

Policy: Child Protection and Welfare
Policy and Procedure
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Solutions for families with
neuro-physical disabilities

THE CRANN CENTRE

Child Protection and Welfare (Safeguarding)
Policy and Procedure

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Amended by and Signature	Patricia McCarthy		
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Amended by and Signature	Patricia McCarthy		
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1. Glossary of Terms

Child	Means a person under the age of 18 years other than a person who is or has been married (Sect 2(1), Child Care Act 1991).
Child Safeguarding Statement	As defined in the Children First Act 2015, means ‘a written statement specifying the services being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm.
CP&W Policy	Child Protection and Welfare Policy.
Duty Social Worker	Social Worker, who works in Tusla, Duty Social Work Team and receives enquiries and referrals in respect of child protection and welfare.
Harm	As defined by the Children First Act 2015 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.
Mandated Person	As defined by the Children First Act 2015, mandated persons have a statutory obligation to report concerns which reach a particular threshold to Tusla and to cooperate with Tusla in the assessment of mandated reports.
Organisation	Refers to the Crann Centre.
Parents	Refers to all parents, guardians and carers.

Provider	Means, a person – <ul style="list-style-type: none"> (a) Who provides a relevant service, and (b) Who, in respect of the provision of such relevant service – <ul style="list-style-type: none"> (i) Employs (whether under contract of employment or otherwise) one or more than one 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 for commercial or other consideration and whether or not as part of a course of education or other training, including an internship scheme) to undertake any work or activity, on behalf of the person, that constitutes and relevant service.
Relevant Person	Defined by the Children First Act 2015 as a person who is appointed by the provider of a relevant service to be the first point of contact in respect of the provider’s Child Safeguarding Statement.
Relevant Service	Means any work or activity specified in Schedule 1, Children First Act 2015.
Risk Assessment	Means, an assessment of any potential for harm to a child while availing of the service.
Tusla	Refers to Tusla, Child and Family Agency.
Workers	Refers to all staff/employees, volunteers, students, those on clinical/training/work placements, agency workers, contractors, (who work directly with clients), board of directors, management committees and trustees.

2. Introduction

At the Crann Centre we work with children and adults, and their families living with a neuro physical disability. Our services are focussed on, but not limited to, people who have Spina Bifida, Hydrocephalus, Muscular Dystrophy, Cerebral Palsy, Childhood stroke and Spinal Cord Injury. Our model of care recognises that people with a disability live in a family unit and that people within that family unit experience life differently. Our model of care is based on the Aspen Institute 2 Generation Model which delivers a holistic suite of services for the individual and their family, supporting and empowering them to live their best lives.

Our services recognise that as people move through their life course, their needs and the needs of their family members change and evolve. Our services are organised into six key themes which means that supports can be delivered for one aspect of a person's life or holistically to support a broad range of needs.

Our six service themes are: Clinical Care, Psychological Wellbeing, Independent Living, Community and Networks, Mobility and Education and Career Pathways.

3. Declaration of Guiding Principles

The Crann Centre is committed to the protection and welfare of children and believes that the safety and welfare of children is everyone's responsibility and the best interests of the child are paramount. The Crann Centre is committed to upholding the rights of children and families who use the services (on-line or in person) of the Centre.

The Crann Centre promotes the key principles that inform best practice in child protection and welfare and acknowledges the rights of children to be protected from harm, treated with respect, listened to and have their views taken into consideration.

The aim and purpose of this document is to set out the organisation's policy and procedures for identifying and reporting child abuse and neglect and dealing effectively with concerns which arise through the organisation's work with children and families.

The document has been developed with reference to legislation and national guidance for the protection and welfare of children and includes the legislative framework, guiding principles, roles and responsibilities, definitions and features of child abuse, reporting procedure, information sharing and record keeping, procedure for dealing with allegations against workers, safe recruitment and code of behaviour.

The Crann Centre provides a 'relevant service' as defined under the Children First Act 2015 and in compliance with statutory obligations has undertaken a risk assessment, which has informed the development of the organisation's Child Safeguarding Statement. The Child Safeguarding Statement is publicly displayed at the Centre and all Crann Centre workers will be provided with a copy of the Statement and related policies and procedures when engaged to undertake work by or on behalf of the organisation. This will ensure that all those working with children are aware of their obligations to promote their safety and welfare. The organisation's Child Safeguarding Statement and associated policies and procedures will be available to children and families who use the services of the centre, via the organisation's website, or in paper copy on request to centre management.

Child Protection and Welfare policies and procedures will be reviewed in consultation with those who use the services of the Crann Centre, in line with the partnership ethos promoted by the organisation.

3.1 Children First Principles

The Crann Centre adopts the key principles of best practice in child protection and welfare as outlined in Children First National Guidance (2017) and believes:

1. The safety and welfare of children is everyone's responsibility.
2. The best interests of the child should be paramount.

3. The overall aim in dealings with children and families is to intervene proportionately to support families to keep children safe from harm.
4. Interventions by the State should build on existing strengths and protective factors in the family.
5. Early intervention is key to getting better outcomes. Where it is necessary for the State to intervene to keep children safe, the minimum intervention necessary should be used.
6. Children should only be separated from their parents or carers when alternative means of protecting them have been exhausted.
7. Children have a right to be heard, listened to and taken seriously. Considering their age and understanding, children should be consulted and involved in all matters and decisions that may affect their lives.
8. Parents and carers have a right to respect and should be consulted and involved in matters that concern their family.
9. A proper balance must be struck between protecting children and respecting the rights and needs of parents, carers and families. Where there is conflict the welfare of the child must come first.
10. Child protection is a multiagency, multidisciplinary activity. Agencies and professionals must work together in the interests of the children.

4. Purpose

The aim and purpose of this document is to set out the organisation's policy and procedures for identifying and reporting child abuse and neglect, and support workers in dealing effectively with concerns which may arise through their contact with children and families. The Crann Centre has a range of policies, procedure and operational guidance relating to safeguarding, which should be read in conjunction with this document and include (but are not limited to):

- Consent
- Code of Conduct

- Human Resource Management - recruitment
retention
lone working
supervision
training
disciplinary and grievance
- Accident/Incident Management
- Complaints
- Data Management and Retention
- Risk assessment and management
- Anti-bullying
- Positive Behaviour Management

5. Scope

This policy applies to all employees of the organisation:

- Workers
- Contractors
- Volunteers
- Those on student placements
- Clinicians
- Managers
- Board members
- Trustees

6. Legislative Framework

There are several key pieces of legislation, national guidance and standards that relate to child protection and welfare. There are referred to at Appendix 1.

7. Roles and Responsibilities

7.1 Relevant Person

Defined by the Children First Act 2015 as a person who is appointed by the provider of a relevant service to be the first point of contact in respect of the provider's Child Safeguarding Statement. The Crann Centre's relevant person is:

Name: Colette Cahill

Role: Head of Services

Contact: ccahill@cranncentre.ie

7.2 Designated Liaison and Deputy Designated Liaison Person

A named Designated Liaison Person (DLP) is responsible for dealing with child protection and welfare concerns in the Crann Centre, ensuring that the standard reporting procedure is followed. They can be contacted in relation to any child welfare concerns and will ensure child protection training is made available to workers.

The DLP is responsible for ensuring that suspected cases of child neglect or abuse are referred promptly to Tusla, through the correct reporting procedure. A Deputy Designated Liaison Person will take over the responsibilities of the DLP, if they are unavailable.

The Designated Liaison Person and Deputy Designated Liaison Person within the Crann Centre are:

DLP:

Name: Colette Cahill

Contact: 085 8704157

Deputy DLPs:

Name: Eimear Daly

Contact: 085 8701663

In the absence of Eimear Daly:

Name: Maura Kelleher

Contact: 0857479028

The DLP receives reports of suspected child abuse or concerns about a child's safety and welfare. It is their responsibility to:

- Ensure that they are fully conversant with the organisation's duties regarding the protection and welfare of children
- Ensure that they are fully familiar with the organisation's child protection and welfare policies and procedures
- Receive concerns or allegations of abuse
- Collate relevant information to establish if reasonable grounds for concern exist
- Utilise informal consultation with Duty Social Worker if unsure whether concerns constitute reasonable grounds
- Ensure all reporting obligations are met
- Maintain appropriate records
- Provide a clear written statement to the worker raising the concern if they have decided not to report the concern to Tusla,
- Advise the worker that if they continue to be concerned, they are free to consult with and report to Tusla, or An Garda Síochána, reasonably and in good faith
- Recognise the importance of multidisciplinary work as fundamental to best practice in child protection and welfare. i.e., that all those involved with the child will work together in the child's best interests.

The Crann Centre will ensure that the DLP and Deputy DLP have access to appropriate training to undertake their roles and have regular support and supervision from a suitably qualified person. DPL(s) will complete initial training in respect of their roles and refresher training every 2 years.

7.3 Mandated Persons

The Children First Act 2015 places a legal obligation on certain people, many of whom are professionals, to report child protection concerns at or above a defined threshold to Tusla. Mandated persons must also assist Tusla in their assessment of child protection concerns about children who have been the subject of a mandated report, if requested to do so.

Mandated persons within the Crann Centre are workers who have contact with children and/or their families and who because of their qualification, training and/or employment role, are in a key position to help protect children from harm. All Crann Client Service Delivery workers are mandated.

7.4 Mandated Reporting

A mandated person is required under the Act to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed. (Harm is defined on page 3 of this policy).

The threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined as:

Neglect

Neglect is defined as 'to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care'. The threshold of harm, at which the mandated person must make a report to Tusla under the Act, is reached when you know, believe or have reasonable grounds to suspect that a child's needs have been neglected, are being neglected, or are at risk of being neglected to the point where the **child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

Emotional Abuse/Ill-Treatment

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'. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015.

The threshold of harm, at which a report must be made to Tusla under the Act, is reached when the mandated person knows, believe or have reasonable grounds to suspect that a child, is being, or is at risk of being ill-treated to the point where the **child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.**

Physical Abuse

Physical abuse is covered in the references to assault in the Children First Act 2015. The threshold of harm, at which a mandated person must report to Tusla under the Act, 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

If as a mandated person, you know or believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla. Sexual abuse to be reported under the Act (as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017) is defined as an offence against the child, as listed in Schedule 3 of the Children First Act.

As sexual abuse falls within the category of **seriously affecting the child's health, welfare or development**, mandated persons must report all concerns about sexual abuse as a mandated report to Tusla.

Section 14 of the Children First Act requires mandated persons to report a mandated concern to Tusla 'as soon as practicable'. A mandated person from the organisation will submit a report of a mandated concern to Tusla using the required report form (www.tusla.ie), on which they will indicate that they are a mandated person and this report is about a mandated concern.

The Children First Act requires the CEO of Tusla to appoint authorised persons to receive mandated reports. A mandated person who makes a report to an authorised person is protected from civil liability under the Protection for Persons Reporting Child Abuse Act 1998. If the mandated person(s) within the Crann Centre feel that a child protection concern may require urgent attention in order to make the child safe, they will alert Tusla in advance of submitting a written report. They will then submit a mandated report to Tusla within three days. (Section 14(7) Children First Act 2015).

Mandated Persons within the Crann Centre must consult with the DLP to ensure that correct procedures are followed.

7.5 Mandated Assisting

Mandated persons can be asked by Tusla to provide necessary proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report. Mandated person(s) within the Crann Centre will comply with this request, regardless of who makes the report. Mandated assistance may include a request to supply further information over the telephone, produce a verbal or written report or attend a meeting.

Mandated person(s) within the Crann Centre are aware that the legal obligations under the Children First Act 2015 to report mandated concerns rest with them. Reports may be made jointly by mandated persons and the designated liaison person.

8. Definitions and Features of Child Abuse

8.1 Types of Abuse and how they may be Recognised

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subject 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 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 person whose behaviour is in question.

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.

8.2 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 the 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.

8.3 Emotional Abuse

Emotional abuse is the systemic emotional or psychological ill-treatment of a child as part of the overall relationship between a care giver 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 the 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 (e.g., fun and play)
- Lack of continuity of care (e.g., 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 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.

8.4 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:

- 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 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 an adult.

8.5 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 may 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
- Any 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 the 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, video tape

or other media) or the manipulation, for those purposes, of an image by computer or other means)

- Inviting, inducing or coercing 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 the child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual relationships, 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 be regarded as child sexual abuse.

9. Circumstances Which Make Children More Vulnerable to Harm

Some children may be more vulnerable to abuse than others. There may be particular times or circumstances when a child may be more vulnerable to abuse in their lives. In particular, children who have disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives, may be more susceptible to harm.

The following list is a range of issues that may place a child at greater risk to abuse or neglect. However, it is important to remember that the presence of any of these factors does not necessarily mean that a child in these circumstances or setting is being abused.

Parent/carer factor include:

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

Child factors include:

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

Community factors include:

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child protection and welfare required in this jurisdiction
- Culture specific practices, including

- Female genital mutilation
- Forced marriage
- Honour-based violence
- Radicalisation

Environmental factors include:

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

Poor motivation or willingness of parents/guardians to engage:

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

10. Reporting Procedure

10.1 Reasonable grounds for concern

Tusla should always be informed when a person has reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected.

Reasonable grounds for a child protection or welfare concern include:

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

A concern about a potential risk to children posed by a specific person, even if the children are unidentifiable, should also be communicated to Tusla- Child and Family Agency.

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

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

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. Any professional who suspects child abuse or neglect should inform the parents/carers if a report is to be submitted to Tusla, or to An Garda Síochána, unless doing so is likely to endanger the child.

10.2 Reporting Procedure within the Crann Centre (internal)

If a concern arises regarding the safety and welfare of a child, in the context of the work of the Crann Centre it must be reported to the DLP (or Deputy in their absence).

Crann Centre workers will report concerns to the Designated or Deputy DLP who will (in consultation with the worker) consider the information and determine if reasonable grounds for concern exist, - that is, if a child may have been, is being, or is at risk of being abused or neglected.

If the DLP determines that reasonable grounds exist, they will notify Tusla, using the standard report form via the Tusla website (www.tusla.ie).

If a report is to be submitted to Tusla, the DLP will inform the parents/carers of the child that a report is being made if it is appropriate to do so - that is, the child will not be endangered by doing so. (Refer to Appendix 2 Talking to Parents about concerns you have about their Children).

Information will be supplied to Tusla by the Crann Centre DLP that will help the Duty Social Worker assess the concern, including:

- The child's name, address and age
- Names and addresses of parents/guardians
- Names if known, of who is allegedly harming the child or not caring for them appropriately
- A detailed account of the Crann Centre's grounds for concern (e.g., details of the allegation, dates of incidents, and description of injuries)
- Names of other children in the household
- Name of the school the child attends
- Worker's name, contact details and relationship to the child.

If the Crann Centre are concerned about a child but unsure of whether their concerns should be reported to Tusla, they will contact the Duty Social Worker informally to discuss the concern. This consultation provides an opportunity to discuss the concern in general and to decide whether a formal report of the concern to Tusla is appropriate at this stage.

Should the DLP make the decision not to report to Tusla, they must:

- Make a written record of the reasons for not reporting
- Make a written record of any actions taken by the Crann Centre as a result of the concern

- Provide the worker who raised the concern with a clear written record of the reasons why the concern is not being reported to Tusla
- Advise the worker who raised the concern that if they continue to be concerned, they are free to make a report to Tusla or An Garda Síochána.

If the DLP decides not to make a report but the worker raising the concern believes that reasonable grounds exist, they can make a report directly to Tusla and inform the DLP that they are reporting independently. The individual worker has protections under the Protection for Persons Reporting Child Abuse Act 1998, should they report independently.

In an emergency, any person can directly report a child abuse or neglect concern to Tusla, or to An Garda Síochána. A report can be made in person, by telephone or in writing.

If a Crann Centre worker makes a direct report (in an emergency) they must notify the DLP, to enable the organisation to ensure the process is undertaken in line with policy, procedure and best practice guidelines. They will also offer support and guidance to the worker regarding their concerns.

(Contact numbers for the Child and Family Agency offices nationwide are available on the Child and Family Agency website (www.tusla.ie) and in Appendix 3).

10.3 Dealing with disclosures from Children

Remember, a child may disclose abuse to you as a trusted adult at any time during your work with them. It is important that you are aware and prepared for this.

1. Be as calm and natural as possible.
2. Remember that you have been approached because you are trusted and possibly liked.
3. Do not panic.
4. Be aware that disclosures can be very difficult for the child.

5. Remember, the child may initially be testing your reactions and may only fully open up over a period of time.
6. Listen to what the child has to say. Give them the time and opportunity to tell as much as they are able and wish to.
7. Do not pressurise the child. Allow them to disclose at their own pace using their own words.
8. Conceal any signs of disgust, anger or disbelief.
9. Do not give an undertaking of secrecy.
10. Accept what the child has to say – false disclosures are very rare.
11. Don't ask the child to repeat the story.
12. Make a detailed written account of what the child disclosed to you, using the child's own words, as soon as possible afterwards, and date and sign it.
13. It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The child quite possibly may love or strongly like the alleged abuser while also disliking what was done to them. It is important therefore to avoid expressing any judgement on, or anger towards, the alleged perpetrator while talking with the child.
14. It may be necessary to reassure the child that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed.
15. Inform the child that you will be sharing this information only with people who understand this area and can help.

10.4 Disclosures of historical abuse

If information arises that a person who is now an adult suffered abuse as a child, it must be reported to the Crann Centre DLP or Deputy DLP. The DLP (or Deputy in their absence) will submit a 'retrospective abuse report form' (RARF) which can be found on the Tusla website (www.tusla.ie). The information supplied will support Tusla in their assessment of any on-going child protection concerns. Tusla will take necessary actions to ensure that any child who may be at risk of harm is protected.

11. Dealing with allegations against Workers

Should an allegation of abuse or inappropriate conduct in relation to a child be made against a Crann Centre worker, it will be assessed promptly and carefully by the organisation. Two people will be appointed to manage the two separate procedures for:

1. The child (child protection and welfare policy and procedure)
2. The worker (organisational HR policy and procedure)

Action taken in reporting an allegation of child abuse against a worker should be based on an opinion formed reasonably and in good faith, using the standard reporting procedure (as set out earlier in this document). The first priority is to ensure that no child is exposed to unnecessary risk and the organisation will take necessary protective measures. These measures will be proportionate to the level of risk and will not unreasonably penalise the worker (e.g., worker removed from duties, including possible suspension with pay pending a full investigation). All action taken by the organisation will be in line with agreed policies and procedures, employment contracts and rules of natural justice.

A senior manager will be appointed to advise the worker's member that an allegation has been made against them and the nature of the allegation. The person will be afforded an opportunity to respond and the response will be noted, and submitted to Tusla, should a standard report be submitted.

The person who the allegation has been made against will be informed if it is the decision of the organisation to submit a report to the statutory authorities and that the Crann Centre will cooperate fully with any assessment or investigation that ensues. This will be undertaken without delay. The DLP will liaise closely with investigating bodies (Tusla, Children and Family Agency/An Garda Síochána) to ensure that actions taken by the organisation do not undermine or frustrate any investigations.

Parents/carers will be kept informed of the process and action taken by the organisation in respect of the allegation. The CEO will be informed with due regard for privacy and fair procedure of the individual involved.

The organisation recognises that the individual who the allegation is made against will require support during this process and this will be provided on a confidential basis.

The outcome of any investigation and/or assessment by the statutory authorities, will inform and assist the organisation in reaching a decision about the action to be taken in the longer term concerning the worker. An internal investigation under the Crann Centre Disciplinary and Grievance Policies may be undertaken.

Should a statutory investigation or criminal proceedings be undertaken against an employee in relation to a child outside the context of an employee's role, the employee must report this to the Chief Executive Officer of the Crann Centre.

12. Implementation and Review

It is the responsibility of the Crann Centre management and Board to ensure that policies and procedures are in place and operating effectively. This policy and procedure will be reviewed every two years or sooner if there has been a material change in any issues to which it refers.

13. Appendix One – Legislation, National Guidance and Standards

The information below gives a brief overview of relevant legislation, (it is not intended as legal opinion or advice and the original legislation should be consulted as required).

The UN Convention on the Rights of the Child (UNCRC) is an international treaty that recognises the human rights of children, defined as persons up to the age of 18 years. It was adopted by the UN in 1989 and ratified by Ireland in 1992. It pledges to protect and promote children’s rights to survive and thrive, to learn and grow, to make their voices heard and to reach their full potential.

The Childcare Act 1991 (and 2001) is the primary legislation regulating childcare policy in Ireland. Under the Child Care Act 1991 Act, as amended by the Child and Family Agency Act 2013, the Child and Family Agency (CFA) has a statutory duty to promote the welfare of children who are not receiving adequate care and protection. Under the Act, the definition of a child is a person under 18 years of age who is not or has not been married. It establishes the principle that the welfare of the child is paramount.

Children First Act 2015 places a number of statutory obligations on specific groups of professionals and on particular organisation’s providing services to children. Through the provision of the Act it is intended to:

- Raise awareness of child abuse and neglect
- Provide for mandatory reporting for key professionals
- Improve child safeguarding arrangements in organisation’s providing services to children
- Provide for cooperation and information-sharing between agencies when Tusla is undertaking child protection assessments.

This legislation also contains a provision that removes the defence of reasonable chastisement in relation to corporal punishment as part of court proceedings.

The Protection for Persons Reporting Child Abuse Act, 1998 makes provision for the protection from civil liability of persons who have reported suspected child abuse 'reasonably and in good faith' to designated officers of the Child and Family Agency or to any member of An Garda Síochána.

This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report.

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 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 Acts.

Domestic Violence Act 1996 gives the CFA the power to intervene and protect individuals and their children from violence. Section 6 of the Act empowers the CFA to apply for orders for which a person could apply on his or her behalf but is deterred from doing so through fear of trauma. The consent of the victim is not a prerequisite for such an application, although he or she must be consulted.

Criminal Law (Sexual Offences) Act 2017 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 defines age limits and the relationship is not intimidatory or exploitative.

Data Protection Acts 1988 and 2003 applies to the processing of personal data. It gives 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.

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

The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. An act to provide, in connection with the protection of children and certain vulnerable adults, for offences of withholding information relating to the commission of certain arrestable offences (including certain sexual offences) against children, or certain arrestable offences (including certain sexual offences) against such adults.

Protected Disclosures Act 2014 is defined in the Protected Disclosures Act 2014 as a disclosure of relevant information related to wrongdoing made by a worker in the manner specified under the Act. For the purposes of the Act, information is “relevant” if:

In the reasonable belief of the worker, it tends to show one or more ‘relevant wrongdoings’ and it came to the attention of the worker in connection with the worker’s employment. (Protected Disclosure Policy and Procedure, Tusla, 2016).

National Guidance and Standards

Children First National Guidance for the Protection and Welfare of Children and Young People (2017) first published in 1999 to give effect to the provisions of the Childcare Act 1991 and revised in 2011, has been the national guidance for social workers, professionals, organisations and individuals to help keep children safe and protected from harm. The

Guidance document is intended to assist people in identifying and reporting child abuse and neglect and deal effectively with concerns. It emphasises that the needs of children and families must be at the centre of child protection and welfare services, and that the welfare of children is of paramount importance. It highlights the roles and responsibilities of Tusla, An Garda Síochána and Mandated Persons under the Children First Act 2015 and provides information about how the statutory agencies respond to reports of concerns made about children.

In January 2019 the Children First Guidance was amended by way of an addendum to ensure that online safety is specifically accounted for in child safeguarding statements, as required under the Children First Act.

The National Standards for the Protection and Welfare of Children have been developed by the Health Information and Quality Authority (the Authority) to support continuous improvements in the care and protection of children in receipt of HSE child protection and welfare services. These outcome-based Standards provide a framework for the development of child-centred services in Ireland that protect children and promote their welfare.

14. Appendix Two - Talking to Parents about Concerns you have about their Children

Children First National Guidance states that it is best practice that parents/carers are informed if a report is to be made to Tusla. The decision to speak to the parent/carers about a concern will be made by the Crann Centre DLP or Deputy DLP, who will consider the following points.

- Further endanger the child
- Impair Tusla's ability to carry out a risk assessment, or
- Put the reporter at risk of harm.

Preparation

- Remember, the protection and welfare of the child is the priority, if a concern needs to be reported to Tusla, do not delay.
- Consider who is the best person to have the conversation with the parents/carers.
- Consider arranging to meet both parents/carers.
- Try and find a time when the parents/carers are not in a hurry.
- Find a place that is quiet and allows privacy.
- The Crann Centre DLP or Deputy DLP will be present at all meetings with parents/carers.

Speaking to the parent

- Start with positive statements about the parents/carers. Most parents/carers are trying to do their best for their children/young people and need that acknowledged.
- Explain what responsibilities the organisation has when they have a concern about a child or young person.
- Consider the language you use and try to keep a calm and gentle tone.
- Take the approach that you are seeking to work with the parents/carer for the best

result for the child/young person.

- Clearly explain the nature of the concern or issue; use facts and records of observations.
- Explain how the situation is affecting the child/young person and try to reflect how the child/young person may be feeling.
- Give parents/carers and opportunity to speak and acknowledge their feelings.
- Advise parents/carers how you plan to proceed; keep them informed and involved.

Remember it is not your role to decide if the child has been abused. Your role with parents/carers is to advise them that you are concerned about their child.

(Based on CF, Tusla. 2017).

15. Appendix Three - Tusla, Duty Social Work Department Contact Details

Consultation and reports should be by the Designated Liaison Person or Mandated Person with the duty social work service in the area where the child lives.

Carlow	Duty Social Work Department, Tusla, Athy Road, Carlow Eircode: R93X9C2 Tel: 0599129500 New referrals only: 0599136570 Office hours: 9am to 5pm
Cavan	Child and Family Agency, Drumalee Council Cross, Co. Cavan Tel: 0494377305/0494377306 Office hours: 9:30am to 5pm
Clara	River House, Gort Road, Ennis, Co. Clare Tel: 0656863935 Office hours: 9am to 5pm
Cork	
North Lee	Child and Family Agency, North Lee Social Work Department, Floor 2, Blackpool, Co. Cork Tel: 0214927000 Office hours: 9am to 1pm and 2pm to 5pm
South Lee	Child and Family Agency, South Lee Social Work Department, St Finbarr's Hospital, Douglas Road, Co. Cork Tel: 0214923001 Office hours: 9am to 5pm
West Cork	Child and Family Agency Duty Social Work Department Coolnagarrane, Skibbereen, Co. Cork Tel: 02840447 Office hours: 9am to 5pm

North Cork	134, Bank Place, Mallow, Co. Cork Tel: 02254100 Office hours: 9am to 5pm
Donegal	Tusla, Millennium Court Pearse Road, Letterkenny, Co. Donegal Tel: 0749123672 Office Hours: 9am to 5pm
Dublin	
Swords	Duty Social Work Department 180-189, Lakeshore Drive, Aireside Business Park, Swords, Co. Dublin Tel: 018708000 Office hours: 9am to 5pm
Blanchardstown	Duty Social Work Department Roselawn Health Centre, Roselawn Road, Blanchardstown, Dublin 15 Tel: 016464518 Office hours: 9am to 5pm
Coolock	Duty Social Work Department, Health Centre, Cromcastle Road, Coolock, Dublin 5 Office hours: 9am to 5pm
Finglas	Duty Social Work Department, Health Centre, Wellmount Park, Finglas, Dublin 11 Tel: 018567704 Office hours: 9am to 5pm
North Inner City	Duty Social Work Department, 492, North Circular Road, Parkview, Dublin 1 Tel: 018566856 Office hours: 9am to 5pm

Tallaght	Duty Social Work Department, Chamber House, Chamber Square, Tallaght, Dublin 24 Tel: 014686289 Office hours: 9am to 5pm
Lord Edward Street	Duty Social Work Department, Carnegie Centre, 21-25, Lord Edward Street, Dublin 2 Tel: 016486500 Office hours: 9am to 5pm
Ballyfermot	Duty Social Work Department, Bridge House, Cherry Orchard Hospital, Ballyfermot, Dublin 10 Tel: 0766955587 Office hours: 9am to 5pm
Dun Laoghaire	Duty Social Work Department, Our Lady's Clinic, Patrick Street, Dun Laoghaire, Co. Dublin Tel: 016637300 Office hours: 9am to 5pm
Galway	
Galway City	Child and Family Agency Galway City Social Work Department, Local Health Office, 25, Newcastle Road, Galway, Co. Galway Tel: 091546366 Office hours: 9am to 5pm
Oughterard	Child and Family Agency, Oughterard Social Work Department, Health Centre, Oughterard, Co. Galway Tel: 091552200 Office hours: 9am to 5pm
Tuam	Child and Family Agency, Child Protection Social Work Department, The Family Centre, Dublin Road, Tuam, Co. Galway Tel: 09337264 Office hours: 9am to 5pm

Ballinasloe	Child and Family Agency, Ballinasloe Social Work Department, Health Centre, Brackernagh, Ballinasloe, Co. Galway Tel: 0909646290 Office hours: 9am to 5pm	
Loughrea	Child and Family Agency Child Protection Social Work Department, Primary Care Centre, St Brendan's Campus, Lake Road, Loughrea, Co. Galway Tel: 091872700 Office hours: 9am to 5pm	
Kerry	Child and Family Agency, Social Work Department, Kerry Community Services, Rathass, Tralee, Co. Kerry Tel: 0667121566 Office hours: 9am to 5pm	
Kildare	Child and Family Agency, Social Work Department, St Mary's, Craddockstown Road, Naas, Co. Kildare Tel: 045882400 Office hours: 9am to 5pm	
Kilkenny	Child and Family Agency, Social Work Office, Childcare Department, Carlow/Kilkenny, St Canice's Hospital, Dublin Road, Kilkenny, Co. Kilkenny Tel: 0567784532 New referrals only: 0599136570 Office hours: 9am to 5pm	
Laois		Child and Family Agency, Social Work Department, Child and Family Centre, Dublin Road, Portlaoise, Co. Laois Tel: 0578692567 Office hours: 9:30am to 5:30pm Monday to Thursday 9:30am to 5pm Friday

Leitrim	Child and Family Agency, Community Care Office, Leitrim Road, Carrick on Shannon, Co. Leitrim Tel: 0719650324 or 0872033267 Office hours: 9am to 5pm
Limerick	Child and Family Agency, Roxtown Health Centre, Child Protection and Welfare, Old Clare Street, Limerick Tel: 061483098 9am to 5pm
Longford	Child and Family Agency, Duty Social Work Department, Athlone Health Centre, Coosan Road, Athlone, Co. Westmeath Tel: 0906483106 Office hours: 9am to 5:30pm Monday to Thursday 9am to 5pm Friday
Louth	
Dundalk	Child and Family Agency, Social Work Department, Tusla Offices, Louth Hospital Campus, Dundalk, Co. Louth Tel: 0429392200 Office hours: 9:30am to 5:15pm Monday 9:30am to 5pm Tuesday to Friday
Drogheda	Child and Family Agency, Social Work Department, Ballsgrove Health Centre, Ballsgrove, Drogheda, Co. Louth Tel: 0419870111 Office hours: 9:30am to 5:30pm Monday 9:30am to 5pm Tuesday to Friday
Mayo	
Castlebar	Child and Family Agency St Mary's Headquarters, Castlebar, Co. Mayo Tel: 0949042283 or 0949042284 Office hours: 9am to 5pm

Ballina	Child and Family Agency Ballina Social Work Team, Health Centre, Mercy Road, Ballina, Co. Mayo Tel: 09680434 Office hours: 9am to 5pm
Swinford	Child and Family Agency Health Centre, Aras Attracta, Swinford, Co. Mayo Tel: 0949050133 Office hours: 9am to 5pm
Meath	Child and Family Agency Duty Social Work Department, Enterprise Centre, Trim Road, Navan, Co. Meath Tel: 0469097870 Office hours: 9am to 5:50pm Monday 9am to 5pm Tuesday to Friday
Monaghan	Child and Family Agency 1 st Floor, Support Services Building, St Davnet's Complex, Rooskey, Monaghan, Co. Monaghan Tel: 04730426 or 04730427 Office hours: 9:30am to 5pm
Offaly	Child and Family Agency Social Work Department, Child and Family Centre, Dublin Road, Portlaoise, Co. Laois Tel: 0578692567 Office hours: 9:30am to 5:30pm Monday to Thursday 9:30am to 5pm Friday
Roscommon	
Golf Links Road	Child and Family Agency, Golf Links Road, Co. Roscommon Tel: 0906637528 Office hours: 9am to 5pm

Boyle	Child and Family Agency Health Centre, Boyle, Co. Roscommon Tel: 0719662087 Office hours: 9am to 5pm	
Castlerea	Child and Family Agency Riverside House, Main Street, Castlerea, Co. Roscommon Tel: 0906637851 Office hours: 9am to 5pm	
Sligo	Child and Family Agency Markievicz House, Barrack Street, Sligo Co. Sligo Tel: 071 9155133 Office hours: 9am to 5pm	
	Child and Family Agency One Stop Shop, Teach Laighne, Humbert Street, Tubbercurry, Co. Sligo Tel: 0719120062 or 0879299666 Office hours: 9am to 5pm	
Tipperary		
North	Child and Family Agency Duty and Intake Social Work Department, Civic Offices, Limerick Road, Nenagh, Co. Tipperary Tel: 06746660 Office hours: 9am to 5pm	
South	Child and Family Agency Social Work Team, 'The Yellow House', Western Road, Clonmel, Co. Tipperary Tel: 0526177303 Office hours: 9am to 5pm	
Waterford		
Cork Road		Child and Family Agency Social Work Services, Waterford Community Services, Cork Road, Co. Waterford Tel: 051842827 Office hours: 9am to 5pm

Dungarvan	<p>Child and Family Agency Social Work Department, Dungarvan Community Services, St Joseph's Hospital, Dungarvan, Co. Waterford Tel: 05820906 Office hours: 9am to 5pm</p>
Westmeath	<p>Child and Family Agency, Duty Social Work Department, Athlone Health Centre, Coosan Road, Athlone, Co. Westmeath Tel: 0906483106 Office hours: 9am to 5:30pm Monday to Thursday 9am to 5pm Friday</p>
Wexford	<p>Child and Family Agency Gorey Health Centre, Hospital Grounds, Gorey, Co. Wexford Tel: 0539430100 Office hours: 9am to 5pm</p>
	<p>Child and Family Agency, Social Work Department, Ely House, Ferrybank, Co. Wexford Tel: 0539123522 ext 58201 Office hours: 9am to 5pm</p>
Wicklow	<p>Child and Family Agency, Wicklow Primary Health Care Centre, Port Road, Wicklow, Co. Wicklow Tel: 0766958400 Office hours: 9am to 5pm</p>