



## Child Protection and Welfare Policy

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## 1.0 Declaration of Guiding Principles

Anew provides a Support Temporary Accommodation (STA), counselling and support services across centres located in Dublin. We provide support and care to women experiencing pregnancy, homelessness, and/or parenting difficulties. Anew offers support to women through integrated and caring services.

Our facilities include:

- Dublin centre in Pearse Street – Haven House
- Temporary Supported Accommodation in Swords, Co. Dublin for pregnant women experiencing homelessness

In addition to our accommodation, parenting and counselling services, we also provide family support.

Clients of Anew are aged 18 years and over. We do not provide services to children. Periods when children are present on site at any of the centres or meeting locations are generally limited to the children accompanying their parent to a session or the baby is in the accommodation service.

We believe that the best interests of children and young people attending our services are paramount. Our guiding principles are underpinned by 'Children First: National Guidance for the Protection and Welfare of Children', Tusla's 'Child Safeguarding: A Guide for Policy, Procedure and Practice', the United Nations Convention on the Rights of the Child and current legislation such as the Children First Act 2015, Child Care Act 1991, Protections for Persons Reporting Child Abuse Act 1998 and the National Vetting Bureau Act 2012.

Our guiding principles apply to:

- all paid staff
- volunteers
- board members and
- students on work placement within our organisation.

All Board Members, staff, volunteers and students must sign up to and abide by these guiding principles and our child safeguarding procedures.

We will review our guiding principles and child safeguarding procedures every two years or sooner if necessary due to service issues or changes in legislation or national policy.

**Our Designated Liaison Persons (DLP) and Deputy DLP are:**

DLP - Danielle Gannon, Senior Services Manager - 086 1380840 / [danielle.gannon@anew.ie](mailto:danielle.gannon@anew.ie)

DDLDP - Norma Fitzgerald, Social Care Team Leader – 086 0275675 / [norma.fitzgerald@anew.ie](mailto:norma.fitzgerald@anew.ie)

## 2.0 Purpose

The purpose of this policy is to provide guidance for all Anew personnel in identifying and reporting child abuse and neglect and dealing effectively with concerns. In keeping with Children First: National Guidance for the Protection and Welfare of Children, the welfare of children is of paramount importance.

All Anew personnel have a Duty of Care towards children, and everyone should be alert to the possibility that children or young people with whom they are in contact may be being abused or at risk of being abused.

The aim of this policy is to encourage people to report concerns or suspicions to the DLP who in turn will make the report to the Children and Family Services (Tusla) and/or the Gardaí.

## 3.0 Roles and Responsibilities

- The Board of Directors have overall responsibility to ensure that Anew's Policy, Procedures, Practices in relation to the issue of Child Protection and Welfare is both ethical and legal.
- The Senior Services Manager (SSM) is responsible for researching and proposing the policy. The SSM is also responsible for updating all staff and volunteers and supporting them if issues or questions arise.
- The SSM and Training Officer(s), are responsible for implementing any training requirements.
- All personnel must follow Anew's policy on Child Protection and Welfare. This includes staff, volunteers, and any workers on various government schemes that may be involved in any aspect of dealing with children or young people during their time at Anew.
- Personnel must ensure that they are clear and up to date on Anew's Policy, Procedures, Practices and Code of Behaviour, they should indicate this by signing the policy signature sheet. Should anybody feel unsure or confused, it is important that they approach their Line Manager for clarification and/or support.
- The SSM and Team Leader(s) also act as the Designated Liaison Person (DLP) & Deputy DLP and have ultimate responsibility for dealing with all child protection and welfare concerns. It is the responsibility of all DLPs to ensure that they are knowledgeable about Child Protection Training and that they have undertaken any necessary Training. They must also ensure that the Standard Reporting Procedure is followed.
- According to Tusla's Child Safeguarding: A Guide for Policy, Procedure and Practice, a Named Person must be designated with lead responsibility for the development, review and implementation of guiding principles and child safeguarding procedures.
- The Children First Act 2015 contains a list of Mandated Persons. Mandated Persons have a statutory obligation to report concerns which meet or exceed a particular threshold and to cooperate with Tusla in the assessment of Mandated reports when requested to do so.
- Mandated Persons may make joint reports with the DLP/DDLP in Anew, however, a mandated person cannot discharge their statutory responsibility to report by reporting to another person. Legal obligations associated with being a "Mandated Person" refer to all staff.

## **4.0 Identifying reasonable grounds for concern**

There are many reasons a worker/volunteer may be concerned about the welfare or protection of a child or young person. Children First: National Guidance for the Protection and Welfare of Children states that “Tusla “should always be informed when a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected”.

Children/young people are sometimes abused by members of their own family, by peers or by others outside the family environment such as strangers, workers or trusted adults. Children First: National Guidance for the Protection and Welfare of Children lists the following as reasonable grounds for 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 he or she has been abused.
- Admission or indication by an adult or a child of an alleged abuse they committed.
- An account from a person who saw a child being abused.

Wherever appropriate, any issues should be checked with the parents/guardians when considering whether a concern exists, unless doing so may further endanger the child or the person considering making the report.

Abuse is not always committed through personal contact with a child or young person, sometimes it is perpetrated through social media or the use of information and communication technology.

### **4.1 Categories and indicators of abuse**

‘Children First: National Guidance for the Protection and Welfare of Children 2017’ defines four categories of abuse:

- neglect
- emotional abuse
- physical abuse and
- sexual abuse.

A child/young person may be subjected to one or more forms of abuse at any given time. Please see Appendix 1 for more information on these categories and indicators.

## **5.0 Responding to and reporting concerns**

### **5.1 Designated Liaison Persons & Deputy Designated Liaison Person.**

Regardless of how a concern comes to a worker/volunteer’s attention, it must be reported to the DLP / DDLP who, in consultation with the person who raised the concern, will decide if reasonable grounds for concern exist. If reasonable grounds for concern exist, the DLP / DDLP will report to the Tusla duty social worker.

If the DLP/DDLP decide not to make a report, the worker/volunteer with the reasonable concern is still entitled to make a report to Tusla under Children First: National Guidance for the Protection and Welfare of Children, should they wish to do so. The individual worker has protections under the Protection for Persons Reporting Child Abuse Act 1998, should they report independently.

## **5.2 Mandated Persons**

All staff are Mandated Persons and should be fully aware of their legal obligations.

Section 14(1) of the Children First Act 2015 states: "...where a Mandated Persons 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 Tusla."

Also, Section 14(2) of the Children First Act 2015 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 Tusla."

Mandated persons are required under the Children First Act 2015 to report any concern that meets or exceeds the threshold for reporting under the legislation.

If reporting independent of the organisational DLP, mandated persons should inform the DLP that a report under the Children First Act 2015 has been made. It is important to note that the statutory obligation of mandated persons to report under the Children First Act 2015 must be discharged by the mandated person and cannot be discharged by the DLP on their behalf.

Mandated persons can make a joint mandated report with their DLP or another person, mandated or otherwise. If, however, the DLP/DDLP does not wish to report to Tusla, a mandated person, can proceed with making a report. The Protections for Persons Reporting Child Abuse Act 1998 will apply in this instance.

Where a mandated person has a concern that they believe does not reach the threshold for a mandated report, they should consider whether the concern meets reasonable grounds for concern. If the mandated person thinks the concern does meet reasonable grounds for concern, they should report the concern to their DLP/DDLP.

The mandated person retains their right to report independently, should the DLP/DDLP choose not to report the concern. The provisions of the Protections Protection for Persons Reporting Child Abuse Act 1998 would apply in this circumstance.

All concerns that are considered and/or consulted on should be noted in the client file as well as recorded on the relevant form (Appendix 2) whether or not a decision is made to report the concern to Tusla.

### **5.3 Deciding to report.**

If you are in doubt about whether your concern reaches the legal definition of harm for making a mandated report, Tusla can provide advice in this regard. You can find details of who to contact to discuss regarding your concern on the Tusla website.

If your concern does not reach the threshold for mandated reporting, but you feel it is a reasonable concern about the welfare or protection of a child, you should still report it to Tusla under Children First: National Guidance for the Protection and Welfare of Children.

While Tusla can provide advice, the decision to make a mandated report under the Children First Act 2015 or to make a report of a reasonable concern under Children First: National Guidance for the Protection and Welfare of Children rests with the individual mandated person.

### **5.4 Dealing with a retrospective allegation - Disclosures**

Some adults may disclose abuse that took place during their childhood. Such disclosures may come to light in Anew when an adult attend counselling or is being supported through the Accommodation service. If a client discloses that he/she was abused as a child, a report needs to be made to Tusla as the alleged abuser may pose a current risk to children.

Our confidentiality policy states that before counselling starts, clients are informed that the limits of confidentiality include the circumstances when any information disclosed in counselling leads the counsellor to believe that a child is at risk. If any child protection issues arise and the alleged perpetrator is identifiable, this information must be passed on to Tusla.

If the client does not feel able to participate in any investigation, Tusla may be seriously constrained in their ability to respond to the retrospective allegation. The reporting requirements under the Children First Act 2015 apply only to information that staff, as mandated persons, received or became aware of since the Act came into force, whether the harm occurred before or after that point. However, if you have a reasonable concern about past abuse, where information came to your attention before the Act and there is a possible continuing risk to children, you should report it to Tusla under the Children First Guidance.

### **5.5 Procedure for recording certain concerns which do not initially meet reasonable grounds for concern.**

If, after consideration, it is decided that certain concerns do not initially meet reasonable grounds for concern:

- A written record of the consultation with the DLP/DDLP, the resulting decision and why it was made, needs to be noted.
- The form for recording this can be found at Appendix 2 and in the Data Drive.
- Both the concerned person and the DLP/DDLP need to sign the hard copy of this document.
- The DLP/DDLP should then store this document in their confidential hard copy file "Consultations Regarding Child Protection and Welfare Concerns".
- The concerned staff member should also note that this consultation took place along with the outcome decided on the client's file.

- Should any future patterns or clusters of incidents occur which may heighten the level of concern, further consultation should take place and be recorded and stored in the same way.

## **5.6 Reporting a concern about a child**

### **5.6.1 Who to contact**

You should always inform Tusla if you have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. You can report your concern in person, through the portal on the Tusla website, by telephone or in writing — including by email — to the local social work duty service in the area where the child lives. You can find contact details for the Tusla social work teams on the Tusla website ([www.tusla.ie](http://www.tusla.ie)).

If you are concerned about a child but unsure whether you should report it to Tusla, you or the DLP/DDLP may find it useful to contact Tusla Duty Social Work Team to informally discuss your concern. This provides an opportunity to discuss the query in general and to decide whether a formal report of the concern to Tusla is appropriate at this stage. If the concern is below the threshold for reporting, Tusla may be able to provide advice in terms of keeping an eye on the child and other services that may be more suitable to meeting the needs of the child and/or family. A record of this consultation and any outcomes / advice given should be documented in the clients' files.

### **5.6.2 Tusla Web Portal**

Tusla has developed a web portal for professionals to securely submit Child Protection and Welfare Report Forms (CPWRFs). To use the portal, you will first need to create an account.

The portal has recently been updated to allow users to print off CPWRFs they submit via the portal. Please note that you cannot currently submit Retrospective Abuse Report Forms (RARFs) using the web portal. The portal is being further developed and we hope that this function will be available in the coming months.

A short and helpful user guide and video can be found at: <https://www.tusla.ie/children-first/tusla-web-portal-user-guide>

### **5.6.3 What information to include**

To help Tusla staff assess your reasonable concern, they need as much information as possible. You should provide as much relevant information as you can about the child, his/her home circumstances, and the grounds for concern. These could include:

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



You should give as much information as possible to social workers at an early stage so that they can do a full check of their records. For instance, they can see if the child and/or a sibling have been the subject of a previous referral, or if an adult in the household had previous contact with the child protection services.

It also helps social workers to prioritise cases for attention, as they are not in a position to respond immediately to all cases. However, they will always respond where a child is in immediate danger or at high risk of harm.

It will also help Tusla to decide if another service would be more appropriate to help meet the needs of the child, i.e., a community or family support service rather than a social work service.

#### **5.6.4 Anonymous reports**

It is not Anew's policy to report any child protection concern anonymously. While it is possible to report a concern without giving your name, it may make it difficult for Tusla to assess your concern. All information that is provided to Tusla is dealt with in a professional manner. While Tusla cannot guarantee confidentiality, in general it will not reveal the names of members of the public who report suspected child abuse without their permission. Mandated Persons cannot submit a report of a mandated concern anonymously, as to do so would mean not complying with obligations under the Act.

#### **5.7 After Tusla receives a report**

Tusla has the statutory responsibility to assess all reports of child welfare and protection concerns. Assessments are carried out by Tusla social workers. If concerns are found after the initial checks, further evaluation involving a detailed examination of the child and family's circumstances will follow. If concerns about a child's welfare are found, but do not involve a child protection issue, then the family may be referred to community or family support services. If no concerns are found, then the information gathered is recorded and kept on a confidential file where it will be examined if further concerns or more information comes to light.

If you make a report about a child, Tusla will normally acknowledge it, and may contact you for further information, if necessary. It is understandable that you would like to be assured that the matter is being followed up. However, to protect the privacy of the child and family, it may not be possible for Tusla to inform you of the progress or outcome of Tusla's contact with the child or family, unless you are involved in discussions around family support or child protection plans. If you continue to have concerns about the child, or if additional information comes to light, you should contact Tusla.

#### **5.8 Concerns about an adult who may pose a risk to children.**

While in most cases concerns for the welfare or safety of a child develop from your own observation or knowledge of the child or their family, sometimes concerns arise about whether an adult may pose a risk to children, even if there is no specific child named in relation to the concern. For example, based on known or suspected past behaviour, a concern could exist about the risk an individual may pose to children with whom they may have contact. Any such reasonable concerns should be reported to Tusla, who will try to establish whether or not any child is currently at risk from the individual in question.

## 5.9 Mandated Assisting

Under the Children First Act 2015 there is a statutory requirement for mandated persons to assist Tusla in the assessment of risk of mandated reports, where requested to do so.

“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 by 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.” (Children First: National Guidance for the Protection and Welfare of Children).

Tusla’s Mandated Assisting Protocol for Tusla Staff can be found on their website, [www.tusla.ie](http://www.tusla.ie). Information that Tusla shares with another person in the course of carrying out an assessment must not be disclosed to a third party, unless Tusla considers it appropriate and authorises in writing that the information may be shared. Failure to comply with this provision is an offence under section 17 of the Children First Act 2015.

## 5.10 Emergency Procedure

A child should never be left in immediate danger. If for any reason staff/volunteers are unable to contact either of the DLPs, everyone needs to know that they should contact the Duty / Out of Hours Social Worker or, if not available, An Garda Síochána.

## 6.0 Confidentiality and Data Protection

According to Children First: National Guidance, Ethical and statutory codes concerned with confidentiality and data protection provide general guidance. They are not intended to limit or prevent the exchange of information between different professional staff with a responsibility for ensuring the protection and welfare of children. The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection. (See also Anew’s Confidentiality Policy and Data Protection Policy)

According to “Child Safeguarding: A Guide for Policy, Procedure and Practice” (p.34):

- Where child protection and welfare concerns arise, information must be shared on a ‘need to know’ basis in the best interest of the child/young person with the relevant statutory authorities and with parents/guardians.
- No undertakings regarding secrecy can be given. Those working with children/young people and families and in adult services should make this clear to parents/guardians and to the child/young person.
- The proportionate provision of information to the statutory agencies necessary for the protection of a child is not a breach of confidentiality or data protection.
- Parents/guardians and children/young people have a right to know if personal information is being shared, unless doing so could put the child/young person at further risk or may put the reporter at risk.

## **7.0 Related Policies and Legislation**

### **7.1 Policies and Other Relevant Documents:**

- Garda Vetting Policy
- Data Protection Policy
- Confidentiality Policy
- Staff Handbook & Staff Policies

### **7.2 Legislation**

- Data Protection Acts 1998 and 2003, EU GDPR 2018
- Child Care Act 1991
- Protections for Persons Reporting Child Abuse Act 1998
- Criminal Justice Act 2006
- Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012
- National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016
- Children First Act 2015
- Criminal Law (Sexual Offences) Act 2017

## **8.0 Action Monitoring, Audit and Revision Plan**

The audit and revision of this policy will take place on a bi-annual basis, or sooner in the occurrence of a serious incident, organisational structure change, scope of practice change, or change in legislation or Children First Guidelines.

The feedback from the audit will be communicated to the relevant people in order to ensure continuous improvement. This will facilitate the sharing of best practice and learning from experiences and knowledge of what works best in the organisation.

The feedback will also be used to address any barriers to implementation and influence future development of this policy.

## **APPENDIX 1:**

### **TYPES OF CHILD ABUSE AND HOW THEY MAY BE RECOGNISED**

According to *Children First, National Guidance for the Protection and Welfare of Children 2017*, Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children, and you should follow child protection procedures for both the victim and the alleged abuser. The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

**IF YOU THINK A CHILD IS IN IMMEDIATE DANGER AND YOU CANNOT CONTACT TUSLA,  
YOU SHOULD CONTACT THE GARDAÍ WITHOUT DELAY.**

**IN THIS DOCUMENT, 'A CHILD' MEANS A PERSON UNDER THE AGE OF 18 YEARS, WHO IS  
NOT OR HAS NOT BEEN MARRIED.**

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

#### **Neglect**

Child neglect is the most frequently reported category of abuse, both in Ireland and internationally. Ongoing chronic neglect is recognised as being extremely harmful to the development and well-being of the child and may have serious long-term negative consequences.

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

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

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the

child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision.
- Malnourishment, lacking food, unsuitable food, or erratic feeding
- Non-organic failure to thrive, i.e., a child not gaining weight due not only to malnutrition but also emotional deprivation.
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation.
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture.
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age.
- Persistent failure to attend school.
- Abandonment or desertion.

### **Emotional abuse**

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse.

Abuse occurs when a child's basic need for attention, affection, approval, consistency and security are not met, due to incapacity or indifference from their parent or caregiver. Emotional abuse can also occur when adults responsible for taking care of children are unaware of and unable (for a range of reasons) to meet their children's emotional and developmental needs.

Emotional abuse is not easy to recognise because the effects are not easily seen.

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
- Verbal abuse (e.g., shouting, 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

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

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.

### **Circumstances which may 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.

The following list is intended to help you identify the range of issues in a child's life that may place them at greater risk of abuse or neglect.

**It is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.**

- **Parent or carer factors:**
  - Drug and alcohol misuse
  - Addiction, including gambling
  - Mental health issues
  - Parental disability issues, including learning or intellectual disability
  - Conflictual relationships
  - Domestic violence
  - Adolescent parents
  
- **Child factors:**
  - Age
  - Gender
  - Sexuality
  - Disability
  - Mental health issues, including self-harm and suicide
  - Communication difficulties
  - Trafficked/Exploited
  - Previous abuse
  - Young carer



- **Community factors:**
  - Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction.
  - Culture-specific practices, including:
    - Female genital mutilation
    - Forced marriage.
    - Honour-based violence
    - Radicalisation
  
- **Environmental factors:**
  - Housing issues
  - Children who are out of home and not living with their parents, whether temporarily or permanently
  - Poverty/Begging
  - Bullying
  - Internet and social media-related concerns
  
- **Poor motivation or willingness of parents/guardians to engage:**
  - Non-attendance at appointments
  - Lack of insight or understanding of how the child is being affected.
  - Lack of understanding about what needs to happen to bring about change.
  - Avoidance of contact and reluctance to work with services.
  - Inability or unwillingness to comply with agreed plans.

You should consider these factors as part of being alert to the possibility that a child may be at risk of suffering abuse and in bringing reasonable concerns to the attention of Tusla.

## **BULLYING**

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

Bullying can be defined as repeated aggression – whether it is verbal, psychological, or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion. Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.

While bullying can happen to any child, some may be more vulnerable. These include: children with disabilities or special educational needs; those from ethnic minority and migrant groups; from the Traveller community; lesbian, gay, bisexual or transgender (LGBT) children and those perceived to be LGBT; and children of minority religious faiths.

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

Bullying in schools is a particular problem due to the fact that children spend a significant portion of their time there and are in large social groups. In the first instance, the school authorities are responsible for dealing with such bullying. School management boards must have a code of behaviour and an antibullying policy in place. If you are a staff member of a school, you should also be aware of your school's anti-bullying policy and of the relevant guidelines on how it is handled.

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to Tusla and/or An Garda Síochána.

**APPENDIX 2:  
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**RECORD OF CONSULTATION WITH DLP  
RE: CHILD PROTECTION AND WELFARE CONCERN**

<b>1</b>	<b>Date:</b>		
<b>2</b>	<b>Client Reference:</b>		
<b>3</b>	<b>Name of Person raising concern:</b>		
<b>4</b>	<b>Name of DLP/DDLP Consulted with:</b>		
<b>5</b>	<b>Details and Outcome of Consultation</b>	<b>Give overview of decisions made:</b>	
		<b>1. Safety Support Plan in Place</b>	
		<b>Yes:</b>	<b>No:</b>
		<b>2. Monitoring Log</b>	
		<b>Yes:</b>	<b>No:</b>
		<b>3. Risk Assessment Complete</b>	
		<b>Yes:</b>	<b>No:</b>
		<b>Other:</b>	
<b>6</b>	<b>Duty Social Worker Consulted?</b>	<b>If no, please detail decision:</b>	
	<b>Yes:</b>	<b>No:</b>	<b>If yes, please give details:</b> <i>(Name of social worker, date, outcome)</i>
<b>7</b>	<b>Formal Report Being Made to Tusla:</b>	<b>If no, please give details of decision:</b>	
	<b>Yes:</b>	<b>No:</b>	<b>If yes, please give details:</b> <i>(Name of social worker, date, outcome)</i> <b>Method:</b> <i>(e.g., e-mail, Tusla Portal etc.)</i>

*(Workers and Volunteers are free to make a report to TUSLA or An Garda Síochána if they remain concerned about the situation. Should they choose to do this, they are covered by the Protections for Persons Reporting Child Abuse Act 1998.)*

**Signed:** \_\_\_\_\_  
**(Person Making the Report)**

\_\_\_\_\_  
**(DLP/DDLP)**

**Date:** \_\_\_\_\_

## **APPENDIX 3: EXEMPTIONS FROM REQUIREMENTS TO REPORT AS A MANDATED PERSON**

### **UNDERAGE CONSENSUAL SEXUAL ACTIVITY**

Under the Criminal Law (Sexual Offences) Act 2006 the legal age of consent is 17 years. While a sexual relationship where one or both parties is under 17 years of age is illegal, when making a mandated report to Tusla, it might not be regarded as child sexual abuse.

There are certain exemptions from reporting underage consensual sexual activity under section 14(3) of the Children First Act 2015. If you are satisfied that all of the following criteria are met, you are not required to make a report to Tusla:

- The young person(s) concerned are between 15 and 17 years old.
- The age difference between them is not more than 24 months.
- There is no material difference in their maturity or capacity to consent.
- The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person.
- The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla.

In effect, this means that if all of the above criteria are met, you as a mandated person do not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla.

However, according to *Children First, National Guidance for the Protection and Welfare of Children*:

**“All persons, including mandated persons, must uphold the key principle that the welfare of the child is paramount and if you have any concerns, even where all the above criteria are met, you may make a report to Tusla”**

### **CONCERNS DEVELOPED OUTSIDE OF PROFESSIONAL DUTIES**

The legal obligation to report under the Act applies only to information that you acquire in the course of your professional work or employment. It does not apply to information you acquire outside your work, or information given to you on the basis of a personal rather than a professional relationship. While the legal obligation to report only arises for employment or professional duties, you should comply with the requirement of this Guidance to report all reasonable concerns to Tusla.

## **APPENDIX 4**

### **RESPONDING TO A CHILD OR YOUNG PERSON WHO DISCLOSES ABUSE.**

It is rare that we have small children who can talk on our premises, young people or older teenagers under 18 however, may present for support around a crisis pregnancy.

A child or young person may disclose to a worker or volunteer that they have been or are being harmed or abused. Children/young people will often have different ways of communicating that they are being abused. If a child or young person hints at or tells a worker or volunteer that he or she is being harmed by someone, be it a parent/carer, another adult or by another child/young person (peer abuse), it should be treated in a sensitive way.

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

- 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 child/young person.
- Remember, the child or young person may initially be testing your reactions and may only fully open up over a period of time.
- Listen to what the child/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 child/young person. Allow him or her to disclose at their own pace and in their own language.
- Conceal any signs of disgust, anger or disbelief.
- Accept what the child or 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 child/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/young person.
- It may be necessary to reassure the child/young person that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed.
- Reassure the child/young person that they have taken the right action in talking to you.

#### **When asking questions**

- 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.

## **Confidentiality – Do not promise to keep secrets**

At the earliest opportunity, tell the child/young person that:

- You acknowledge that they have come to you because they trust you.
- You will be sharing this information only with people who understand this area and who can help. There are secrets which are not helpful and should not be kept because they can make matters worse. Such secrets hide things that need to be known if people are to be helped and protected from further on-going hurt.
- By refusing to make a commitment to secrecy to the child/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 child/young person's confidence in yet another adult.
- By being honest, it is more likely that the child/young person will return to you at another time.