



CHILD PROTECTION AND WELFARE POLICY

December 2022

Revision History

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Introduction

In December 2017, the Department of Children and Youth Affairs commenced, in full, the Children First Act 2015. To support the implementation of the Act, the Department of Children and Youth Affairs also published a revised version of **Children First: National Guidance for the Protection and Welfare of Children (2017)**, which takes precedence over other versions of the document. These guidelines have been developed to promote the safety and well-being of children. Outhouse is committed to fulfilling our duties concerning this and other relevant legislation and policies that safeguard all children who access our services.

Our Child Protection and Welfare Policy (CPWP) is for the sole use of Outhouse. This policy does not supersede that of any other organisations running activities within the centre for children and adolescents, all of whom should operate their own local policy in line with the principles and values outlined in Children First and other relevant legislation.

Our CPWP promotes the welfare of children who avail of our services. It is about creating a safe environment for both staff/volunteers and young people, where trust and willingness to listen to the young person is foremost and where we will take seriously any issue brought to us with the utmost sensitivity and share information on a need-to-know basis.

We recognise that the policy should be a working document that is regularly reviewed and should always be abreast of current best practices in the promotion of child welfare. This is a tool all staff/volunteers in the organisation have a duty to be comprehensively aware of and comply with at all times in their roles within the organisation.

We respect the rights of all children and young people and believe that they have the right to be safe from all harm. We also recognise the obligations of staff in our service, which shall limit young people's right to privacy and confidentiality where a child protection concern is raised.

This policy should be used as a 'quick reference' document to support professional practice within Outhouse and partner organisations. It is not a complete or authoritative statement of the law nor a legal interpretation. Staff and Volunteers will need to be familiar (and trained appropriately per their duties in the organisation) with Children First: National Guidance for the Protection and Welfare of Children (2017), together with other relevant laws, policies, procedures and guidelines that govern their practice.

Overview of Outhouse

Outhouse is the LGBT+ community resource centre in Dublin. Since 1997 we have worked with LGBT+ people, including adolescents and children,

to create a vibrant and safe space for LGBT+ people, groups & organisations that is inclusive of the diversity within our communities. As part of that work, we strive to ensure that children and young people who access Outhouse are safe from harm.

Child Protection and Welfare Policy Statement

It is the policy of Outhouse that all children and service users are safeguarded in all aspects of their participation with us.

We are committed to providing a safe space in which they are encouraged, enabled and entrusted to grow confidently and free from all forms of abuse.

We are equally committed to resourcing and providing our staff and volunteers who work directly with young people to respond confidently to child protection concerns in line with our policy and procedures. This includes clear pathways for reporting allegations and concerns and developing safe working practices with young people.

Key Principles for Best Practice in Child Protection

Children First: the National Guidance for the Protection and Welfare of Children (Department of Children and Youth Affairs, 2017) outlines several key principles of child protection and welfare which Outhouse endeavours to uphold at all times. These are as follows:

- i. The safety and welfare of children is everyone's responsibility
- ii. The best interests of the child should be paramount
- iii. The overall aim in all dealings with children and their families is to intervene proportionately to support families to keep children safe from harm
- iv. Interventions by the State should build on existing strengths and protective factors in the family
- v. Early intervention is key to better outcomes. Where it is necessary for the State to intervene to keep children safe, the required minimum intervention should be used
- vi. Children should only be separated from parents/guardians when alternative means of protecting them have been exhausted

- vii. 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
- viii. Parents/guardians have a right to respect and should be consulted and involved in issues that concern their family
- ix. A proper balance must be struck between protecting children and respecting the rights and needs of parents/guardians and families. Where there is conflict, the child's welfare must come first
- x. Child protection is a multiagency, multidisciplinary activity. Agencies and professionals must work together in the interests of children (Children First National Guidance 2017).

We recognise our duty of care to young people who use the community centre and that the implementation of this policy will only be effective where we ensure the following:

- I. The best practice in recruiting staff or volunteers includes Garda vetting (where possible), checking of references, good HR practices in recruitment, induction training, probation and ongoing supervision and management;
- II. That staff members or volunteers know how to recognise signs of child abuse or neglect;
- III. We identify a Designated Liaison Person (and Deputy Designated Liaison Person) to act as a liaison with outside agencies and a resource person to any staff member or volunteer with child protection concerns. The DLP is responsible for reporting allegations or suspicions of child abuse to Túsla Children and Family Agency or to An Garda Síochána

Key Legislative Provisions and Policy Documents

Several Acts, policies, and strategies address the safeguarding and protection of children and adolescents. These documents have been summarised briefly below.

Legislation

Child Care Act 1991

The act's purpose is to "update the law about the care of children who have been assaulted, ill-treated, neglected or sexually abused or who are at risk". The main provisions of the act are

- The placing of a statutory duty on TUSLA to promote the welfare of children who are not receiving adequate care and protection up to the age of 18 (Sec. 3.1)
- The strengthening of the powers of TUSLA to provide childcare and family support services.
- The improvement of the procedures to facilitate immediate intervention by TUSLA and An Garda Síochána where children are in danger.
- The revision of provisions to enable the courts to place children, who have been assaulted, ill-treated, neglected or sexually abused or who are at risk, in the care of or under the supervision of TUSLA.
- The introduction of arrangements for the supervision and inspection of preschool services.
- The revision of provisions concerning the registration and inspection of residential centres for children.

Protections for Persons Reporting Child Abuse 1998

The main provisions of the Act are:

- a) the provision of immunity from civil liability to any person who reports child abuse reasonably and in good faith to designated officers of the HSE or any member of An Garda Síochána;
- b) the provision of significant protections for employees who report child abuse. These protections cover all employees and all forms of discrimination up to, and including, dismissal;
- c) the creation of a new offence of false reporting of child abuse, where a person makes a report of child abuse to the appropriate authorities' knowing that statement to be false. This is a new criminal offence designed to protect innocent persons from malicious reports.

Child Trafficking and Pornography Act 1998

The Child Trafficking and Pornography Act 1998, which is amended by Section 6 of the Criminal Law (Sexual Offences) (Amendment) Act 2007 (pdf), deals with several offences involving children under the age of 17. These include:

- Child trafficking and taking a child for sexual exploitation; the maximum penalty is life imprisonment,
- Meeting a child for the purpose of sexual exploitation; the maximum penalty is 14 years imprisonment,
- Allowing a child to be used for child pornography; the maximum penalty is a fine of up to €31,000 and/or 14 years imprisonment
- Producing, distributing, printing or publishing child pornography; the maximum penalty for a summary offence is a class C fine and/or a year's imprisonment; if charged on indictment, the maximum penalty is an unlimited fine and/or 14 years imprisonment. Possession of child pornography; the maximum penalty for a summary offence is a class C fine and/or a year's

imprisonment; if charged on indictment, the maximum penalty is €6,350 and/or five years imprisonment.

Section 176 of the Criminal Justice Act 2006

This Act introduced the criminal charge of reckless endangerment of children. It states:

'A person, having authority or control over a child or abuser, who intentionally or recklessly endangers a child by –

- (a) causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse,
- or
- (b) failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence.

The penalty for a person found guilty of this offence is a fine (no upper limit) and/or imprisonment for a term not exceeding 10 years.

Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012

The Act applies to everyone.

- It creates an obligation to notify the Gardaí if a person "knows or believes" (i.e. has evidence) that a "serious offence" has been committed against a child or vulnerable person
- There is no obligation to report rumours, innuendo or unsubstantiated information.
- There is also no obligation in that Act to report lesser offences such as common assault or neglect of a child. These matters would be covered separately by child protection guidelines and policies.

- There are potential defences which can cover victims who do not want the information disclosed, parents, and professionals acting in the best interest of the child/vulnerable adult.

The Equal Status Acts

This prohibits, on nine grounds, discrimination in the delivery of goods and services, including community services, to people in Ireland.

- a) This legislation applies to minors as well as adults. This Act commits all youth work services to provide a fair and equal service to all young people.
- b) Under the Equal Status Act, harassment on grounds of sexual orientation and gender identity is prohibited. Youth organisations cannot allow a young person to be harassed or sexually harassed, including homophobic bullying or prejudice related to gender and sexual norms.

Data Protection Acts and Freedom of Information Act

These Acts cover a wide range of instances in which personal information on an individual held by Outhouse may be requested and shared with that individual, their parent/guardian, and An Garda Síochána.

Reports made to TúsIlsa may be subject to FoI legislation. This enables members of the public to access data relating to them, which is in possession of public bodies.

The Data Protection Acts gives every individual the right to establish the existence of personal data, to access data relating to them, and to have inaccurate data rectified or erased by any entity that holds such info, regardless if they are private or public.

National Vetting Bureau (Children and Vulnerable Persons) Act 2012

- The Act aims to provide a legislative basis for the mandatory vetting of persons who wish to undertake certain work or activities relating to children or vulnerable persons or to provide certain services to children or vulnerable persons. From now on, employing a person without vetting them will be a criminal offence. A relevant organisation shall not permit any person to undertake **relevant work or activities** on behalf of the organisation unless the

organisation receives a vetting disclosure from the National Vetting Bureau in respect of that person.

- **Relevant work or activities** is defined as any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children or vulnerable adults. The Act shall not apply where a person assists on an occasional basis at a school, sports or community event or activity **other than where such assistance includes the coaching, mentoring, counselling, teaching or training** of children or vulnerable persons. Each relevant organisation will have to assess each position involved in accordance with the Act. Proof of identity and confirmation of current address is now required for each person requesting vetting before vetting can commence.
- There is a provision in the Act for re-vetting. However, no time frame has been set as yet. Organisations are advised to continue with their current practice in this regard.
- E-vetting has commenced for several organisations.

Children First Act 2015

The Children First Act 2015 was enacted on 19 November 2015 and was fully commenced on 11 December 2017.

This Act places several statutory obligations on specific groups of professionals and on particular organisations providing services to children, including comprehensive risk assessment and planning for a strong organisational culture of safeguarding. The Act is intended to:

- Raise awareness of child abuse and neglect
- Provide for mandatory reporting by key professionals
- Improve child safeguarding arrangements in organisations providing services to children

- Provide for cooperation and information-sharing between agencies when Tusla – Child and Family Agency, is undertaking child protection assessments.

Criminal Law (Sexual Offences) Act 2017

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

Policies and Strategies

Connecting for Life. Ireland's National Strategy to Reduce Suicide 2015 - 2020.

It sets out a vision of an Ireland where fewer lives are lost through suicide and where communities and individuals are empowered to improve their mental health and well-being.

United Nations Convention on the Rights of the Child

It is one of a number of treaties which flows on from the UN Declaration for Human Rights. It consists of 41 articles, each of which provides additional protections to children given their particular vulnerability and takes into account that the fulfilment of their rights is often dependent on the actions of others, such as parents and other adults entrusted with their care. The UNCRC defines 'a child' as anyone under the age of 18 years. A number of articles have particular relevance to this policy.

- a) All the rights guaranteed by the UNCRC must be available to all children without discrimination of any kind and the State is obliged to protect children from discrimination (Article 2).
- b) Right to protection from interference with privacy, family, home and correspondence, and from libel or slander (Article 16).
- c) Right to live and/or maintain contact with parents unless it is not in their best interests (Article 9). The State is obliged to foster and enable family re-unification (Article 10).
- d) Right to protection from all forms of abuse (Article 19), exploitation (Article 36), including sexual exploitation, sexual abuse (Article 34) and armed conflict (Article 38).

- e) The State has a duty to promote the recovery of child victims of abuse (Article 39) and to act to prevent child kidnapping (Article 11), abduction and the sale and/or trafficking of children (Article 35).
- f) The State is obliged to assist a child without a family (Article 20); children have a right to a periodic review of their care placement (Article 25); and adoptions should only be carried out in the best interests of the child (Article 21).

Internal Policies and Procedures

There are a number of associated internal policies and guidance documents available in the organisation which also support this policy, including

- Data protection policy,
- Induction policy,
- Staff Handbook.

Roles and Responsibilities

Designated Liaison Person (DLP)

The designated liaison person shall be the Chief Executive Officer.

Deputy Designated Liaison Person (DDLDP)

The deputy designated liaison person shall be the Operations and Development Manager.

DLP & DDLDP Responsibilities

The DLP will:

- operate within the guidelines set by the statutory authorities and those approved by Outhouse
- be available to receive and consider child protection concerns and to report suspicions and allegations of child abuse to the statutory authorities, i.e. Tusla or An Garda Síochána
- liaise between the organisation, young people, employees, volunteers and the statutory authorities where necessary
- Create and maintain links with the statutory authorities and other relevant agencies and resource groups and to informally consult and seek advice from Tusla regarding referral.
- facilitate the provision of support to anyone making a disclosure or wishing to make a referral to the statutory authorities

- Advise the organisation, members, or employees/volunteers on individual cases within the limits of confidentiality.
- maintain proper records on all cases referred to them securely and confidentially
- advise on good practice
- organise/facilitate training and workshops on Child Protection
- Keep up-to-date on current developments regarding the provision, practice, support services, legal obligations/requirements and policy.

The DLP, who is also the CEO, would, if the occasion arose, have to manage any allegations against staff or volunteers. In this instance, the Deputy DLP would assume responsibility for safeguarding the welfare of the complainant.

Reporting Procedures

Reporting procedure for non-mandated persons

The Designated Person is accessible to everyone in the organisation and is supported by ongoing training and supervision. When they receive a report about suspected or actual abuse, they will consider whether there are reasonable grounds for reporting it to Tusla.

What constitutes reasonable grounds for a child protection or welfare concern?

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

(Children First National Guidance 2017)

If reasonable grounds for concern exist, the DLP will submit a report to Tusla's Children and Family Agency (using the standard reporting form).

- Where the DLP is unsure whether the concern constitutes reasonable grounds for concern, they may consult informally with a Túsła Duty Social Worker.
- Where a decision is taken not to pass on the concern brought to the DLPs attention, the DLP will inform the staff member/volunteer of this and also tell them that they may report directly to Children and Family Services and that the provisions of the Protection for Persons Reporting Child Abuse Act would pertain.

Reporting procedure for mandated persons

From time to time, mandated persons may be employed by, or volunteer with Outhouse. A complete list of mandated persons is maintained by the designated liaison person.

Legal obligations of mandated persons

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

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

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

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

(a) has been harmed,

(b) is being harmed, or

(c) is at risk of being harmed,

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

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

'Where a child believes that he or she—

(a) has been harmed,

(b) is being harmed, or

*(c) is at risk of being harmed,
and discloses this belief to a mandated person in the course of a mandated person's employment or profession as such a person, the mandated person shall, ... as soon as practicable, report that disclosure to the Agency.'*

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

*'harm means in relation to a child–
(a) assault, ill-treatment or neglect of the child in a manner that seriously affects, or is likely to seriously affect the child's health, development or welfare, or,
(b) sexual abuse of the child.'*

Joint reporting

Mandated persons should make a report jointly with the Designated Liaison Person in the first instance. However, where the DPL forms an opinion that the concern does not meet the threshold to make a report the mandated person who, on reflection disagrees with this judgement, has both the right and a legal obligation to make a sole report to Tusla or the Gardaí as appropriate.

Reaching the threshold

If any mandated person is in doubt about whether their concern reaches the legal definition of harm for making a mandated report, Tusla can provide advice in this regard. If a concern does not reach the threshold for mandated reporting, but it is felt that it is a reasonable concern about the welfare or protection of a child, it may be reported to Tusla under the Children First National Guidance 2017.

Mandated assisting

When Tusla receives a report of harm to a child, the information in the report is used to assess the risk of harm to that child, or any other child. Written reports from mandated persons should improve the quality of information available to Tusla and therefore improve the assessment process, although, in some instances, Tusla will need further information from the person making the report.

The better the quality of the initial report and the more comprehensive and relevant the information given at that stage, the more likely Tusla can make an early and effective decision about how to deal with the reported concern.

It is usual practice for professionals who have ongoing contact with a child and where there is concern about possible abuse, to continue to engage with Tusla's social work team to assist in the protection of the child. 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. You must comply with this request, regardless of who made the report.

Tusla accepts the time limitations and pressures on other professionals and will use mandated assisting only when necessary and only to the extent needed in each specific case. Mandated assistance may include a request to supply further information over the phone, produce a verbal or written report or attend a meeting. You can find the *Tusla Children First – Protocol for Mandated Assisting* on the Tusla website (www.tusla.ie).

Tusla is committed to promoting the welfare of children. Its ability to do so is greatly improved if all professionals involved with the child work together in the child's interests. Tusla's ability to make good-quality evidence-based decisions about a child's welfare and/or protection is enhanced by cooperation and information-sharing about a child.

Sharing of information

The Data Protection Acts 1988-2018 and GDPR do not prevent the sharing of information on a reasonable and proportionate basis for the purposes of child protection. Tusla has the authority to share information concerning a child who is the subject of a risk assessment with a mandated person who has been asked to provide assistance. Tusla must only share what is necessary and proportionate in the circumstances of each individual case.

Information that Tusla shares with you, if you are assisting it to carry out an assessment, must not be shared with a third party, unless Tusla considers it appropriate and authorises in writing that the information may be shared.

This is in keeping with the principles of data protection, which recognise that in certain circumstances information can be shared in the interests of child protection, but that such sharing must be necessary and proportionate.

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

Protection from civil liability

If you are required to share information with Tusla when assisting in the assessment of risk to a child, you are protected from civil liability. Section 16(3) of the Children First Act 2015 states:

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

A suspicion which is not supported by any objective signs of abuse would not constitute a reasonable suspicion, or reasonable grounds for concern. However, the suspicions should be reported to the DLP who will record them internally, as future suspicions may lead to the decision to make a report.

Dealing with a suspicion of child abuse

In situations where a suspicion / concern may be deemed vague i.e. where there is no specific allegation but there is some concern based on the emotional behaviour and/or physical presentation or behaviour of the child, then staff/volunteers should consult the Designated Liaison Person for advice. The Designated Person will assess whether or not a report is warranted and will seek the advice of a Tusla duty social worker if required. Details of the consultation will be recorded and filed. A formal report to Tusla may follow as advised.

Referral procedures and reporting

When making a report Outhouse and any individual within the organisation needs to take the following into consideration.

That the protection and safety of the child should be considered paramount.

Reports should be made without delay following agreed procedures.

The principle of natural justice should apply, which means that a person is innocent until proven otherwise.

The principle of confidentiality should apply, whereby only those that need to know should be told of a suspicion/allegation/disclosure of abuse and the number of people that need to be kept informed should be kept to a minimum.

Family or carers

Parents or carers of any young person deemed to be at risk should be treated with respect. For this reason, families should be informed by an appropriate person if a report about them is submitted to Tusla or An Garda Síochana, unless doing so is likely to endanger the child, undermine an investigation or place the reporter at risk of harm from the family. Outhouse will carry this out in a considered and respectful manner.

Dealing with a disclosure

A young person may disclose abuse to any member of staff/volunteer at any time during their work with them. It is important that all staff and volunteers are aware and prepared for this.

Suggested guidelines

- Be as calm and natural as possible.
- Remember that you have been approached because you are trusted and possibly liked. Do not panic.
- Be aware that disclosures can be very difficult for the young person.
- Remember, the young person may initially be testing your reactions and may only fully open up over a period of time.
- Listen to what the young person has to say. Give them the time and opportunity to tell as much as they are able and wish to.
- Do not pressurise the young person. Allow them to disclose at their own pace and in their own language.
- Conceal any signs of disgust, anger or disbelief.
- Accept what the young person has to say – false disclosures are very rare.
- It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The young person 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.
- It may be necessary to reassure the young person that your feelings towards them have not been affected in a negative way as a result of what they have disclosed.

- Questions should be supportive and for the purpose of clarification only. Avoid leading questions, such as asking whether a specific person carried out the abuse. Also, avoid asking about intimate details or suggesting that something else may have happened other than what you have been told. Such questions and suggestions could complicate the official investigation.
- At the earliest possible opportunity, record in writing what the young person has said, including as far as possible, the exact words used by them. Record the facts only and avoid opinion or supposition.
- Report to the DLP as soon as possible and pass on your written report
- Maintain appropriate confidentiality

Ongoing support

Following a disclosure by a child, it is important that staff/ volunteers continue in a supportive relationship with the young person. Once the Designated Liaison Person makes the referral to TUSLA, our duty to care on the disclosure is passed on. Disclosure is a huge step for many young people and support should be continued through:

- Maintaining a positive relationship with the young person.
- Keeping lines of communication open by listening to the young person.
- Continuing to include the young person in the usual activities.

Retrospective disclosures by adults

An increasing number of adults are disclosing abuse that took place during their childhoods. As we work with people of all ages, it is essential that these issues are brought to the attention of the DLP. A staff member/volunteer to whom the disclosure has been made to should firstly establish whether there is any current risk to any child who may be in contact with the alleged abuser. If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the DLP should be informed and a report of the disclosure be made to the Tusla's Child and Family Services without delay. A form for reporting retrospective disclosures is available on the Tusla website at

http://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf

Confidentiality

Outhouse staff and volunteers should never promise to keep a secret of any information regarding child abuse that is disclosed. If a young person or concerned adult discloses information to an Outhouse staff member or volunteer, they should:

- acknowledge that they have come to you because they trust you.
- Tell the person that you will be sharing this information only with people who understand this area and who can help (and on a need to know basis). There are secrets, which are not helpful and should not be kept because they make matters worse. Such secrets hide things that need to be known if people are to be helped and protected from further ongoing hurt. By refusing to make a commitment to secrecy to the young person, you do run the risk that they may not tell you everything (or, indeed, anything) there and then. However, it is better to do this than to tell a lie and ruin the young person's confidence in yet another adult. By being honest, it is more likely that the young person will return to you at another time.
- Maintain appropriate confidentiality

Exchanges of information, dealing with disclosures, and reporting procedures

The ability of Tusla's Child and Family Service or An Garda Síochána to assess and investigate suspicions or allegations of child abuse or neglect will depend on the amount and quality of information conveyed to them by the people reporting concerns. As much as possible of the following detail should be provided on Tusla's standard reporting form which can be found here:

http://www.tusla.ie/uploads/content/Child_Protection_and_Welfare_Report_Form_FINAL.pdf

Recording and retention of information

All disclosures, allegations or reported incidents of child abuse within Outhouse should be recorded in a factual and accurate manner. Where a young person makes a disclosure, the report should be written in the words that are close as possible to the child's own words. Volunteers and staff should be careful about not giving their own interpretation of what the young person said.

All Outhouse records will be stored in a safe and secure location. Outhouse should be mindful of the Data Protection Act, GDPR, and the Freedom of Information Act. Access to these records will only be through the Designated Liaison Person.

Documents cannot be amended. All new developments in the case will require additional recordings to be completed to accompany the existing documents. These documents belong to Outhouse and not to the person who made the report.

It is important for all Outhouse volunteers/ employees to be aware that when an individual makes a report to the statutory authorities, it is

possible that they may be called to give evidence should legal action be taken. It is therefore important to record details of disclosure and any other relevant information that may have been heard and seen.

The following records will be created and maintained with respect to child protection and safeguarding:

Record	Retention Period	Requirement	Action	Designated Owner
<i>Information, data, or records</i>	<i>Period for keeping record and organisational notes.</i>	<i>Purpose of retention</i>	<i>Destroy, archive, review, etc.</i>	<i>Who</i>
Child welfare concerns (<i>not resulting in a Child Protection report to TUSLA</i>)	Permanent	Child Protection Best Practice	Archive	Designated Liaison Person
Child protection reports both mandated and non-mandated (<i>made either to TUSLA or Gardaí</i>)	Permanent	Child Protection Best Practice	Archive	Designated Liaison Person
Allegations/ Complaints of Abuse (<i>regardless of outcome</i>)	Permanent	Child Protection Best Practice	Archive	Designated Liaison Person

Allegations against a staff member or volunteer

If an allegation is made against a staff member or a volunteer, two separate procedures will be followed:

1. The reporting procedure in respect of the child
2. The procedure for dealing with the staff member or volunteer

These procedures, according to *Children First: National Guidelines for the Protection and Welfare of Children* should be followed in the event of suspicion or disclosure of abuse against an employee or volunteer (including a Board member). In this situation, Outhouse will, and must have, due regard for the rights and interest of the child on one hand, and

those of the person against whom the allegation is made on the other hand.

The Designated Liaison Person will deal with the staff member, volunteer, or Board member in question, while the Deputy Designated Liaison Person will have the responsibility of dealing with the reporting procedure in respect of the child.

DPL's and DDPL's are obliged to disclose any conflicts or loyalty or interest in respect of any child safeguarding concern or issue to the Chair of the Board, failure to do so may result in disciplinary action up to and including dismissal.

Where a potential conflict of interest or loyalty has been identified a suitably qualified individual from the Board or external to the organisation may be appointed to assume responsibility from either the DLP or DDPL for the investigation.

Staff or volunteers may be subjected to erroneous or malicious allegations; therefore, any allegation of abuse should be dealt with sensitively, and support provided for staff as well as the child, including counselling where necessary. However, the primary goal is to protect the child while taking care to treat the staff member/volunteer fairly.

When the Designated Liaison Person becomes aware of an allegation of abuse of a child or children by a member of staff or a volunteer, if appropriate, they will privately inform that person of the following:

- The fact that an allegation has been made against them.
- The nature of the allegation.

The employee/volunteer should be afforded an opportunity to respond. The DLP will note the response and pass on this information if making a formal report to TUSLA.

When an allegation of abuse is received, it should be assessed promptly and carefully by the Designated Liaison Person. Action taken in reporting an allegation of child abuse against an employee should be based on an opinion formed 'reasonably and in good faith'. It will be necessary to decide whether a formal report should be made to TUSLA. This decision should be based on reasonable grounds for concern, as outlined earlier and in conjunction with Chapter 3 of Children First.

The first priority is to ensure that no child is exposed to unnecessary risk. The Designated Liaison Person will, as a matter of urgency take any necessary protective measures. These measures should be proportionate to the level of risk and should not unreasonably penalise the employee or volunteer, unless necessary to protect children.

Pending the outcome of any possible investigation by TUSLA and/or Gardaí, the staff member / volunteer may:

- Be re-assigned to duties that do not involve contact or access to children / young people, depending on the nature of the allegation.
- Be suspended with pay.

The staff member / volunteer will be offered counselling should the need arise. Any action taken will be guided by the below agreed procedures, the applicable employment contract and the rules of natural justice.

Should the allegation be concerning the CEO, the Chairperson of the Board or designate shall take on the responsibility of making decisions as laid out in this policy.

Should the allegation be concerning the Chairperson of the Board, the Deputy Chairperson of the Board or designate shall take on the responsibility of any responsibilities and powers conferred on the Chair by this policy.

The first priority will be to ensure that no child is exposed to unnecessary risk and as such any necessary protective measures will be taken, *e.g.* suspension of the staff member/volunteer. These measures will be proportionate to the level of risk and will not unreasonably penalise the worker financially or otherwise unless necessary to protect children.

- It may be necessary for the Designated Liaison Person to seek legal advice for any action following an allegation against a staff member/volunteer. A meeting may need to be arranged with the TUSLA/Gardaí to discuss the allegation.
- The Designated Liaison Person will inform the person accused on the outcome of the above consultation.
- Pending the outcome of the investigation by TUSLA and/or Gardaí, the staff member/volunteer may be suspended, or re-assigned to duties that do not involve contact or access to young people

All staff should take care to ensure that actions taken by them do not undermine or frustrate any investigations/ assessments that may be conducted by the TUSLA or An Garda Síochána. It is strongly recommended that staff maintain a close liaison with the statutory authorities to achieve this.

The Designated Liaison Person should be notified of the outcome of any investigation and/or assessment. This will assist them in reaching a decision about the action to be taken in the longer term concerning the employee.

The Protections for Persons Reporting Child Abuse Act 1998 makes provision for the protection from civil liability of persons who have communicated child abuse 'reasonably and in good faith' to designated officers within TUSLA, the HSE, 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.

In case of emergency

In case of an emergency or the non-availability of the Designated Liaison Person, or the Deputy Designated Liaison Person, or TUSLA, the report should be made to the Gardaí. This may be done at any Garda Station.

Peer abuse

In some cases of child abuse, the alleged perpetrator will be another young person. In such situations, it is particularly important to consider how Túsla and other agencies can provide care for both the alleged victim and the alleged perpetrator.

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

Abusive behaviour that is perpetrated by young people must be acted upon. If there is any conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare is of paramount importance.

As in all cases of child abuse, it is essential to respond to the needs of children who are abused by their peers. Each individual case will require its own unique intervention. Appropriate support and services should be provided to the child and their parents/carers as quickly as possible. In the case of child sexual abuse by peers, treatment approaches may include individual treatment and/or group therapy for the child or young person.

Children who are abusive towards other children also require comprehensive assessment and therapeutic intervention by skilled child care professionals. Treatment is more likely to be effective if begun early in the child's life. It is known that some adult abusers begin abusing during childhood and adolescence, that significant numbers will have suffered abuse themselves and that the abuse is likely to become progressively more serious. Early referral and intervention is therefore essential.

Future abuse can be prevented if intervention takes place early in the child's life. Therefore, it is essential to refer concerns about peer abuse immediately to TUSLA.

Recruitment procedures

- Outhouse follows a thorough recruitment process for employees and volunteers.
- Volunteers and employees complete an application form and sign a declaration of suitability to work with young people and vulnerable adults.
- A minimum of two people interviews volunteers and employees.
- References are checked for volunteers and employees, and written references are kept on file by Outhouse.
- The identity of volunteers and employees is verified.
- Volunteers and staff undergo Garda Vetting per the Vetting Act.
- Job descriptions are furnished to volunteers and employees.
- Volunteers and employees are required to undertake induction and other training.
- Volunteers and employees all complete a probationary period with Outhouse, after which their role within the organisation will be reviewed.

Code of behaviour for staff and volunteers

Outhouse is committed to creating safe and fun opportunities for young people to voluntarily participate in activities and programmes of their choice. Outhouse recognises the role of volunteers and employees in building positive relationships with young people that are engaging, supportive and challenging.

All staff and volunteers are bound by a code of conduct and acceptance of any role or contract with the organisation will be contingent on acceptance of and signing this code.

Appendices

Definition of child abuse

Child abuse can be categorised into four different types: emotional abuse, sexual abuse, physical abuse and neglect. A child may be subjected to one or more forms of abuse at any given time. This chapter outlines these principle types of abuse and offers guidance on how to recognise each of them.

Neglect

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 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.

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 an unable (for a range of reasons) to meet their children's emotional and developmental needs.

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.

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.

Circumstances which make children more vulnerable to harm

If you are dealing with children, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children you come in contact with. A child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need.

Without these things, they may be vulnerable to continuing abuse. Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives.

In particular, children with 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.