be assured that the defence of the qualified privilege will protect him from any defamation claim to which his statement could possibly give rise. The defence will apply, for example, when an employee reports to his line manager (or some specially designated person), his bona fide suspicion that a fellow employee may have committed an act of abuse in the course of the latter's employment.

APPENDIX 5

Allegation against a staff member: Protective Measures

Pending the outcome of the investigation, the Heritage Council should take whatever protective measures necessary to ensure that children are not exposed to unacceptable risk. These protective measures are not disciplinary measures, and may include:

- Providing an appropriate level of supervision;
- Re-assigning duties where the accused will not have contact with children/ young people;
- Putting the staff member off duty with pay.

Putting the staff member off duty pending the outcome of the investigation should be reserved for exceptional circumstances. It should be explained to the staff member concerned that the decision to put him/her off duty is a precautionary measure and not a disciplinary sanction.
The views of the staff member concerned will be taken into consideration when determining the appropriate protective measures to take. However, the final decision will rest with the CEO of the Heritage Council

APPENDIX 6

Staff & Contracted Service Provider Declaration Form

Child Protection Policy Declaration

Name (block capitals): .....

Date of birth: .....

Address: .....

.....

.....

Telephone number: .....

Work location: .....

Position .....

I have received a copy of the

Heritage Council's Child Protection Policy & Child Safeguarding Statement

I have read and understand the particulars outlined in Child Safeguarding Statement, the policy and in the Code of Practice, and I agree to follow the guidelines on procedures and practices contained within them.

Signed: .....

Name of Employee or Contracted Service Provider

Date: .....

This declaration must be signed and returned to:
Michael O'Brien, Head of Business, Heritage Council, Church Lane, Kilkenny

APPENDIX 7

Heritage Council Self-Declaration Form

This post involves substantial access to children and young people. The Heritage Council is committed to the welfare and protection of children and young people, and therefore must ask you to declare the following information to us. The information you provide on this declaration is treated as strictly confidential.

Forename: ..... Surname: .....
(block capitals)

Any other name(s) by which you were previously known (if applicable):
(block capitals)

.....

Have you ever been convicted of a criminal offence?

Yes ☐ No ☐

Have you ever been the subject of a caution?

Yes ☐ No ☐

Have you ever been the subject of a bound over order?

Yes ☐ No ☐

If you answered yes to any of the above questions, please state the nature and date(s) of the offence(s):

NATURE OF OFFENCE	DATE OF OFFENCE
.....	.....
.....	.....
.....	.....

IMPORTANT

You must sign and date this declaration below.

In the event that you are offered a position you will be subject to a Garda Vetting inquiry. If the Garda vetting inquiry discloses any information to us which contradicts the information you have provided on this declaration, it will result in your immediate dismissal.

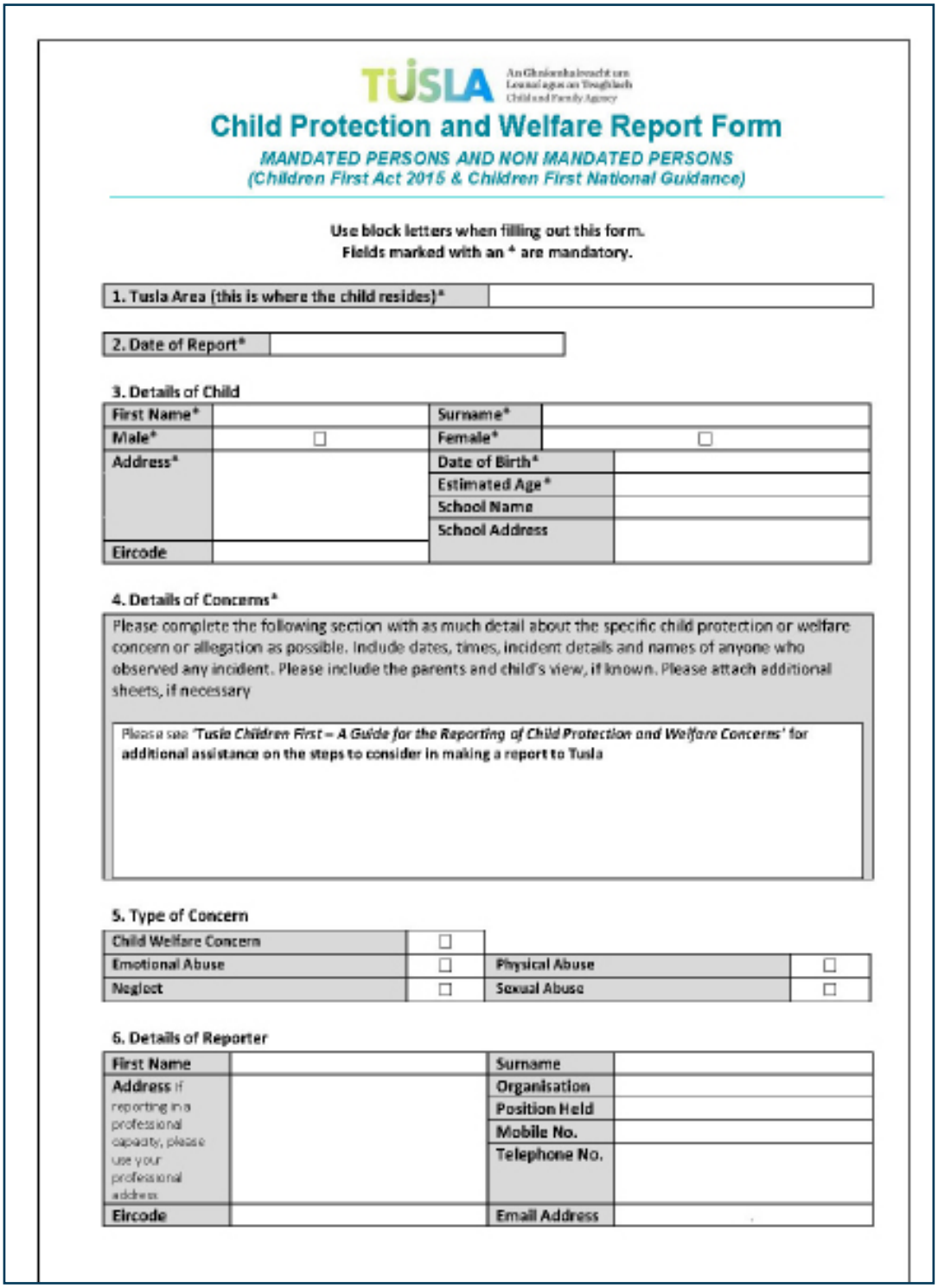
Signed: .....

Date: .....

APPENDIX 9

Standard Form for Reporting Child Protection and/or Welfare Concerns to Tusla

This form, together with the Retrospective Abuse Form and all Tusla Support Documents are available to download from www.tusla.ie



TUSLA
An Ghníomhaireacht um Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

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

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

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

2. Date of Report*	

3. Details of Child

First Name*		Surname*	
Male*	☐	Female*	☐
Address*		Date of Birth*	
		Estimated Age*	
		School Name	
		School Address	
Eircode			

4. Details of Concerns*

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

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

5. Type of Concern

Child Welfare Concern	☐		
Emotional Abuse	☐	Physical Abuse	☐
Neglect	☐	Sexual Abuse	☐

6. Details of Reporter

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

TUSLA An Ghníomhaireacht um Leanaí agus an Teaghlach Child and Family Agency

Child Protection and Welfare Report Form

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

Is this a Mandated Report made under Sec 14, Children First Act 2015?*	Yes	☐	No	☐
Mandated Person's Type				

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

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

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

8. Parents Aware of Report

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

9. Relationships

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

Is the Mother a Legal Guardian?*	Yes	☐	No	☐

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

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Child Protection and Welfare Report Form

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(Children First Act 2015 & Children First National Guidance)

Is the Father a Legal Guardian?*	Yes	☐	No	☐

10. Household Composition

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

11. Details of Person(s) Allegedly Causing Harm

First Name*		**Surname***	
Male*	☐	**Female***	☐
Address		**Date of Birth**	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		**Email Address**	
Occupation		**Organisation**	
Position Held			

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

First Name*		**Surname***	
Male*	☐	**Female***	☐
Address		**Date of Birth**	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		**Email Address**	
Occupation		**Organisation**	
Position Held			

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

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

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

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

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

Thank you for completing the report form.

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

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

Report Received by					
First Name		Surname		Date	

Mandated Report Acknowledgement by

Child Protection and Welfare Report Form

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

First Name		Surname		Date Sent	

Authorised Person Signature*	
Date*	

Child Previously Known	Yes	☐	No	☐
Allocated Case No				

TUSLA

An Ghníomhaireacht um Leanaí agus an Teaghlach
Child and Family Agency

Area Management Structures, Contacts and Addresses

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