



Plassey Campus Centre

CHILD SAFEGUARDING STATEMENT

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1 DEFINITIONS

Agency	Tusla - Child and Family Agency
Assault	see Physical Abuse.
Employee	means a full-time, part-time and voluntary employee of the Plassey Campus Centre.
Member(s) of Plassey campus Centre	means a person who is involved in the operation of Plassey Campus Centre including all employees, students and voluntary workers.
Associated Organisations	means contractors, visitors, external parties who are granted access to Plassey Campus Centre facilities but who are not under the direct management of the Plassey Campus Centre.
Child	means a person under the age of 18 years, excluding a person who is or who has been married, as defined in The Child Care Act 1991.
Child Safeguarding Statement	means a written statement specifying the service being provided and the principles and procedures to be observed to ensure as far as practicable, that a child, while availing of the service, is safe from harm pursuant to section 11 of the 2015 Act.
Child Protection	means the detailed procedures in place in Plassey Campus Centre for dealing with and the reporting of child protection concerns; ;working safely with children; recruiting and managing staff child safeguarding awareness and training;; involving parents and children; implementing and reviewing the safeguarding strategies, in compliance with the 2017 Guidance.
Designated Liaison Person (DLP)	means the person nominated by Plassey Campus Centre Chief Operations Officer in accordance with the 2017 National Guidance to act as the liaison person for Plassey Campus Centre to deal with the Child and Family Agency, Tusla and/or An Garda Síochána and other parties in connection with allegation(s) of and/or concerns about child abuse. For the purpose of this procedure, the DLP will also be the Relevant Person.
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.
Ill-treatment	means, in relation to a child, to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated.
Neglect	means, in relation to a child, to deprive the child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care.

Mandated Person	means a Member of Plassey Campus Centre who by virtue of their occupation, falls under the classes of persons are specified as Mandated Persons for the purposes of Schedule 2 of the 2015 Act.
Mandated Report	means a report made by a Mandated Person in accordance with Sections 14(1) & 14(2) of the 2015 Act.
Non –Mandated Person	means a Member of Plassey Campus Centre who is not a Mandated Person.
Non-Mandated Report	means any report made to Tulsa or An Garda Síochána in accordance with these procedures or in accordance with <i>Children First</i> National Guidance 2017 or Children First 2015, other than a mandated report.
Parent	means a foster parent, a guardian appointed under the Guardianship of Children Acts, 1964 to 1997, as amended by the Children and Family Relationships Act 2015 or other person acting in <i>loco parentis</i> who has a child in his or her care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts, 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter.
Physical Abuse	means when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child’s health and/ or development is, may be, or has been damaged as a result of suspected physical abuse.
Relevant Service	means a service as set out in Schedule 1 of the Children First Act 2015.
Relevant Person	means a person who is appointed by a provider of a relevant service to be the first point of contact in respect of the provider’s child safeguarding statement.
Student of UL	means any student of UL, to include any full-time, part-time, occasional, and visiting students of the University.
Sexual Abuse	means, in relation to a child <ul style="list-style-type: none"> a) an offence against the child, specified in Schedule 3 of the Children First Act 2015, b) wilful exposure of the child to pornography, or c) wilful sexual activity in the presence of the child;
A Scheduled Offence	means an offence as specified in Schedule 1 or Schedule 2 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012.
The 2015 Act	means the Children First Act 2015.

The 2017 National Guidance	means the <i>Children First: National Guidance for the Protection and Welfare of Children, 2017</i> as published by the Department of Children and Youth Affairs.
UL	means the University of Limerick
Plassey Campus Centre Child Safeguarding Statement and Child Procedures	means this document and this document will replace and override any pre-existing Child Protection Policies and other Child Protection Procedures in existence in Plassey Campus Centre. The Plassey Campus Centre Child Protection Procedure will be referred to as this throughout this document.
UL Subsidiary Organisations	All University contractors, associated organisations, visitors and/or other parties who are granted access to the University's resources and/or facilities but who are not under the direct management of UL.
Vulnerable adult	<p>means a person</p> <p>(a) who:</p> <p>(i) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or</p> <p>(ii) has an intellectual disability, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person, or</p> <p>(b) who is suffering from an enduring physical impairment or injury, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both.</p> <p>In certain cases, and pursuant to certain offences under law, this definition can apply to a child aged 17 and over.</p>
Welfare	means, in relation to a child, the moral, intellectual, physical, emotional and social welfare of the child

2 AIMS AND OBJECTIVES

The purpose of these procedures is to

- a) Ensure compliance with statutory obligations, in particular to ensure compliance with the requirements of the 2015 Act;
- b) Ensure compliance with non-statutory best practice including the 2017 Guidance;
- c) List the procedures that are in place in UL to keep children safe from harm;
- d) Ensure that children are safe from harm while availing of Plassey Campus Centre facilities;
- e) Raise awareness of child abuse and neglect amongst all members of Plassey Campus Centre;
- f) Provide information for all members of UL to recognise child abuse and neglect and in relation to the identification of the occurrence of harm;
- g) Set out a clear framework for all members of Plassey Campus Centre to show how concerns of child abuse and neglect are to be reported to Tusla and/or An Garda Síochána;
- h) Ensure that provision is made for the appropriate:
 - training of members of Plassey Campus Centre;
 - displaying of the Plassey Campus Centre Child Safeguarding Statement and the risk assessment;
 - review of the potential for harm is carried out;
 - management of risk as identified in the risk assessment;
 - safe selection and recruitment of any person as a member of staff with regard to that persons suitability to work with children.
- i) Set down procedures in respect of any member of staff 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;
- j) Ensure the safe selection and recruitment of any person as a member of staff of the provider with regard to that person's suitability to work with children;
- k) Ensure the provision of information and, where necessary, instruction and training, to members of staff of the provider in relation to the identification of the occurrence of harm;
- l) Enable the reporting to the Agency by the provider or a member of staff of the provider (whether a Mandated Person or otherwise) in accordance with the 2015 Act;
- m) A list is maintained of all of the Mandated Persons in Plassey Campus Centre and;
- n) The appointment of a Relevant Person for the purposes of the 2015 Act and;
- o) The appointment of a Designated Liaison Person (DLP) for the purposes of the 2017 Guidance.

This procedure applies to all Members of Plassey Campus Centre and it is the duty of each Plassey Campus Centre member to comply with this Child Safeguarding Statement

3 LEGAL FRAMEWORK

3.1 Relevant Legislation

There are a number of key pieces of legislation that relate to child welfare and protection. A brief overview of the relevant legislation listed below is contained in Appendix 8.

- Child Care Act 1991
- Non-Fatal Offences Against the Person Act 1997
- Protections for Persons Reporting Child Abuse Act 1998
- Criminal Justice Act 2006 - Reckless Endangerment
- Criminal Justice (Withholding Of Information On Offences Against Children And Vulnerable Persons) Act 2012
- National Vetting Bureau (Children And Vulnerable Persons) Acts 2012–2016
- Children First Act 2015
- Criminal Law (Sexual Offences) Act 2017
- Freedom of Information Acts 1997, 2003 & 2014
- The Data Protection Acts, 1998 And 2003
- General Data Protection Regulation (GDPR).

3.2 Statutory Obligations

The 2015 Act places specific obligations on organisations, which provide services to children and young people, including the requirement to:

- Keep children safe from harm while they are using Plassey Campus Centre facilities;
- Carry out a risk assessment to identify whether a child or young person could be harmed while attending Plassey Campus Centre properties or availing of Plassey Campus Centre facilities;
- Develop a Child Safeguarding Statement that outlines the policies and procedures which are in place to manage the risks that have been identified in the Plassey Campus Centre risk assessment;
- Appoint a Relevant Person to be the first point of contact in respect of Plassey Campus Centre's Child Safeguarding Statement, which is comprised as part of these procedures.

3.3 Non Statutory Guidance

Children First: National Guidance for the Protection and Welfare of Children (The 2017 Guidance) has been revised on three occasions, most recently in 2017 because of the enactment of the Children First Act 2015. The 2015 Act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

The schedule of Relevant Services under the Children First Act 2015 is contained in Appendix 6 of these procedures.

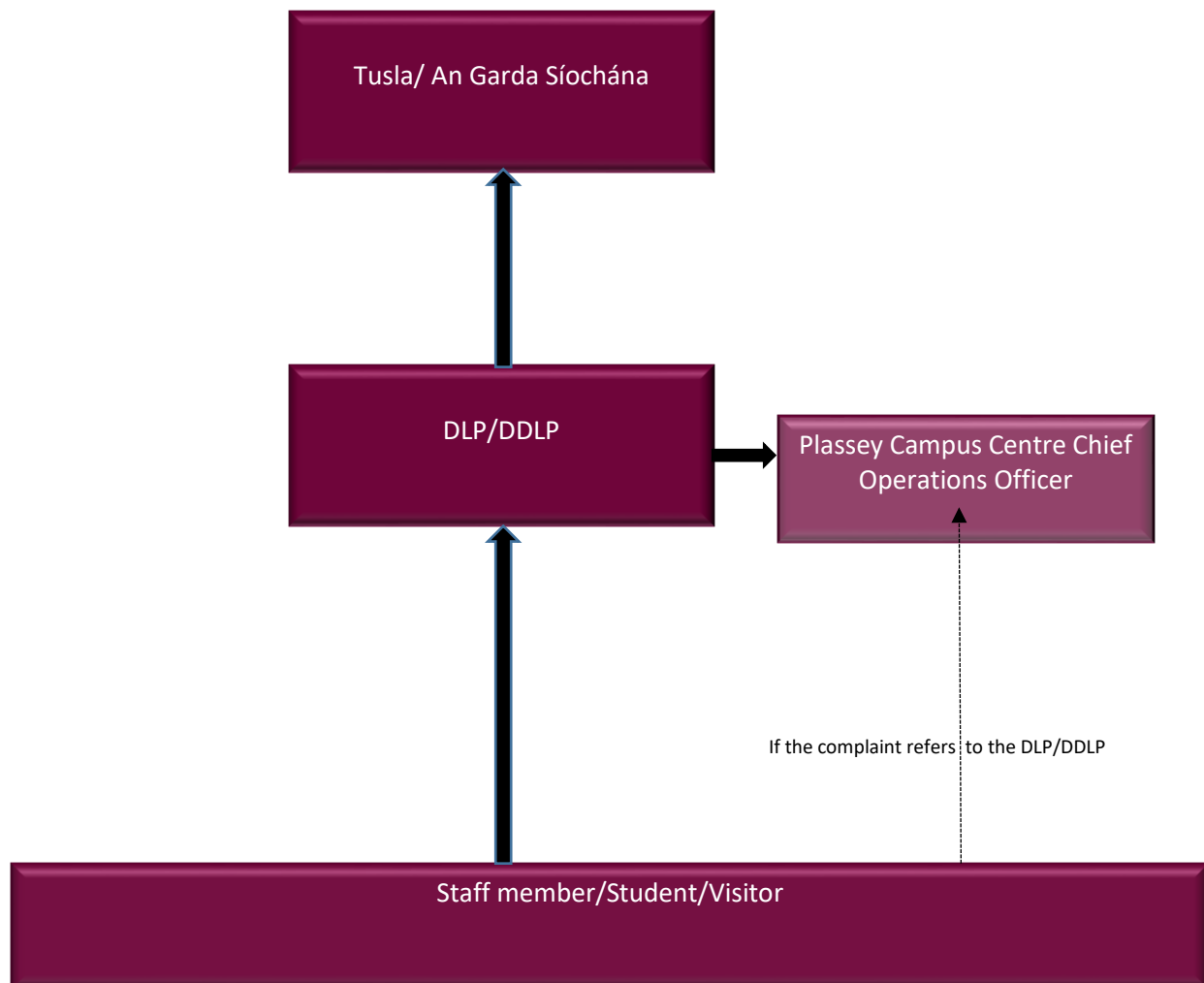
A full schedule of Mandated Persons under the Children First Act 2015 is contained in Appendix 7 of these procedures.

The procedures contained in this procedure are based *on the Children First National Guidance 2017* and in compliance with the 2015 Act, these procedures:

- Set out the statutory responsibilities for Mandated Persons and organisations under the 2015 Act
- Set out the best practice procedures that should be in place for all organisations providing services to children.

- Provide guidance in identifying and reporting child abuse and neglect and in dealing effectively with concerns
- Include information on the statutory obligations for individuals and organisations
- Provide information about how the statutory agencies respond to reports of concerns made about children.

4 OVERVIEW OF THE REPORTING RESPONSIBILITIES FOR MEMBERS OF PLASSEY CAMPUS CENTRE.



DLP- Designated Liaison Person
DDLDP- Deputy Designated Liaison Person
COO&R /DP- Chief Operations Officer

4.1 Child Protection Contact Details

Contact	Name	Contact Details
Designated Liaison Person /Relevant Person	John O'Rourke	T: 061234270 E: John.Orourke@ul.ie
Deputy Designated Liaison Person	Ellen Fitzmaurice	T: 061 202983 E: Ellen.Fitzmaurice@ul.ie
Chief Operations Officer	Michael Foley	T: 061 202360 E: Michael.Foley@ul.ie
An Garda Síochána Protective Services Unit	An Garda Síochána, Henry Street Limerick	T: 061 061-212448
Tusla Duty Social Work Service	Health Centre, Rixtown Terrace, Old Clare Street, Limerick	T: 061 483097 Or 061-483098

5 PLASSEY CAMPUS CENTRE CHILD SAFE GUARDING STATEMENT

5.1 Name of Service being Provided

Plassey Campus Centre is a University of Limerick company which manages facilities and services which contribute to campus life. Plassey Campus Centre operatives the following services:

- Student accommodation during the academic year to University of Limerick students
- Summer accommodation during May – September to visiting groups and individuals to the University of Limerick
- Provision of conference and events organisational services to groups visiting the University of Limerick.
- Visitor tours and merchandise sales via the University of Limerick visitor centre
- Oversees the commercial and catering outlets on the University of Limerick campus.

5.2 Nature of Service and Principles to Safeguard Children from Harm

Plassey Campus Centre accommodates students who may be aged under 18 and employs personnel who may be under the age of 18. Plassey Campus Centre also provides services to children which include sporting activities, summer camps, cultural activities, and many other activities, which permit children to remain on campus for periods without their parents.

Plassey Campus Centre recognises that the welfare of the child is paramount, that children should be protected, treated with respect, listened to, and have their views taken into consideration.

Plassey Campus Centre recognises its responsibility to promote and safeguard the welfare of children, young people and vulnerable persons.

Plassey Campus Centre acknowledges that all children should be valued and treated in an equitable and fair manner regardless of ability, age, gender, religion, social and ethnic background or political persuasion.

Plassey Campus Centre is committed to adopting and upholding the highest possible standards in child protection and shall take all reasonable steps in relation to the protection and welfare of children, young people and vulnerable persons who may be present within its facilities.

Plassey Campus Centre acknowledges that while the services they provide are not applicable under either schedule of the Children First Act 2015, they provide services within the grounds of the University of Limerick, which is a relevant service as set out in Schedule 1 of the Children First Act 2015.

Child Safeguarding Statement

Plassey Campus Centre has developed the following Child Safeguarding Statement including a Risk Assessment in compliance with the requirements of the Children First Act 2015 which

- a. examines all aspects of the services Plassey Campus Centre provides to children to establish whether there are any practices or features of the service/s that have the potential to put children at risk.

- b. outlines the policies and procedures which are in place to manage the risks that have been identified.

5.3 Risk Assessment

Plassey Campus Centre has undertaken a risk assessment in which it has assessed potential hazard to children while availing of the services provided by Plassey Campus Centre and details the procedures in place to for managing these risks.

List of Plassey Campus Centre Activities	Risk of Harm in respect of the activity	Procedures / Protocols in place to address risk of harm identified
1: CAMPUS, INFRASTRUCTURE		
Children visiting the UL campus.	Risk of harm to children by members of the PCC/UL Community or members of the public.	<p>24-hour campus security contractor in place.</p> <p>Security are available/contactable at all times.</p> <p>CCTV monitoring in place on campus.</p> <p>PCC's Child Safeguarding Statement is available to all staff on the shared drive.</p> <p>Children First, Child Protection training is conducted in conjunction with the University at regular intervals.</p> <p>UL Conference and Sport Campus will request that child safeguarding controls be included in event management plans submitted by the client.</p>
Members of the village residential community	<p>Risk of harm from another student resident</p> <p>Risk that a resident would not know how / where to communicate a concern or make a report.</p>	<p>PCC will publicly display the contact details for the designated liaison person and those of the relevant statutory agencies.</p> <p>PCC will include information in the student handbook that there is a commitment to providing a safe environment and an expectation that residents will behave respectfully towards each other. PCC will include in this information that it has a safeguarding statement and the contact details for the designated</p>

		liaison person's to whom concerns/reports can be direct.
Members of the public accessing Plassey Campus Centre properties.	Risk of harm to children by members of the PCC/UL Community or members of the public.	<p>24-hour campus security contractor in place.</p> <p>Security are available/contactable at all times.</p> <p>CCTV monitoring in place on campus.</p> <p>UL Conference and Sport Campus will request that child safeguarding controls be included in event management plans submitted by the client.</p>
Use of village halls/ toilet facilities.	Risk of harm to children by members of the PCC/UL Community or members of the public.	<p>Facilities are allocated for each gender.</p> <p>Facilities are maintained at regular intervals by Cleaning Services staff.</p> <p>PCC's Child Safeguarding Statement is available to all staff on the shared drive.</p>
Students under the age of 18 attending clubs and bars serving alcohol on campus.	<p>Risk of harm to children / students under 18 in campus clubs and bars serving alcohol.</p> <p>Risk of harm to children/ students under 18 being vulnerable from alcohol including excessive alcohol consumption.</p>	<p>The clubs and bars serving alcohol comply with all licensing laws.</p> <p>Children are not permitted to enter the clubs or bars on campus after 9pm.</p> <p>The club and bar operators appoint appropriate security at each of the campus clubs or bars as required.</p> <p>Staff are authorised to inspect student identity cards and other identification documents to confirm identity and age.</p> <p>Club and bar staff do not serve alcohol to intoxicated persons. Clients are required to formulate an event management plan for events on campus and submit it</p>

		to UL Conference and Sport Campus for review.
UL students under 18 years of age living in UL student villages.	<p>Risk of harm to children by members of the PCC/UL Community or members of the public.</p> <p>Harm / Abuse not being reported properly and promptly by personnel.</p>	<p>Village Management team present in all villages.</p> <p>PCC considered the applicability of the legalisation to PCC and following that review decided to take a conservative approach to the interpretation of the legalisation. This resulted in PCC deciding to vet all staff who had any potential dealings with children or vulnerable adults. The Garda National Vetting bureau have rejected our applications to Garda vett staff on the basis that PCC activities are not applicable under the Children Act 2001 or Child Care Act 1991. We have included the detailed response below.</p> <p><i>Cleaning rooms is not relevant work or activities, carrying out inspections of rooms is not relevant work or activities, having access to master keys is not relevant work or activities. Providing accommodation to those attending educational, training, cultural, recreational, leisure, social or physical activities is not relevant work and is not the same as being the provider of these activities which would come under the ambit of the Acts. To access vetting services the potential applications need to comply with the Act and the work being done needs to align with one or more of the points in Schedule 1 Part 1 or 2 and after careful consideration of your rationales, this is not considered to be the case with the roles in question here.</i></p> <p><i>13/6/19 Superintendent Niall Featherstone</i></p> <p><i>Full response can be found in Appendix 12.</i></p> <p>PCC's Child Safeguarding Statement is available to all staff on the shared drive.</p>

2: PERSONNEL		
Child Protection Training for relevant PCC Personnel	<p>Risk of harm to children by members of the PCC/ UL Community or members of the public.</p> <p>Harm / Abuse not being reported properly and promptly by personnel.</p>	<p>Designated Liaison Person (DLP) /Deputy Designated Liaison Person (DDLDP) avail of training provided by professional organisations.</p> <p>The COO is responsible to ensure staff attend the appropriate level of Children First, Child Protection training and maintain staff training records.</p> <p>All PCC personnel who have contact with / engage with children are requested to do the Tusla Children First training and provide a copy of the certificate of completion.</p> <p>Training can be found at: https://www.tusla.ie/children-first/children-first-e-learning-programme/</p> <p>The PCC Child Safeguarding Statement is available to all members of PCC on the shared drive.</p>
Recruitment of Plassey Campus Centre staff	<p>Risk of a child being harmed by a member of the PCC/UL Community.</p> <p>Indicators of harm /abuse not being recognised by PCC personnel</p>	<p>Recruitment teams issue job description for each position detailing the required qualifications and the job role being recruited for.</p> <p>Designated Recruitment teams appoint staff with appropriate qualifications and experience. PCC recruitment procedures in place.</p> <p>Candidates undertake a formal interview.</p> <p>Reference checks are completed on successful candidates.</p> <p>PCC considered the applicability of the legalisation to PCC and following that review decided to take a conservative approach to</p>

		<p>the interpretation of the legalisation. This resulted in PCC deciding to vet all staff who had any potential dealings with children or vulnerable adults. The Garda National Vetting bureau have rejected our applications to Garda vet staff on the basis that PCC activities are not applicable under the Children Act 2001 or Child Care Act 1991. We have included the detailed response below.</p> <p><i>Cleaning rooms is not relevant work or activities, carrying out inspections of rooms is not relevant work or activities, having access to master keys is not relevant work or activities. Providing accommodation to those attending educational, training, cultural, recreational, leisure, social or physical activities is not relevant work and is not the same as being the provider of these activities which would come under the ambit of the Acts. To access vetting services the potential applications need to comply with the Act and the work being done needs to align with one or more of the points in Schedule 1 Part 1 or 2 and after careful consideration of your rationales, this is not considered to be the case with the roles in question here.</i></p> <p><i>13/6/19 Superintendent Niall Featherstone</i></p> <p><i>Full response can be found in Appendix 12.</i></p> <p>All new recruited staff undergo a probationary period.</p> <p>The PCC Child Safeguarding Statement is made available to all PCC staff on the shared drive.</p> <p>PCC request all staff working with children to undertake the Tusla training module and any online training as may be required from time to time.</p>
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		<p>Children First, Child Protection training is provided on- campus each academic semester.</p> <p>All concerns shall be reported to the DLP.</p>
Retrospective vetting	<p>Risk of a child being harmed by a member of the PCC/UL community.</p> <p>Indicators of harm /abuse not being recognised by PCC personnel</p>	<p>All PCC staff, security contractors, maintenance contractors and cleaning operatives have completed retrospective garda vetting.</p>
Children on campus via language schools, summer camps/schools, sporting events.	<p>Risk of a child being harmed by a member of the PCC/UL Community.</p> <p>Indicators of harm /abuse not being recognised by PCC personnel.</p>	<p>The PCC child safeguarding statement is available to all staff on the shared drive.</p> <p>A local risk assessment must be conducted by the programme organiser to identify required staff vetting and organise necessary controls while children are on- campus.</p> <p>In the event of a PCC staff member finding an unaccompanied child who is not a PCC/UL member they are required to report this to on-campus security.</p> <p>Security staff provided on-campus.</p> <p>CCTV access is maintained at all times.</p>
Volunteers involved in activities in PCC facilities.	<p>Risk of child being harmed by a volunteer / parent person while child participating in PCC activities/ in PCC facilities.</p> <p>Risk of Harm / Abuse not being reported properly and promptly by Volunteers/ Parents.</p>	<p>Child safeguarding controls shall be included in events management plan submitted the to the Buildings and Estates department.</p> <p>PCC considered the applicability of the legalisation to PCC and following that review decided to take a conservative approach to the interpretation of the</p>

		<p>legalisation. This resulted in PCC deciding to vet all staff who had any potential dealings with children or vulnerable adults. The Garda National Vetting bureau have rejected our applications to Garda vett staff on the basis that PCC activities are not applicable under the Children Act 2001 or Child Care Act 1991. We have included the detailed response below.</p> <p><i>Cleaning rooms is not relevant work or activities, carrying out inspections of rooms is not relevant work or activities, having access to master keys is not relevant work or activities. Providing accommodation to those attending educational, training, cultural, recreational, leisure, social or physical activities is not relevant work and is not the same as being the provider of these activities which would come under the ambit of the Acts. To access vetting services the potential applications need to comply with the Act and the work being done needs to align with one or more of the points in Schedule 1 Part 1 or 2 and after careful consideration of your rationales, this is not considered to be the case with the roles in question here.</i></p> <p><i>13/6/19 Superintendent Niall Featherstone</i></p> <p><i>Full response can be found in Appendix 12.</i></p> <p>All UL Conference and Events volunteers who deal with or work with children shall be required to undergo Child Protection training</p> <p>All UL Conference and Events volunteers involved in UL activities are provided with a copy of the UL Child Safeguarding Statement.</p>
3. COMMUNICATION		
Images		

Use of camera / mobile phone camera	Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images.	Members of PCC are forbidden from photographing or recording images in changing rooms, toilet area or locker rooms. Photographs and/or recorded images of children cannot be used or shared without the prior approval of parents/guardians and the children themselves.
Posting of team photographs/cultural photographs on social media	Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images.	GDPR training is provided to PCC staff. Photographs and/or recorded images of children are not permitted to be used or shared without the prior approval of parents/guardians and the children themselves.
Use of Information and Communication Technology by UL staff to access child pornography.	Risk of harm/abuse to children through the inappropriate taking of and /or sharing of images.	The Information Technology Department in UL has an acceptable usage policy in place. All PCC staff are use UL IT equipment and in turn are included in this policy. The access to an Individual's computer by ITD staff policy includes the statement " <i>The University is obliged by law to report the discovery of any illegal material (such as child pornography) to the relevant authorities.</i> "
4. SPORTING ACTIVITIES		
Use of personnel to support sporting events involving children.	<p>Risk of a child being harmed by a member of the PCC/ UL Community.</p> <p>Indicators of harm /abuse not being recognised by PCC/UL personnel.</p>	<p>Safe recruitment procedures observed.</p> <p>PCC considered the applicability of the legalisation to PCC and following that review decided to take a conservative approach to the interpretation of the legalisation. This resulted in PCC deciding to vet all staff who had any potential dealings with children or vulnerable adults. The Garda National Vetting bureau have rejected our applications to</p>

		<p>Garda vett staff on the basis that PCC activities are not applicable under the Children Act 2001 or Child Care Act 1991. We have included the detailed response below.</p> <p><i>Cleaning rooms is not relevant work or activities, carrying out inspections of rooms is not relevant work or activities, having access to master keys is not relevant work or activities. Providing accommodation to those attending educational, training, cultural, recreational, leisure, social or physical activities is not relevant work and is not the same as being the provider of these activities which would come under the ambit of the Acts. To access vetting services the potential applications need to comply with the Act and the work being done needs to align with one or more of the points in Schedule 1 Part 1 or 2 and after careful consideration of your rationales, this is not considered to be the case with the roles in question here.</i></p> <p><i>13/6/19 Superintendent Niall Featherstone</i></p> <p><i>Full response can be found in Appendix 12.</i></p> <p>PCC encourage all relevant staff to undertake the Tusla training module and any online training as may be required from time to time.</p> <p>PCC's Child Safeguarding Statement is available to all staff on the shared drive.</p>
5. Field Trips		
Use of personnel to support field trips involving children.	<p>Risk of a child being harmed by a member of the PCC/UL Community.</p> <p>Indicators of harm /abuse not being recognised by PCC/UL personnel.</p>	<p>PCC's Child Safeguarding Statement is available to all staff on the shared drive.</p> <p>Safe recruitment procedures observed.</p> <p>PCC considered the applicability of the legalisation to PCC and following that review decided to take a conservative approach to</p>

		<p>the interpretation of the legalisation. This resulted in PCC deciding to vet all staff who had any potential dealings with children or vulnerable adults. The Garda National Vetting bureau have rejected our applications to Garda vet staff on the basis that PCC activities are not applicable under the Children Act 2001 or Child Care Act 1991. We have included the detailed response below.</p> <p><i>Cleaning rooms is not relevant work or activities, carrying out inspections of rooms is not relevant work or activities, having access to master keys is not relevant work or activities. Providing accommodation to those attending educational, training, cultural, recreational, leisure, social or physical activities is not relevant work and is not the same as being the provider of these activities which would come under the ambit of the Acts. To access vetting services the potential applications need to comply with the Act and the work being done needs to align with one or more of the points in Schedule 1 Part 1 or 2 and after careful consideration of your rationales, this is not considered to be the case with the roles in question here.</i></p> <p><i>13/6/19 Superintendent Niall Featherstone</i></p> <p><i>Full response can be found in Appendix 12.</i></p> <p>PCC ensures appropriate staff numbers accompany students on trips.</p>
7. RECORD KEEPING		
Records kept of all child protection training.	That compliance with the legal requirements has not/ is able to be shown.	<p>Head of Departments are responsible for ensuring appropriate staff and students complete Child Protection training.</p> <p>Staff are requested to submit a soft copy of the Tusla Elearning</p>

		<p>training programme certificate to their Head of Department.</p> <p>The General Manager Student Living maintains staff records for Children First Child Protection training courses completed.</p>
Records kept of mandated and non mandated reports	Failure to record records.	<p>All concerns with child protection at UL shall be reported to the DLP.</p> <p>DLP records all information and stores records in a safe and secure manner.</p>
Records kept of claims/child protection related instances and injuries which requires insurance notification.	Failure to record records.	<p>All concerns with child protection at UL shall be reported to the DLP.</p> <p>DLP records all information and stores records in a safe and secure manner.</p> <p>Within PCC, all child protection records are processed and held in accordance with GDPR.</p>

5.4 Procedures for Managing Risks

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:

- i. The management of allegations of abuse or misconduct against staff/volunteers of a child availing of our service is outlined in our child protection policy which is available on our shared drive.
- ii. The safe recruitment and selection of staff and volunteers to work with children.
- iii. The provision of and access to child safeguarding training and information, including the identification of the occurrence of harm.
- iv. The reporting of child protection or welfare concerns to Tusla.

5.5 PCC Activities Involving Children – Code of Behaviour

PCC Staff who work with children and young people must familiarise themselves with these procedures and sign an Acceptance of the PCC Child Safe Guarding Statement. The employee shall return the form to their Head of Department for retention on file.

Members of PCC must ensure that they:

- always work in an open environment (i.e. avoiding private or unobserved situations). Do not allow yourself to be left alone with a child;
- treat all children equally, and with respect and dignity;
- demonstrate exemplary behaviour in the presence of children;
- provide a safe, appropriately monitored environment for any children visiting the campus;
- adopt the safest possible practices to minimise the possibility of harm or accidents happening to children;
- give enthusiastic and constructive feedback instead of negative criticism;
- never use physical punishment;
- always refer child abuse, welfare and safety issues to the DLP.

Any breach of this code of behaviour will be dealt with under the PCC Grievance Procedure which is outline in the PCC Staff Handbook.

As the summer business relates to accommodating groups of children, PCC will request the following requirements from all groups the include children:

- It is the responsibility of any group using the accommodation and facilities to comply with all applicable safeguarding and child protection legislation and associated guidelines. This is included in all group contracts between PCC and the client.
- Any group using the accommodation and facilities will require their own child safeguarding policy and procedures.

5.6 Recruitment Procedures and Requirements for Vetting

All PCC Departments must ensure compliance with the legal requirements in relation to vetting of all employees and personnel who have or may have unsupervised access to children or vulnerable adults. Under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 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.

Vetting should not take the place of normal recruitment procedures. In addition, comprehensive procedures for the checking of the person's suitability to work with children or vulnerable adults are an essential element of child protection practice. Thorough recruitment procedures are essential. Vetting is to be used as part of those procedures.

NOTE: PCC considered the applicability of the legalisation to PCC and following that review decided to take a conservative approach to the interpretation of the legalisation. This resulted in PCC deciding to vet all staff who had any potential dealings with children or vulnerable adults. The Garda National

Vetting bureau have rejected our applications to Garda vet staff on the basis that PCC activities are not applicable under the Children Act 2001 or Child Care Act 1991.

We have included the detailed response below.

Cleaning rooms is not relevant work or activities, carrying out inspections of rooms is not relevant work or activities, having access to master keys is not relevant work or activities. Providing accommodation to those attending educational, training, cultural, recreational, leisure, social or physical activities is not relevant work and is not the same as being the provider of these activities which would come under the ambit of the Acts. To access vetting services the potential applications need to comply with the Act and the work being done needs to align with one or more of the points in Schedule 1 Part 1 or 2 and after careful consideration of your rationales, this is not considered to be the case with the roles in question here.

13/6/19 Superintendent Niall Featherstone

The National Vetting Bureau of An Garda Siochana

Full response can be found in Appendix 12.

To ensure that the recruitment process is as supportive of this policy as possible, PCC will ensure that the following steps are taken for positions that have interaction with children:

- PCC obtains references of suitability of character and
- PCC will require a declaration from candidates that they are not known to Gardai or Child Protection Services in Ireland or any other jurisdiction for behaviours that would deem them unsuitable to be involved in services for children or vulnerable persons.
- PCC will request a police clearance certificate from those who have spent significant time in other jurisdictions could also be asked to provide a Police Clearance Certificate from such jurisdiction.

5.7 Child Protection Training

Effective child protection depends on the skills, knowledge and values of personnel working with children and families, as well as co-operation between agencies (interagency) and within Agencies (intra-agency).

Training and education is an important means of achieving this. It is imperative that all PCC Departments ensure that all personnel are familiar with these procedures to enable them to fulfil their responsibilities therein.

This will be achieved by the PCC developing a culture of awareness and knowledge of these procedures amongst all personnel and, where necessary, ensure that appropriate training is undertaken.

Children First, Child Protection training is conducted for PCC employees at regular intervals and is co-ordinated by the Health and Safety Unit at UL. Children First, Child Protection training records are maintained by General Manager Student Living.

Members of PCC whose role involves working with children are requested and all other staff are encouraged to undertake the Tusla Children First Elearning programme. The Elearning training programme is called 'Introduction to Children First'. The programme has been written to support people of all backgrounds and experience in recognising concerns about children and reporting such concerns if they arise and is available on:

5.8 Confidentiality

All information regarding concerns of possible child abuse and neglect should be shared only on a “need to know” basis in the best interests of the child. Giving information to those who need to have that information, for the protection of a child who may have been abused or neglected, or is being abused and neglected, or is at risk of abuse or neglect is not a breach of confidentiality.

Section 17 of the Children First Act 2015 makes it an offence for the DLP and/or Mandated Person to disclose information to a third party, which has been shared by Tusla during the course of an assessment, unless Tusla has given you written authorisation to do so.

The assurance of confidentiality should not be given to any person who imparts information. All PCC Departments should be aware that the EU General Data Protection Regulation (GDPR) which came into force on the 25th May 2018, replacing the existing data protection framework.

5.9 Implementation

- i The DLP responsible for dealing with all child protection concerns in PCC is the Deputy Chief Operations Officer, John O’Rourke: Phone 061 234270.
- ii In the absence of the DLP the Deputy Designated Liaison Person (DDLPL) responsible for dealing with child protection concerns is the General Manager Student Living: Ellen Fitzmaurice: Phone: 061-202983

- iii Local Emergency contact numbers are as follows:

An Garda Síochána- Henry Street, Limerick Phone 061 212400.

Tusla Child and Family Agency, Unit 3, St. Camillus Hospital, Shelbourne Road, Limerick, Phone 061 588688

- iv PCC management recognises that child protection and welfare considerations permeate all aspects of its services and therefore must be reflected in all of the organisations’ policies, procedures, practices and activities. In adhering to the following key principles of best practice in child protection and welfare all members of PCC will:
 - recognise that the protection and welfare of children is of paramount importance, regardless of all other considerations;
 - fully comply with statutory obligations under the Children First Act 2015 and other relevant legislation relating to the protection and welfare of children;
 - fully co-operate with the relevant statutory authorities in relation to child protection and welfare matters;
 - adopt safe practices to minimise the possibility of harm or accidents happening to children and protect staff from the necessity to take unnecessary risks that may leave them open to accusations of abuse or neglect;
 - where appropriate, develop a practice of openness with parents and encourage parental involvement in the education of their children; and
 - fully respect confidentiality requirements in dealing with child protection matters.

All members of PCC will also adhere to the above principles in relation to any adult with a special vulnerability.

v The following procedures/measures are in place:

- In relation to any member of staff who is the subject of any investigation (howsoever described) in respect of any act, omission or circumstance in respect of a child attending a service of PCC, members of PCC will adhere to the relevant procedures set out in this Child Safeguarding Statement and Child Protection procedures and to the relevant agreed disciplinary procedures for PCC staff.
- In relation to the reporting of child protection concerns to Tusla, all members of PCC are required to adhere to the PCC Child Safeguarding Statement, including in the case of Mandated Persons reporting under the Children First Act 2015.
Please note: All child protection concerns must be channelled through the DLP, namely John O'Rourke, who is the person responsible for making reports to Tusla, An Garda Síochána, PCC Chief Operations Officer and other external agencies.
(In the event that the concern relates to the DLP the concern must be reported to the Chief Operations Officer).
- PCC has appointed the above named DLP as the 'Relevant Person' (as defined in the Children First Act 2015) to be the first point of contact in respect of the PCC Child Safeguarding Statement.
- In accordance with the Children First Act 2015, PCC has carried out an assessment of any potential for harm to a child while attending PCC facilities or participating in PCC activities. A written assessment setting out the areas of risk identified and the PCC procedures for managing those risks is included in Section 5.3.
Note: Individual PCC Departments are required to contribute to the development of the PCC Child Safeguarding Statement by outlining other policies and procedures that are in place in the PCC Departments to manage additional risks that have been identified by members of PCC in that Department.
- This Child Safeguarding Statement will be reviewed every 24 months or as soon as practicable after there has been a material change in any matter to which this statement refers.

vi **All Departments will ensure the following procedures/measures are in place:**

- Ensure in relation to the provision of information and, where necessary, instruction and training in respect of the identification of the occurrence of harm (as defined in the 2015 Act):
 - A copy of the PCC Child Safeguarding Statement including the risk assessment is made available to all members of PCC on the shared drive;
 - All members avail of appropriate training as has been identified in the risk assessment;
 - A record is maintained of training undertaken by members.
- In relation to the selection or recruitment of staff and their suitability to work with children, all PCC Departments will adhere to the PCC vetting process and to the wider duty of care guidance set out in relevant PCC recruitment procedures.

NOTE: PCC considered the applicability of the legalisation to PCC and following that review decided to take a conservative approach to the interpretation of the legalisation. This resulted in PCC deciding to vet all staff who had any potential dealings with children or vulnerable adults. The Garda National Vetting bureau have rejected our applications to Garda vett staff on the basis that PCC activities are not applicable under the Children Act 2001 or Child Care Act 1991.

We have included the detailed response below.

Cleaning rooms is not relevant work or activities, carrying out inspections of rooms is not relevant work or activities, having access to master keys is not relevant work or activities. Providing accommodation to those attending educational, training, cultural, recreational, leisure, social or physical activities is not relevant work and is not the same as being the provider of these activities which would come under the ambit of the Acts. To access vetting services the potential applications need to comply with the Act and the work being done needs to align with one or more of the points in Schedule 1 Part 1 or 2 and after careful consideration of your rationales, this is not considered to be the case with the roles in question here.

13/6/19 Superintendent Niall Featherstone

The National Vetting Bureau of An Garda Síochána

Full response can be found in Appendix 12.

- A register of all Mandated Persons within PCC is compiled, maintained and regularly updated.
- An updated copy of the register of Mandated Persons is given to the DLP as necessary.
- A senior fulltime member of staff is designated responsibility to:
 - contribute to the development of the PCC Child Safeguarding Statement by outlining other policies and procedures that are in place in the Department to manage additional risks that have been identified by members of PCC.
 - provide the DLP with a copy of the other policies and procedures that are in place to manage the additional risks identified.
 - review the assessment of additional risks as part of the review of the PCC Child Safeguarding Statement or as soon as practicable after there has been a material change in any matter to which the Child Safeguarding Risk Assessment refers.
- The PCC Child Safeguarding Statement, including the risk assessment, can be accessed via company shared drive.
- The name and contact details of the DLP are displayed prominently in the main PCC office.
- All members of the PCC sign and return an 'Acceptance of the PCC Child Safeguarding Statement' to the General Manager Student Living.
- A copy of the Departments' Child Safeguarding Risk Assessment statement and a full list of Mandated Persons in the PCC Department is furnished to the DLP.
- Where appropriate, the PCC Child Safeguarding statement including the risk assessment is readily accessible to parents and guardians on request.
- PCC will include safeguarding, risk management and implementation of the safeguarding programme on management team meetings quarterly each year.

Note: The above is not intended as an exhaustive list. PCC shall also include in this section such other procedures/measures that are of relevance to the organisation.

- vii The PCC Child Safeguarding statement, including the risk assessment shall be published on the PCC website and will be made available to the PCC Board and Tusla if requested.
- viii This Child Safeguarding Statement will be reviewed every 24 months or as soon as practicable after there has been a material change in any matter to which this statement refers.

The PCC Child Safeguarding Statement was adopted by PCC on _____ [date].

Signed: _____ Signed: _____

Chief Operations Officer, Plassey Campus Centre

Date: _____ Date: _____

For queries, please contact: _____

Relevant Person under the Children First Act 2015.

John O'Rourke T: 061-234270

Appendix 1: The Role of Tusla and An Garda Síochána

The Role of Tusla

The specific role of Tusla is to promote the welfare of children who are at risk of not receiving adequate care and protection. Under the Child Care Act 1991, Tusla is obliged to coordinate information from all relevant sources about a child who may not be 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.

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

Tusla operates through duty teams of social workers that receive child protection reports, assess and prioritise referrals and provide protective interventions to children and their families. Each team deals with the concerns that arise in its specific geographical area by reference to the home address of the child. You can find contact details for each team on the Tusla website (www.tusla.ie).

If it is decided that a social work assessment is needed, the social worker will contact the family to ask for their cooperation in carrying out an examination of the child's and family's needs. The aim is to work in cooperation with parents or guardians to determine the appropriate supports or interventions to ensure the safety and welfare of the child. Further information on this process is contained in Chapter 5 of Children First 2017 available at <http://www.tusla.ie/children-first/children-first-2017>.

Tusla will normally acknowledge reports made to it, and may contact the person who made the report for further information, if necessary. However, to protect the privacy of the child and family, it may not be possible for Tusla to inform those that report of the progress or outcome of Tusla's contact with the child or family, unless that person is involved in discussions around family support or child protection plans.

The Role of An Garda Síochána

The role of An Garda Síochána is to investigate alleged crimes and it is the responsibility of the Director of Public Prosecutions (DPP) to decide on and carry out prosecutions.

*The National Vetting Bureau of An Garda Síochána issues vetting disclosures to organisations employing people who work on a full-time, part-time, voluntary or student placement basis with children and/or vulnerable adults. The National Vetting Bureau does **not** decide on the suitability of any person to work with children and vulnerable adults. Rather, in response to a written request for vetting, the National Vetting Bureau releases criminal history and other specified information on the person to be vetted to the prospective recruiting organisation. Decisions on suitability for recruitment rest at all times with the recruiting organisation, and the results of vetting should form only one part of the recruitment decision.*

NOTE: PCC considered the applicability of the legalisation to PCC and following that review decided to take a conservative approach to the interpretation of the legalisation. This resulted in PCC deciding to vet all staff who had any potential dealings with children or vulnerable adults. The Garda National Vetting bureau have rejected our applications to Garda vett staff on the basis that PCC activities are not applicable under the Children Act 2001 or Child Care Act 1991.

We have included the detailed response below.

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13/6/19 Superintendent Niall Featherstone

The National Vetting Bureau of An Garda Síochána

Full response can be found in Appendix 12.

Joint Working Between Tusla and An Garda Síochána

Joint working between Tusla and An Garda Síochána forms an integral part of the child protection and welfare service. If Tusla suspects that a crime has been committed and a child has been wilfully neglected or physically or sexually abused, it will formally notify the Gardaí without delay. The specific focus of An Garda Síochána concerning child abuse and neglect is on preserving life; vindicating the human rights of each individual; and preventing, investigating and detecting criminal offences. On the basis of the investigation, An Garda Síochána may prepare a file for the Director of Public Prosecutions, who will decide whether to initiate a prosecution.

Where a child is at immediate risk of harm, Tusla and An Garda Síochána will work together to ensure the safety of the child. If a member of the Gardaí has reasonable grounds for believing that there is an immediate and serious risk to the health or welfare of a child, and it would not be sufficient for the protection of that child to await the making of an application for an emergency care order by Tusla, they may, under section 12 of the Child Care Act 1991, remove the child from danger and bring them to a place of safety. The child is then delivered to the care of Tusla as soon as possible. An emergency out-of-hours social work service provides social work consultation and advice to the Gardaí. The Gardaí have access to an on-call social worker and placements for children who need them due to the immediate risk to their safety. Tusla has a network of emergency foster carers available to receive a child removed from their family in an emergency.

If, in the course of their duties, the Gardaí become aware of a child welfare and protection concern, it should be formally reported to Tusla. As members of An Garda Síochána are Mandated Persons under the Children First Act 2015, if the concern is at or above the threshold of a mandated concern, this should be reported to Tusla, as outlined in Chapter 3 of this Guidance.

A protocol (Tusla and An Garda Síochána Children First – Joint Working Protocol for Liaison between both Agencies) is in place between the two agencies that details how they cooperate and interact in dealing with child welfare and protection concerns. This protocol specifically covers the formal communication required between the two agencies about notifications of child welfare or protection concerns, and record keeping about joint working and recording of decisions. You can find this protocol on the websites of both agencies (www.tusla.ie and www.garda.ie).

Appendix 2: Additional Child Safeguarding Risk Assessment Template for PCC Departments.

Carrying Out a Risk Assessment

In order to comply with the statutory obligations all PCC Departments are required to contribute to the PCC Child Safeguarding Risk Assessment process by appointing a senior fulltime member of staff to review on a 24 month basis the overarching PCC Risk Assessment and to:

- identify additional risks (not already identified in the overarching PCC Child Safeguarding Risk Assessment) and the procedures / policies that are in place in PCC Departments to manage those risks
- notify the DLP of the additional risks and the procedures / policies that are in place to manage those risks.

The DLP must then include additional risks identified and the procedures to manage them in the overarching PCC Child Safeguarding Risk Assessment. The risk assessment process is intended to enable PCC Departments to:

- Identify potential risks;
- Develop policies and procedures to minimise risk by responding in a timely manner to potential risks;
- Review whether adequate precautions have been taken to eliminate or reduce these risks.

Activity / Practice	Risk of harm identified in respect of this activity /practice	Procedures / policy in place to address the risks of harm identified in this activity / practice

Important Note: It should be noted that risk in the context of this risk assessment is the risk of “harm” as defined in the Children First Act 2015 and not general health and safety risk.

This additional risk assessment has been completed by _____ (insert name of person) on behalf of the Department on[date].

It shall be reviewed as part of the annual review of its Child Safeguarding Statement.


Signed _____ Date _____

Add name and title of employee, Division, Department signatory.

Appendix 3: Tusla Child Protection and Welfare Report Form

Form can be downloaded at:

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

 <small>An Ghníomhaireacht um Leasúil agus an Teaghlach Child and Family Agency</small>					
Child Protection and Welfare Report Form MANDATED PERSONS AND NON MANDATED PERSONS <i>(Children First Act 2015 & Children First National Guidance)</i>					
Is this a Mandated Report made under Sec 14, Children First Act 2015?*		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Mandated Person's Type					
7. Details of Other Persons Where a Joint Report is Being Made					
First Name		Surname			
Address if reporting in a professional capacity, please use your professional address		Organisation			
		Position Held			
		Mobile No.			
		Telephone No.			
Eircode		Email Address			
First Name		Surname			
Address if reporting in a professional capacity, please use your professional address		Organisation			
		Position Held			
		Mobile No.			
		Telephone No.			
Eircode		Email Address			
8. Parents Aware of Report					
Are the child's parents/carers aware that this concern is being reported to Tusla?*		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If the parent/carer does not know, please indicate reasons:					
9. Relationships					
Details of Mother					
First Name		Surname			
Address		Mobile No.			
		Telephone No.			
		Email Address			
		Eircode			
Is the Mother a Legal Guardian?*		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Details of Father					
First Name		Surname			
Address		Mobile No.			
		Telephone No.			
		Email Address			
		Eircode			



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Is the Father a Legal Guardian?*	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
----------------------------------	-----	--------------------------	----	--------------------------

10. Household Composition

First Name	Surname	Relationship	Date of Birth	Estimated Age	Additional Information e.g. school, occupation, other

11. Details of Person(s) Allegedly Causing Harm

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

First Name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of Birth	
		Estimated Age	
		Mobile No.	
		Telephone No.	
Eircode		Email Address	
Occupation		Organisation	
Position Held			

Relationship to Child	
Address at time of alleged incident	
If name unknown please indicate reason	

Child Protection and Welfare Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

12. Name and Address of Other Organisations, Personnel or Agencies Known to be Involved Currently or Previously with the Family

Profession	First Name	Surname	Address	Contact Number	Recent Contact e.g. 3/6/9 months ago
Social Worker					
Public Health Nurse					
GP					
Hospital					
School					
Gardaí					
Pre-school/ crèche					
Other					

13. Any Other Relevant Information, Including any Previous Contact with the Child or Family

Please ensure you have indicated if this is a mandated report in section 6.

Thank you for completing the report form.

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

14. For Completion by Tusla Authorised Person on Receipt of Report

Report Received by			
First Name	Surname	Date	

Mandated Report Acknowledgement by



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child Protection and Welfare Report Form


*MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)*

First Name		Surname		Date Sent	
Authorised Person Signature*					
Date*					
Child Previously Known		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allocated Case No					

Appendix 4 Tusla Retrospective Abuse Report Form

Form is available to download at:

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



An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

Use block letters when filling out this form.
Fields marked with an * are mandatory.

1. Tusla Area (this is where the person subject to allegations of abuse resides (PSAA))*	
2. Date of report*	
3. Date information was received by reporter*	

4. Reporter details if third party*

First name	Surname
Address if reporting in a professional capacity, please use your professional address	Organisation
	Position held
	Mobile no.
	Telephone no.
Eircode	Email address

Reporter's relationship to adult complainant

Is this a mandated report made under Sec 14, Children First Act 2015?*

Mandated person's type

5. Details of other persons where a joint report is being made

First Name	Surname
Address if reporting in a professional capacity, please use your professional address	Organisation
	Position Held
	Mobile No.
	Telephone No.
Eircode	Email Address

First Name	Surname
Address if reporting in a professional capacity, please use your professional address	Organisation
	Position Held
	Mobile No.
	Telephone No.
Eircode	Email Address

1

Retrospective Abuse Report Form

MANDATED PERSONS AND NON MANDATED PERSONS
(Children First Act 2015 & Children First National Guidance)

6. Details of person disclosing abuse (adult complainant)*

First name		Surname	
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Address		Date of birth	
		Estimated age	
		Previous address, if known	
Eircode			

7. Type of abuse being reported*

Emotional abuse	<input type="checkbox"/>	Physical abuse	<input type="checkbox"/>
Neglect	<input type="checkbox"/>	Sexual abuse	<input type="checkbox"/>

8. Details and description of alleged abuse*

Date of alleged abuse		Period of alleged abuse	
Location of alleged abuse		Reason for report at this time	

Further detail (include, if known, age of adult complainant at time of abuse, age of PSAA at time of abuse). Please attach additional sheets if necessary.

9. Details of person subject to allegations of abuse (PSAA)

First name*		Surname*	
Male*	<input type="checkbox"/>	Female*	<input type="checkbox"/>
Address		Date of birth	
		Estimated age	
		Mobile no.	
		Telephone no.	
Eircode		Email address	
Occupation			

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10. Details of PSAA's social and employment status

--

11. PSAA household composition

First name	Surname	Relationship	Date of birth	Estimated age	Additional information, e.g. school, occupation, etc.

12. Does the PSAA have contact with children?*

Yes ☐ No ☐

If Yes, please complete information below. If No, proceed to 11.

Details of child	
First name	Surname
Address	Mobile no.
	Telephone no.
	Email address
	Date of birth
Eircode	Age
Parent/carers' names	Parent/carers' names
Relationship to adult complainant	Relationship to PSAA
Frequency of contact, if known	
Male <input type="checkbox"/>	Female <input type="checkbox"/> Unknown <input type="checkbox"/>

Please attach additional sheets for additional children, if necessary.

13. Based on information known at this time, is the PSAA known to the Tusla Social Work Department?

Yes ☐ No ☐

If yes, please provide detail:

--

14. Based on information known at this time, is the adult complainant known to the Tusla Social Work Department?

Yes ☐ No ☐

If yes, please provide detail:

--



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15. Based on information known at this time, has a report been made to An Garda Síochána?		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Garda name:		Telephone no.			
Garda district:		Email:			
Address:		PULSE ID number:			
		Date notification made:			
Eircode		Date report made			

16. Is the PSAA aware of this report?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please provide further details:				

17. Any additional information	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Please provide any further information that will assist Tusla in assessing and prioritising this report:				

In completing this report form you are providing details on yourself and on others. Details such as name, address and date of birth fall under the definition of 'Personal Data' in the Data Protection Acts, 1988 & 2003. Tusla has a responsibility under these Acts in its capacity as a Data Controller to, amongst other things, obtain and process this data fairly; keep it safe and secure; and to keep it for a specified lawful purpose. That purpose is to fulfil our statutory responsibility under the Child Care Act 1991 to promote the protection and welfare of children. Tusla may, during the course of the assessment of this report disclose such Personal Data to other agencies including An Garda Síochána. Further details about Tusla's responsibilities as a Data Controller and your rights as a Data Subject can be found on our website, www.tusla.ie. As you are providing Personal Data on others, you are a Data Processor. We ask that you only provide those details that are necessary for the report and that you keep this report and the Personal Data contained in it secure from unauthorised access, disclosure, destruction or accidental loss.

Please ensure you have indicated if this is a mandated report in section 2.
Thank you for completing the report form.

18. For completion by Tusla authorised person on receipt of report

Report received by			
First name	Surname	Date	
Mandated report acknowledgement by			
First name	Surname	Date sent	

4



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Authorised person signature*				
Date*				
Child previously known	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Allocated case no				

Appendix 5: Checklist for Review of the Child Safeguarding Statement

The PCC Child Safeguarding Statement will be reviewed every 24 months.

The DLP is the “Relevant Person” appointed by PCC. Relevant PCC Departments undertake an annual review of their Child Safeguarding Risk Assessment as part of the overall PCC review of its Child Safeguarding Statement.

The following checklist shall be used in undertaking this review.

The Company	Yes/No
1. Has the Chief Operations Officer completed child protection training as required under the PCC Safeguarding statement?	
2. Has the Chief Operations Officer appointed a DLP and a DDLP?	
3. Is the Chief Operations Officer satisfied that all appropriate actions are being or have been taken in respect of any member of PCC against whom an allegation of abuse or neglect has been made?	
4. Has the Chief Operations Officer ensured that the DLP department has been provided with the Child Safeguarding Risk Assessment of each Department?	
5. Is the Chief Operations Officer satisfied that it has been informed of any child protection reports made by the DLP?	
6. Is the Chief Operations Officer satisfied that the child protection procedures in relation to the making of reports by the DLP were appropriately followed?	
7. Is the Chief Operations Officer satisfied that it has been informed of any cases where an allegation of abuse or neglect was made against any member of PCC?	
8. Is the Chief Operations Officer satisfied that all appropriate actions are being or have been taken in respect of any member of PCC against whom an allegation of abuse or neglect has been made?	
9. Is the Chief Operations Officer satisfied that all records relating to child protection are appropriately filed and stored securely?	
10. Has the Child Safeguarding Risk Assessment been developed in accordance with the ‘PCC Child Safeguarding Statement’?	
11. Where appropriate, has the Chief Operations Officer ensured that the PCC Child Safeguarding Statement, including the Risk Assessment, is readily accessible to parents / guardians?	
12. Has management considered and addressed any complaints or suggestions for improvements regarding the PCC Child Safeguarding Risk Assessment?	
13. Is management satisfied that the ‘PCC Child Safeguarding Statement’ is being fully and adequately implemented by all members of PCC?	

Signed _____

Date _____

Title _____

All PCC Departments

Each PCC Department must complete and return the following checklist to the DLP as part of the annual review of the PCC Child safeguarding Statement.

Individual Departments shall include other items in the checklist that are of relevance to the department in question.

For All Departments	Yes/No
1. Has the Department formally adopted, without modification, the 'PCC Child Safeguarding Statement'?	
2. Have Department members signed the ' <i>Acceptance of the PCC Child Safeguarding Statement</i> '?	
3. Have members of the Department management attended child protection training as required by the PCC Child Safeguarding Statement.	
4. Is the register of Mandated Persons for the Department compiled and up to date?	
5. Has an updated copy of the register of Mandated Persons been given to the DLP?	
6. Is there a procedure in place to communicate the PCC Child Safeguarding Statement including the Risk Assessment, to all members?	
7. Is management satisfied that all personnel have been made aware of their responsibilities under the PCC Safeguarding Statement and the Children First Act 2015?	
8. Has management ensured that the DLP has been provided with the Department's Child Safeguarding Risk Assessment annual review and update?	
9. Is management satisfied that the statutory requirements for vetting have been met in respect of all members of the Department?	
10. Is management satisfied that, from a child protection perspective, thorough recruitment and selection procedures are applied by the Department in relation to all members of the organisation?	
11. Is management satisfied that the 'PCC Child Safeguarding Statement is being fully adequately implemented by Department?	
12. Has management identified any aspects of the PCC Child Safeguarding Risk Assessment that require amending or further improvement?	
13. Has management put in place an action plan containing appropriate timelines to address those aspects of the Department's Child Safeguarding Risk Assessment and/or its implementation that have been identified as requiring amending or further improvement ?	
14. Has management ensured that any areas for improvement that were identified in any previous review of the department's Child Safeguarding Risk Assessment have been adequately addressed?	

Signed _____ Date _____

Title _____

Appendix 6: Schedule of Relevant Services under The Children First Act 2015

Schedule 1 of the Children First Act 2015 defines Relevant Services as:

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 7: Schedule of Mandated Persons under The Children First Act 2015

Schedule 2 of the Children First Act 2015 specifies the following classes of persons as Mandated Persons for the purposes of the Act:

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.I. No. 109 of 2000).
11. Probation officer within the meaning of section 1 of the Criminal Justice (Community Service) Act 1983.
12. Teacher registered with the Teaching Council.
13. Member of An Garda Síochána.
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 VIIA of the Child Care Act 1991;
 - (k) person responsible for the care or management of a youth work service within the meaning of section 2 of the Youth Work Act 2001.
- 16. Youth worker who—
 - (a) holds a professional qualification that is recognised by the National Qualifications Authority in youth work within the meaning of section 3 of the Youth Work Act 2001 or a related discipline, and
 - (b) is employed in a youth work service within the meaning of section 2 of the Youth Work Act 2001.
- 17. Foster carer registered with the Agency.
- 18. A person carrying on a pre-school service within the meaning of Part VIIA of the Child Care Act 1991.

Appendix 8: Relevant 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 childcare act also sets out the statutory framework for taking children into care, if necessary.

Non Fatal Offences Against The Person Act 1997

This act codifies the criminal law on offences against a person and includes the offences of assault causing harm, endangerment and abduction. Generally speaking, the act does not limit in terms of age and can apply to offences against a person perpetrated by a child and an offence suffered by a child. The defence of assault was previously defensible by virtue of a common law defence of reasonable chastisement, and this defence was removed in the children first act.

It is worth noting that a number of offences, such as assault causing harm, are scheduled offences under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 and accordingly information on such an offence must be notified to an Garda Síochána.

Protections 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 a person reports 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. 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.

The act created an offence of false reporting of child abuse where a person makes a report of child abuse to a designated officer of Tusla or of the Health Service Executive (HSE) or to a member of an Garda Síochána "knowing that statement to be false". This is a criminal offence designed to protect innocent persons from malicious reports.

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

Criminal Justice Act 2006

Reckless Endangerment

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. Accordingly, it is very important to note that -

- The fact that a member of PCC has dealt with a child protection or welfare concern in accordance with these procedures and/or reported it under the children first act, 2015 does not absolve that person of his or her statutory obligation to disclose information to an Garda Síochána under the criminal justice (withholding of information on offences against children and vulnerable persons) act 2012 where that person has information that falls within the scope of that act or

The fact that a member of PCC has disclosed information to an Garda Síochána does not absolve that person of his or her obligations to report concerns to Tusla in accordance with the requirements of these procedures and/or in accordance with requirements of 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.

PCC considered the applicability of the legalisation to PCC and following that review decided to take a conservative approach to the interpretation of the legalisation. This resulted in PCC deciding to vet all staff who had any potential dealings with children or vulnerable adults. The Garda National Vetting bureau have rejected our applications to Garda vett staff on the basis that PCC activities are not applicable under the Children Act 2001 or Child Care Act 1991.

We have included the detailed response below.

Cleaning rooms is not relevant work or activities, carrying out inspections of rooms is not relevant work or activities, having access to master keys is not relevant work or activities. Providing accommodation to those attending educational, training, cultural, recreational, leisure, social or physical activities is not relevant work and is not the same as being the provider of these activities which would come under the ambit of the Acts. To access vetting services the potential applications need to comply with the Act and the work being done needs to align with one or more of the points in Schedule 1 Part 1 or 2 and after careful consideration of your rationales, this is not considered to be the case with the roles in question here.

13/6/19 Superintendent Niall Featherstone

The National Vetting Bureau of An Garda Siochana

Full response can be found in Appendix 12.

Children First Act 2015

This act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

The schedule of relevant services under the children first act 2015 is contained in Appendix 6 of these procedures.

A full schedule of Mandated Persons under the children first act 2015 is contained in Appendix 7 of these procedures.

Through the provisions of the act, it is intended to:

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

Provide for cooperation and information-sharing between agencies when Tusla – child and family agency, is undertaking child protection assessments.

The Children First Act 2015 will help to ensure that child protection concerns are brought to the attention of Tusla without delay.

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.

Freedom of Information Acts 1997, 2003 & 2014

Any reports which are made to Tusla may be subject to the provisions of the freedom of information acts, which enable members of the public to obtain access to personal information relating to them which is in the possession of public bodies. However, the freedom of information acts also provide that public bodies may refuse access to information obtained by them in confidence.

The exemptions and exclusions which are relevant to child protection include the following:

- (a) protecting records covered by legal professional privilege;
- (b) protecting records which would facilitate the commission of a crime;
- (c) protecting records which would reveal a confidential source of information.

PCC should note that records forwarded to a public body by all members of PCC and held by that body may be subject to the provisions of the freedom of information acts.

The Data Protection Acts, 1998 And 2003

The data protection acts are designed to protect the rights of individuals with regard to personal data. The law defines personal data as “data relating to a living individual who is or can be identified from the data or from the data in conjunction with other information that is in, or is likely to come into, possession of the data controller”.

The acts give a right to every individual, irrespective of nationality or residence, to establish the existence of personal data, to have access to any such data relating to him or her and to have inaccurate data rectified or erased. It requires data controllers to make sure that the data they keep are collected fairly, are accurate and up-to-date, are kept for lawful purposes, and are not used or disclosed in any manner incompatible with those purposes. It also requires both data controllers and data processors to protect the data they keep, and imposes on them a special duty of care in relation to the individuals about whom they keep such data.

GDPR (General Data Protection Regulation)

Is a regulation in EU law on data protection and privacy for all individuals within the European Union. It also addresses the export of personal data outside the EU. It came into force on May 25th 2018, giving individuals more control over how our data is used, and putting more responsibility on businesses who use it.

Appendix 9: Schedule of Offences as set out in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

Offences against children for purposes of offence under section 2

1. Murder.
2. Manslaughter.
3. Common law offence of false imprisonment.
4. Rape.
5. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
6. Sexual assault.
7. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
8. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
9. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
10. An offence under section 6(1) of the Criminal Law (Sexual Offences) Act 1993.
11. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under 15 years of age).
12. An offence under section 3 of the Criminal Law (Sexual Offences) Act 2006 (defilement of child under the age of 17 years).
13. An offence under either of the following provisions of the Child Trafficking and Pornography Act 1998—
 - (a) section 3 (child trafficking and taking, etc., child for sexual exploitation),
 - (b) section 4 (allowing child to be used for child pornography).
14. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule.
15. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008—
 - (a) section 2 (trafficking, etc., of children),
 - (b) section 5 insofar as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person),
 - (c) section 7 insofar as it relates to an offence under section 2 of that Act or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998.
16. An offence under section 249 of the Children Act 2001 (causing or encouraging sexual offence upon a child).
17. An offence under section 176 of the Criminal Justice Act 2006 (reckless endangerment of children).
18. An offence under any of the following provisions of the Non-Fatal Offences against the Person Act 1997—
 - (a) section 3 (assault causing harm),
 - (b) section 4 (causing serious harm),
 - (c) section 5 (threats to kill or cause serious harm),
 - (d) section 13 (endangerment),
 - (e) section 15 (false imprisonment),
 - (f) section 16 (abduction of child by parent, etc.),
 - (g) section 17 (abduction of child by other persons).
19. An offence under section 246 of the Children Act 2001 (cruelty to children).

20. An offence under any of the following provisions of the Criminal Justice (Female Genital Mutilation) Act 2012—

- (a) section 2 (offences of female genital mutilation, etc.),
- (b) section 3 (offence of removal from State for purpose of female genital mutilation),
- (c) section 4 (acts, etc., done outside State).

Appendix 9.2 Offences against vulnerable persons for purposes of offence under section 3

1. Common law offence of false imprisonment.
2. Rape.
3. Rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990.
4. Sexual assault.
5. Aggravated sexual assault within the meaning of section 3 of the Criminal Law (Rape) (Amendment) Act 1990.
6. An offence under section 1 of the Punishment of Incest Act 1908 (incest by males).
7. An offence under section 2 of the Punishment of Incest Act 1908 (incest by females of or over 17 years of age).
8. An offence under either of the following provisions of the Criminal Law (Sexual Offences) Act 1993—
 - (a) subsection (1) of section 5 insofar as it provides for an offence of having sexual intercourse, or committing an act of buggery, with a person who is mentally impaired within the meaning of that section (other than a person to whom the alleged offender is married or to whom he or she believes with reasonable cause he or she is married),
 - (b) subsection (2) of section 6 insofar as it provides for an offence of soliciting or importuning a person who is mentally impaired within the meaning of that section (whether or not for the purposes of prostitution) for the purposes of the commission of an act that would constitute an offence under section 5(1) (insofar as it is referred to in *paragraph (a)*) of that Act or an offence referred to in section 2 of the Criminal Law (Rape) (Amendment) Act 1990.
9. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996 insofar as it relates to an offence specified in the Schedule to that Act that is also specified in this Schedule to the extent that it is so specified.
10. An offence under any of the following provisions of the Criminal Law (Human Trafficking) Act 2008—
 - (a) section 4 (trafficking of persons other than children),
 - (b) section 5 insofar as it relates to a person in respect of whom an offence under subsection (1) or (3) of section 4 of that Act has been committed (soliciting or importuning for purposes of prostitution of trafficked person),
 - (c) section 7 insofar as it relates to an offence under section 4 of that Act.
11. An offence under section 3 of the Non-Fatal Offences against the Person Act 1997 (assault causing harm).

Appendix 10: Definition and Recognition of Child Abuse

Types of child abuse and how they may be recognised

The Children First Guidance 2017 provides that you should always inform Tusla when you have **reasonable grounds for concern** that a child may have been, is being, or is at risk of being abused or neglected. If you ignore what may be symptoms of abuse, it could result in ongoing harm to the child. It is not necessary for you to prove that abuse has occurred to report a concern to Tusla. All that is required is that you have reasonable grounds for concern. It is Tusla's role to assess concerns that are reported to it.

Child abuse can be categorised into four different types: **neglect, emotional abuse, physical abuse and sexual abuse**. A child may be subjected to one or more forms of abuse at any given time. Abuse and neglect can occur within the family, in the community or in an institutional setting. The abuser may be someone known to the child or a stranger, and can be an adult or another child. In a situation where abuse is alleged to have been carried out by another child, you should consider it a child welfare and protection issue for both children and you should follow child protection procedures for both the victim and the alleged abuser.

The important factor in deciding whether the behaviour is abuse or neglect is the impact of that behaviour on the child rather than the intention of the parent/carer.

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

Neglect

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

Neglect is defined as 'to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care'.

Neglect occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It is generally defined in terms of an omission of care, where a child's health, development or welfare is impaired by being deprived of food, clothing, warmth, hygiene, medical care, intellectual stimulation or supervision and safety.

Emotional neglect may also lead to the child having attachment difficulties. The extent of the damage to the child's health, development or welfare is influenced by a range of factors. These factors include the extent, if any, of positive influence in the child's life as well as the age of the child and the frequency and consistency of neglect.

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

A reasonable concern for the child's welfare would exist when neglect becomes typical of the relationship between the child and the parent or carer. This may become apparent where you see the child over a period of time, or the effects of neglect may be obvious based on having seen the child once.

The following are features of child neglect:

- Children being left alone without adequate care and supervision

- Malnourishment, lacking food, unsuitable food or erratic feeding Non-organic failure to thrive, i.e. a child not gaining weight due not only to malnutrition but also emotional deprivation
- Failure to provide adequate care for the child's medical and developmental needs, including intellectual stimulation
- Inadequate living conditions – unhygienic conditions, environmental issues, including lack of adequate heating and furniture
- Lack of adequate clothing
- Inattention to basic hygiene
- Lack of protection and exposure to danger, including moral danger, or lack of supervision appropriate to the child's age
- Persistent failure to attend school
- Abandonment or desertion

Emotional Abuse

Ill-treatment is defined as 'to abandon or cruelly treat the child, or to cause or procure or allow the child to be abandoned or cruelly treated'. Emotional abuse is covered in the definition of ill-treatment used in the Children First Act 2015.

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child.

Once-off and occasional difficulties between a parent/carer and child are not considered emotional abuse.

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

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

A reasonable concern for the child's welfare would exist when the behaviour becomes typical of the relationship between the child and the parent or carer.

Emotional abuse may be seen in some of the following ways:

- Rejection
- Lack of comfort and love
- Lack of attachment
- Lack of proper stimulation (e.g. fun and play)
- Lack of continuity of care (e.g. frequent moves, particularly unplanned)
- Continuous lack of praise and encouragement
- Persistent criticism, sarcasm, hostility or blaming of the child
- Bullying
- Conditional parenting in which care or affection of a child depends on his or her behaviours or actions
- Extreme overprotectiveness
- Inappropriate non-physical punishment (e.g. locking child in bedroom)
- Ongoing family conflicts and family violence
- Seriously inappropriate expectations of a child relative to his/her age and stage of development

There may be no physical signs of emotional abuse unless it occurs with another type of abuse. A child may show signs of emotional abuse through their actions or emotions in several ways. These include insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour. It should be noted that no one indicator is conclusive evidence of emotional abuse. Emotional abuse is more likely to impact negatively on a child where it is persistent over time and where there is a lack of other protective factors.

Physical Abuse

Physical abuse is covered in the references to assault in the Children First Act 2015.

Physical abuse is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. It may occur as a single incident or as a pattern of incidents. A reasonable concern exists where the child's health and/ or development is, may be, or has been damaged as a result of suspected physical abuse.

Physical abuse can include the following:

- Physical punishment
- Beating, slapping, hitting or kicking
- Pushing, shaking or throwing
- Pinching, biting, choking or hair-pulling
- Use of excessive force in handling
- Deliberate poisoning
- Suffocation
- Fabricated/induced illness
- Female genital mutilation

The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings. This defence could previously be invoked by a parent or other person in authority who physically disciplined a child. The change in the legislation now means that in prosecutions relating to assault or physical cruelty, a person who administers such punishment to a child cannot rely on the defence of reasonable chastisement in the legal proceedings. The result of this is that the protections in law relating to assault now apply to a child in the same way as they do to an adult

Sexual Abuse

Sexual abuse to be reported under the Children First Act 2015 [as amended by section 55 of the Criminal Law (Sexual Offences) Act 2017] is defined as an offence against the child, as listed in Schedule 3 of the Children First Act 2015.

As all sexual abuse falls within the category of **seriously affecting a child's health, welfare or development**, all such concerns must be reported to the relevant statutory services.

Sexual abuse occurs when a child is used by another person for his or her gratification or arousal, or for that of others. It includes the child being involved in sexual acts (masturbation, fondling, oral or penetrative sex) or exposing the child to sexual activity directly or through pornography.

Child sexual abuse may cover a wide spectrum of abusive activities. It rarely involves just a single incident and in some instances occurs over a number of years.

Child sexual abuse most commonly happens within the family, including older siblings and extended family members. Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

Sexual activity involving a young person may be sexual abuse even if the young person concerned does not themselves recognise it as abusive.

Examples of child sexual abuse include the following:

- Any sexual act intentionally performed in the presence of a child
- An invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification
- Masturbation in the presence of a child or the involvement of a child in an act of masturbation
- Sexual intercourse with a child, whether oral, vaginal or anal
- Sexual exploitation of a child, which includes:
 - a. Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography [for example, exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, videotape or other media) or the manipulation, for those purposes, of an image by computer or other means]
 - b. Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
 - c. Showing sexually explicit material to children, which is often a feature of the 'grooming' process by perpetrators of abuse
- Exposing a child to inappropriate or abusive material through information and communication technology
- Consensual sexual activity involving an adult and an underage person

An Garda Síochána will deal with any criminal aspects of a sexual abuse case under the relevant criminal justice legislation. The prosecution of a sexual offence against a child will be considered within the wider objective of child welfare and protection. The safety of the child is paramount and at no stage should a child's safety be compromised because of concern for the integrity of a criminal investigation.

In relation to child sexual abuse, it should be noted that in criminal law the age of consent to sexual intercourse is 17 years for both boys and girls. Any sexual relationship where one or both parties are under the age of 17 is illegal. However, it may not necessarily be regarded as child sexual abuse. Details on exemptions for mandated reporting of certain cases of underage consensual sexual activity can be found in section 7.6 of these procedures.

Circumstances which may make children more vulnerable to harm

Some children may be more vulnerable to abuse than others. Also, there may be particular times or circumstances when a child may be more vulnerable to abuse in their lives.

In particular, children with disabilities, children with communication difficulties, children in care or living away from home, or children with a parent or parents with problems in their own lives may be more susceptible to harm.

In addition a child needs to have someone they can trust in order to feel able to disclose abuse they may be experiencing. They need to know that they will be believed and will get the help they need. Without these things, they may be vulnerable to continuing abuse.

A list of the range of issues in a child's life that may place them at greater risk of abuse or neglect is contained in Chapter 2, p11, of Children First 2017

Retrospective Disclosures by Adults

Some adults may disclose abuse that took place during their childhood. If such a disclosure is made to any member of PCC and **there is a reasonable concern about a continuing risk to children** who may be in contact with the alleged abuser revealed in such disclosures, **the concern must be reported to Tusla / An Garda Síochána** in accordance with the reporting procedures outlined in these procedures. The Tusla Retrospective Abuse Report form is available in Appendix 4 or can be downloaded at:
https://www.tusla.ie/uploads/content/Retrospective_Abuse_Report_Form_FINAL.pdf

Bullying

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

Bullying can be defined as repeated aggression – whether it is verbal, psychological or physical – that is conducted by an individual or group against others.

It is behaviour that is intentionally aggravating and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviours such as physical aggression, cyberbullying, damage to property, intimidation, isolation/exclusion, name calling, malicious gossip and extortion.

Bullying can also take the form of abuse based on gender identity, sexual preference, race, ethnicity and religious factors. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the internet and other personal devices.

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

In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, a referral may need to be made to Tusla and/or An Garda Síochána in accordance with the PCC reporting procedures.

Appendix 11: Acceptance of the PCC Child Safeguarding Statement

I have read the PCC Child Safeguarding Statement and Department Child Safeguarding Risk Assessment.

I agree to abide by its contents and act in accordance with the PCC Child Safeguarding Statement.

There is no reason why I would be considered unsuitable to work with children or young people.

Name: _____

Department _____

Signed: _____

Date: _____

Return the completed form General Manager, Student Living.

APPENDIX 12 – National Vetting Bureau of An Garda Siochana response 13/6/19

Lynda Fitzpatrick,
Liaison Person,
University of Limerick HR,
University of Limerick,
Limerick,
V94 T9PX.

Re: Review of Job Roles on 26/04/2019 & 29/04/2019

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Dear Ms. Fitzpatrick,

In reference to your correspondence, they were rejected as they are not conducting relevant work or activities as per the Acts. Having contact with children is not sufficient basis to justify vetting in these instances as the location where the work is being done is not one of the following, a pre-school, a school or centre of education, a hospital or health care centre a designated centre within the meaning of section 2 of the Health Act 2007, a special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991, a children detention school within the meaning of section 3 of the Children Act 2001, or a reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality.

Cleaning rooms is not relevant work or activities, carrying out inspections of rooms is not relevant work or activities, having access to master keys is not relevant work or activities. Providing accommodation to those attending educational, training, cultural, recreational, leisure, social or physical activities is not relevant work and is not the same as being the provider of these activities which would come under the ambit of the Acts. To access vetting services the potential applications need to comply with the Act and the work being done needs to align with one or more of the points in Schedule 1 Part 1 or 2 and after careful consideration of your rationales, this is not considered to be the case with the roles in question here.

The fact that some applications have been processed should not be taken as tacit agreement that they are conducting relevant work or activities and should be vetted, pulling applications for compliance checks is a manual process and this office deals with thousands of applications per day. However should more be submitted for this job role by yourselves, as per the decision previously outlined they will be rejected.

I trust this clarifies the matter for you but should you require further information please do not hesitate to get in touch.

Yours sincerely,



Ceannfort / Superintendent

Niall Featherstone

Tel: [\(0504\) 27300](tel:050427300) e-Mail: gnvb.compliance@garda.ie Website: vetting.garda.ie



The National Vetting Bureau of An Garda Síochána