Declaration of Guiding Principles for the Safeguarding of Children and Vulnerable Adults

BIM are the Irish State agency responsible for developing the Irish Seafood Industry, by supporting and enabling an increase in the value creation of a sustainable Irish seafood sector across the supply chain, from catch to consumer. We help to develop the Irish Seafood Industry by providing technical expertise, business support and funding, training and promoting responsible environmental practice.

BIM currently operate two National Fishery Colleges in Greencastle, Co. Donegal and Castletownbere, Co. Cork. These colleges offer specialised training courses for individuals currently engaged and for those seeking to pursue a career in the seafood industry. BIM meet these demands by providing training courses for people over the age of 16, such as BIM’s Engineer Training Course, where the students have the opportunity to undertake Engineering classroom studies as well as practical workshops training sessions with BIM’s qualified Instructors. As part of this course, the students also attend a 3-day Basic Safety Training which focuses on Personal Survival Techniques, Elementary First Aid and Fire Fighting and Fire Prevention Training.

BIM have carried out risk assessments to help eliminate and reduce potential risks to both our employees and students attending both BIM Colleges, the Aquaculture Remote Classroom, the Costal Training Units and the various BIM offices. These risks assessments can be made available by contacting healthandsafety@bim.ie.

In addition to the procedures listed in our risk assessment, the following procedures support our intention to safeguard children while they are availing of our service:

- Procedure for the management of allegations of abuse or misconduct against workers/volunteers of a child availing of our service
- Procedure for the safe recruitment, selection of staff, facilitators and volunteers to work with children
- Procedure for provision of and access to child safeguarding training and information, including the identification of the occurrence of harm
- Procedure for the reporting of child protection or welfare concerns to Tusla
- Procedure for maintaining a list of the mandated persons in the relevant service
- Procedure for appointing a relevant person

These procedures are outlined in our BIM Safeguarding Young People Policy. This Policy can be made available by contacting HRinbox@bim.ie

Signed:

Jim O’Toole, CEO, 01 2144223
For queries please contact: Felicity Warfield, HR Manager (Designated Liaison Person) – 01 2144212 and/or Sarah Delaney, HR Officer (Deputy Liaison Person)- 01 2144211

Section 1

Induction

BIM is committed to safeguarding the well-being of young people and to ensuring its employees and others working on its behalf (e.g. directors, contractors, work placement supervisors etc.) are aware of their personal and professional responsibilities to promote young people’s safety and welfare in accordance with Children First Acts and other relevant legislation. This policy is designed to assist BIM personnel in meeting standards of good practice in relation to safeguarding young people they come into contact with in the course of their employment.

We recognise that implementation is a continuous process. Our service is committed to the implementation of this Child Safeguarding Statement and the procedures that support our intention to keep children safe from harm while availing of our service. BIM believes 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.

All employees who work directly with young people are required to familiarise themselves with this policy, procedures and risk assessments. It is important that people in such roles are aware of good safeguarding practice and of their responsibilities in relation to safeguarding young adults. In addition, their supervisors and managers also need to be fully conversant with their obligations under this policy.

This policy will be reviewed at least every two years and more frequently if needed in response to changes in legislation or national guidance.

Section 2

Recruitment and Selection

Safe recruitment is an integral part of good safeguarding practice. In addition to standard good HR practice (cross reference BIM’s Recruitment and Selection Policy), the following should be adhered to:

- Garda vetting of all relevant staff i.e. those who are working with young people (or police clearance for other jurisdictions). Garda vetting will be required for current staff who deal with young people and the hiring manager must advise HR if any new hires will require Garda vetting at the recruitment stage.
• As per BIM’s Recruitment and Selection Policy, BIM reserve the right to Garda vet employees at any stage during their employment. In line with best practice, Garda vetting of employees is renewed every 5 years.
• Developing criteria on decision making regarding suitability in the event of disclosures.
• References checked for all members of staff who come into contact with young people. HR complete references checks for any staff employed directly by BIM. Any externally contracted staff must have their references checked by the relevant hiring manager.
• Disclosure of specific factors which would exclude applicants from working in the organisation
• All relevant staff sign a declaration stating that they are suitable to work with young people and that they will abide by our safe guarding young people policy. Any new hires which this is applicable to will receive the policy and declaration as part of their new hire pack.
• BIM must ensure that any contracts for work with external vendors has specified that they agree to comply with BIM’s young adult safeguarding policy. It is the relevant hiring manager’s responsibility to ensure that this is in the contract and procurement should be made aware that this stipulation should be in the contract where necessary.
• All relevant staff will receive induction in the young adult safeguarding policy and regular refresher or updating training approved to national standards will be provided as required. It is the responsibility of the college principals to ensure any updates / refresher courses are carried out.

Section 3
Management and Supervision

All staff whose roles or duties include or may include contact with young adults will receive appropriate support and supervision from their line manager or other appointed manager.

The BIM National Fisheries Colleges currently run classes with a maximum of 12 students to 1 Instructor. BIM do not facilitate one to one training/service to children or young adults.
In the event of Transition Year Students, BIM will only facilitate training in the supervision / presence of a Teacher from the respective school.

Section 4
Provision of and access to child safeguarding training and information

BIM are committed to ensuring the safety and welfare of all BIM employees and persons availing of BIM’s training services. To fulfill this commitment, BIM will ensure all relevant employees conducting work with children/young adults are equipped with sufficient training on both their responsibility to report concerns relating to child protection and welfare, as well as their responsibility to adhere to the Code of Conduct in relation working or contact with young adults.

The Designated Liaison Person has the responsibility to ensure all new recruits conducting relevant work are trained and made aware of BIM’s Safeguarding Young People Policy and the relevant procedures that follow.
BIM will arrange child protection training by a Child Protection Expert on a biannual basis, to ensure all employees have a full understanding of their obligations under the Children First Act and other relevant legislation.

All BIM employees conducting relevant work will be required to complete Tusla’s Children First E-Learning Programme. This is a 1.5-hour e-learning programme which will cover off the following topics:

- Recognising and reporting child abuse;
- The role of mandated persons;
- The responsibilities of organisations working with children to safeguard children;
- The role of designated liaison persons.


**Section 5**

**Code of Conduct in relation working or contact with young adults**

- The safety and welfare of young adults is paramount and must be our first consideration in any contact with them.
- Respect the rights, dignity and worth of young adults and treat each one equally regardless of age, gender, ability, ethnic origin, cultural background or religion
- Physical or verbal interactions with young adults should never be punitive, aggressive, embarrassing or humiliating
- Be aware of and sensitive to culture difference and engage with young adults in a culturally sensitive way
- Do not spend time alone with young adults
- In the course of your work, do not spend time or meet with young adults outside of services
- Do not take young adults in your car or to other locations or premises
- Always use positive, respectful and age appropriate language
- Must adhere to the BIM Social Media Policy
- There should be no unnecessary physical contact between an adult and a young adult
- Physical contact should only be in response to the needs or initiative of the young adult and should be appropriate to their age and the level of development
- If you think you may have caused offence, however unintentionally, acknowledge and offer an apology or explanation as soon as possible
- Should you observe or witness any action, behaviour or symptoms that indicate a concern in relation to a young adults safety or welfare, report the matter in the first instance to the DLP. Note the concern and report to your line manager at the first opportunity.

**Section 6**

**Key roles in Safeguarding Young People**
Designated Liaison Persons (DLP)

A Designated Liaison Person is responsible for dealing with young adult protection and welfare concerns in BIM, ensuring that the standard reporting procedure is followed. They can be contacted in relation to any welfare concerns and will ensure young adult protection training is made available to staff as needed. The DLP for BIM is the HR Manager, Felicity Warfield.

Deputy Designated Liaison Person (DDLP):

In the event that the DLP is not available (e.g. due to annual leave, sick leave, etc.), a Deputy DLP has been appointed by BIM. This person will be responsible for carrying out the delegated responsibilities of the DLP. The Deputy DLP for BIM is the HR Officer, Sarah Delaney.

In the event that there is a child protection/welfare concern relating to an activity or an event outside of the DLP or Deputy DLP’s working hours, staff are advised to contact Tusla in a consultancy manner. A Social Worker will provide them with advice on how to deal with the concern at hand. Staff are advised to record the time, date and call details (concern and advice provided by the Social Worker) and the name of the Social Worker with which they consulted with regarding the concern. These details must be forwarded on to the DLP. Staff are also advised to keep all identifying information to themselves unless they are advised by Tusla to report the concern formally. Should this recommendation be provided, the staff member is required to inform the DLP of the concern, where both the DLP and the staff member will create a report to Tusla (and Garda Síochána if required)

Responsibilities of DLP/Deputy DLP

- Be fully familiar with your organisation’s duties in relation to the safeguarding of children.
- Have good knowledge of your organisation’s guiding principles and child safeguarding procedures. Ensure that the organisation’s reporting procedure is followed, so that child protection and welfare concerns are referred promptly to Tusla.
- Receive child protection and welfare concerns from workers and volunteers and consider if reasonable grounds for reporting to Tusla exist.
- Consult informally with a Tusla Duty Social Worker if necessary.
- Where appropriate, make a formal report of a child protection or welfare concern to Tusla on behalf of their organisation, using the Child Protection and Welfare Report Form.
- Inform the child’s parents/guardians that a report is to be submitted to Tusla or An Garda Síochána, unless:
  - Informing the parents/guardians is likely to endanger the child or young person;
  - Informing the parents/guardians may place you as the reporter at risk of harm from the family;
  - The family’s knowledge of the report could impair Tusla’s ability to carry out an assessment.
- Record all concerns or allegations of child abuse brought to your attention as well as any action/inaction taken in response to these concerns.
- Provide feedback to the referrer, as appropriate.
- Ensure that a secure system is in place to manage confidential records. Act as a liaison with Tusla and An Garda Síochána, as appropriate.
- Where requested, jointly report with a mandated person
Mandated Persons (Appendix 1)

Mandated persons are people who have contact with children and/or families who, by virtue of their qualifications, training and experience, are in a key position to help protect children from harm. Mandated persons include key professionals working with children in the education, health, justice, youth and childcare sectors. Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also mandated persons. Schedule 2 of the Children First Act 2015 specifies the classes of persons as Mandated Persons for the purposes of the Act. Please see the appendices of this policy for the list of these classes.

Roles and responsibilities of Mandated Persons:

- 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, the 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, your organisation, or your DLP, does not wish to report to Tusla, you, as a mandated person, should 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. The mandated person retains their right to report independently, should the DLP choose not to report the concern, the provisions of the Protections Protection for Persons Reporting Child Abuse Act 1998 would apply in this circumstance.

Relevant person

As defined in the Children First Act 2015, a relevant person ‘means a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider’s Child Safeguarding Statement’. The relevant persons contact details must be included on the Child Safeguarding Statement. BIM’s relevant person is the DLP.

Section 7

Responding to and reporting child protection or welfare concerns

Recognising neglect or abuse (see Appendix 2)
Neglect or abuse can often be difficult to identify and may present in many forms. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context and family circumstances.

**Guidelines for recognition**

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

- Considering the possibility
- Looking out for signs of neglect or abuse
- Recording of information.

There are a number of ways in which a concern in relation to a young adult’s safety or welfare may come to light:

- A young adult may disclose something that has upset or harmed them
- Someone else might report something that a young adult has told them, or that they believe that a young adult has been or is being harmed
- A young adult might show signs of physical injury for which there appears to be no explanation
- A young adult’s use of language or behaviour may suggest he or she is being abused
- The behaviour or attitude of an adult towards a young adult in their care might cause concern
- A young adult might demonstrate worrying behaviour towards others.

**Responsibility to report abuse or neglect**

Everyone must be alert to the possibility that young adults with whom they are in contact may be suffering from abuse or neglect.

Tusla, the Child and Family Agency should always be informed when a person has reasonable grounds for concern that a young adult may have been, is being or is at risk of being abused or neglected. In BIM, this is done through the Designated Liaison Person (DLP) who is responsible for receiving and passing on these concerns to the relevant body. Child protection concerns should be supported by evidence that indicates the possibility of abuse or neglect. A concern about a potential risk posed by a specific person, even if the children are unidentifiable, should also be communicated to Tusla.

Examples of reasonable grounds are as follows:

- Evidence (e.g. Injury/Behavior) consistent with abuse and unlikely to be caused in any other way
- Disclosure from a child
- Admission or indication from adult of an alleged abuse they committed
- An account from someone who witnessed a child being abused
- Any concern relating to sexual abuse of a child
- Consistency/Pattern of emotional/physical abuse
The guiding principles in regard to reporting child abuse or neglect may be summarised as follows:

(i) The safety and well-being of the young adult must take priority;

(ii) Reports should be made without delay to Tusla by the DLP / Deputy DLP or Mandated Persons

Failure to report genuine concerns of child protection and/or welfare could result in prosecution as outlined in the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012.

Dealing with children disclosures

- Remember, a child/young adult 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. Do not panic
- Remember that you have been approached because you are trusted and possibly liked.
- Be aware that disclosures can be very difficult for the young adult.
- Remember, the young adult may initially be testing your reactions and may only fully open up over a period of time.
- Listen to what the young adult 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 adult. Allow them to disclose at their own pace using their own words.
- Conceal any signs of disgust, anger or disbelief
- Do not give an undertaking of secrecy.
- Accept what the young adult has to say – false disclosures are very rare.
- Don’t ask the young adult to repeat the story;
- Do make a detailed note of what the young adult disclosed to you, using the young adult’s own words, as soon as possible afterwards, and date it.
- It is important to differentiate between the person who carried out the abuse and the act of abuse itself. The young adult 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 young adult.
- It may be necessary to reassure the young adult that your feelings towards him or her have not been affected in a negative way as a result of what they have disclosed.
- If a concern relates to the DLP, reports should be made to the CEO of BIM before further action.

Dealing with adult disclosures of Childhood Abuse

There are an increasing number of adults disclosing abuse that took place during their childhood. Often such disclosures come to light when people attend counselling. They also sometimes arise in adult services and services which work with parents/guardians and families. Where such a disclosure is made it is essential to establish whether there may be current risk to any child or young person who may be in contact with the alleged abuser revealed in the disclosure. This is important even where the children/young people about whom there may be a concern are still to be identified. If any risk is deemed to exist to a child/young person who may be in contact with an alleged abuser, follow the standard reporting procedure below.
Standard Reporting Procedure

BIM has established the following procedures for reporting a concern in relation to the protection and welfare of young people:

- If a concern arises, in the first instance, report the matter to the DLP without delay. The DLP has responsibility for reporting concerns to the statutory authorities and has access to necessary information to make a report.
- Provide the DLP with a clear and accurate account of the nature of your concern including reasonable grounds for reporting. This might include a factual account of something you observed; a record of a disclosure by a young person or information provided to you by a third party. In the event of third party disclosure, ideally that person should also speak directly to the DLP.

Before deciding whether or not to make a formal report, the DLP may wish to discuss a concern with a health professional or directly with the Tusla. This informal consultation can be done confidentially without identifying the child, family or service involved. However, if advised that the concern warrants a formal report, full details must be given, in order to enable an effective and timely investigation to take place.

It is good practice that parents are informed that a report is to be made to Tusla unless doing so would put the young adult at further risk.

The Standard Report Form for reporting welfare and protection concerns to Tusla, should be used when reporting protection and welfare concerns to Tusla: [www.tusla.ie](http://www.tusla.ie) (Appendix 3)

Potential risks to unidentifiable children should also be reported to Tusla. It is BIM’s policy that all welfare concerns must be made via the DLP, using the Standard Report Form. There is no legal obligation to inform the DLP of the concern however, it is BIM’s policy to do so to ensure all procedures are followed concisely.

In an emergency, any person can directly report a child abuse or neglect concern to Tusla or to An Garda Síochána and should do so without delay. A report can be made in person, by telephone or in writing.

Contact details for all Tusla offices nationwide are available on Tusla website www.tusla.ie or through the Child and Family Agency LoCall Tel. 1850 241850. (Appendix 4)

Under no circumstances should a young adult be left in a situation that exposes him or her to harm or to risk of harm pending Tusla’s intervention. In the event of an emergency where you think a young person is in immediate danger and you cannot contact Tusla, you should contact the Gardaí. This may be done through any Garda station or by dialing 999 and giving your location.

Allegations against BIM personnel

Should an allegation of abuse or inappropriate conduct in relation to a child / young adult be made against a BIM employee, the following procedure will be followed. This procedure is broken down into two separate processes:
Process relating to the child protection and welfare concern

Process relating to the employee

The standard reporting procedure as above will be initiated on notification of the allegation, by the DLP.

- The safety and welfare of the young adult is the foremost consideration and any necessary protective measures, proportionate to the risk will be taken (e.g. staff member removed from duties that involve contact with the young adult up to and including possible suspension with pay pending a full investigation). Parents / carers (including service providers) will be kept informed of steps taken as above.
- A member of the HR department will be appointed to advise the staff member that an allegation has been made against them and the nature of the allegation. The person will be afforded an opportunity to respond in relation to abuse of a young adult, this response will be noted and included in the report to Tusla.
- The DLP will liaise closely with investigating bodies (Tusla / An Garda Síochána) to ensure that actions taken by BIM does not undermine or frustrate any investigations.
- The CEO of BIM will be informed with due regard for privacy and fair procedure of the individual involved.
- The individual will require support during this process and this will be provided on a confidential basis through BIM’s EAP provider.
- Following advice from the statutory authorities an internal investigation under BIM’s Disciplinary and Grievance Policies may be undertaken.

Section 8

Confidentiality

Where protection and welfare concerns arise, information must be shared on a ‘need to know’ basis in the best interest of the young adult. No undertaking regarding secrecy can be given in relation to protection concerns, disclosures or allegations. Sharing information in reporting child protection or welfare concerns is not a breach of confidentiality or data protection. BIM will co-operate with Tusla or An Garda Síochána on the sharing of information and records where a welfare or protection issue arises. Relevant staff will attend and share information, as required, at formal child protection and welfare meetings as organised by Tusla. Parents and young adults have a right to know if personal information is being shared, unless doing so could put the young adult at further risk.

Information Tusla share about a child/family cannot be shared without written permission to do so.

Anonymous Reporting

Professionals and Designated Liaison Persons cannot report anonymously. Similarly, mandated persons may not report anonymously as to do so does not discharge the statutory obligations for a mandated person under the Children First Act 2015.
Seeking Anonymity

Tusla will respect the wishes of non-professionals reporting concerns in good faith who ask to remain anonymous in as much as possible, but cannot give a guarantee of absolute confidentiality. The Data Protection Acts and Freedom of Information Acts allow the withholding of information in certain circumstances, however, should the information be sought directly within legal proceedings, there is no guarantee it will not be released. [There are legal protections for persons reporting child protection concerns, including The Protection for Persons Reporting Child Abuse Act 1998.]

Section 9

Record Keeping and Storage

Record keeping is of critical importance in this area of work. The ability to protect young people requires accurate records to be maintained. It is essential that all employees keep contemporaneous records of all safeguarding concerns – this will include contacts, consultations and any actions taken. All information relating to the concern must be forwarded on to the DLP prior to further action unless immediate intervention is required to ensure the safety of the child. All records relating to young adult protection and welfare such as records of concerns, allegations or disclosures or reports to statutory authorities should be kept in a safe and confidential manner. Paper records should be stored in locked filing cabinets with restricted access. Records held on Computers, servers or mobile devices must be encrypted and password protected. As regards the retention of records normally young adult’s protection reporting records are held in perpetuity.
Appendices

Appendix 1- Mandated Persons

1. Registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007.
2. Registered nurse or registered midwife within the meaning of section 2(1) of the Nurses and Midwives Act 2011.
3. Physiotherapist registered in the register of members of that profession.
4. Speech and language therapist registered in the register of members of that profession.
5. Occupational therapist registered in the register of members of that profession.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
15. Person employed in any of the following capacities:
   (a) manager of domestic violence shelter;
   (b) manager of homeless provision or emergency accommodation facility;
   (c) manager of asylum seeker accommodation (direct provision) centre;
   (d) addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
   (e) psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies;
   (f) manager of a language school or other recreational school where children reside away from home;
   (g) member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
   (h) director of any institution where a child is detained by an order of a court;
   (i) safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
   (j) child care staff member employed in a pre-school service within the meaning of Part VIIA of the Child Care Act 1991;
   (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
16. Youth worker who—
   (a) holds a professional qualification that is recognised by the National Qualifications
       Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a
       related discipline, and
   (b) is employed in a youth work service within the meaning of section 2 of the Youth Work

17. Foster carer registered with the Agency.
18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Appendix 2 - Recognising Neglect or Abuse

Abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual
abuse. A young adult may be subjected to one or more forms of abuse at any given time.

Neglect

Neglect can be defined in terms of an omission, where the young adults suffers significant harm or
impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual
stimulation, supervision and safety, attachment to and affection from adults, and/or medical care.
Neglect generally becomes apparent in different ways over a period of time rather than at one specific
point for example a child who is deprived of adequate nutrition, who consistently misses school or who
lack necessary supervision and safety.

Emotional Abuse

Emotional abuse is normally to be found in the relationship between a parent/carer and a child rather
than in a specific event or pattern of events. It occurs when a child’s developmental need for affection,
approval, consistency and security are not met. Unless other forms of abuse are present, it is rarely
manifested in terms of physical signs or symptoms.

Emotional abuse can be manifested in terms of the child’s behavioural, cognitive, affective or physical
functioning. Examples of these include insecure attachment, unhappiness, low self- esteem, educational
and developmental underachievement, and oppositional behaviour.

The threshold of significant harm is reached when abusive interactions dominate and become
Typical of the relationship between the child and the parent/carer.

Physical Abuse

Physical abuse of a child is that which results in actual or potential physical harm from an interaction, or
lack of interaction, which is reasonably within the control of a parent or person in a position of
responsibility, power or trust. There may be single or repeated incidents.

Sexual abuse
Sexual abuse occurs when a child is used by another person for his or her gratification or sexual arousal, or for that of others. Children or young people can also be exploited sexually. Sexual exploitation involves situations where a child or young person receive ‘something’ (food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) in return for sexual activity. Children and young people engaged in prostitution are other forms of sexual exploitation are also victims of abuse. The age of consent in Ireland is 17 years. It should be noted that the definition of child sexual abuse presented in this section is not a legal definition and is not intended to be a description of the criminal offence of sexual assault.

**On line sexual exploitation**

On line child sexual exploitation can occur when children or young people are exploited by others who have power over them by virtue of age, gender, intellect, physical strength and/or other resources. Children or young people may be engaged in contact with persons impersonating children or using false identities to make contact or form relationships with them. Violence, coercion and intimidation are common. Involvement in exploitative relationships are characterised by the child or young person’s limited availability of choice as a result of their social/economic or emotional vulnerability. The use of images, exposure to or involvement in pornography, sometimes without the child’s knowledge or understanding can also occur through on line contact, for example, by being persuaded to post or view images on line.

**Domestic Abuse**

Domestic Abuse is defined as the use of physical or emotional force or the threat of same. In relation to children, exposure to domestic abuse is defined as emotional abuse. Children exposed to domestic abuse are also at higher risk of emotional and physical abuse.

**Neglect**

Neglect is measured both in terms of degree and of duration. Moderate, severe or chronic neglect will impact on a child’s development and well-being and may have serious consequences for their welfare. A distinction is made between ‘wilful’ and ‘circumstantial’ neglect and different responses may be required. However the impact for the child must always inform the approach and response made.

**Emotional Abuse**

Examples may include:

(i) The imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
(ii) Conditional parenting in which the level of care shown to a child is made contingent on his or her behaviours or actions;
(iii) Emotional unavailability of the child’s parent/carer;
(iv) Unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
(v) Premature imposition of responsibility on the child;
(vi) Unrealistic or inappropriate expectations of the child’s capacity to understand something or to behave and control himself or herself in a certain way;
(vii) under- or over-protection of the child;
(viii) Failure to show interest in, or provide age-appropriate opportunities for, the child’s cognitive and emotional development;
(ix) use of unreasonable or over-harsh disciplinary measures; (x) exposure to domestic violence;
(xi) Exposure to inappropriate or abusive material through new technology.

Physical Abuse

Physical abuse can involve:
(i) Severe physical punishment;
(ii) Beating, slapping, hitting or kicking;
(iii) pushing, shaking or throwing;
(iv) Pinching, biting, choking or hair-pulling;
(v) Terrorising with threats; (vi) observing violence;
(vii) Use of excessive force in handling;
(viii) Deliberate poisoning; (ix) suffocation;
(x) fabricated/induced illness (see Appendix 1 for details);
(xi) Allowing or creating a substantial risk of significant harm to a child.

Sexual Abuse

Examples of child sexual abuse include:

(i) Exposure of the sexual organs or any sexual act intentionally performed in the presence of the child;
(ii) Intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification;
(iii) Masturbation in the presence of the child or the involvement of the child in an act of masturbation;
(iv) Sexual intercourse with the child, whether oral, vaginal or anal;
(v) Sexual exploitation of a child, which includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for, or to engage in, prostitution or other sexual acts. Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the ‘grooming’ process by perpetrators of abuse;
(vi) Consensual sexual activity involving an adult and an underage person. In relation to child sexual abuse, it should be noted that, for the purposes of the criminal law, the age of consent to sexual intercourse is 17 years for both boys and girls. An Garda Síochána will deal with the criminal aspects of the case under the relevant legislation.

Appendix 3 – Standard Report Form

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

Appendix 4 – Child and Family Services Contacts

https://www.tusla.ie/services/child-protection-welfare/contact-a-social-worker/

Appendix 5 - Relevant Legislation and National Guidance

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

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

The Protection for Persons Reporting Child Abuse Act, 1998 makes provision for the protection from civil liability of persons who have reported suspected child abuse ‘reasonably and in good faith’ to designated officers of the Child and Family Agency or to any member of An Garda Síochána. This protection applies to organisations as well as to individuals. This means that even if a communicated suspicion of child abuse proves unfounded, a plaintiff who took an action would have to prove that the person who communicated the concern had not acted reasonably and in good faith in making the report. The Act also provides protection from penalisation by an employer.

The Criminal Justice Act (2006) (Section 176 Reckless Endangerment of Children) states that “a person, having authority or control over a child or abuse, 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 risk while knowing that the child is in such a situation.”
Children First – National Guidance for the Protection and Welfare of Children and Young People

*Children First* was originally published in 1999 to give effect to the provisions of the Childcare Act 1991. It was updated and re-issued in 2011. The *Children First: National Guidance* is intended to assist people in identifying and reporting child abuse and neglect and deal effectively with concerns. It emphasizes that the needs of children and families must be at the centre of child protection and welfare services, and that the welfare of children is of paramount importance. It highlights the roles and responsibilities of Tusla, The Child and Family Agency and An Garda Síochána, which are the two agencies with statutory responsibility for child protection. It also offers guidance to agencies and community and voluntary organisations (e.g. religious/faith sector, sporting organisations, etc.) that have contact with or provide services to children.

**Other relevant legislations:**

- Protections for Persons Reporting Abuse Act 1998
- Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012
- The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016
- Criminal Law (Sexual Offences) Act 2017

**Appendix 6 - Useful Information**