

CHILDREN FIRST

A Guide to the Implementation
of Children First in the Youth
Work Sector

NYCI CHILD PROTECTION PROGRAMME



National Youth Council of Ireland

The National Youth Council of Ireland (NYCI) is the representative body for national voluntary youth work organisations in Ireland. It represents and supports the interests of voluntary youth organisations and uses its collective experience to act on issues that impact on young people.

www.youth.ie

NYCI Child Protection Programme

The NYCI Child Protection Programme supports and resources the youth work sector to meet its child safeguarding and child protection responsibilities. The programme is funded by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

www.childprotection.ie

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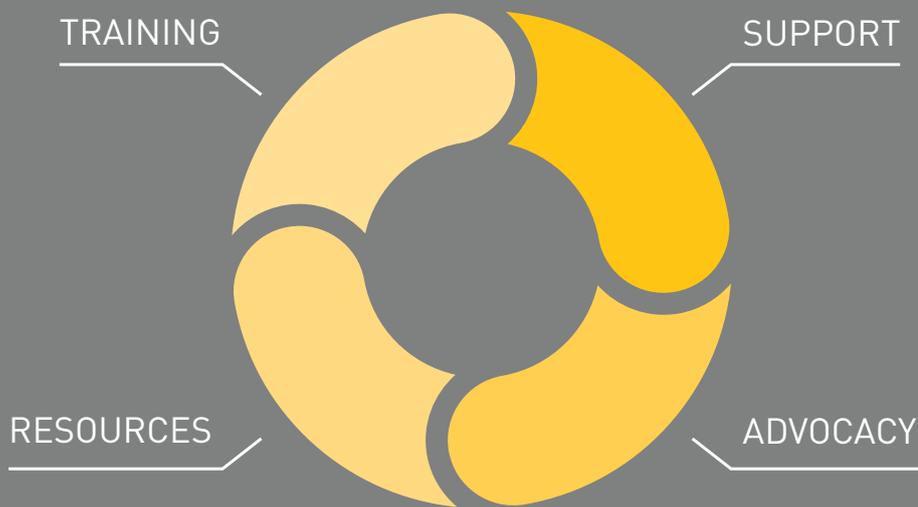
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INTRODUCTION

The National Youth Council of Ireland's Child Protection Programme, which is funded by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY), supports the youth work sector to meet their responsibilities in relation to child safeguarding and protection. This is achieved through the provision of training, the development of resource materials, support and guidance, and advocacy.



Purpose of this Guidance

This guidance document has been written for those who are working and volunteering in the youth work sector. It is essential for all of us who are engaging with young people to understand our responsibilities in child safeguarding and child protection. This publication highlights how Children First provides the official guidance and resources regarding child safeguarding and child protection responsibilities in Ireland, and endeavours to support and contextualise the implementation of Children First for the youth work sector.

The youth work sector is based on a set of core principles and values, with an underlying commitment to ensuring that young people are safe and protected from harm while in our care. The sector is also committed to supporting young people who may be experiencing adversity in their lives.

Target Audience for this Guidance

This has been written for a range of youth services, projects, and clubs. It is particularly aimed at those in positions of responsibility such as youth service managers, senior youth workers and volunteers, to assist them to identify and meet their organisational and individual responsibilities in relation to child safeguarding and protection.

The guidance contained in this document is laid out in sections which relate to these responsibilities, and contains information on the implementation of Children First, which has been contextualised specifically for the youth work sector.

This resource is designed to support best practice in child safeguarding for the youth work sector, and to help you comprehend your responsibilities as they relate to Children First.



Sophie Burfurd

National Child Protection Manager
National Youth Council of Ireland
May 2021



INTRODUCTION

There are a number of key pieces of legislation that relate to child welfare and protection which are outlined in this document. The most significant development in recent legislation was the full commencement of the **Children First Act 2015** in December 2017, and the publication of the revised **Children First: National Guidance for the Protection and Welfare of Children 2017** (Children First Guidance). Together these are known as 'Children First' and are used as a generic term to capture the responsibilities which they outline. When you hear 'Children First' this encompasses the Guidance, the Act, and the implementation of both.

The **Children First Guidance** sets out definitions of abuse, and signs for its recognition. The Guidance describes how reports about reasonable concerns of child abuse or neglect should be made to the statutory authorities and it sets out what organisations need to do to keep children safe. It also describes the obligations under the Children First Act 2015 and to whom they apply.

The **Children First Act 2015** places elements of the Children First Guidance on a statutory footing. In particular, two key elements of the Act are the mandated reporting of abuse, and the publication of Child Safeguarding Statements by organisations working with children and young people. It also provides for the statutory basis of the Children First Interdepartmental Implementation Group.

Children First provides the official guidance and resources regarding child safeguarding and child protection responsibilities in Ireland.

When you hear 'Children First' this encompasses the Guidance, the Act, and the implementation of both.



POLICY AND LEGISLATIVE CONTEXT

The Children First Act 2015 was fully commenced in December 2017. It particularly brought about two significant changes for services working with children, including youth services. Firstly, organisations who are considered to be 'relevant services' under the Act (see Appendix Two 'Schedule of Relevant Services under the Children First Act 2015') now have particular legal obligations.

Youth work services are considered to be 'relevant services' and are captured under point 5 of the Schedule Of Relevant Services in the Act - 'Any work or activity which consists of the provision of- (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children'.

The obligations of these relevant services are - first and foremost - to keep children safe from harm while they are using your service. To achieve this, relevant services must carry out a **risk assessment of harm** to children and young people while availing of your service, and to produce a **Child Safeguarding Statement (CSS)**. Your organisation is required to have a procedure in place for appointing a 'relevant person' as the point of contact for the CSS. For more information on this please see Section Two.

Youth organisations should also have in place their **child safeguarding and protection policy** which contains clear procedures to address all aspects of child safeguarding and protection, which reflect the context in which they work, and which are in line with Children First. For more information on this please see Section Three.

Secondly, the Act introduced **mandatory reporting** for the first time in Ireland. Schedule Two of the Act names particular professionals (including professional youth workers who are employed in a youth service and youth service managers) who are now mandated or *legally required* to report harm of children and young people to the statutory authorities (see Appendix Three 'Schedule of Mandated Persons under the Children First Act 2015').

Youth work services are considered to be 'relevant services'.



Up until the commencement of the Children First Act 2015, reports of reasonable grounds were made in line with Children First National Guidance, as national policy. Reports were made under the principle that everyone has a responsibility for child protection, but there was no legal requirement to report.

Since December 2017 and the full commencement of the Children First Act, there is now a **legal obligation on mandated persons to report** child protection concerns at, or above, a defined threshold to Tusla. The legal obligation to report under the Act applies only to information that the mandated person acquires in the course of their professional work or employment. It does not apply to information acquired outside of that professional or employment mandate, or information given to you on the basis of a personal rather than a professional relationship. While the legal obligation to report only arises for employment or professional duties, you should comply with the requirement of Children First Guidance to report all reasonable concerns to Tusla.

If you are ever uncertain about whether you have acquired information in your capacity as a mandated person or not- this **should not** interfere with you making a report. When in doubt, consult with Tusla for guidance and always make a report to Tusla for any reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. Importantly, a mandated person's legal obligation under the Children First Act 2015 to report mandated concerns rests with them, and not with the Designated Liaison Person or anybody else in their organisation.

Although youth work **volunteers** are not mandated i.e., they are not legally required to report under Children First legislation, they **are** compelled under Children First National Guidance, and under their own organisation's policies and procedures, to report concerns to their Designated Liaison Person or directly to the statutory authorities. The introduction of mandatory reporting does not change this situation for youth work volunteers, and it is very important that youth organisations communicate clearly to everyone that **we all have a responsibility to report** reasonable grounds for concern.

There is a now a legal obligation on mandated persons to report child protection concerns at, or above, a defined threshold to Tusla.



Importantly, legislation outside of Children First (Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012) already makes it an offence to **withhold information** from the statutory authorities relating to the commission of a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person.

The Children First Act also requires mandated persons to assist Tusla, if requested, in assessing the risk to a child from a mandated report. This is referred to as **'mandated assisting.'** This permits Tusla to ask a mandated person to provide any necessary and proportionate assistance to aid Tusla in their assessment of child protection and welfare concerns about a child who has been the subject of a mandated report. This can be done if Tusla reasonably believes the mandated person is in a position to assist for those purposes. 'Assistance,' for instance, could include verbal or written information or attendance at meetings. Importantly, the mandated person must comply regardless of who made the mandated report (i.e., it may not be the mandated person themselves who made the report).

Any youth organisation should consider the appointment of a Designated Liaison Person(s) as best practice in child safeguarding, as outlined in the National Guidance. The DLP ensures that child protection reporting procedures are followed within the organisation. They are a source of knowledge and guidance for staff and volunteers, and act as a liaison with outside agencies. The DLP should be an official appointment that is provided for in the organisation's child protection policy and procedures, and they should be supported to receive formal training in the DLP role.

Any youth organisation should consider the appointment of a Designated Liaison Person(s) as best practice in child safeguarding



REMEMBER:

IT IS EVERYONE'S RESPONSIBILITY TO PROTECT CHILDREN AND YOUNG PEOPLE AND TO REPORT CHILD PROTECTION AND WELFARE CONCERNS.

RESPONSIBILITIES OF YOUTH ORGANISATIONS

In order to implement Children First, all youth organisations are required to have

Staff and Volunteers who:

- Have been recruited and selected according to best practice and legislative requirements
- Receive ongoing training and instruction appropriate to their role and responsibilities
- Receive ongoing support and supervision
- Receive support from their organisation's Designated Liaison Person (DLP)

And who are operating under their organisation's:

- Risk Assessment of Harm
- Child Safeguarding Statement (CSS)
- Child Protection Policy with Procedures
- Code of Behaviour

Youth Organisations have a number of responsibilities under Children First



**RISK ASSESSMENT
OF HARM**

**CHILD SAFEGUARDING
STATEMENT**



REMEMBER:

ALL YOUTH ORGANISATIONS WILL DIFFER IN MANY WAYS, AND THE ORGANISATION'S STRUCTURE, POLICY AND PROCEDURES MUST REFLECT THEIR OWN SPECIFIC CONTEXT

SECTION 2 CHILD SAFEGUARDING STATEMENTS

INTRODUCTION

One of the main objectives of Children First is to ensure that your organisation keeps children safe from harm while they avail of your service. All relevant services, which includes youth services, clubs, and projects, are required to have a Child Safeguarding Statement (CSS).

Your organisation must keep children safe from harm while they avail of your service



RISK ASSESSMENT

The first step in producing the CSS involves carrying out a risk assessment of harm or potential harm to children while they are in your organisation's care. This is part of the requirement. Your organisation then uses this risk assessment to draft a Child Safeguarding Statement on how these risks will be managed.

A risk assessment is an exercise where your organisation examines all aspects of your service from a safeguarding perspective to establish whether there are any practices or features of your service that have the potential to put children at risk of harm. You are then enabled to develop a child protection policy/policies which contains clear procedures to minimise risk.

It is important to remember that the requirement of the Act is to focus on harm, or potential harm, while carrying out your risk assessment. The Act defines harm as follows: "harm means in relation to a child –

(a) Assault, ill-treatment, or neglect of the child in a manner that seriously affects or is likely to seriously affect the child's health, development, or welfare, or

(b) Sexual abuse of the child,

whether caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances or otherwise."

A risk assessment is an exercise where your organisation examines all aspects of your service from a safeguarding perspective.



REMEMBER:

WHEN EXAMINING RISK, IT IS IMPORTANT TO UNDERSTAND THAT IT IS IN THE CONTEXT OF RISK OF ABUSE AND NOT GENERAL HEALTH AND SAFETY.

CARRYING OUT A RISK ASSESSMENT IN YOUR YOUTH ORGANISATION

The steps in carrying out a risk assessment in your youth organisation usually include:

1. Engage with young people, staff and volunteers in your organisation in identifying **who or what** might cause harm to young people using your service.
2. Consider each potential risk in terms of **how serious** the consequences of this harm would be, and how likely it is to occur, and apply a scoring or ranking system to it.
3. Consider **who has responsibility** in your organisation for managing each area of identified risk.
4. Consider what **procedures** are already in place, and what procedures need to be put into place, to respond to all identified risks.
5. Identify **actions** which need to be completed by whom, and by when.
6. Produce a written document of this risk assessment, and keep the risk assessment under **review and monitor** the implementation and effectiveness of the procedures in place.

Engage with young people, staff and volunteers in your organisation in identifying who or what might cause harm to young people using your service.



REMEMBER:

IT IS NOT POSSIBLE TO ELIMINATE ALL RISK COMPLETELY, BUT RISK CAN BE SIGNIFICANTLY REDUCED IF PROPERLY MANAGED.

CHILD SAFEGUARDING STATEMENT

After the risk assessment has been completed, organisations are required to develop a written Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified.

Your Child Safeguarding Statement must include a written assessment of the risks of ‘harm’ to a child that you have identified in your risk assessment, and specify the procedures that are in place to manage any risk identified.

The Child Safeguarding Statement specifies the services being provided, and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of your service is safe from harm. It should provide an overview of the measures that your organisation has in place to ensure that children are protected from harm.

Your organisation must ensure that you give the Child Safeguarding Statement to all staff and volunteers, and, on request, to a parent or guardian of a child in your service, to Tusla, and to members of the public. The CSS must be displayed publicly in a prominent place in your service. Tusla will maintain a register of non-compliance for service providers who fail to provide a copy to Tusla if requested.

If you are a large and complex youth organisation, with regional/local structures or with various programmes/a range of services, you may need to consider whether to have a single overarching CSS and/or separate CSSs for individual units of service.

It should provide an overview of the measures that your organisation has in place to ensure that children are protected from harm.



As of March 11th, 2018, all providers of 'relevant services' which are in operation for greater than three months are legally required to have a Child Safeguarding Statement in place. The CSS must be reviewed at least every two years (24 months) **or sooner** if there are any changes to the issues it contains, or any material changes to the services you provide to children and young people.

Your organisation must also have in place a procedure to **appoint a 'relevant person'** to be the first point of contact in respect of the organisation's Child Safeguarding Statement. Their name and contact information within the organisation should be included in the Child Safeguarding Statement.

Please see Appendix Four for a sample template of a CSS from Tusla's 'Guidance on Developing a Child Safeguarding Statement.' You can go to www.tusla.ie/publications for a full copy and for more guidance on developing a Child Safeguarding Statement.

All providers of 'relevant services' are legally required to have a Child Safeguarding Statement in place.



REMEMBER:

YOU SHOULD ENSURE YOUR CHILD SAFEGUARDING STATEMENT IS WRITTEN IN LINE WITH THE REQUIREMENTS OF CHILDREN FIRST

SECTION

3 POLICIES
AND
PROCEDURES

INTRODUCTION

As stated in the previous chapter, the Child Safeguarding Statement outlines the procedures to be observed in order to ensure, as far as practicable, that a child availing of your service is safe from harm. It should provide an overview of the specified procedures your organisation must have in place to:

- Manage the risks identified in the Child Safeguarding Statement
- Maintain a list of the persons (if any) in the organisation who are mandated persons
- Appoint a relevant person for the Child Safeguarding Statement
- Ensure that the organisation and its employees (whether a mandated person or otherwise) report to Tusla in accordance with the Children First Act 2015
- Respond in respect of any staff/ volunteer who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child availing of the relevant service
- Select and recruit staff and volunteers with regard to that person's suitability to work with children
- Provide any necessary information, instruction and training for staff and volunteers in relation to the identification of the occurrence of harm and child safeguarding issues.

Organisations must have in place a child safeguarding and protection policy, outlining in detail the safeguarding and child protection procedures which must be followed by everyone within the organisation.



For the information on these procedures, organisations must have in place a **child safeguarding and protection policy**, outlining in detail the safeguarding and child protection procedures which must be followed by everyone within the organisation.

Some organisations may have a number of detailed policies and procedures that are dedicated to specific areas of child safeguarding and protection. Policies and procedures should be clearly linked, and will be structured differently for each organisation depending on the context in which they work.

While fulfilling your obligations, a child safeguarding and protection policy (or policies) also present a genuine commitment on behalf of your organisation to uphold children's rights in all aspects of your work.

The benefits of having a child safeguarding and protection policy in your youth organisation include:

- Clear communication in respect of keeping children safe from harm
- Consistency in approach when dealing with and responding to child protection and safeguarding issues
- Prompt and appropriate responses to concerns regarding a child's safety or wellbeing
- A protective and empowering culture within the youth organisation for young people.

A child safeguarding and protection policy also presents a genuine commitment to uphold children's rights in all aspects of your work.



REMEMBER:

ALL INFORMATION IN YOUR ORGANISATION'S OWN CHILD SAFEGUARDING AND PROTECTION POLICIES MUST BE IN LINE WITH CHILDREN FIRST

A youth organisation’s child safeguarding and protection policy and procedures must reflect the context in which they work, and refer to their own structures, range, and type of services. They usually contain the following areas (not an exhaustive list):

- Guiding Principles
- Recruitment, Supervision and Training
- Recognising, Responding and Reporting Child Welfare and Child Abuse Concerns
- Responding to Allegations
- Guidance on Managing Information
- Working Safely with Young People

This section will outline key information to consider on each of these areas, and for more detail and official guidance please see Tusla’s ‘Child Safeguarding: A Guide for Policy, Procedure and Practice’ which you can download from www.tusla.ie/publications

A youth organisation’s child safeguarding and protection policy and procedures must reflect the context in which they work.



DECLARATION OF GUIDING PRINCIPLES

This is often also referred to as a 'policy statement,' and it is **different** to the Child Safeguarding Statement. Your Guiding Principles essentially confirm your commitment to keep children and young people safe, and set the tone for your child safeguarding and protection policies and procedures.

Tick the box: YES / NO / IN PROGRESS

DO YOUR GUIDING PRINCIPLES INCLUDE:	YES	NO	IN PROGRESS
Your intention to keep children/young people safe?			
Your commitment to the underlying principle that the welfare of the child is paramount (paramountcy principle)?			
The scope: whom the policy covers? For example, volunteers, staff, management, students, junior leaders, tutors, contract and seasonal staff etc.			
The geographical boundaries of the policy? For example, on and off site, online work, trips away, inter-agency work etc.			
Clear procedures on inter-agency working, and child protection and safeguarding responsibilities of all parties?			
That the procedures contained are in line with provisions of Children First legislation and policy?			
That the procedures and practices will be reviewed on a bi/annual basis?			

RECRUITMENT, SUPERVISION AND TRAINING

DOES YOUR POLICY INCLUDE THE PROCESS FOR:	YES	NO	IN PROGRESS
Applications, including Garda Vetting?			
Verification of identity and of qualifications?			
Selection process, procedures for assessment of suitability?			
Comprehensive processes for reference checking?			
Induction and probationary period?			
Ongoing supervision and support procedures?			
Child protection training and instruction/information for staff, management, and volunteers appropriate to their role and responsibility?			

RECOGNISING, RESPONDING AND REPORTING CHILD WELFARE AND CHILD ABUSE CONCERNS

DOES YOUR POLICY INCLUDE THE PROCESS FOR:	YES	NO	IN PROGRESS
Recognising the types of child abuse and welfare concerns, as per Children First?			
Recognising reasonable grounds for concern, as per Children First?			
Recognising the threshold of harm for mandated persons, as per Children First?			
Dealing with a disclosure of abuse by a young person?			
Contacting the Designated Liaison Person - name(s) and contact details and process?			
Appointing a relevant person in respect of your Child Safeguarding Statement?			
Procedure for identifying and maintaining a list of all mandated persons in your organisation?			
Identification of responsibilities of mandated persons and non-mandated persons?			
Seeking advice when unsure if concern meets threshold for reporting?			
Procedure for responding to child protection and welfare concerns?			
Procedure for making a report to the statutory authorities- Tusla and An Garda Síochána?			
Procedure for informing parents/guardians when making a report?			
Recording information- including any decisions made re: not reporting to the statutory authorities?			
Responding to a situation 'out of hours'?			
Responding to retrospective disclosures of child abuse from an adult?			

RESPONDING TO ALLEGATIONS OF ABUSE

DOES YOUR POLICY INCLUDE THE PROCESS FOR:	YES	NO	IN PROGRESS
Allegations of Abuse made against an Employee			
Responding to allegations of abuse and/or breaches of code of behaviour by any employee?			
Implementing two separate procedures with a different named person in place: <ul style="list-style-type: none"> to deal with and respond to the allegations of abuse in relation to the child and follow all child protection and welfare reporting procedures (DLP assigned to this) to deal with the employee and the internal personnel procedure (CEO/ Chairperson to be assigned to this)? 			
Including measures that clarify a dual responsibility in respect of both the child/young person and the staff/volunteer, but that establish the risk of harm to the child as the paramount consideration?			
Including measures that consider the principle of natural justice- the right of the person subject to the abuse allegation to fair procedures in relation to the allegation and investigation?			
Notifying and liaising with Tusla and/ or An Garda Síochána wherever indicated to ensure there is no impediment to the investigation?			
Putting in place pathways for a proportionate and safe response i.e., protective action/ supervision/suspension of the staff member or volunteer pending assessment and investigation of allegation?			
Informing, where appropriate, parents/guardians/ young people and children of actions planned and taken?			
Support measures for the child/young person?			
Support measures for everyone impacted, including the person against whom an allegation has been made and for any other individuals involved i.e., another person who made the allegation, witnesses to an incident etc.			

RESPONDING TO ALLEGATIONS OF ABUSE

DOES YOUR POLICY INCLUDE THE PROCESS FOR:	YES	NO	IN PROGRESS
Allegations of Abuse made against a Young Person			
Responding to allegations of abuse and/or breaches of code of behaviour, by a young person?			
Procedures for making a report to Tusla for both the victim(s) and alleged perpetrator(s), where abuse is alleged to have been carried out by another child?			
Putting in place pathways for a proportionate and safe response i.e., protective action/ proportionate measures put in place for the young person(s) pending assessment and investigation of allegation?			
Informing, where appropriate, parents/guardians/ young people and children of actions planned and taken?			
Support measures for the child/young person who is the alleged victim?			
Support measures for all the young people impacted, including the young person against whom an allegation has been made and any other individuals involved i.e., another person who made the allegation, witnesses to an incident etc.			

GUIDANCE ON MANAGING INFORMATION

DOES YOUR POLICY INCLUDE THE PROCESS FOR:	YES	NO	IN PROGRESS
A statement on confidentiality?			
The communication of the limits on confidentiality to young people and parents?			
Clarity around the appropriate circumstances for sharing of information in the best interest of the child and on a need-to-know basis, as per Children First?			
The recording of information appropriately?			
Managing access to sensitive information and ensuring confidentiality?			
Updating and reviewing information regularly?			
An appropriate and secure system for retention, storage and archiving of information and records: physical and electronic?			
The process for sharing or allowing access to information?			
The sharing of information with parents/guardian and children?			
The systems for communicating information both internally and externally to other organisations in relation to child protection and welfare issues?			

CODE OF BEHAVIOUR FOR EMPLOYEES - WORKING SAFELY WITH YOUNG PEOPLE

Your Code of Behaviour provides boundaries and helps prevent unintended misunderstandings or confusion about best practice. Your Code will be guided by the needs of the young people you work and the nature of your work.

DOES YOUR CODE INCLUDE INFORMATION ON:	YES	NO	IN PROGRESS
The scope: whom the Code of Behaviour applies to?			
Appropriate adult supervision and ratios?			
Appropriate relationships and boundaries between leaders and young people?			
Appropriate physical contact?			
Appropriate language?			
Appropriate behaviour when addressing challenging behaviour?			
Procedures for dealing with bullying?			
Considerations for off-site activities and overnight trips away?			
Considerations for one-to-one/outreach/detached youth work?			
Safe use of digital technology and clear procedures for online communications?			
Safe use of transport, both public and private?			
Consideration for working with children with special needs or vulnerable young people?			
Procedures for inducting an employee to your Code of Behaviour and arrangements for signing up to the Code?			

For details on developing a Code of Behaviour when working with young people please see NYCI's Guide to Working Safely with Young People which can be downloaded from www.childprotection.ie

SECTION 4 PUTTING POLICY INTO PRACTICE

INTRODUCTION

Having in place robust child safeguarding and protection structures and procedures is hugely important, as well as legally required. However, if these safeguarding and child protection structures and procedures are not communicated, implemented, or monitored regularly they will be ineffective in providing a safe environment for young people and will not be responsive to their needs. **A policy is only as good as its implementation.**

Therefore, it is essential that as well as having all of these structures and procedures in place, they must also be fully understood, signed up to and adhered to by everyone within your organisation in order for them to be effective. In order to achieve this, a suggested system of implementation, monitoring and review is outlined below.

These structures and procedures must also be fully understood, signed up to and adhered to by everyone within your organisation in order for them to be effective.



IMPLEMENTATION, MONITORING AND REVIEW

To ensure your procedures are put into practice by everyone in your organisation you must put in place an implementation plan.

This plan sets out suggested actions to **develop your structures and procedures**, and identify who has responsibility for this and in what timeframe it must be completed.

For example:

- Forming a child safeguarding subcommittee of the Board/governance structure
- Appointing a Designated Liaison Person and Deputy DLP(s). DLPs are a specified role, they are responsible for ensuring that organisational reporting procedures are followed correctly and promptly and they are a resource and liaison regarding child protection concerns within the organisation.

The plan should also describe the actions required to **monitor their effectiveness** and whether they have been implemented effectively across the organisation.

For example:

- Ongoing training for all staff and volunteers, and the DLP specifically. This should include re-training timeframes.
- Ensuring child safeguarding and protection is a standing agenda item on Board, management, subcommittee and relevant team meetings.
- Using case studies or scenarios with team members to work through issues and 'test' your policy.

The plan should also describe the actions required to monitor their effectiveness and whether they have been implemented effectively across the organisation.

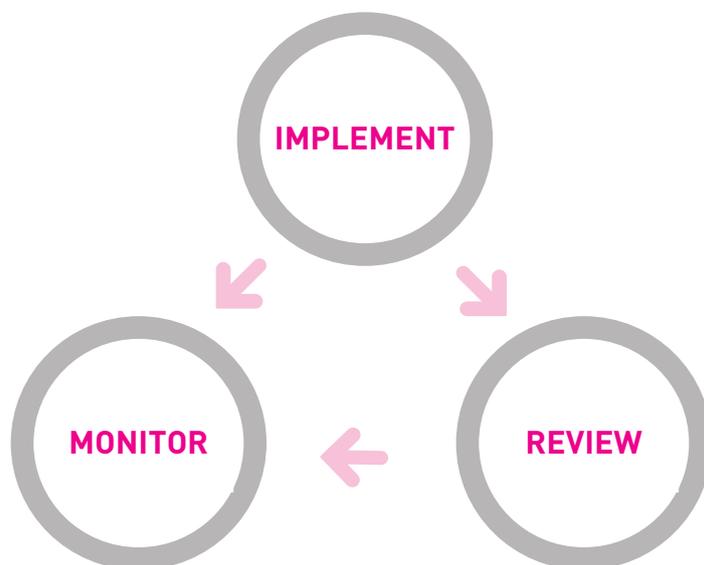


Finally, the plan should describe the process by which the procedures and structures are **reviewed and evaluated** on a regular basis and what mechanism should be used for this purpose.

For example:

- Schedule annual review process
- Request external evaluation of structures and process

This provides us with a continuous cycle of reflection and review and should help to ensure that the organisation is proactive, meeting its obligations and ultimately keeping children safe from harm.



The plan should describe the process by which the procedures and structures are reviewed and evaluated on a regular basis.



REMEMBER:

THE RESPONSIBILITY ULTIMATELY RESTS WITH THE BOARD OF MANAGEMENT/
GOVERNANCE STRUCTURE OF THE ORGANISATION TO FULFIL THEIR CHILD
SAFEGUARDING AND PROTECTION RESPONSIBILITIES

GUIDANCE, RESOURCES AND TRAINING

Training is available for those in the youth work sector through the Child Protection Programme in the National Youth Council of Ireland. For more information go to www.childprotection.ie

- Child Protection Awareness Programme
- In-house/tailored child protection and safeguarding training
- Designated Liaison Person Training
- Board of Management Information Session
- Online Safety and Awareness in Youth Work Training
- Certificate in Child Protection and Welfare

Youth Work Resources on Child Protection from the NYCI Child Protection Programme are available on www.childprotection.ie including:

- Working Safely in a Youth Club
- Protecting our Children and Young People
- Garda Vetting Guide
- Web Safety in Youth Work Website

Tusla Resources on Child Protection and Children First are available on www.tusla.ie including:

- Children First National Guidance for the Protection and Welfare of Children 2017
- Guidance on Developing a Child Safeguarding Statement
- A Guide for the Reporting of Child Protection and Welfare Concerns
- Child Safeguarding: a Guide for Policy, Procedure, and Practice
- Mandated Assisting Protocol for Tusla staff

Training is available for those in the youth work sector.



APPENDIX ONE

Additional Legislation

Child Care Act 1991 - This is the key piece of legislation which regulates childcare policy in Ireland. Under this Act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

Protection for Persons Reporting Child Abuse Act 1998 - This Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns about a child from mandated persons under the Children First Act 2015.

This legal protection means that even if you report a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that you had not acted reasonably and in good faith in making the report. If you make a report in good faith and in the child's best interests, you may also be protected under common law by the defence of qualified privilege.

You can find the full list of persons in Tusla and the HSE who are designated officers under the 1998 Act, on the website of each agency (www.tusla.ie and www.hse.ie).

Criminal Justice Act 2006 - Section 176 of this Act created an offence of reckless endangerment of children. This offence may be committed by a person who has authority or control over a child or abuser who intentionally or recklessly endangers a child by:

1. Causing or permitting the child to be placed or left in a situation that creates a substantial risk to the child of being a victim of serious harm or sexual abuse; or
2. Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation.

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 - Under this Act, it is a criminal offence to withhold information about a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person. The offence arises where a person knows or believes that a specified offence has been committed against a child or vulnerable person and he or she has information which would help arrest, prosecute or convict another person for that offence, but fails without reasonable excuse to disclose that information, as soon as it is practicable to do so, to a member of An Garda Síochána.

The provisions of the Withholding legislation are in addition to any reporting requirements under the Children First Act 2015.

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 -

Under these Acts, it is compulsory for employers to obtain vetting disclosures in relation to anyone who is carrying out relevant work with children or vulnerable adults. The Acts create offences and penalties for persons who fail to comply with their provisions. Statutory obligations on employers in relation to Garda vetting requirements for persons working with children and vulnerable adults are set out in the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016.

Criminal Law (Sexual Offences) Act 2017 - This Act addresses the sexual exploitation of children and targets those who engage in this criminal activity. It creates offences relating to the obtaining or providing of children for the purposes of sexual exploitation. It also creates offences of the types of activity which may occur during the early stages of the predatory process prior to the actual exploitation of a child, for example, using modern technology to prey on children and making arrangements to meet with a child where the intention is to sexually exploit the child. The Act also recognises the existence of underage, consensual peer relationships where any sexual activity falls within strictly defined age limits and the relationship is not intimidatory or exploitative.

(Taken from Children First National Guidance for the Protection and Welfare of Children 2017)

Domestic Violence Act 2018

The Domestic Violence Act 2018 replaces the Domestic Violence Act 1996 and the Domestic Violence (Amendment) Act 2002 and addresses protections available to victims of domestic violence under both the civil and criminal law. The Act creates a new criminal offence of forced marriage. It is no longer possible to get a Court Exemption Order allowing a marriage to proceed if one or both parties are under 18 years. One of the key new protections for victims under the criminal law introduced by the Act is the creation of a new offence of coercive control. Importantly, all partners in an intimate relationship are eligible for Safety and Protection orders, with no need of cohabitation. It also introduced provisions where the court will be able to seek the views of children where a safety or barring order is sought on behalf of a child.

APPENDIX TWO

Schedule of Relevant Services under the Children First Act 2015

Children First Act 2015 - Schedule 1, Relevant Services

1. Any work or activity which is carried out by a person, a necessary and regular part of which consists mainly of the person having access to, or contact with, children in-
 - a. an establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991,
 - b. a school or centre of education, both within the meaning of the Education Act 1998,
 - c. any hospital, hospice, health care centre or other centre which receives, treats or otherwise provides physical or mental health services to children,
 - d. a designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities,
 - e. a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991,
 - f. a children detention school within the meaning of section 3 of the Children Act 2001,
 - g. a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated, or
 - h. a centre which provides residential accommodation services to victims of domestic violence where children may be accommodated.
2. Any work or activity which consists of the inspection of a service provided to a child under the Child Care Act 1991, the Education Act 1998, the Children Act 2001 or the Health Act 2007.
3. Any work or activity which consists of the inspection, examination or investigation by the Office of the Ombudsman for Children under the Ombudsman for Children Act 2002.
4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.
5. Any work or activity which consists of the provision of-
 - a. educational, research, training, cultural, recreational, leisure, social or physical activities to children,
 - b. care or supervision of children, or
 - c. formal consultation with, or formal participation by, a child in respect of matters that affect his or her life, whether or not for commercial or any other consideration.
6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with, children.
7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.
8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.
9. Any work or activity which is carried out by a member of An Garda Síochána, a necessary and regular part of which consists mainly of the person having access to, or contact with, children.

APPENDIX THREE

Schedule of Mandated Persons under the Children First Act 2015

Children First Act 2015 - Schedule 2, 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.
6. Registered dentist within the meaning of section 2 of the Dentists Act 1985.
7. Psychologist who practises as such and who is eligible for registration in the register (if any) of members of that profession.
8. Social care worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register of that profession.
9. Social worker who practises as such and who is eligible for registration in accordance with Part 4 of the Health and Social Care Professionals Act 2005 in the register (if any) of that profession.
10. Emergency medical technician, paramedic and advanced paramedic registered with the Pre-Hospital Emergency Care Council under the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.J. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
14. Guardian ad litem appointed in accordance with section 26 of the Child Care Act 1991.
15. Person employed in any of the following capacities:
 - a. manager of domestic violence shelter;
 - b. manager of homeless provision or emergency accommodation facility;
 - c. manager of asylum seeker accommodation (direct provision) centre;
 - d. addiction counsellor employed by a body funded, wholly or partly, out of moneys provided by the Oireachtas;
 - e. psychotherapist or a person providing counselling who is registered with one of the voluntary professional bodies.
 - f. manager of a language school or other recreational school where children reside away from home;
 - g. member of the clergy (howsoever described) or pastoral care worker (howsoever described) of a church or other religious community;
 - h. director of any institution where a child is detained by an order of a court;
 - i. safeguarding officer, child protection officer or other person (howsoever described) who is employed for the purpose of performing the child welfare and protection function of religious, sporting, recreational, cultural, educational and other bodies and organisations offering services to children;
 - j. child care staff member employed in a pre-school service within the meaning of Part VJJA of the Child Care Act 1991;
 - k. person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
16. Youth worker who-
 - a. holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
 - b. is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.
17. Foster carer registered with the Agency.
18. A person carrying on a pre-school service within the meaning of Part VJJA of the Child Care Act 1991.

APPENDIX FOUR

Tusla Child Safeguarding Statement Sample Template

Child Safeguarding Statement

1. Name of service being provided: _____

2. Nature of service and principles to safeguard children from harm

(brief outline of what our service is, what we do and our commitment to safeguard children):

3. Risk assessment

We have carried out an assessment of any potential for harm to a child while availing of our services including the area of online safety when accessing the internet. Below is a list of the areas of risk identified and the list of procedures for managing these risks.

	Risk Identified	Procedure in place to manage risk identified
1		
2		
3		
4		
5		

4. Procedures

Our Child Safeguarding Statement has been developed in line with requirements under the Children First Act 2015, the Children First: National Guidance, and Tusla’s Child Safeguarding: A Guide for Policy, Procedure and Practice. 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 and selection of workers 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 persons (if any) in the relevant service who are mandated persons
- Procedure for appointing a relevant person

All procedures listed are available upon request.

5. Implementation

We recognise that implementation is an ongoing 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. This Child Safeguarding Statement will be reviewed on _____, or as soon as practicable after there has been a material change in any matter to which the statement refers.

Signed: _____

(Provider)

[Provider’s name and contact details] _____

For queries, please contact _____

Relevant Person under the Children First Act 2015.



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agus Gnóthaí Óige
Department of
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