



An Óige
Irish Youth Hostel Association
Child Protection Policy

November 2015
Policy, Procedures and Guidelines for all Members, Volunteers and Staff

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Introduction

This Child Protection Policy was reviewed in February 2015 and was adopted by the Board of An Óige at its meeting of 10th November 2015. It is intended that this will not be a static policy, but will be continually refined in the light of developments in legislation, best practice and experience.

Rather than re-invent the wheel, the document relies heavily on the work of other organisations in the Youth Work area and we are indebted to these.

The document is also cognisant of the work of several statutory bodies in providing guidelines on which a policy such as this can be reliably based. In particular, two publications are hugely relevant, *Children First: National Guidance for the Protection and Welfare of Children 2011* and the *Code of Good Practice for Child Protection in the Youth Work Sector*, published by the Department of Education and Science in May 2006. In addition, this document has drawn on best practice as outlined in 'Protecting our Children and Young People', NYCI 2012. We are also cognisant of the various pieces of legislation underpinning this work and have included a summary of same in Appendix 4.

Context

An Óige recognises that the UN Convention on the Rights of the Child as being the minimum standard in protecting young people's rights. The Convention, ratified by Ireland in 1992, defines "a child" as someone under 18 years of age.

The key elements of the UN Convention can be summarised as follows:

Provision: Rights to minimum standards of health, education, social security, physical care, family life, play, recreation, culture and leisure and adequate standards of living;

Protection: Rights of children to be safe from discrimination, physical abuse, exploitation, substance abuse, injustice and conflict;

Participation: Rights of children to a name and identity, to be consulted and taken account of, access to information, freedom of speech and opinion and to challenge decisions made on their behalf.

This document is designed to make members, volunteers, staff and management aware of the importance to the Association of our approach to the child protection issue as well as equipping them with knowledge as to safe practices in their own work and with procedures for dealing with any incident that might occur.

SECTION 1 - POLICY

Policy Statement

An Óige is committed to promoting and facilitating the full and holistic development of all young people with whom we work. We are committed to good practice in our work, which protects young people from harm. We recognise that the welfare of the child is of paramount importance.

Staff, members and volunteers recognise and accept our responsibilities in relation to keeping young people from harm and in furthering their own awareness of the causes of harm.

An Óige has put in place the following steps to ensure the protection of young people:

- We have adopted child protection guidelines as outlined in this document.
- We have developed clear procedures for recruitment and selection.
- We have put a range of training programme in place for staff and volunteers to enable them to fulfil their responsibilities in this regard.
- We have developed clear procedures for dealing with and reporting incidents.

An Óige will continually review and evaluate our child protection policies and procedures and amend them as required.

Date of next review: January 2017 (or following legislative or national policy changes)

Person responsible: David Owens

Aims of the Policy:

The aim of the policy is to ensure that An Óige provides an environment for children and young people that promotes their wellbeing and ensures that they are safe from harm.

Objectives of the Policy:

To outline An Óige's recruitment and selection procedures

To outline An Óige's reporting procedures (both internally and externally)

To outline An Óige's Code of Behaviour for staff and volunteers

To outline An Óige's procedure for managing allegations against staff/volunteers

Target audience:

The target audience for this policy is the staff, volunteers, management and Board of Management of An Óige.

Geographical boundaries:

This policy applies to all An Óige hostels and any activities undertaken in the name of An Óige.

An Óige and Youth Work

Youth Work has been defined by the *Youth Work Act, 2001* as a planned programme of education designed for the purpose of aiding and enhancing the personal and social development of young persons through their voluntary participation and which is complementary to their formal, academic or vocational education and training and provided primarily by voluntary youth work organisations.

An Óige has a young membership but there are also many young non-members, from both Ireland and abroad, who use our services.

As an Association involved with young people at so many levels, it is appropriate that we should respect and acknowledge their rights and safety.

An Óige has adopted a set of core principles which guide our youth work;

Quality youth work:

- is a planned and systematic educational experience implemented outside of the

formal school curriculum.

- is an active mode of learning which promotes an experiential learning model where young people are involved in learning by doing, in real life situations, and reflecting in a structured manner upon the experiences encountered.
- involves young people on a voluntary basis and begins with issues and areas of interest and concern to them.
- is a mutually beneficial, enjoyable and fun experience for both youth workers and young people.
- is a partnership between volunteers, employees and young people involving adults working with young people in a manner that prioritises the active participation of young people as partners in the process.
- is based primarily on the voluntary involvement of adults as voluntary youth workers and is set in a community context.
- recognises that inequalities exist in society and seeks to raise the level of awareness of young people about society and how to act upon it.
- provides structures whereby young people participate in decision making, planning, organising and evaluation.
- enables communities to contribute to meeting the needs of their own young people.

Section 2: Safe Recruitment, Vetting and Selection

An Óige's work with young people involves a duty of care for those young people and ensuring safe practice in our work is an essential part of that care. In general terms, we have an obligation to ensure that, in all aspects of our work, children and young people are kept safe from harm. This involves, of course implementation of suitable recruitment and training policies, but is a wider obligation than this and involves a continual appraisal, on behalf of everyone involved in the Association, of the impact of our work on the well being of young people.

Recruitment Procedure

The majority of people who apply to work with youth organisations/groups on either a voluntary or paid basis are interested, well motivated and suitable for the various tasks involved. It is, nonetheless, essential that An Óige takes all reasonable steps to ensure that only suitable people are recruited to work with young people. Unfortunately, persons with a propensity to child abuse are frequently attracted to positions and organisations/groups that offer them access and the opportunity to spend time with children and young people. A proper selection procedure is one of the most sensible and effective ways of assessing an applicant's suitability, and may in itself act as a deterrent to potential abusers, as well as assisting in the choice of appropriate staff and volunteers.

While the following applies equally to volunteers and staff members, the emphasis for both may be different. In particular, the selection of volunteers in respect of activity or regional groups will be tailored to suit the needs of those groups and to facilitate the input of co-ordinators (interview panels etc.) of those groups.

The following outlines our approach to safe recruitment and selection practices:

- **Clear Definition of the Role of Employees or Volunteers:**

This means clarifying and agreeing expectations regarding the role of the new volunteer or staff member. It involves identification of the minimum level of qualities and skills required to fill the post and the training likely to be required to achieve these.

- **Application Form**

An application form, with a clear job description and information about the Association will be supplied. The form is designed, as far as possible, to elicit all relevant information about the applicant, including their past experience of working with children. (See Appendix One).

- **Declaration**

All applicants are required to sign a declaration stating that there is no reason why they would be unsuitable to work with children and young people.

- **Interview**

All applicants will be interviewed by a panel comprising of at least two senior representatives of An Óige. In circumstances where the role is one which involves no access to children and young people, a single interviewer may suffice. Interviewers will explore the information stated on the application form and assess the applicant's suitability. The information supplied by the applicant and any other information supplied on their behalf will only be seen by persons directly involved in the recruitment procedure.

- **References**

An applicant will be expected to supply the names of two referees (not family members) who will testify as to their character, their suitability for the role of volunteer/employee, or any other issues which may affect their ability to perform the tasks required of them. An acceptable reference will indicate that the person is known to the referee and is considered suitable by them to work with young people. All references will be requested in writing and later confirmed by telephone, letter or personal visit. Any additional information should be attached to the Reference Form. (See Appendix Two).

- **Identification**

The Association will ensure that the identity of the applicant is validated through appropriate I.D.

- **Database**

All staff and volunteers will be required to consent to, and co-operate with, their inclusion on a database(s) of staff and volunteers. These databases will be used to assign and record work, to record vetting information (see below), and as a method of communication with groups of staff and volunteers.

- **Vetting**

Successful applicants will be required to undergo Garda Vetting, in line with best practice. The requirement for vetting of the various categories of those involved with the Association, will be determined in accordance with the following matrix:

Vetting Matrix							
Board							NO
Council							NO - Must signup to Code of Behaviour
Staff							
	CEO						YES
	Head Office						NO
	Hostel Managers						YES
	'In Charge'						YES
	Other						NO - Must signup to Code of Behaviour
Guest Workers / Hostel Volunteers							
	'In Charge'						YES
	Other						NO - Must signup to Code of Behaviour
Volunteers							
	Dealing with Young People						YES
	Other						NO - Must signup to Code of Behaviour

All staff and volunteers, whether or not they are deemed to require vetting, will be provided with a copy of the Child Protection Policy and required to conform with the Code of Behaviour therein. In addition, refinements to the Code of Behaviour can be tailored to particular circumstances and they will be expected to comply fully with these.

- **Probation**

It will be normal for a probationary period of from three to six months to be worked before confirmation in the role. Continuance of engagement after the period will be decided by those on the interview panel, in consultation with the

Training Officer and the co-ordinators of the appropriate activity or regional group.

Training Procedure

- **Induction**

If, following the application and interview process the applicant is accepted, they will then be required to undertake an induction course. Induction is a planned training programme that enables volunteers/employees to get to know the organisation, their colleagues, their job and other organisations or agencies doing similar or related work. It provides an opportunity for members to explain the Association's structure, names and functions of those involved, expectations, conditions and procedures for dealing with discipline, grievances and allegations.

No new volunteer should be permitted to carry out leadership role(s) prior to undertaking an Induction Training Programme. It is vital that the trainees receive sufficient information at the outset to enable them to grasp the true nature of the Association and the true nature and responsibilities attached to working with young people. Training will be given by the Training Officer or other suitable person in conjunction with the Designated Liaison Person.

The content of an Induction Training Programme will include:

- the purpose and process of youth work.
- the structure, programmes, activities and membership of An Óige
- the role of volunteers/employees in youth organisations/groups.
- an outline of organisational policies.
- an outline of the Associations Safety Statement.
- a specific outline and explanation of the Child Protection Policy adopted and implemented by the An Óige.
- the disciplinary/grievance procedures operated by An Óige.

During the induction period, where feasible, participants will be partnered with an experienced volunteer/employee who will guide them through this process.

- **Additional training**

To maintain quality standards and good practice, training will be provided on an ongoing basis for all volunteers and employees, Council, Management Board and other activity and regional based groups within the Association.

Details of all training, whether induction or ongoing, will be recorded by the Training Officer and a certificate of satisfactory completion given by him/her to the successful participants.

- **Support and Supervision**

Volunteers receive support in their roles from the Volunteer Manager.

Paid employees receive supervision from their line managers.

Section 3: Defining, Recognising and Reporting Child Abuse

Definition of Child Abuse

Child abuse can be categorised into four different types: neglect, emotional abuse, physical abuse and sexual abuse. A child may be subjected to more than one form of abuse at any given time.

Neglect

Neglect is normally defined in terms of an *omission*, where a child 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.

Harm can be defined as the ill-treatment or the impairment of the health or development of a child. Whether it is *significant* is determined by his/her health and development as compared to that which could reasonably be expected of a similar child.

Neglect generally becomes apparent in different ways *over a period of time* rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having his or her needs met in terms of necessary supervision and safety. A child whose height or weight is significantly below average may be being deprived of adequate nutrition. A child who consistently misses school may be deprived of intellectual stimulation.

The threshold of significant harm is reached when the child's needs are neglected to the extent that his/her well-being and/or development are severely affected.

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. Examples of emotional abuse may include:

- The imposition of negative attributed on a child, expressed by persistent criticism, sarcasm, hostility or blaming.

- conditional parenting, in which the level of care shown to a child is made contingent on his or her behaviour or actions.
- emotional unavailability by the child's parent/carer.
- Unresponsiveness of the parent/carer and/or, inconsistent or inappropriate expectations of the child.
- premature imposition of responsibility on the child
- unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control himself or herself in a certain way.
- Under- or over-protection of the child.
- failure to show interest in, or provide age appropriate opportunities for the child's cognitive and emotional development.
- use of unreasonable or over-harsh disciplinary measures.
- exposure to domestic violence.
- Exposure to inappropriate or abusive material through new technology.

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 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.

Physical abuse can involve:

- Severe physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking or hair-pulling
- Terrorising with threats
- Observing violence

- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness
- Allowing or creating a substantial risk of significant harm to a child

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. Examples of child sexual abuse include:

- exposure of the sexual organs or any sexual act intentionally performed in the presence of the child.
- intentional touching or molesting of the body of a child whether by a person or object for the purpose of sexual arousal or gratification.
- masturbation in the presence of the child or involvement of the child in the act of masturbation.
- sexual intercourse with the child, whether oral, vaginal or anal.
- sexual exploitation of a child.
- 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.

It should be noted that the definition of child sexual abuse presented here is not a legal definition, and is not intended to be a description of the criminal offence of sexual assault.

(Ref: Children First. National Guidance for the Protection and Welfare of Children 2011).

Child Welfare Concern

In addition to the four forms of child abuse outlined above, it is important to remember that many cases are of a welfare nature and may not be recognised as obvious or deliberate (abuse) but the effect of the problem may have similarly negative consequences for the child or young person and so needs to be responded to. It is also important that we apply the

same reporting procedures to matters relating to the welfare of young people as well as that of abuse.

Definition of Child Welfare Concern

“A problem experienced directly by a child, or by the family of a child, that is seen to impact negatively on the child’s welfare or development, which warrants assessment and support.”

(Ref: Child Protection and Welfare Practice Handbook, HSE 2011).

Other Forms of Abusive Behaviour Towards Young People

Apart from the above very serious forms of abuse, volunteers and employees should also be on the alert for other forms of behaviour that may be harmful to young people. The following behaviours are unacceptable among young people, staff and volunteers:

- **Organised Abuse**

Child abuse can occur in a number of ways, including organised abuse. This occurs when one person moves into an area/institution and systematically entraps children for abusive purposes (mainly sexual) or when two or more adults conspire to similarly abuse children using inducements.

- **Peer Abuse**

In some cases of abuse the alleged perpetrator will also be a child. In these situations the Child Protection Procedures should be adhered to for both the victim and the alleged abuser. 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.

- **Verbal abuse**

This can include name-calling, sarcasm, and criticism, making reference to some physical characteristic, destructive criticism, derogatory remarks and gestures.

- **Bullying**

Bullying behaviour can be defined as repeated aggression, be it verbal, psychological or physical which is conducted by an individual or group against others. Examples of bullying include, teasing, taunting, threatening, hitting and extortion.

Bullying behaviour may take place in any setting whether it be in schools, the home or in a youth services setting. In the first instance, it is the responsibility of volunteers/employees to deal with bullying which may take place within the organisation. The more extreme forms of bullying behaviour would be regarded as physical or emotional abuse, and are reportable to the statutory authorities. Incidents should be dealt with immediately and not tolerated under any

circumstances. For more information, please see An Oige's Anti-Bullying Policy.

- **Unwelcome behaviour**

This can include favouritism, exclusion, sexual harassment and sexual innuendo, humiliating and embarrassing others, deprivation of basic rights and harsh disciplinary regimes.

Recognising Child Abuse

The ability to recognise child abuse depends as much on a person's willingness to accept the possibility of its existence as it does on knowledge and information. It is important to note that child abuse is not always readily visible, and may not be clearly observable. It is also important to avoid either a situation where volunteers/employees are constantly wary and on the lookout for abuse or one where complacency exists. Essentially, volunteers/employees should consider, in a measured way, the possibility of child abuse if:

- a young person appears to have suffered a suspicious injury for which no reasonable explanation can be offered.
- a young person seems distressed without obvious reason or displays persistent or new behavioural problems
- a young person shows unusual or fearful responses to an adult who is responsible for their care at any particular time.

It is important to remember that many signs of child abuse are non-specific, and that alternative explanations for indicators should always be considered.

Guidelines for recognition

The ability to recognise child 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 child neglect or abuse:

- considering the possibility;
- looking out for signs of neglect or abuse;
- recording of information.

Stage 1: Considering the possibility

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should also be considered if the

child displays unusual or fearful responses to parents/carers or older children. A pattern of ongoing neglect should also be considered even when there are short periods of improvement.

Stage 2: Looking out for signs of neglect or abuse

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon, for example, by informing the CFA Children and Family Services. The child should not be interviewed in detail about the alleged abuse without first consulting with the CFA Children and Family Services. This may be more appropriately carried out by a social worker or An Garda Síochána. Less obvious signs could be gently explored with the child, *without direct questioning*. Play situations, such as drawing or story-telling, may reveal information.

Some signs are more indicative of abuse than others. These include:

- disclosure of abuse by a child or young person;
- age-inappropriate or abnormal sexual play or knowledge;
- specific injuries or patterns of injuries;
- absconding from home or a care situation;
- attempted suicide;
- underage pregnancy or sexually transmitted disease;
- signs in one or more categories at the same time. For example, signs of developmental delay, physical injury and behavioural signs may together indicate a pattern of abuse.

Many signs of abuse are non-specific and must be considered in the child's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

Stage 3: Recording of information

If neglect or abuse is suspected and acted upon, for example, by informing the HSE Children and Family Services, it is important to establish the grounds for concern by obtaining as

much information as possible. Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. Care should be taken as to how such information is stored and to whom it is made available.

(Ref: Children First 2011. P10 &11)

Reasonable Grounds for a Child Protection Welfare Concern.

Young people will sometimes, though not always, disclose that they are being physically or sexually abused, and are less likely to disclose emotional abuse or neglect. It is possible that volunteers/employees will become concerned because of a young person's behaviour, or because of something that is reported by another person. The following examples would constitute reasonable grounds for concern and should be reported to the DLP:

- disclosures of abuse by a young person
- An injury or behaviour that is consistent both with abuse and an innocent explanation, but where there are corroborative indicators supporting the concern that it may be a case of abuse
- Consistent indication over a period of time that a child is suffering from emotional or physical neglect
- Admission or indication by someone of an alleged abuse
- A specific indication from a child that he or she was abused
- An account from a person who saw the child being abused
- Evidence (e.g. injury or behaviour that is consistent with abuse and unlikely to have been caused in any other way)

(Ref Child Protection and Welfare Practice Handbook, HSE, 2011, p 30)

A suspicion that is not supported by any objective indicator of abuse or neglect would not constitute a reasonable suspicion, or be reasonable grounds for concern.

Dealing with Disclosures of abuse

Youth work can provide a secure environment that enables young people to share their concerns. It is important that a young person who discloses abuse feels supported and facilitated in what, for him or her, may be a frightening and traumatic process. He or she may feel perplexed, afraid, angry, despondent and guilty. It is important that any negative feelings that the young person may have are not increased by the kind of response that the

disclosure elicits. A young person who divulges abuse to a volunteer/employee makes a profound act of trust and should be treated with respect, sensitivity and care. It is important to remember the following:

- react calmly, as over-reacting may alarm the young person and compound feelings of anxiety and guilt.
- listen carefully and attentively; take the young person seriously.
- reassure the young person that they have taken the right action in telling.
- do not make false promises, particularly regarding secrecy.
- do not ask the young person to repeat the story unnecessarily.
- ask questions only for the purpose of clarification. Be supportive, but do not ask leading questions or seek intimate details beyond those volunteered by the child. Detailed investigative interviews will, if necessary, be carried out by Tusla staff or members of An Garda Síochána.
- check with the young person to ensure that what has been heard and understood by you is accurate.
- do not express any opinions about the alleged abuser.
- record the conversation as soon as possible, in as much detail as possible. Sign and date the record.
- explain and ensure that the young person understands the procedures which will follow.
- pass the information to the Designated Liaison Person, who will in turn report it to the Statutory Authorities for investigation.
- treat the information confidentially, sharing it only with persons who have a right to hear it.

The Designated Liaison Person

The 'Designated Liaison Person (DLP)' is the title given to the designated person appointed in An Óige to deal with child protection concerns reported by volunteers, employees or young people. The DLP will receive training in best practice on Child Protection.

The DLP will:

- operate within the guidelines set by the appropriate authorities and those approved by An Óige.
- report concerns, suspicions and disclosures of child abuse to the statutory authorities, i.e. the Túsla or An Garda Síochána.
- liaise between the organisation, young people, parents/guardians, staff and the statutory authorities where necessary.
- create and maintain links with the statutory authorities and other relevant agencies and resource groups.
- facilitate the provision of support to any young person, volunteer or employee making a report
- advise the organisation, members or staff on individual cases within the limits of confidentiality and on good practice.
- organise/facilitate training and workshops on guidelines in Child Protection.
- maintain proper records on all cases referred to him/her in a secure and confidential manner.
- keep up-to-date on current developments regarding provision, practice, support services, legal obligations/requirements and policy.

The DLP is not directly responsible for dealing with any allegation/disclosure concerning an employee/volunteer. This task will be carried out by a subgroup of suitable representatives from the Board of Management. However, the DLP will be consulted in these instances in order that any information, which might be available to him/her, is also taken into consideration in this case.

When a report is being made to the statutory authorities, the DLP may have a role in informing parents/guardians that such a report is being made. The decision to inform parents/guardians will take account of any possible risks to the young person in the event of such action and will also take account of advice received from the statutory authorities.

The DLP reports to the President and Board of Management of the Association and keeps them informed of any Child Protection concerns and outcomes which may have arisen in the organisation, having due regard for the issue of confidentiality.

The DLP is available to all staff and volunteers who wish to discuss a matter of particular concern, who need general advice or who need clarification of anything in this policy.

David Owens is the National DLP for An Óige and his contact details are:

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Reporting Procedures

An employee or volunteer who knows or suspects that a young person has been harmed or is at risk of being harmed has a duty to convey this concern to the DLP, who in turn will report the information to Tusla and/or An Garda Síochána. In an emergency, a report should be made directly to An Garda Síochána. Allegations should always be handled in a sensitive and discreet manner. Young persons should be encouraged and supported in making known any concerns that they may have, to an employee or volunteer.

Please note that staff and volunteers should have attended Child Protection Awareness Training. They should have access to the contact details for the Designated Liaison Person (and Deputy Designated Liaison Person). They should also have access to the Túsła Standard Form for Reporting Child Protection and/or Welfare Concerns. Each hostel will identify their relevant Túsła Child and Family Agency contact details.

If a child abuse case is suspected or disclosed, the following steps should be taken by the DLP, or by an individual volunteer or employee wishing to make the report themselves:

- A report should be made to the Social Work Department of Túsła, in person, by telephone or in writing. Reports may be made to the duty Social Worker. The duty Social Worker is available to meet with, or talk on the telephone, to persons wishing to report Child Protection concerns. The duty social worker is

also available to provide advice to those who require it in relation to the decision about whether or not to report.

- It is generally most helpful if persons wishing to report child abuse concerns make personal contact with the duty Social Worker. This will facilitate the Social Worker in gathering as much information as possible about the child and his or her situation. If a third person, such as the DLP makes the report, it is likely that the Social Worker will wish to speak to the person who first witnessed the incident, received the disclosure, or felt the concern.
- In the event of an emergency, or the non-availability of Túsla staff, the report should be made to An Garda Síochána. This may be done at any Garda Station. Under no circumstances should a young person be left in a dangerous situation pending the intervention of Túsla.

The ability of the statutory authorities to investigate and assess a case of potential or actual child abuse will depend on the quality of information available to them. Different levels of information will be available to persons reporting who may or may not be familiar with the young person's personal situation. It is important not to ask leading questions, nor to seek intimate details beyond those volunteered by the young person. Within these constraints, every effort should be made to clarify the grounds for concern and assist the statutory authorities to decide how far and in what manner to pursue an investigation. **The Túsla Standard Report form is available on the Túsla website at: <http://www.tusla.ie/services/child-protection-welfare/child-protection-and-welfare-practice-handbook/> .**

When completing a reporting form, factual detail is required rather than opinions or impressions. Check the details against the first record made of the incident or concern to ensure accuracy. Sign the form and date it when completed. While the information in some cases will be limited, **as much as possible** of the detail required in the standard reporting form should be included where this is readily available to you.

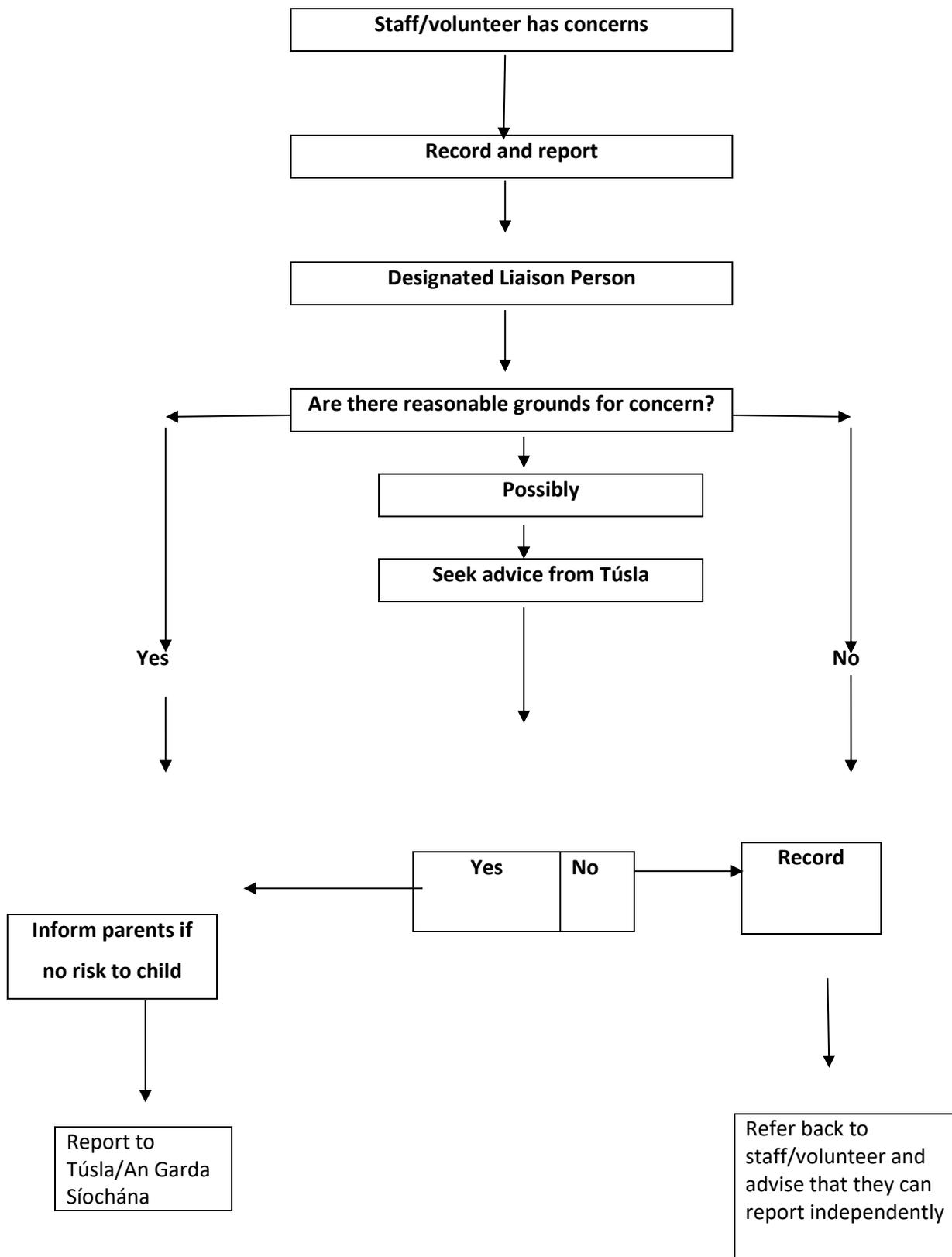
Cases not reported to Túsla or an Garda Síochána:

In those cases where the organisation decides not to report concerns to Túsla or an Garda Síochána, the individual employee or volunteer who raised the concern will be given a clear

written statement of the reasons why the organisation is not taking such action. The employee or volunteer will be advised that if they remain concerned about the situation, they are free as individuals to consult with, or report to, Túsla or an Garda Síochána. The provisions of the Protections for Persons Reporting Child Abuse Act, 1998 apply once they communicate 'reasonably and in good faith'.

(Ref Children First 2011, p16.)

Diagram of An Óige Reporting Procedure



Retrospective Disclosures

In recent years, there have been increasing numbers of disclosures by adults, of abuse which took place during their childhood. In these situations it is very important that consideration is given to the 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 matter should be reported to Túsla or an Garda Síochána. Investigations of disclosures by adult victims of past abuse frequently uncover current incidences of abuse. This is therefore an effective means of stopping the cycle of abuse.

Recording Procedures

In all situations, including those in which the cause of concern arises from a disclosure made in confidence, it is extremely important to record the details of an allegation or reported incident, regardless of whether or not a referral is subsequently made to a statutory agency. This should happen as soon as possible after the incident has taken place. Appendix Three outlines the need to give accurate and detailed information when making a report. This should be considered when a report is being made in order to provide as much detail as possible. Any reports/completed forms should be stored in a safe and secure location. **The need for good record-keeping at all stages of the Child Protection Process cannot be over emphasised.** Volunteers/employees need to be mindful of the *Data Protection Act and the Freedom of Information Act*.

When an individual makes a report to the statutory authorities, the possibility always exists that he/she 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.

Retention of Information

An Óige will retain information in a secure and confidential format for as long as is deemed necessary. With regard to information on young people or staff or volunteers this information will be held for the duration of the involvement of the particular person in the organisation and for an agreed period of time thereafter. An Óige is aware of its responsibilities in relation to data protection adheres to these responsibilities.

All reports generated in relation to child protection concerns as well as any incidents or accidents will be stored centrally in the Mountjoy St Head Office and in perpetuity. The DLP

will be responsible for maintaining these records in a safe and confidential manner.

Confidentiality and Sharing of Information

Confidentiality is about managing sensitive information that arises in a trusting relationship and doing so in a manner that is respectful, professional and purposeful. Youth work is based upon trusting relationships and it is not uncommon for members to want to share personal information with volunteers or employees. Anyone, (volunteer/employee or young person) disclosing information in this context needs to know in advance the limits of confidentiality and the responsibilities attached.

In matters of child abuse a volunteer/employee should never promise to keep secret any information which is divulged. If a young person discloses information to a volunteer/employee, he or she should explain that it cannot be kept secret.

The volunteer/employee should also, as supportively as possible, explain what will happen to the information and what the outcome of reporting it is likely to be.

Those working with a child and family should make this clear to all parties involved.

All information regarding concern or assessment of child abuse should be shared only on “a need to know” basis in the best interest of the child. In other words, it should never be the subject of conversation between any other persons in the organisation, employees, volunteers or young persons, unless they are directly involved.

Passing information to relevant authorities is not a breach of confidentiality. Information, which is gathered for one purpose, should not be used for any other purpose without consulting the person who provided that information. (Ref: Children First 2011 p16).

Co-operation with Parents/Guardians

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 the DLP if a report about them is submitted to Túsła or An Garda Síochána, unless doing so is likely to endanger the child or undermine an investigation. Advice may be sought from the statutory authorities about the best procedure to follow.

Dealing with Anonymous Complaints

Anonymous complaints can be difficult to deal with but should not be ignored. In all cases the safety and welfare of the child or young person is paramount. Any such complaints should be brought to the attention of the Designated Liaison Person. This information should be checked out and handled in a confidential manner. Any such complaints relating to child protection concerns should be handled in accordance with the procedures outlined in this document.

Section 4: Dealing with an allegation of abuse against a volunteer, employee or manager

When an allegation of abuse is made against a volunteer or employee, the organisation has a dual responsibility in respect of both the young person and the volunteer/employee or other accused person. These guidelines are offered to assist those responsible for managing allegations in having due regard for the rights and interests of the child, (which are of paramount importance) on the one hand and those of the person against whom the allegation is made on the other hand. The organisation will, as a matter of urgency, take any necessary protective measures to ensure that no child is exposed to unnecessary risk.

Procedure

Any allegations of abuse involving staff or volunteers must be reported immediately to the local manager who will refer the report on to the *named nominee from the* subgroup from the Board of Management.

Any allegation of abuse involving the CEO must be reported immediately to the Chairperson of the Board of Management

Any allegation of abuse involving a member of the Board of Management must be reported immediately to the CEO.

When an allegation of abuse is received, it will be assessed promptly and carefully by the members of the subgroup of the Board of Management (or other as applies). Action taken in reporting an allegation of child abuse against an employee will 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 the Túsla and/or An Garda Síochana. This decision will be based on reasonable grounds for concern, as outlined earlier in this document. The first priority is to ensure that no child is exposed to unnecessary risk. The subgroup will, as a matter of urgency, implement any necessary protective measures. These measures will be proportionate to the level of risk and will not unreasonably penalise the employee/volunteer, financially or otherwise, unless necessary to protect children. Where protective measures penalise the employee/volunteer, it is important that early consideration be given to the case. Any action taken will be guided by agreed procedures, the applicable employment contract and the rules of natural justice.

When the members of the subgroup become aware of an allegation of abuse of a child or children by an employee/volunteer during the execution of that employee's/volunteer's duties, they will privately inform the employee of the following:

- the fact that an allegation has been made against him or her;

- the nature of the allegation.

The employee/volunteer will be afforded an opportunity to respond. The subgroup will note the response and pass on this information if making a formal report to Túsula Child and Family Agency.

The members of the subgroup will take care to ensure that actions taken by them do not undermine or frustrate any investigations/assessments conducted by Túsula Child and Family Agency or An Garda Síochána. They will maintain a close liaison with the statutory authorities to achieve this.

The members of the subgroup should be notified of the outcome of an 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 Túsula 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. A person who makes a report in good faith and in the child’s best interests may also be protected under common law by the defence of qualified privilege.

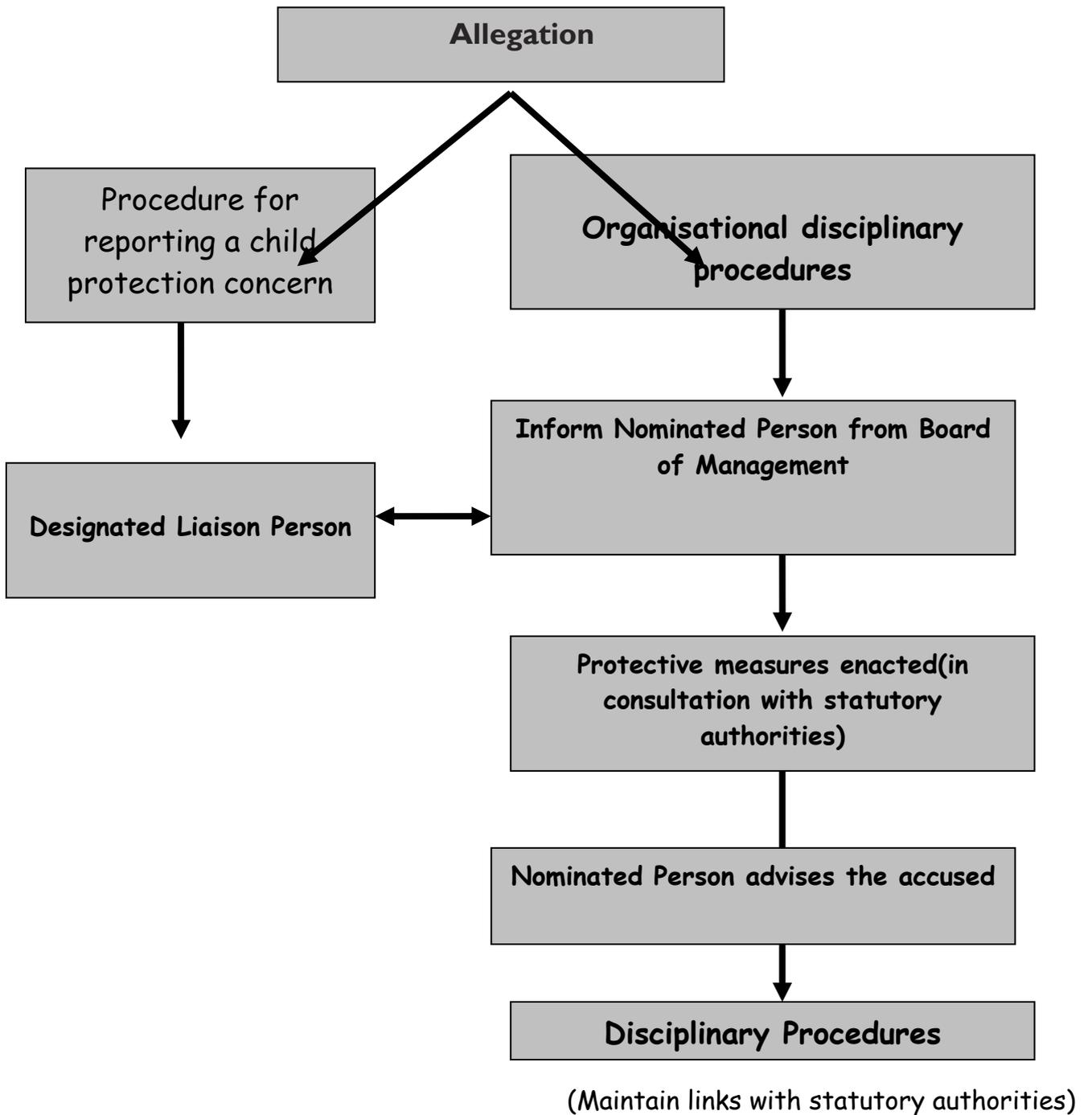
(Adapted from Children First 2011, P93).

* A named nominee will be appointed from the Board of Management to work with the subgroup to oversee this process.

*A subgroup of the Board of Management will be convened to assist in this process consisting of 3 members of the Board who do not have any conflict of interest/loyalty to the individual against whom the allegation has been made. Board members will receive training in this regard.

Please see the diagram overleaf for a summary of this procedure.

Diagram of An Óige Reporting Procedure when an Allegation of Abuse is made against a Staff member or Volunteer



Dealing with an allegation of abuse against a young person.

In some cases of child abuse, the alleged perpetrator will be another child. In a situation where child abuse is alleged to have been carried out by another child, the child protection procedures should be adhered to for both the victim *and* the alleged abuser – i.e. it should be considered a child care and protection issue for *both* children. Abusive behaviour that is perpetrated by children 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. (Children First 2011).

SECTION 5 – Code of Behaviour for Staff and Volunteers

Everyone involved in our organisation has a responsibility to safeguard children and young people. This means providing them with the highest possible standards of care. It is important that these standards of care are underpinned by good guidance in relation to all aspects of youth work practice. Our Duty to Care (2002) outlines principles of good practice which can be adopted by youth organisations. Good practice includes protecting and promoting children and young people's rights in youth organisations. This means:

- Creating an environment, in which children and young people are valued, encouraged and affirmed, have their rights respected and are treated as individuals;
- Taking steps to ensure that children and young people know their rights and responsibilities;
- Ensuring that children and young people have a right to be heard and to be listened to;
- Accepting that the welfare of the child is the most important consideration;
- Eliminating as far as possible any threatening, violent or degrading behaviour

'Remember that valuing children means valuing workers as well; insisting on safe practices, eliminating the necessity for staff to take risks and providing them with support will make for a healthier and safer organisation'.

(Our Duty to Care 2002)

Guidelines for All Staff and Volunteers

We have adopted the following code of behaviour to support safe practice within our work.

Specifically, we will:

- Treat all young people equally, with respect and dignity.
- Make activities enjoyable and promoting fair play.
- Act as good role models and behave in a professional manner.
- Build balanced relationships built on trust, which empowers young people to share in the decision making process.
- Plan activities carefully and appropriately.
- Encourage an open environment.
- Avoid touching unless absolutely necessary. (e.g. first aid, assistance)
- Keep written records of all accidents/incidents

- Ensure that we are familiar with the principles of good child protection.

We will avoid the following:

- Putting yourself into any position with a young person which could be seen as compromising, e.g. being alone with a young person, particularly in areas such as dormitories, changing rooms etc. Staff/volunteers engaged in cleaning of dormitories/bathrooms etc. should knock before entering and announce themselves and their purpose. They should wait to receive a reply before entering. In the event of a staff member/volunteer inadvertently entering such an area where young people are present (a) make a diary note of this and (b) inform the centre manager as soon as possible.
- Exerting undue influence over a young person in order to gain personal benefit or reward.
- Making personal contact with young people via social media.
- Using any form of corporal punishment or physical force on a young person.
- Young people should not be photographed, filmed or portrayed in social media without theirs and their parents/guardians consent. If such consent is given, individual young people should not be identifiable in any photographs, website material etc.
- Engaging in rough contact, sexually provocative games or inappropriate touching of any kind with a young person.
- Making sexually suggestive comments to a young person.
- Engaging in a sexual relationship with a young person.
- Using alcohol or any illegal substance in the presence of young people or while on duty
- Smoking is confined to the designated smoking areas identified outside each hostel.

Any breaches of the code of behaviour should be reported to a member of management – details to be displayed in all hostels. Breaches of the code of behaviour will be dealt with as per the disciplinary, grievance and appeals procedure of the organisation.

Guidelines for Leaders visiting Hostels with Groups (To be given to all groups of leaders accompanying young people visiting hostels)

When visiting our hostel with a group of young people we ask you to take account of the following:

- Ensure that you are familiar with your own organisation's Child Protection Policy as well as An Óige's Child Protection Policy.
- Ensure that you have an identified *Designated Liaison Person for this visit from your organisation and you are aware of the relevant An Óige DLP and that you have agreed reporting procedures.
- Ensure that all young people under 18 have received written parental consent for participation in this trip.
- Do not abandon young people to their own devices at the hostel. Remember your responsibility as a leader continues and cannot be delegated to the staff at the hostel.
- Consider sleeping and hygiene arrangements carefully. Sleeping, toilet and washing facilities for boys and girls should be separate and supervised by at least two adults of the same sex as the group being supervised.
- At no time should any leader share sleeping accommodation alone with a young person unless in an emergency. If, in an emergency situation, a leader considers it necessary to be in a children's dormitory or bedroom without another leader they should (a) immediately inform another adult in a position of responsibility and (b) make a diary note of the circumstances.
- Ensure you are familiar with the hostel and its surroundings and have considered the potential dangers of the building and its location to children. In particular, ensure you are familiar with the hostel's Safety Statement and the location of fire exits and emergency equipment. The Hostel Manager will help you with this.
- Ensure that the group is aware of the rules and procedures, which apply in the hostel, including codes of behaviour for adults and young people, procedures for dealing with incidents and accidents.
- Ensure that you are aware of the hostel's complaints policy – details available in reception of each hostel.

*The Designated Liaison Person is the title given to the nominated person responsible for dealing with issues of safeguarding and child protection within the visiting group.

Guidelines for Hostel Managers and Staff/Volunteers

Along with the general guidelines for all staff, Hostel Managers and staff have additional responsibilities, deriving from their presence in hostels with young people.

- Ensure that the elements of the hostel Safety Statement, which are specific to the individual hostel are kept up to date in conjunction with the Association's Safety Manager and all new hazards are reported to the Safety Manager.
- Young people or groups should be given a sufficient orientation on arrival to familiarise them with the hostel and the conditions under which they stay.
- The leader of a group should be given a more thorough briefing, including location of fire exits and emergency equipment, introduction to the hostel's Child Protection Policy, Safety Statement and notification of known hazards in both the hostel and the surrounding area.
- Respect the privacy of young people. Entering a sleeping or washing area where there are young people should be avoided without good reason. Staff/volunteers engaged in cleaning of dormitories/bathrooms etc. should knock before entering and announce themselves and their purpose. They should wait to receive a reply before entering. In the event of a staff member/volunteer inadvertently entering such an area where young people are present (a) make a diary note of this and (b) inform the centre manager and young person's parents or guardians as soon as possible. Any concern for the safety of the young people or the security of the hostel would however, normally constitutes a good reason.
- Consider sleeping & hygiene arrangements carefully. As well as gender, in assigning beds and rooms, the make up in terms of age should, where possible, be taken into account. There may be particular circumstances in various hostels in which this might be difficult and in these cases, the individual manager should use his/her judgement as to what is appropriate. The DLP can also give advice in these situations.

Code of Behaviour for Guided walks

Those involved in guided walks will abide by the following guidelines:

- All walks will be planned in advance, with routes carefully checked in terms of safety, accessibility etc.
- Walks will be led by appropriately trained personnel, who have been appropriately screened, vetted and trained (including in first aid)
- All participants under 18 must provide parental consent in advance of participating in any guided walks
- Health and safety procedures will apply to all guided walks including risk assessments and consideration of emergency procedures in the event of any incident/accident.
- Contact numbers will be available for all participants and leaders
- Mixed gender groups will be supervised by mixed gender groups of adults
- Any transport used for these outings will be safe and adequate for purpose. No leader should undertake a car or minibus journey alone with a young person. If in certain circumstances, only one leader is available, there should be a minimum of two young people present or the entire journey. In the event of an emergency where it is necessary to take a journey alone with a child, (a) make a diary note of this and (b) inform the centre manager and young person's parents or guardians as soon as possible.
- One leader will be appointed with overall responsibility for the coordination of the activity
- Ensure that adequate insurance cover is in place and covers the proposed activities.

SECTION 6 – SUPPORT SERVICES

An Óige commits to ensuring that staff volunteers and members are supported in the context of child protection, by the provision of sufficient information and access to appropriate advice and support.

Support services provided by An Óige are as follows:

Information

- *Guidelines*
This document provides the grounding of our approach to Child Protection.
- *Training*
Induction and ongoing training will be made available to all staff.
- Designated Liaison Person (DLP)
The DLP will be the principal source of information on the Child Protection issue.

Advice/Support

- Designated Liaison Person (DLP)
As well as providing information, the DLP will be available to advise any member, volunteer or staff member on an aspect of Child Protection, specific or general.
- Legal Advice
The DLP or any volunteer or staff member may need legal advice on a particular situation. This, where deemed appropriate, will be facilitated through the CEO and the Board of Management.

APPENDIX 1



CONFIDENTIAL STAFF/VOLUNTEER APPLICATION FORM

Name of Applicant: _____

Any surname previously known by: _____

Date of Birth: ___/___/___

Address: _____

Telephone Number: _____

How long have you been at this address: _____

If less than two years, then give previous address:

Please give details of previous experience of working with young people: _____

Have you had treatment for any illness during the past five years, which you may have a bearing on your ability to work with children and young people:

Yes / No

If yes please state: _____

Have you ever been convicted of a criminal offence or are you at present the subject of criminal charges?

Yes / No

If yes, please state below the nature and dates(s) of the offence(s):

(NB the disclosure of any offence may be no bar to your appointment)

Signed: _____

Date: _____

If required, please give the name, address, telephone number and occupation of two people who know you well (not members of your family):

First referee: _____

Second referee: _____

APPENDIX 2



CONFIDENTIAL REFEREE REFERENCE FORM

_____ has expressed an interest in becoming a Staff Member/Volunteer (delete as appropriate) with this Association, and has given your name as a referee. This post involves substantial access to children. As an organisation committed to the welfare and protection of children, we are anxious to know if you have any reason at all to be concerned about this applicant being in contact with children or young people:

Yes / No

If you have answered Yes, we will contact you in confidence.

If you are happy to complete this reference, all the information contained on the form will remain absolutely confidential, and will only be shared with the applicant's immediate supervisor should they be offered the position. We would appreciate you being extremely candid in your evaluation of this position.

1. How long have you known this person?

2. In what capacity?

3. What attributes does this person have that would make him/her a suitable Manager?

4. Please rate this person on the following (please tick one)

	POOR	AVERAGE	GOOD	VERY GOOD	EXCELLENT
Responsibility					
Maturity					
Self Motivation					
Can Motivate Others					
Commitment					
Energy					
Trustworthiness					
Reliability					

Signed: _____

Date: _____

APPENDIX 3

Legislation and Guidelines

Criminal Justice Act (reckless endangerment) 2006

Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children as a result of recommendations from the Ferns Inquiry. 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. C.F. 2011, 3.2.7

Withholding of Information on Offences against Children and Vulnerable Persons 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 information disclosed, parents, professionals acting in best interest of child/vulnerable adult.

National Vetting Bureau (Children and Vulnerable Persons) Act 2012 – due to be commenced before end of 2014

This was enacted in December 2012 and is due to be commenced in 2014. The purpose of this Act is to provide a legislative basis for the vetting of persons who seek positions of employment relating to children or vulnerable persons. Previously, persons applying for such positions were vetted on a non statutory basis. This Act makes vetting mandatory.

Please see <http://www.childprotection.ie/vetting> for additional information on the impact of this legislation on the youth work sector.

Some amendments to the Act are currently being considered by Government, including those related to the non disclosure of minor offences.

NYCI is a member of the e-vetting pilot group which is currently working on the rolling out of e-vetting (submitting vetting applications on line) and it is expected to be introduced, on a phased basis, throughout 2014 and 2015.

Children First Legislation – Pending

The Heads of Children First bill was published in 2012 and re published in 2014. The aim of this proposed legislation is to provide for: raising awareness of child abuse and neglect, mandatory reporting for key individuals and to improve organisational child protection procedures. The intention is that the legislation will operate alongside Children First National Guidance 2011.

Please see DCYA website for additional information
http://www.dcy.gov.ie/viewdoc.asp?fn=%2Fdocuments%2FChildren_First%2FChildrenFirstLegislation.htm&mn=chib&nID=1

Child Care Act 1991

Purpose - to 'update the law in relation to 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:

- (i) the placing of a statutory duty on health boards to promote the welfare of children who are not receiving adequate care and protection up to the age of 18;
- (ii) the strengthening of the powers of the health boards to provide child care and family support services;
- (iii) the revisions 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 regional health boards;

Section 12 of the Act provides for an Garda Síochána to remove a child to safety if the Garda has reasonable grounds for believing that the child may be at immediate risk to their health or welfare. The Child Care Act 1991 defines a child as any person under the age of 18 years, excluding a person who is or who has been married.

UN Convention on the Rights of the Child

Adopted unanimously by the United Nations General Assembly in Nov 1989 Ireland signed up to the convention in 1992.

- Convention has no legal or statutory powers
- All rights apply to children without exception
- Obligation to protect the child from any form of discrimination
- All action concerning the child shall take account of his or her best interest.
- The state shall provide the child with adequate care when parents or others conferred with such responsibility fail to do so
- Every child has the inherent right to life and the state has an obligation to ensure the child's survival and development
- The child has the right to express his/her opinion freely and to have that opinion taken

- into account in any matter or procedure affecting the child
- The UN Convention on the Rights of the Child has impacted on legislation here in Ireland

particularly in recent years.

Protection for Persons Reporting Child Abuse Act 1998 The main provisions of the Act are:

(i) the provision of immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of health boards* or any member of an Garda Síochána

(ii) 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.

(iii) 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.

Education Welfare Act 2000

Main provisions:

Minimum school leaving age raised from 15 to 16, or the completion of 3 years of post primary education, whichever is the latter;

Establishment of National Educational Welfare Board;

Appointment of Education Welfare Officers (some of whom were former school attendance officers);

Board will maintain a register of children receiving education outside of school structure and will assess adequacy of such education;

School registers, attendance records, codes of behaviour and attendance strategies will be used by school authorities to promote regular attendance and foster an appreciation of learning among the student population;

Parents required to ensure that their children attend a recognised school or otherwise receive an appropriate minimum education;

Specific provision is made for the continuing education and training of young persons of 16 and 17 years of age who leave school early to take up employment.

The NEWB is the national agency with responsibility for encouraging and supporting regular school attendance. Specifically, the NEWB was established to ensure that every child attends school regularly, or otherwise receives an education or participates in training.

Freedom of Information Act 1997

This Act enables members of the public to obtain access, to the greatest extent possible consistent with the public interest and the right to privacy, to information in the possession of public bodies. The Act is also designed to protect the privacy of individuals and, in general, requires the prior consent of an individual before releasing personal information about them.

<http://www.irishstatutebook.ie/1997/en/act/pub/0013/index.html>

Data Protection Act (1988 amended 2003)

Generally, Data Protection is the safeguarding of privacy rights of individuals in relation to the processing of their personal Data. The Data Protection Acts give the individual rights to this personal information and impose obligations on the Data Controllers.

<http://www.irishstatutebook.ie/1998/en/act/pub/0025/index.html>

Children First: National Guidance for the Protection and Welfare of Children 2011

Aims and Objectives

- Consolidate an understanding between statutory and voluntary agencies
- Welfare of children is of paramount importance
- Consistency in policy and procedure
- Improve identification, reporting, assessment, treatment and management of child abuse
- Clarify responsibility of those involved

Our Duty to Care (Republic of Ireland)

These guidelines, issued by the Health Service Executive, are based on Children First - National Guidelines for the Protection and Welfare of Children and include;

Guidance on the promotion of child welfare and the development of safe practices in work with children

Booklet, Fact Sheets and training video for the community and voluntary sector

Information on how to recognise signs of child abuse and the correct steps to take within organisations if it is suspected, witnessed or disclosed

Our Duty to Care sets out the principles of best practice and how to promote the rights of children. It provides advice on developing safe recruitment practices and strategies on developing safe management practice and policies within organisations. It also suggests ways that organisations could raise awareness among their staff and volunteers about child abuse and how staff should respond to accidents or complaints and alleged or suspected abuse.

Downloadable from www.dohc.ie/publications/pdf/ourduty.pdf

Code of Good Practice for the Youth Work Sector

Published in September 2002 and republished with minor amendments in May 2003.

Based on Children First

Gives direction and guidance to the Youth Work Sector on dealing with allegations and suspicions of child abuse

Emphasises safety and well-being of children

Calls for greater co-operation with health boards

Emphasises not to investigate

Incumbent on Youth Work Organisations to adhere to the Code of Good Practice

Child Protection Officers called for in all organisations

Recommends training at all levels

Downloadable from www.education.ie/publications

The Code of Good Practice has been specifically prepared with the Youth Work Sector in mind. It aims to assist and give direction and guidance to youth workers and youth work organisations in protecting children and young people under their care and in dealing with allegations or suspicions of abuse

Safety Health and Welfare at Work Act 2005

The Safety Health and Welfare at Work Act 2005 represents a modernisation of our occupational health and safety laws and it sets the scene for achieving further improvements in relation to health and safety in the next few decades.

Its primary focus is on the prevention of workplace accidents, illnesses and dangerous occurrences.

One of the aims of the Act is to encourage a responsible attitude on the part of both employers and employees.

The Act outlines the duties of employees including complying with relevant safety and health laws and not doing anything which would place themselves or others at risk.

The Act also outlines the duties of employers including having a written Safety Statement which identifies the risks and hazards in the place of work

The Act aims to draw the awareness of employers and employees to measures and procedures that can assist in preventing accidents, illnesses and incidents of danger in the workplace.

Additional Legislation & guidelines

The Domestic Violence Act, 1996 gives Gardai the power to arrest and prosecute a violent family member. The Health Service Executive may seek a barring order against a violent adult on behalf of a child, whether or not that violent adult is married to the child's parent.

<http://www.irishstatutebook.ie/1996/en/act/pub/0001/index.html>

The Non-Fatal Offences Against the Person Act, 1997, abolished the rule of law under which teachers were immune from criminal liability in respect of physical chastisement of pupils and also describes the circumstances in which the use of reasonable force may be justifiable. The Act also makes it a criminal offence to beset or harass another person. It also addresses the issue of bullying by mobile phone which is considered to be similar to stalking and, therefore, may be a criminal offence.

<http://www.irishstatutebook.ie/1997/en/act/pub/0026/index.html>

The Child Trafficking and Pornography Act 1998 prohibits child trafficking for the purpose of sexual exploitation and makes it illegal for anyone to produce, forward, publish, send, show or possess any child pornography in Ireland.

<http://www.irishstatutebook.ie/1998/en/act/pub/0022/index.html>

Equal Status Act 2000, 2004

The Equal Status Act, 2000-2004 gives protection against discrimination in non-employment areas including education, provision of goods, services and accommodation and disposal of property. It prohibits discrimination on nine grounds including age, gender, sexual orientation, race, disability.

<http://www.irishstatutebook.ie/2000/en/act/pub/0008/index.html>

The Sex Offenders Act 2001. Under this legislation those who are convicted of certain sexual offences are now obliged to provide certain information to the Gardaí including the address at which they are living following their release from prison. There are also a number of requirements for sex offenders to fulfill when seeking employment where unsecured access to children is involved.

<http://www.irishstatutebook.ie/2001/en/act/pub/0018/index.html>

The **Children Act 2001** outlines the main legislation covering children and the criminal justice system. This Act focuses on preventing criminal behaviour, diversion from the criminal justice system and rehabilitation.

<http://www.irishstatutebook.ie/2001/en/act/pub/0024/index.html>

The Criminal Justice Act 2006 introduced the offence of reckless endangerment of children as recommended by the Ferns Report. This refers to a situation whereby 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.

“serious harm” means injury which creates a substantial risk of death or which causes permanent disfigurement or loss or impairment of the mobility of the body as a whole or of the function of any particular member or organ;

The Act also states that it is an offence to engage in a sexual act, or attempt to engage in a sexual act with a child under the age of 17 years.

<http://www.irishstatutebook.ie/2006/en/act/pub/0026/index.html>

The Sexual Offences Act 2006

The Criminal Law (Sexual Offences) Act 2006 was passed to plug the hole left by the [Supreme Court](#) decision in *CC v. Ireland* which struck down as unconstitutional a seventy year old provision on [statutory rape](#). The Act provides for a defence of honest mistake where, if a defendant can satisfy the court that he or she honestly believed that the person with whom the sexual activity was committed, was of consenting age at the time (which the Act now sets as seventeen years old for both sexes). The lack of such a defence in section 1(1) of the *Criminal Law Amendment Act 1935* caused the Supreme Court to declare that section void. The Act also provides for the first time that a woman could commit statutory rape, and merged the previously separate offences which related to heterosexual and homosexual statutory rape into two offences which cover both. However as an exception to the otherwise gender neutral provisions of the Act, girls under the age of seventeen cannot be found guilty of an offence under the Act. <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/acts/2006/a1506.pdf>.

APPENDIX 4

Sample Accident Form

Hostel: _____

Name of group: _____

Name of person injured: _____

Address: _____

Age: _____

Date of accident: _____

Time of accident: _____

Location of accident: _____

Detailed description of accident:

Diagram if applicable:

Nature of injury/illness:

Any treatment given:

Name and addresses of witnesses:

Follow up procedures taken:
(Name of hospital, doctor, treatment, etc.)

Parents informed by:

Signed: _____ Date: _____

Copy of this form to be retained on file

APPENDIX 5

INCIDENT REPORT FORM

Date: _____ Time: _____

Place: _____

Names of persons involved in incident (including times): _____

Detailed description of incident (including times): _____

Names and addresses of witnesses: _____

Diagram of incident (with measurements, heights etc.)

Action taken over incident _____

Parents informed by: _____

Signature _____ Date: _____

Copy of this form to be retained on file