

Kare Child Protection And Welfare Policy.

Kare Policy Document.

Policy Owner: Principal Social Worker

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Section 1: Policy

1.1 Background to this Policy.

All organisations involved with children have an obligation to provide them with the highest possible standard of care in order to promote their well-being and safeguard them from abuse.

Policy and legislation in the area of child protection has developed extensively in recent years. Kare have updated this policy to bring it in line with current legislation, regulation and best practice.

This Policy is underpinned by national legislation, regulation and policy including,

- HSE Child Protection and Welfare Policy 2019
- Children's First National Guidance for the Protection and Welfare of Children 2017
- Children First Act 2015
- National Standards for Residential Services for Children and Adults with disabilities
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Adults) Act 2012
- National Vetting Bureau (Children and Vulnerable Persons) Act 2012
- Criminal Law (Sexual Offences) Act 2017
- Protection for Persons Reporting Child Abuse Act 1998
- Criminal Justice Act 2006
- Child Care Act 1991

Other Kare Policies relevant to this Policy are:

- Trust in Care
- Managing Complaints Policy
- Data Protection/Managing Records Policy
- Policy and Procedure when person who uses Kare Services goes missing.
- Protected Disclosure/ Good Faith Reporting Policy.
- Restraint Restrictive Practices Policy.
- Staff Handbook
- Risk Management Policy

1.2 Aim of this Policy

The aim of this policy is to embed a culture to promote the protection and welfare of children and young people and prevent abuse and do our best to keep them safe. It seeks to keep children safe by promoting children's rights by encouraging an environment across the organisation where children are listened to and where staff who work with children are supported in their safeguarding responsibilities. This policy aims to support staff to recognise and identify when a child or young person is at risk of or being harmed and that they know what action to take in response and to deal effectively with these concerns. It also sets out the statutory responsibilities for mandated persons under the Children First Act 2015 and provides information about how Kare and SKWWCNDT respond to reports of concerns made about children.

1.3 Scope / Non-Scope

The safety and welfare of children is everyone's responsibility.

This Policy should also be followed by the South Kildare West Wicklow Children's Network Disability Team (SKWWCNDT).

Kare employees working in a Children's Network Disability team (NDT) should follow the HSE's Child Protection and Welfare Policy and Procedure for Reporting Child Protection and Welfare Concerns.

A child means a person under the age of 18 years who is not, or has not, been married.

1.4 Policy Statements

1.4.1 Promoting the Rights of Children

- 1.4.1.1 Kare recognises that children have a right to be heard, listened to and taken seriously.
- 1.4.1.2 Kare recognises that children should be consulted and involved in all matters and decisions that affect their lives, taking account of their age and level of understanding.

1.4.2 Protecting Children

- 1.4.2.1 Kare recognises that all children must be treated equally and have the right to be protected from harm and discrimination regardless of:
 - gender,

- civil status,
- family status,
- sexual orientation,
- religious belief,
- age
- health or disability
- political or immigration status,
- race including colour, ethnic nationality or origin or location

Key principles of Child protection:

- The safety and welfare of children is everyone's responsibility
- The best interests of the child should be paramount
- The overall aim in all dealings with children and their families is to intervene proportionately to support families to keep children safe from harm
- Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives
- Parents/guardians have a right to respect and should be consulted and involved in matters that concern their family, unless doing so would put the child at additional risk.
- Child protection is a multiagency, multidisciplinary activity. Agencies and professionals must work together in the interests of children.

****For the full list of key principles please refer to the Children's first document.**

[Children First National Guidance 2017.pdf \(tusla.ie\)](#)

1.4.2.2 Kare and SKWWCNDT will publish a Children's Safeguarding Statement which outlines its commitment to Child Protection and Welfare and will identify a relevant person to be the first point of contact in respect of the organisation's Child Safeguarding Statement.

- Alternative Respite Children's Safeguarding Statement
- Ardscoil Children's Safeguarding Statement
- Cluain Alann Children's Safeguarding Statement
- Equestrian Centre Children's Safeguarding Statement

- Generic Children's Safeguarding Statement
- Kare Early Years Pre-School Children's Safeguarding Statement
- South Kildare West Wicklow Children's Disability Network Team Children's Safeguarding Statement

1.4.2.3 Kare and SKWWCNDT will appoint Social Workers as Designated Liaison Persons to act as a resource to staff who have a child protection and welfare concern.

1.4.2.4 Kare and SKWWCNDT acknowledge and support staff to recognise that abuse may be influenced by social or environmental factors and may be deliberate or unintentional.
Definitions of child abuse Tusla - Child and Family Agency

1.4.2.5 In line with Children First, parents/guardians have primary responsibility for the care and protection of their children. However, when a child is using Kare / SKWWCNDT services and supports the care and responsibility for the child is shared with Kare/ SKWWCNDT staff.

1.4.2.6 Kare and SKWWCNDT recognise that at times it may be a requirement to share information with other organisations for the purpose of safeguarding the child. Confidential information will be shared on a need to know basis, only those who need to know should be given that information. Where the interests of the parents and the child appear to conflict, the child's interests must be paramount in relation to child protection and welfare issues.

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

1.4.2.8 Kare's and SKWWCNDT Trust in Care Policy will be initiated by a line manager or Human Resource Department in respect of a staff member against whom an allegation of abuse has been made.

1.4.2.9 Kare and SKWWCNDT staff will use this policy to report cases that relate to when the person was a child (historical abuse/retrospective disclosure)(can we create a link to definition) Where a staff member is, in the course of their work, informed by an adult who is not a user of Kare services that they were abused as a child, they should discuss the matter with the Designated Liaison Person (DLP).

1.4.2.10 Kare and SKWWCNDT staff will keep a written record of any discussion held with the

child/service user, parent, Tusla/Child and Family Agency, An Garda Síochána and what decisions were made.

- 1.4.2.11 Kare and SKWWCNDT will identify and inform staff who are considered Mandated Persons under Children First Act, Schedule 2. Mandated Persons are staff who because of their qualifications, training and/or their employment role are in a key position to help protect children from harm. (see Appendix 2 Mandated Persons) Mandated Persons
Tulsa - Child and Family Agency
- 1.4.2.12 Kare and SKWWCNDT staff have a child protection and welfare responsibility in respect of all children they come across in the course of their work and they must report any concerns they have in respect of such children. Staff working with adults who use the service are required to report welfare or safety concerns they have in relation to children in the service user's family or children with whom the service user has regular contact.
- 1.4.2.13 Kare and SKWWCNDT will provide specific training in Child Protection and Welfare to staff working directly with children, this training will be in line with the recommendations of the HSE Children's First National Office.
- 1.4.2.14 A staff member who fails to report a child protection or welfare concern in accordance with this policy may be subject to disciplinary action.

1.4.3 Roles and Responsibilities of all Kare and SKWWCNDT staff.

- 1.4.3.1 Staff and NDT team members will report any 'reasonable grounds for concern' of abuse of a child in accordance with the procedures set out in this policy. Reasonable grounds for concern include:

- where there is evidence of an injury or behaviour that is consistent with abuse and is unlikely to have been caused in any other way
- any concern about a 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/she is being abused
- admission or indication by an adult or child of an alleged abuse they committed
- an account from a person that saw the child being abused

Reporting Concerns Tulsa - Child and Family Agency

- 1.4.3.2 Staff and Disability Network Team (CDNT) team members will:

- ensure that they treat information regarding child protection and welfare matters with the utmost confidentiality while at the same time meeting their obligations to report any concerns and to ensure that the child is placed at no further risk.
- will complete the HSE e-Learning Module 'An Introduction to Children First' every three years.
- Be aware if they are a mandated person under the Children First Act and be familiar with their roles and responsibilities outlined below . Mandated persons will avail of organisational training to support them in their role.
- sign that they have read and understood Kare's Child Protection and Welfare Policy
- Read their service's Child Safeguarding Statement (where applicable)
- Are familiar with and consult as necessary with,
 - Children First Guidance and Legislation Tusla - Child and Family Agency
 - Relevant Reporting Guidance
- will report their concern in person, by telephone or in writing to the local social work duty service in the area where the child lives. (contact details for TUSLA social work teams are available on the Tusla website www.tusla.ie)
Reporting Concerns Tusla - Child and Family Agency
- contact Kare's / SKWWCNDT DLP or Tusla informally to discuss their concern if they are unsure whether to report their concern or not.
- Staff will provide as much relevant information as possible in their report to Tusla using the link below and relevant form (Child Protection and Welfare Report Form **or** Retrospective Abuse Report Form) available in Appendix 5 and Appendix 6 .
A Short Guide to Submitting Child Protection
- Inform Kare's / SKWWCNDT DLP if they have reasonable grounds for concern and will report through Kare's internal Safeguarding form on Kare CID.
- If staff believe the child is in immediate danger and are unable to contact Tusla, the staff member will contact the Gardai without delay.

1.4.4 Roles and Responsibilities of Line Managers in Kare / SKWWCNDT

1.4.4.1 Line Managers in Kare / SKWWCNDT will:

- be knowledgeable about the procedures for reporting a child protection or welfare concern

- ensure that all staff in their area complete:
 - HSE e-Learning Module 'An Introduction to Children First'
 - read Kare's Child Protection and Welfare Policy
 - appropriate Child Protection and Welfare Training for their role when offered
- provide support to staff who have a child protection or welfare concern including supporting them to make a report to Tusla/Child and Family Agency
- ensure that Kare's / SKWWCNDT child protection and welfare reporting procedures are followed and that suspected cases of child abuse or neglect are referred promptly to the Duty Social Worker in Tusla/Child and Family Agency or in the event of an emergency and the unavailability of the Tusla/Child and Family Agency Duty Social Worker to An Garda Síochána.
- Ensure Kare's/ SKWWCNDT Risk Management Policy is used to identify, evaluate and respond to any child protection or welfare issues that arise.
- ensure that parents/guardians are informed of any child protection incident that occurs while their child is using Kare's / NDT services/supports in line with the principles of Open Disclosure Policy (**See Appendix 4**) unless;

You do not need to tell the family that a report is being made, if you have consulted with the Leader and it's agreed that:

- By doing so, the child will be placed at further risk.
- The family knowing about the report could affect Tusla's ability to carry out a risk assessment.
- Would place staff at risk of harm from the family
- Line Managers of Children's Services will have an account on the Tusla Portal and see this to complete/upload the Child Protection and Welfare Report Form (CPWRF).
- The rationale for making decisions is documented on CID.

1.4.5 Roles and Responsibilities of Kare and NDT staff who are Mandated Persons. (See appendix 2) for classes of people who are mandated persons under the act)

1.4.5.1 Kare and NDT staff who are Mandated Persons have:

- the same roles and responsibilities as outlined under Staff Roles and Responsibilities above
- a legal obligation to report without delay the harm of children above a defined threshold to Tusla/Child and Family Agency using the Mandated Form in the Portal. This means they are required to report any knowledge, belief, or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed, to the Authorised Person within Tusla.
- a legal obligation to help Tusla, if requested, in assessing a concern which has been the subject of a mandated report. This might include:
 - verbal or written information or reports
 - attendance at meetings
 - production to Tusla of any document
- a legal obligation not to share information provided by Tusla concerning a child who is the subject of a risk assessment unless Tusla authorises in writing that the information may be shared.
- A mandated person who fails to comply may be liable to a fine or imprisonment for up to six months or both.

1.4.5.2 Mandated Reporting

Mandated Persons must report child protection and welfare concerns directly to Tusla themselves, the DLP cannot intervene in their decision to report or report on their behalf.

Kare and NDT Staff who are mandated persons will;

- Report as soon as practicable any knowledge, belief or suspicion that a child
 - has been harmed,
 - is being harmed,
 - is at risk of being harmed.
 - [What is the threshold for making a mandated report? Tusla - Child and Family Agency](#)
- As a mandated person liaise with Kare's / SKWWCNDT DLP as required, who will ensure that reporting procedures are followed correctly and promptly and may act as a liaison with other organisations.

- Report as soon as practicable any disclosures made by a child which is above the thresholds, where a child believes that he / she
 - Has been harmed
 - Is being harmed
 - Is at risk of being harmed
 - What is the threshold for making a mandated report? Tusla - Child and Family Agency
- Report reasonable concerns to Tusla, where they feel their concern does not reach the threshold for mandated reporting.
- As a mandated person who works with an adult who discloses abuse that took place during their childhood, will report this information to Tusla.
- Submit a report of a mandated concern to Tusla using the required report form, How do I make a mandated report to Tusla? Tusla - Child and Family Agency Tusla Portal
- Inform the family that a report is being made and the reasons for the decision **unless by doing so the child will be placed at further risk, impair Tusla's ability to carry out an assessment or places you at risk of harm from the family.**
- Inform Kare's/ SKWWCNDT DLP if a mandated report has been made and will report through Kare's internal Safeguarding form on Kare CID.
- If staff believe the child is in immediate danger and are unable to contact Tusla, the staff member will contact the Gardai without delay.

1.4.5.3 Mandated Assisting

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

Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. You can find the Tusla Children First – Protocol for Mandated Assisting on the Tusla website,

[What is mandated assisting? Tusla - Child and Family Agency](#)

Kare / SKWWCNDT staff will:

- provide any necessary and proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report.

1.4.5.4 Kare/ SKWWCNDT staff who are Mandated Persons should understand that in the event of non-compliance with their Mandated Person legal responsibilities Tusla may:

- make a complaint of the fitness to practice committee of a regulatory body of which they are a member
- pass information about the failure to make a report to the National Vetting bureau of An Garda Siochana, this information could therefore be disclosed to the current or future employers when next Garda vetted.

1.4.5.5 Kare / SKWWCNDT staff who are Mandated Persons should understand that in the event of non-compliance with their Mandated Person legal responsibilities Kare / SKWWCNDT may consider this a disciplinary matter.

1.4.6 Roles and Responsibilities of the Designated Liaison Person (DLP)

1.4.6.1 The Designated Liaison Person in Kare / SKWWCNDT will:

- attend Designated Liaison Person training and other associated training as required
- be knowledgeable about Child Protection and Welfare regulation and guidance including the Children First: National Guidelines for the Protection and Welfare of Children 2017 (www.gov.ie) and Kare's Child Protection and Welfare Policy.
- act as a resource to staff and volunteers and provide support and advise on the implementation of the Kare's Child Protection and Welfare Policy and Children's First National Guidelines for the Protection and Welfare of Children as necessary
- ensure that Kare's / SKWWCNDT reporting procedures are followed so that an adequate record is maintained on child welfare and protection concerns and those that raise 'reasonable grounds for concern' are referred promptly to Tusla.
- Record all concerns or allegations of abuse brought to their attention and the actions taken in relation to a concern or allegation of child abuse
- record the reason for making a decision not to report a concern raised by a staff member/volunteer to Tusla, advise the person in writing raising the concern why it is not being reported and inform them that if they remain concerned they may report to Tusla/An Garda Siochana
- assist Kare / SKWWCNDT in completing governance and compliance reports as required.
- monitor the implementation of Kare's Child Protection and Welfare Policy and ensure

it is aligned with relevant national legislation, regulation and HSE policy.

1.4.7 Roles and Responsibilities of Kare / SKWWCNDT

1.4.7.1 It is Kare's / SKWWCNDT responsibility to;

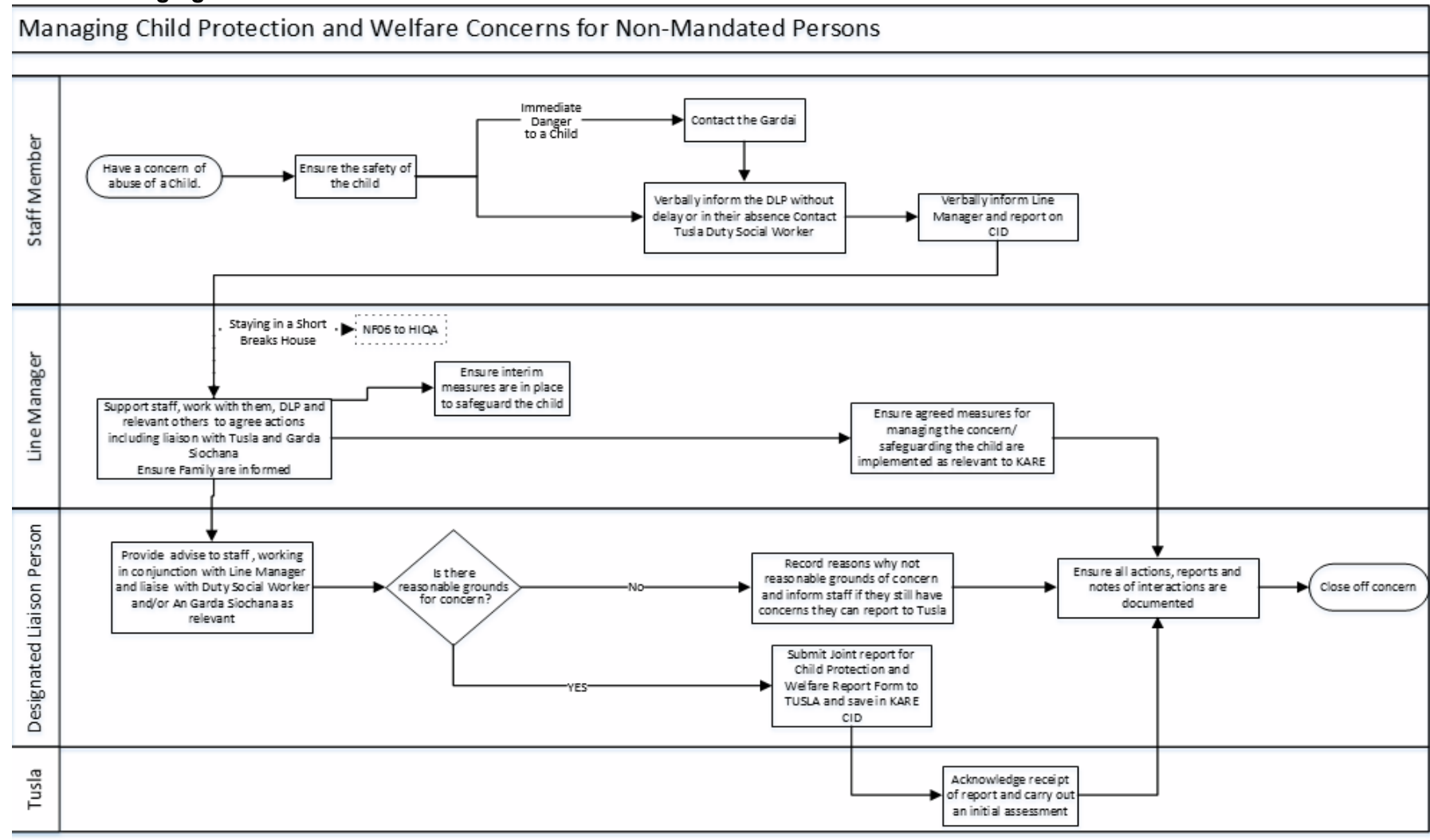
- Keep children safe from harm while they are using the service
- Carry out a risk assessment to identify whether a child could be harmed while using Kare's services
- Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified
- Ensure that the Child Safeguarding Statement is available to all staff members, parents/ guardians, Tusla and members of the public upon request
- Appoint a relevant person (Quality, Risk and Safety Manager of the lead Agency) to be the first point of contact with regard to the organisation's child safety statement.
- Ensure procedures are in place for reporting any concerns about the welfare or protection of a child that arise and manage the risks identified
- Ensure these procedures are available to staff and volunteers, students within Kare / SKWWCNDT
- Comply with Statutory obligations in relation to Garda vetting requirements with regard to employees, volunteers and students on placement
- Appoint a designated liaison person (DLP)
- Provide child welfare and protection information and training to staff and volunteers
- Provide information and training for mandated persons on their statutory responsibilities
- Provide the DLP with child protection and welfare information and training to enable them to undertake this role.
- Ensure that the organisations Trust in Care Policy is communicated to all staff and that they are made aware of their responsibilities to maintain a culture of vigilance and report any concerns or complaints of suspected abuse

1.4.8 Monitoring and Learning from Child Protection and Welfare Concerns

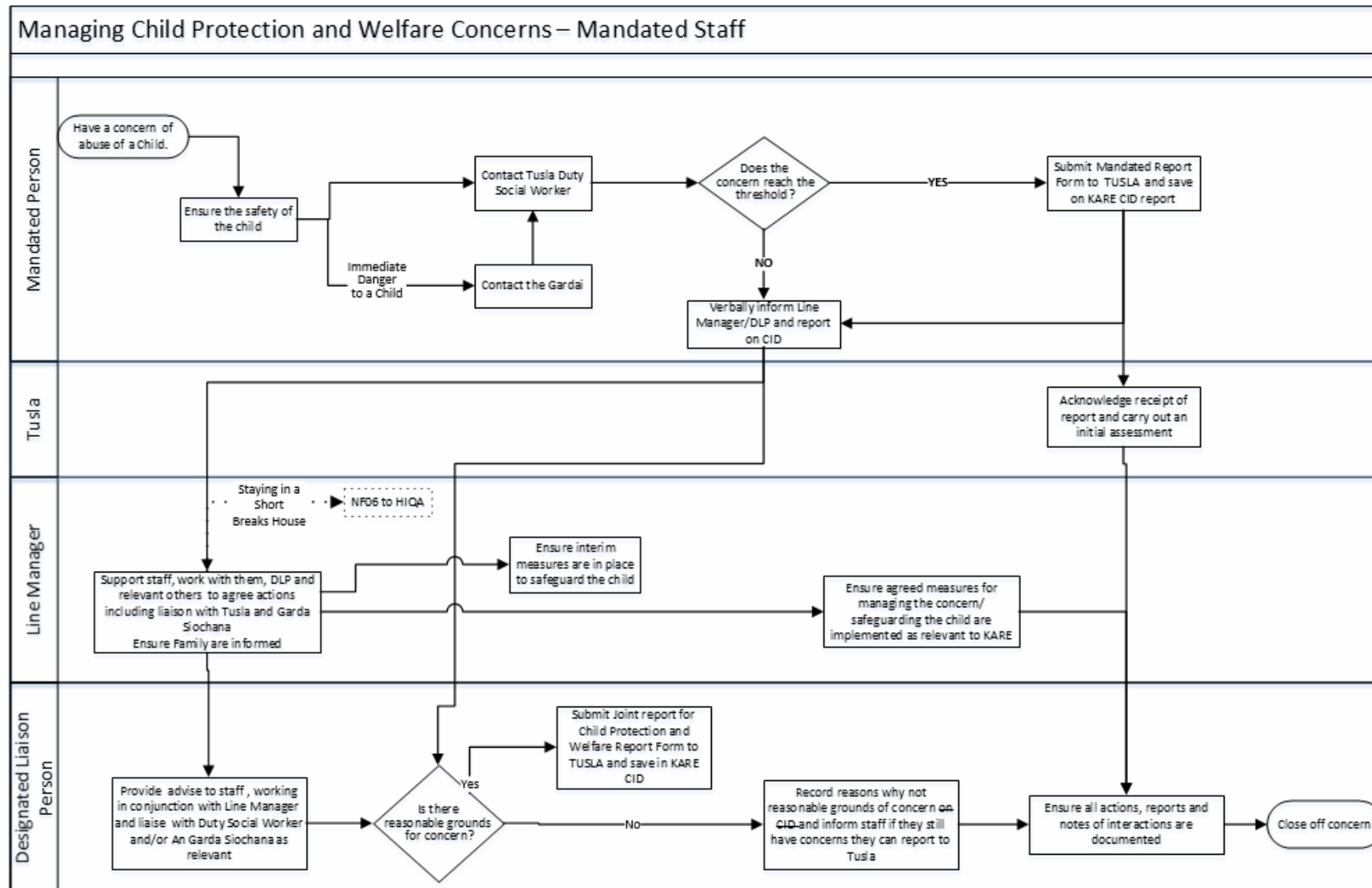
- 1.4.8.1 Kare's Safeguarding and Complaints Oversight Group will monitor the trends in child protection and welfare incidents and identify recommendations for organisation learning as appropriate.
- 1.4.8.2 The Quality, Risk and Safety Sub Committee of the Board will receive quarterly reports on child protection and welfare incidents and may make recommendations to reduce the risk child safeguarding incidents occurring in the organisation.

Section 2 Processes

2.1 Managing Child Protection and Welfare Concerns for Non-Mandated Persons for Kare Staff



2.2 Managing Child Protection and Welfare Concerns – Kare Mandated Staff



Section 3 Procedures

3.1 Procedure for Reporting a child protection and welfare concern,

This procedure is relevant for **all staff**. Some staff members have additional legal responsibilities in relation to their status as a mandated person.

3.1.1 Kare / SKWWCNDT staff will:

- Respond and take immediate action to ensure the immediate / short term safety of the child
- Contact should be made by phone with a Tusla Duty Social Worker without delay 045 839300, where Tusla is not available and there is concern for the immediate safety of the child, contact should be made with the Gardai.
- If as a mandated person you have a concern in relation to a child out of hours contact 0818776315
- Consult with your line manager and Designated Liaison person or OnCall out of hours to determine what actions need to be considered in relation to the concern and whether there is a reasonable concern that the child may have been, is being, or is at risk of being abused or neglected. What is the threshold for making a mandated report? Tusla - Child and Family Agency.
- Consultation with your line manager should not delay the reporting process where there is an immediate concern and the DLP should be contacted on the next working day.
- If you are still unsure whether you should report to Tusla, you may find it useful to contact a Tusla Duty Social Worker to informally discuss your concern, to discuss the query in general and to decide whether a formal report of the concern to Tusla is appropriate at this stage.
- Carry out the actions requested by Tusla/ Gardai/ Line manager/ Designated Liaison Person
- Inform the child's family that a safeguarding report has being made, unless doing so is likely to place the child at further risk
- Where possible the report should be completed on the Tusla Portal however if this is not possible a paper/electronic version of the CPWRF

should be completed. The person who logs the report on the Tusla Portal will receive an email acknowledging receipt of the report.

- Kare staff will report the concern on Kare's internal reporting system Kare CID.
- A Body Marks Record should be completed in incidents where there is physical injury to the child, the location/s of the injury should be marked on the Body Chart and a description of the injury documented in the Marks Record. The Body Marks Record is available in CID and should be attached to the Safeguarding Report Workflow. Pages - Policies and Guidelines
- Kare Bus Escorts should record the concern on Kare CID through their Line Manager. The person affected will be recorded as 'other' or 'non Kare service user'.
- Non Kare staff e.g. Volunteers, Visiting Clinicians/Consultants, Contractors, visitors should report the concern to the Line Manager of the location they are visiting. The Line Manager will document the report on Kare CID. Where applicable a Joint Mandated Report may be completed.
- SKWWCNDT staff will inform the DLP who will record the concern locally and securely store the report locally within locked filing cabinet.

3.1.2 Line Manager/designate will:

- Ensure interim measures are in place to safeguard the child
- Liaise with the Tusla Duty Social Worker and/or An Garda Síochána as required in follow on from the initial report by the staff member
- Communicate with the Designated Liaison Person (DLP) as soon as possible to seek advice/agree any further actions required.
- Communicate with other relevant agencies supporting the child to inform them of the concern e.g. Children's Network Disability Team, school principal.
- Support the staff member to complete the Tusla Child Protection and Welfare Report Form (CPWRF) where necessary.
- The statutory obligation of a mandated person to report under the

Children First Act 2015 must be completed by the mandated person, and cannot be completed by their line manager (or any other person) on their behalf

- If the concern relates to a child being supported in a Designated Centre i.e. Cluain Alainn Short Breaks house, complete an NF06 on the HIQA Portal
- Within Kare ensure all communication is documented and reports are uploaded to the Safeguarding Report on Kare CID e.g. CPWRF/Tusla Report receipt email, HIQA NF06.
- SKWWCNDT line manager will ensure all communication is documented and will record the concern locally and securely store the report locally within locked filing cabinet.

3.1.3 The Designated Liaison Person (DLP) will:

- Liaise with the staff member and Line Manager to provide guidance/advise and ensure all relevant steps are taken to manage the concern
- Monitor and review the interim measures as necessary until the Tusla Duty Social Worker has put recommendations in place
- Support the Line Manager/staff member by acting as liaison with the Duty Social Worker/An Garda Siochana where relevant
- Within Kare close the Safeguarding Report on Kare CID having confirmed all documentation/reports/notes and actions are completed
- SKWWCNDT will update their local log having confirmed all documentation /reports/notes and actions are completed
- Record all relevant information in relation to the child protection or welfare concern. Include any contact with the child, parents or guardians, as well as any consultations (internal or external to the Kare / SKWWCNDT), decisions and reports.
- Records of all child protection and welfare concerns that do not reach the threshold for a report to Tusla must also be maintained (on CID) in line with HSE record keeping policy guidance. The records should detail the nature of the concern and any actions taken (e.g. continued

monitoring and/or referral to an early intervention or family support service) and be considered for any patterns of concerns that may be identifiable over time.

3.2 Procedure for Reporting historic child welfare abuse of an adult using Kare's / SKWWCNDT services

3.2.1 On being told of abuse that occurred when the adult was a child the staff member will:

- reassure the adult and inform them that they need to discuss the matter with their Line Manager
- inform their Line Manager and/or the Designated Liaison Person (DLP)
- report the concern on Kare's Safeguarding Reporting system (Kare CID) as soon as possible after being told of the abuse
- SKWWCNDT will log the concern locally as soon as possible after being told of the abuse

3.2.2 On being informed of the historic abuse the Line Manager/designate will:

- ensure the adult is given the support they need in the immediate aftermath of disclosure
- liaise with the DLP to discuss and agree the actions required to support the individual
- if the historic abuse is in relation to an adult living in a Kare Community House complete an NF06 on the HIQA Portal

3.2.3 On being informed of the historic abuse the Designated Liaison Person will:

- check records to see if this report has been disclosed previously and if so has it been reported to Tusla
- advise the staff member and the Line Manager if the matter has been reported before or if it is a new report
- where relevant support the staff member to complete a Retrospective Abuse Report Form (RARF) – download from Tusla website - and forward it to the Tusla Duty Social Worker of the county that the individual resided in when the abuse took place. Kare's DLP will upload a copy of

the RARF to the Safeguarding report on Kare CID. SKWWCNDT DLP will securely store a copy of the RARF locally

- work with the adult and Line Manager to decide who else should be informed of the report of historic abuse e.g. individual's family, and agree any additional support the individual might need
- if the historic abuse involves a Kare / SKWWCNDT staff member, liaise with the Hr Manager to identify any actions required
- liaise with the Tusla Social Worker assigned to the case as requested
- Kare's DLP will close the Safeguarding Report on Kare CID having confirmed all documentation/reports/notes and actions are completed

3.3 Procedure to appoint a relevant person

- 3.3.1 The Board of Kare delegate the function of selection of the relevant person to the CEO of Kare.
- 3.3.2 The CEO may delegate this function to a nominated person
- 3.3.3 The CEO agrees the nominated person as the named individual for the purpose of the Child Safeguarding Statement.
- 3.3.4 The Name of the relevant person will be displayed on www.Kare.ie and www.CH07CDNT.ie websites.

Appendix 1: Definitions Of Abuse

These definitions of abuse are taken from Children First National Guidance for the Protection and Welfare of Children Chapter 2, Types of child 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 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

Emotional Abuse

Physical Abuse

Sexual Abuse

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.

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.

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.

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 Children First: National Guidance for the Protection and Welfare of Children.

Appendix 2: Mandated Persons

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2 (1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.

13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - (a) manager of domestic violence shelter;
 - (b) manager of homeless provision or emergency accommodation facility;
 - (c) manager of asylum seeker accommodation (direct provision) centre;
 - (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
 - (f) manager of a language school or other recreational school where children reside away from home;
 - (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - (h) director of any institution where a child is detained by an order of a court;
 - (i) Safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
 - (j) childcare staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991 ;
 - (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
16. Youth worker who—
 - (a) Holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section

3 of the Youth Work Act 2001 or a related discipline, and

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

17. Foster carer registered with the Agency.

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

Appendix 3 Designated Liaison Person's in Kare and SKWWCDNT.

Kare's Designated Liaison Persons are:		
Designated Liaison Person (DLP) Kare	Rosemary Keenan Principal Social Worker Tel: 045 480200 Mobile: 087 2353827 Email: rosemary.keenan@kare.ie	
Designated Liaison Person (DLP) Kare	Jacinta Barrett Social Work Team Leader Tel: 045 480200 Mobile: 087 9882520 Email: jacinta.barrett@kare.ie	
Designated Liaison Person (DLP) Kare	Caitriona Burke Social Worker Tel: 045 480200 Mobile: 087 7206779 Email: caitriona.burke@kare.ie	
Designated Liaison Person (DLP) Kare	Jamie Zoellner Social Work Team Leader Tel: 045 480200 Mobile: 087 2579700 Email: jamie.zoellner@kare.ie	
Designated Liaison Person (DLP) Kare	Brian Conroy Senior Social Work Practitioner Tel: 045 480200 Mobile: 087 2579700 Email: brian.conroy@kare.ie	

Designated Liaison Person (DLP) South Kildare West Wicklow Childrens Disability Network Team	Aoife Byrne, Social Worker, Tel: 045908644 Tel: 598643800 Email: Aoife.byrne@kare.ie	
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Appendix 4. CPWRF – report form

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)*	
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2. Date of Report*	
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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				
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	
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Is the Mother a Legal Guardian?*	Yes	☐	No	☐
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Details of Father					
First Name		Surname			
Address		Mobile No.			
		Telephone No.			
		Email Address			
Eircode					
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*	
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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	

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

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

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

--

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

Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the

Data

Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data

Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure;

and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may,

during the course of the assessment of this report disclose such Personal Data to other agencies

including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie.

As you are

providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data

contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

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

Report Received by				
First Name		Surname		Date

Mandated Report Acknowledgement by				
First Name		Surname		Date Sent

Authorised Person Signature*	
Date*	

Child Previously Known	Yes	☐	No	☐
Allocated Case No				

Appendix 5. RARF – Report Form**Retrospective Abuse Report Form**

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

Use block letters when filling out this form.

Fields marked with an * are mandatory.

1. Tusla Area (this is where the person subject to allegations of abuse resides (PSAA))*	
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2. Date of report*	
---------------------------	--

3. Date information was received by reporter*	
--	--

4. Reporter details if third party*

First name		Surname	
Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position held	
		Mobile no.	
		Telephone no.	
Eircode		Email address	

Reporter's relationship to adult complainant	
---	--

Is this a mandated report made under Sec 14, Children First Act 2015?*	Yes	☐	No	☐
Mandated person's type				

5. 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	
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Address If reporting in a professional capacity, please use your professional address		Organisation	
		Position Held	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	

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

First name		Surname			
Address		Female	☐	Male	☐
		Date of birth			
		Estimated age			
		Previous address, if known			
Telephone No.					
Eircode					

7. Type of abuse being reported*

Emotional abuse	☐	Physical abuse	☐
Neglect	☐	Sexual abuse	☐

8. Details and description of alleged abuse*

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

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

--

9. Details of person subject to allegations of abuse (PSAA)

First name*		Surname*	
Male*	☐	Female*	☐
Address		Date of birth	

		Estimated age	
		Mobile no.	
		Telephone no.	
Eircode		Email address	
Occupation			

10. Details of PSAA's social and employment status

--

11. PSAA household composition

First name	Surname	Relationship	Date of birth	Estimated age	Additional information, e.g. school, occupation, etc.

12. Does the PSAA have contact with children?*

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

Details of child					
First name		Surname			
Address		Mobile no.			
		Telephone no.			
		Email address			
		Date of birth			
Eircode		Age			
Parent/carers' names		Parent/carers' names			
Relationship to adult complainant		Relationship to PSAA			
Frequency of contact, if known					
Male	☐	Female	☐	Unknown	☐

Please attach additional sheets for additional children, if necessary.

13. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?	Yes	☐	No	☐
--	-----	--------------------------	----	--------------------------

If yes, please provide detail:

14. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?	Yes	☐	No	☐
---	-----	--------------------------	----	--------------------------

If yes, please provide detail:

15. Based on information known at this time, has a report been made to An Garda Síochána?		Yes	☐	No	☐
Garda name:		Telephone no.			
Garda district:		Email:			
Address:		PULSE ID number:			
		Date notification made:			
Eircode		Date report made			

16. Is the PSAA aware of this report?	Yes	☐	No	☐
--	-----	--------------------------	----	--------------------------

If yes, please provide further details:

17. Any additional information	Yes	☐	No	☐
---------------------------------------	-----	--------------------------	----	--------------------------

Please provide any further information that will assist Tusla in assessing and prioritising this report:

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

As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

Please ensure you have indicated if this is a mandated report in section 2.

Thank you for completing the report form.

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

Report received by				
First name		Surname		Date
Mandated report acknowledgement by				
First name		Surname		Date sent
Authorised person signature*				
Date*				
Child previously known	n	Yes	☐	No
Allocated case no				

Appendix 6. Dealing with Disclosures.

Guidance for staff dealing with disclosures of abuse.

You should deal with disclosures of abuse sensitively and professionally. The following approach is suggested as best practice for dealing with these disclosures

- React calmly
- Listen carefully and attentively
- Take the child seriously
- Reassure the child that they have taken the right action in talking to you
- Do not promise to keep anything secret
- Ask questions for clarification only. Do not ask leading questions
- Check back with the child that what you have heard is correct and understood
- Do not express any opinions about the alleged abuser
- Ensure that the child understands the procedures that will follow
- Make a written record of the conversation as soon as possible, in as much detail as possible
- Treat the information confidentially, subject to the requirements of this Guidance and legislation

Appendix 7. Glossary of Terms

Risk: Section 11(1)(a) of the Children First Act 2015 defines risk as “any potential for harm to a child while availing of the service.”

Harm to a Child: Section 2 of the Act defines harm as follows: “harm means in relation to a child – (a) Assault, ill-treatment or neglect of the child in a manner that seriously affects or is likely to seriously affect the child’s health, development or welfare, or (b) Sexual abuse of the child, whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances or otherwise

Disclosure of Abuse: Is where a child may decide to disclose or communicate their experience of abuse to you.

Retrospective allegation: Is where an adult may disclose abuse that took place during their childhood

Joint reporting: A report may be made jointly with any other person, whether that person is also a mandated person or not. Also, while mandated persons have statutory obligations to report mandated concerns, they may make a report jointly with another person, whether the other person is a mandated person or not.

Child Safeguarding Statement: This is a written statement that specifies the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm.

Designated Liaison Person: acts as a resource to any staff member who has a child protection concern. Designated liaison persons are responsible for ensuring that reporting procedures are followed correctly and promptly and they act as liaison person with other agencies

Mandated person: 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 - Child and Family Agency. As a mandated person,

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

Mandated Assisting: In some instances Tusla will need further information from the person making the report. To support and reinforce this practice, the Children First Act 2015 provides that all mandated persons can be asked by Tusla to provide any necessary and proportionate assistance to aid Tusla in assessing the risk to a child arising from a mandated report. Assistance includes verbal or written information or attendance at meetings. [What is mandated assisting? Tusla - Child and Family Agency](#)

Reasonable grounds for concern: That a child may have been, is being, or is at risk of being abused or neglected.

Threshold: Mandated persons must report concerns of harm above a particular threshold under the Children First Act 2015.

[Children First National Guidance 2017.pdf \(tusla.ie\)](#)

[What is the threshold for making a mandated report? Tusla - Child and Family Agency](#)

Rev. No.	Approved by the OMT	Approved by Kare Board	Launched at Heads of Units	Operational Period
Rev 1	March 2014	April 2014	July 2014	July 2014 – Dec 2014
Rev 1.1	Amended to update DLP/DDLP; approval not required			Jan 2015 – Feb 2018
Rev 2	February 2018	March 2018	March 2018	Mar 2018 – Oct 2018
Rev 2.1	August 2018	Oct 2018	Nov 2018	Nov 2018 – Feb 2019
Rev 2.2	January 2019	Feb 2019	March 2019	March 2019 -