

Galway Arts Centre
Child Protection Policy
2022 - 2024

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(091) 565 886

Child Protection Policy Statement 13 April 2022

Galway Arts Centre believes that the best interests of children and young people visiting our venues and engaging with our programme is paramount. We provide the following services/ activities to children and young people:

- Galway Arts Centre presents exhibitions, theatre productions and multi-disciplinary cultural events for children and young people in two venues; 47 Dominick Street Lower and Galway Arts Centre at Nuns Island
- School visits to Galway Arts Centre at 47 Dominick Street Lower, Galway Arts Centre at Nuns Island and occasional off-site venues
- Galway Youth Theatre deliver workshops for ages 15-24, stage theatre productions with members and engage with schools and groups in the community
- Red Bird Youth Collective deliver workshops for ages 15-24 and publicly present work
- Cúirt International Festival of Literature publicly presents work for children and young people and facilitate workshops, both in schools and in venues in Galway City/County
- Fighting Words engages with school groups in our venues and in schools

Galway Arts Centre is committed to a child-centred approach to our work with children and young people. We undertake to provide a safe environment and experience, where the welfare of the child/young person is paramount. Our guiding principles are underpinned by *Children First: National Guidance for the Protection and Welfare of Children*, Tusla's *Child Safeguarding: A Guide for Policy, Procedure and Practice*, the *United Nations Convention on the Rights of the Child* and current legislation such as the *Children First Act 2015*, *Protections for Persons Reporting Child Abuse Act 1998* and the *National Vetting Bureau Act 2012*.

Our Designated Liaison Person is Tara O'Connor. Our Deputy Designated Liaison Person is Siobhán Singleton.

Galway Arts Centre believes:

- 1. our priority is to ensure that the welfare and safety of every child and young person who engages with our programme is paramount;
- 2. all children and young people have an equal right to attend a service that respects them as individuals and encourages them to reach their potential, regardless of their background;
- we are committed to upholding the rights of every child and young person who engages with our programme including the rights to be kept safe and protected from harm, listened to and heard;
- 4. our guiding principles apply to everyone in our organisation who must sign up to and abide by these guiding principles and child safeguarding procedures: board of directors; all paid staff including contractors, Facilitators and Community Employment Scheme participants and; volunteers and interns;
- 5. workers/volunteers must conduct themselves in a way that reflects the principles of our organisation;
- 6. our guiding principles and procedures to safeguard children and young people reflect national policy and legislation, which will be reviewed every two years or sooner if necessary due to service issues or changes in legislation or national policy.

We have implemented procedures covering:

Code of conduct for Galway Arts Centre staff including contractors, facilitators,
 Community Employment Scheme participants, interns and volunteers;

- Induction training for everyone that works with Galway Arts Centre covering reporting a case of suspected or disclosed abuse, allegations of misconduct or abuse by staff and suspected bullying;
- Confidentiality;
- Recruiting and selecting staff;
- Managing and supervising staff;
- Complaints and comments;
- Incidents and accidents.

This policy will be reviewed every two years by the board of directors.

Tava O'Connor

[Signed by Designated Person] Date: 13 April 2023

DEALING WITH CHILD PROTECTION AND WELFARE CONCERNS

DESIGNATED LIAISON PERSON

Children First requires that every organisation providing services to children appoint a Designated Liaison Person (DLP)/relevant person for reporting neglect or abuse. The DLP (relevant person) is responsible for dealing with child protection and welfare concerns in accordance with Children First 2015. The Deputy DLP will be appointed by the management of Galway Arts Centre to undertake the below duties when the DLP is on leave or is unavailable for a long period of time.

Identity of Designated Liaison Person (Relevant Person)

Galway Arts Centre's nominated Designated Liaison Person is Tara O'Connor and the Deputy Designated Liaison Persons is Siobhán Singleton.

Role of the Designated Liaison Person (Relevant Person)

The Designated Liaison Person in Galway Arts Centre has the ultimate responsibility for ensuring that the child protection and welfare policy is promoted and implemented.

The role of the Designated Liaison Person (Relevant Person) involves the following duties:

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

MANDATED PERSONS

Mandated persons are people who have contact with children and/or families who, by virtue of their qualifications, training and experience, are in a key position to help protect children from harm. Mandated persons include key professionals working with children in the education, health, justice, youth and childcare sectors. Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also mandated persons. See

Appendix 1 for a full list of people who are classified as mandated persons under the *Children First Act 2015*.

A list of mandated persons is maintained by Galway Arts Centre and each of these individuals has received Child Protection training and is aware of their legal obligations under the *Children's First Act 2015*.

All mandated persons in Galway Arts Centre, are required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed. These reports will be made in line with the procedures in this policy. These mandated persons must also assist Tusla, on request, in its assessment of child protection concerns about children who have been the subject of a mandated report.

All employees, and volunteers of Galway Arts Centre will be made aware of and be familiar with this child protection policy and safeguarding statement through an in-house induction and on-going training.

All staff and volunteers will sign up to the overall child protection policy and safeguarding statement of Galway Arts Centre. The Designated Liaison Person acts as a liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns. All staff that are mandated persons also have an obligation to report, child protection concerns at or above a defined threshold to Tusla - Child and Family Agency.

Mandated Persons:

1.	 	
3.	 	
4.	 	
5.		

REPORTING PROCEDURE FOR DEALING WITH DISCLOSURES, CONCERNS OR ALLEGATIONS OF CHILD ABUSE

DEFINITIONS OF CHILD ABUSE

Child abuse is complicated and can take different forms, but usually consists of one or more of the following signs and symptoms:

Neglect can be defined in terms of an omission where the child suffers significant harm or impairment of development by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and or medical care.

"The threshold of significant harm is reached when the child's needs are neglected to the extent that their well-being and/or development are severely affected". "Neglect generally becomes apparent in different ways over a period of time rather than at one specific point. For example, a child who suffers a series of minor injuries may not be having their needs met in terms of necessary supervision and safety. A child whose height or weight is significantly below

average may be being deprived of adequate nutrition. A child who consistently misses school may be being deprived of intellectual stimulation".

Examples may include:

- 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 is normally to be found in the relationship between a caregiver and a child rather than in a specific event or pattern of events. It occurs when a child's need for affection, approval, consistency and security are not met. Emotional abuse can be manifested in terms of the child's behavioural, cognitive, affective or physical functioning e.g., 'anxious' attachment, non-organic failure to thrive, unhappiness, low self-esteem, educational and developmental underachievement, and oppositional behaviour.

Examples may include:

- the imposition of negative attributes on a child, expressed by persistent criticism, sarcasm, hostility or blaming;
- conditional parenting in which the level of care shown to a child is made contingent on their behaviours or actions;
- emotional unavailability of the Childs parent/carer;
- unresponsiveness of the parent/carer and/or inconsistent or inappropriate expectations of the child;
- unrealistic or inappropriate expectations of the child's capacity to understand something or to behave and control themselves in a certain way;
- under- or over-protection of the child;
- failure to show interest in, or provide age-appropriate opportunities for, the child's cognitive and emotional development;
- use of unreasonable or over-harsh disciplinary measures;
- exposure to domestic violence;
- exposure to inappropriate or abusive material through new technology.

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

Physical abuse can involve:

- severe physical punishment;
- beating, slapping, hitting or kicking;
- pushing, shaking or throwing;
- pinching, biting, choking or hair pulling

- terrorising with threats;
- observing violence;
- use of excessive force in handling;
- deliberate poisoning;
- suffocation;
- fabricated/induced illness;
- allowing or creating a substantial risk of significant harm to a child.

Sexual abuse occurs when "a child is used by another person for his or her gratification or sexual arousal or for that of others".

Examples of child sexual abuse include:

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

Reckless Endangerment is when a person having authority or control over a child or an abuser, who intentionally or recklessly endangers a child by-

- a) Causing or permitting any child to be placed or left in a situation which creates a substantial risk to the child of being a victim of serious harm or sexual abuse, or
- b) Failing to take reasonable steps to protect a child from such a risk while knowing that the child is in such a situation, is guilty of an offence'.
- c) The above are some of the examples of abuse for more information see section 2 of Children First.

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.

The following list is intended to help you identify the range of issues in a child's life that may place them at greater risk of abuse or neglect. It is important for you to remember that the presence of any of these factors does not necessarily mean that a child in those circumstances or settings is being abused.

Parent or carer factors:

- Drug and alcohol misuse
- Addiction, including gambling
- Mental health issues
- Parental disability issues, including learning or intellectual disability
- Conflictual relationships
- Domestic violence
- Adolescent parents

Child factors:

- Age
- Gender
- Sexuality
- Disability
- Mental health issues, including self-harm and suicide
- Communication difficulties
- Trafficked/Exploited
- Previous abuse
- Young carer

Community factors:

- Cultural, ethnic, religious or faith-based norms in the family or community which may not meet the standards of child welfare or protection required in this jurisdiction
- Culture-specific practices, including:
 - Female genital mutilation
 - Forced marriage
 - Honour-based violence
 - Radicalisation

Environmental factors:

- Housing issues
- Children who are out of home and not living with their parents, whether temporarily or permanently
- Poverty/Begging
- Bullying
- Internet and social media-related concerns

Poor motivation or willingness of parents/guardians to engage:

- Non-attendance at appointments
- Lack of insight or understanding of how the child is being affected
- Lack of understanding about what needs to happen to bring about change
- Avoidance of contact and reluctance to work with services
- Inability or unwillingness to comply with agreed plans

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

HOW TO MAKE A REPORT

All staff and volunteers (included Mandated Persons) at Galway Arts Centre will follow the procedures in this section when they have a concern that a child has been, is being, or is at risk of being abused, harmed or neglected.

 When a staff member or volunteer (including a Mandated Person) has a child protection or welfare concern they will speak to the Designated Liaison Person for Child Protection (DLP) without delay. This includes concerns which reach the threshold for a mandated report under the *Children First Act 2015* as outlined in appendix 1.

- The DLP will report the following child protection and welfare concerns using the Child Protection and Welfare Report Form (available on www.tusla.ie) to Tusla:
 - Child protection and welfare concerns that meet reasonable grounds for concern but do not meet the threshold for mandated reporting
 - Child protection and welfare concerns that meet reasonable grounds for concern and have been passed to them by persons who are not Mandated Persons
- **Reasonable grounds** for a child protection or welfare concern include:
 - evidence, for example an injury or behaviour, that is consistent with abuse and is unlikely to have been caused in any other way;
 - any concern about possible sexual abuse;
 - consistent signs that a child is suffering from emotional or physical neglect;
 - a Child saying or indicating by other means that he or she has been abused;
 - admission or indication by an adult or child of an alleged abuse they committed or;
 - an account from a person who saw the child being abused.
- If the DLP is unsure if a child protection concern meets the reasonable grounds for concern, they will contact Tusla Duty Social Work for advice and guidance using the informal consultation process.
- Under no circumstances will a child be left in a situation that exposes him or her to harm or risk pending intervention from Tusla. In the event of an emergency and the unavailability of a Tusla Duty Social Worker, the DLP will contact An Garda Síochána.

Contact Details:				
Tusla Duty Social Work	Child and Family Agency			
	25 Newscastle Road			
	Galway			
	091 546235			
An Garda Síochána	Galway Garda Station			
	Mill Street			
	Galway			
	091 538000			

- In addition to a report to Tusla, if there is a criminal or suspected criminal aspect to the child protection concern, An Garda Siochána will be notified by the Mandated Person or DLP as appropriate.
- The board of management of Galway Arts Centre will be informed when a report is made to Tusla under this policy. In accordance with the Confidentiality Policy, identifying information about the child and family is only shared with them on a need-to-know basis.

REPORTING PROCEDURES – MANDATED PERSONS

 Under the Children First Act 2015 Mandated Persons are legally required to report any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed to Tusla.

- Mandated Persons will bring any child protection concerns to the attention of the Designated Liaison Person (DLP) without delay (as above).
- If the child protection concern reaches the threshold for harm as defined in the Children First Act 2015 it is a mandated report. See Appendix 1. The Mandated Person may seek advice and guidance from the DLP in relation to the child protection concern and the threshold of harm.
- Mandated reports will be made jointly by the Mandated Person (who raised the concern) and the DLP, using the Child Protection and Welfare Report Form (available on www.tusla.ie). The form must clearly indicate that the report is a Mandated Report.
- If the child protection concern requires a more urgent intervention to make the child safe, the *Children First Act 2015* allows a Mandated Persons to alert Tusla of the concern, by telephone or in person, in advance of submitting a written report. The mandated report must then be submitted to Tusla using the Child Protection and Welfare Report Form within 3 days.
- The statutory obligation of a Mandated Persons to report under the Children First Act 2015 must be discharged by the Mandated Person and cannot be discharged by the DLP on their behalf. Mandated Persons can, however, report jointly with another person.
- Where the Mandated Person or DLP is unsure if the report meets the threshold of harm as outlined in the *Children First Act 2015* advice and guidance will be sought through informal consultation with the Tusla Duty Social Work.
- If a child protection concern does not meet the criteria for a mandated report, it may
 meet 'reasonable grounds for concern' for a report to Tusla and this possibility must be
 considered. If 'reasonable grounds for concern' exist a report to Tusla will be made by
 the DLP.
- The Mandated Person may submit the report to Tusla solely, however, the DLP must be informed that the report has been made and be given a copy of the Child Protection and Welfare Report Form.
- If a child protection concern has come to the attention of a number of Mandated Persons, the report may be submitted jointly by a number of Mandated Persons.
- Mandated Persons are not required to make a report to Tusla where the sole basis of their knowledge, belief or suspicion of harm is of a result of becoming aware that another Mandated Person has made a report to Tusla.

How to Handle a Report of Abuse by a Child / Young Person

In the event of a child / young person disclosing an incident of abuse it is essential that this is dealt with sensitively and professionally by the employee / volunteer involved. In such circumstances, the employee / volunteer will:

- React calmly;
- Listen carefully and attentively; take the young person seriously;
- Reassure the young person that they have taken the right action in talking to you;
- Do NOT promise to keep anything secret;
- Ask questions for clarification only. Do not ask leading questions, this is not an interview, but rather receiving a disclosure from a child;

- Check back with the child/young person that what you have heard is correct and understood;
- Do not express any opinions about the alleged abuser;
- Record the conversation as soon as possible, in as much detail as possible. Sign and date the record;
- Ensure that the child/young person understands the procedures which will follow;
- Pass the information to the Designated Liaison Person do not attempt to deal with the problem alone and;
- Treat the information confidentially.

Retrospective Disclosures by Adults

Parents and staff who are working with children and young adults or who attend child protection training may disclose abuse which took place during their childhood. A disclosure of abuse by an adult which took place during their childhood must be noted or recorded.

In these cases, it is essential that consideration is given to the current risk to any child who may be in contact. If any risk is deemed to exist to any child who may be in contact with the alleged abuser, a report of the allegation will be made to Tusla without delay. Investigation of disclosures by adult victims of past abuse frequently uncovers current incidents of abuse and is therefore an effective means of stopping the cycle of abuse.

An increasing number of adults are disclosing abuse that took place during their childhoods. Such disclosures often come to light when adults attend counselling. It is essential to establish whether there is any current risk to any child who may be in contact with the alleged abuser revealed in such disclosures.

If any risk is deemed to exist to a child who may be in contact with an alleged abuser, the Designated Liaison Person will report the allegation to Tusla without delay.

The HSE National Counselling Service is in place to listen to, value and understand those who have been abused in childhood. The service is a professional, confidential counselling and psychotherapy service and is available free of charge in all regions of the country (see www.hse-ncs.ie/en). The service can be accessed either through healthcare professionals or by way of self-referral.

Protections for Persons Reporting Child Abuse Act, 1998

Galway Arts Centre wish to draw the attention of the staff and volunteers to this Act, *Protection for Persons Reporting Child Abuse Act 1998*, which provides immunity from civil liability to persons who report child abuse "reasonably and in good faith" to Tusla or An Garda Síochána. Section 3(1) of the Act states:

"A person who, apart from this section, would be so liable shall not be liable in damages in respect of the communication, whether in writing or otherwise, by him or her to an appropriate person of his or her opinion that—

- a child has been or is being assaulted, ill-treated, neglected or sexually abused, or
- a child's health, development or welfare has been or is being avoidably impaired or neglected, unless it is proved that he or she has not acted reasonably and in good faith in forming that opinion and communicating it to the appropriate person".

INFORMING PARENTS ABOUT CHILD PROTECTION AND WELFARE CONCERNS

Staff/volunteers may feel uncomfortable approaching a parent about a concern. You may have to discuss a concern about the welfare or protection of a child/young person or an issue which relates to the child/young person's developmental needs. The following best practice tips may be useful:

- Make sure parents/guardians have prior awareness of your guiding principles, procedures and duties to safeguard children.
- Be straightforward and clearly explain the nature of the concern or issue, e.g., by using facts and records of observations made.
- Think about the time and place to have the conversation. Find a time when parents/guardians are not in a hurry.
- Find a place that is quiet and allows privacy.
- Consider arranging to meet parents/guardians.
- Consider who is the best person/who are the best people to have the conversation with the parents/guardians.
- Use a calm and gentle tone, consider the language used.
- Start with positive comments and observations about the child/young person. Ensure
 that the parents/guardians know that you care about the welfare of their child and
 recognise their strengths.
- Refer to how the situation may be affecting the child/young person.
- Start with positive comments and observations about the parents/guardians. Most parents/guardians are trying to do their best for their children and will appreciate your acknowledgement of how challenging parenting can be at times.
- Give the parents/guardians an opportunity to talk; ask them for an explanation and acknowledge their feelings.
- Take the approach that you are working together to address any issues in the best interests of the child/young person.
- Don't blame, don't get defensive and don't take things personally.
- Ensure that you are supportive but also address the issue.
- Refer to your guiding principles and child safeguarding procedures for support.
- Offer possible solutions, where appropriate.
- Advise parents/guardians how you plan to follow up and keep them informed and involved, where appropriate. Where it is not possible to contact the parents/guardians to discuss a concern you may need to discuss the concern with the DLP or Tusla duty social worker.
- Remember if a report needs to be made to Tusla, do not delay.

CONFIDENTIALLY

In matters of child abuse, an employee/volunteer of Galway Arts Centre will never promise to keep secret any information which is divulged by a child. It will be explained to the child/young person that this information cannot be kept secret but only those who need to know in order to safeguard the child, will be told.

When reporting any case of alleged/suspected abuse the principle of confidentiality applies. The information will only be shared on a 'need-to-know' basis which means sharing information with persons who have a need to know in order to safeguard a child/young person and is not a breach of confidentiality and the number of people that need to be informed will be kept to a minimum.

If an employee/volunteer at Galway Arts Centre has any doubt as to whether a report should be made, they will consult with the Designated Liaison Person.

RECORD KEEPING

Written records will be kept of all child protection concerns (including those not reported to Tusla) and these will be managed by Galway Arts Centre's Designated Liaison Person. Information will include, details of the concern, who raised it, who was contacted, details about informal consultation, any action taken, details about informing parents. If a child has made a disclosure of abuse, a written record will be made. If there are other grounds for concern that the child has been abused or neglected, a written record will be made. Records relating to child protection and welfare issues will be kept indefinitely.

Children First: National Guidance for the Protection and Welfare of Children states that if a Designated Liaison Person decides not to report a concern to Tusla, the following steps should be taken:

- The reasons for not reporting are to be recorded;
- If any actions are taken as a result of the concern, these should be recorded;
- The worker or volunteer who raised the concern should be given a clear written explanation of the reasons why the concern is not being reported to Tusla;
- The worker or volunteer should be advised that if they remain concerned about the situation, they are free to make a report to Tusla or An Garda Síochána.

The worker or volunteer who raised the concern should also be reassured that if they do choose to further pursue the matter, they are covered by the *Protections for Persons Reporting Child Abuse Act 1998*.

Records should be factual and include details of contacts, consultations and any actions taken. Key points when maintaining child protection records:

- All agencies dealing with children must cooperate in the sharing of records with Tusla where a child protection or welfare issue arises. An example of this could be information needed for a Child Protection Conference or Strategy Meeting or information important for the assessment of risk to a child.
- Ensure that records on child protection concerns, allegations and disclosures are kept securely and safely within the organisation.
- Records should only be used for the purpose for which they are intended.
- Records should only be shared on a need-to-know basis in the best interests of the child/young person.
- Child protection records should be updated as required and reviewed regularly by the Designated Liaison Person.

RECRUITMENT AND CHILD PROTECTION

Galway Arts Centre has a Recruitment Policy. All advertisements, screening and recruitment for vacant posts within Galway Arts Centre will reflect our commitment to equality. We will ensure that interviewers conduct interviews in a non-discriminatory way. Interviews will be undertaken by a minimum of two representatives of Galway Arts Centre using an agreed set of questions. All applicants will be provided with:

- Details of Galway Arts Centre
- A Job Description and Person Specification
- Information on the Application Process

A minimum of two references (one from the most recent employer) will be taken up followed by a telephone reference check prior to any staff member commencing in Galway Arts Centre.

References will only be accepted in writing and no references from family or relatives will be accepted.

Successful candidates will be offered a Contract of Employment in accordance with Employment legislation requirements and each contract will include a probationary period. All employees' contracts will include signing up to Galway Arts Centre's Child Protection Policy. Training in Child Protection and Children First will be sought for all employees.

These guidelines will apply both to the recruitment of new employees and to the selection of internal candidates for promotion or job change.

Galway Arts Centre will not employ, contract or involve as a volunteer, any person to work with children or young adults who has a criminal conviction for violent crime, sexual crime, drugs related offences, or any other offences deemed inappropriate in relation to work with children.

All workers employed, contracted to work, or volunteering to work with children through Galway Arts Centre will be required to sign a declaration form outlining any previous criminal convictions and granting permission for vetting from An Garda Síochána to be sought. Garda Vetting will be undertaken for all managers, staff and volunteers who work with children.

All references, qualifications, vetting, CVs and training information will the stored in a staff file, which will be retained as per Galway Arts Centre's Data Retention Policy.

GUIDELINES FOR MANAGEMENT OF STAFF

Galway Arts Centre engages in ongoing support and supervision for all staff members. Formal support and supervision meetings take place monthly or more frequently if the workload requires it. Informal support and supervision are available to all staff as requested or as required. Full Team Meetings take place a minimum of twice per year. Individual teams meet fortnightly as work demands require.

All staff and volunteers undergo an induction process, which includes induction on this Child Protection Policy, and each staff member and volunteer will confirm in writing that the induction process has taken place.

Galway Arts Centre's Child Protection Policy will be rolled out to existing staff through an in-house training programme. On-going training will be provided following annual review or statutory/guideline changes.

ALLEGATIONS AGAINST AN EMPLOYEE/ VOLUNTEER

An allegation of abuse may relate to a person who works with children who has:

- Behaved in a way that has or may have harmed a child/young person;
- Possibly committed a criminal offence in relation to a child/young person;
- Behaved towards a child/young person or children/young people in a way that indicates they may pose a risk of harm to a child/young person;
- Behaved in a way that is contrary to the organisation's code of behaviour for workers and volunteers;
- Behaved in a way that is contrary to professional practice guidelines.

If an allegation is made against a worker/volunteer in your organisation you must ensure that everyone involved is dealt with appropriately and in accordance with the organisation's guiding principles and child safeguarding procedures, the rules of natural justice and any relevant employment law. The organisation has a dual responsibility in respect of both the child/young person and the worker/volunteer.

There are two separate procedures to be followed:

- 1. The reporting procedure to Tusla in respect of the child/young person and the alleged abuser;
- 2. The internal personnel/HR procedure for dealing with the worker/volunteer.

The priority is to protect the child/young person while taking account of the worker/volunteer's right to due process.

- It is recommended that the same person should not have responsibility for dealing with the child protection reporting procedure and the employment/contractual issues.
- The agreed reporting procedure should be followed by mandated persons and/or the DLP. Generally, the Director, in consultation with the Chairperson of the Board will manage procedures relating to employment issues (including any internal investigation).
- Any action taken should consider the applicable employment contract and the rules of natural justice.
- When an allegation is made against a worker/volunteer a quick resolution should be sought for the benefit of all concerned.
- The procedures for dealing with allegations of abuse against workers/volunteers should be objectively applied in a consistent manner.
- All stages of the process must be recorded.
- Care must be taken by the employer to ensure that any actions or investigations do not prejudice or compromise the statutory investigation or assessment.
- Close liaison should be maintained between the employer and Tusla and An Garda Síochána (where appropriate).

Reporting allegations of abuse made against workers/volunteers to Tusla

The agreed reporting procedure should always be followed by mandated persons and/or the DLP. In addition:

- The Chairperson of the Board must be alerted to the allegation by the reporter, whether mandated person or DLP;
- The first priority is for the safety of the child/young person; management must make sure no child or young person is exposed to unnecessary risk;
- Parents/guardians should be informed of any action planned while having regard to the confidentiality rights of others, such as the person against whom the allegation has been made. Tusla's National Policy and Procedure for Responding to Allegations of Abuse and Neglect will be applied by Tusla when assessing allegations of abuse made against workers or volunteers.

Internal personnel procedures for dealing with the worker/volunteer

The organisation's disciplinary procedures should ensure that fair procedure is followed and take account of the employment contract as well as the rules of natural justice:

- In making an immediate decision about the worker's/volunteer's presence in the organisation, the Director, in consultation with the Chairperson of the Board, should as a matter of urgency take any measures necessary to protect the child/young person. These should be proportionate to the level of risk to the child/young person; 'protective measures' do not presume guilt.
- The Director should privately inform the worker/volunteer that an allegation has been made against him or her and the nature of the allegation.
- The worker/volunteer should be afforded an opportunity to respond. The Director should note the response and pass on this information if making a formal report to Tusla. The worker/volunteer should be offered the option to have representation at this

- stage and should be informed that any response may be shared with Tusla.
- While Tusla will not provide advice on employment matters, advice and consultation with regard to risk to children/young people can be sought from the local Tusla social work office.
- The Director should ensure that actions taken by the organisation do not frustrate or undermine any investigations or assessments undertaken by Tusla or An Garda Síochána. The organisation should liaise closely with the investigating bodies to ensure this.
- The requirements of fair procedure and natural justice mean that Tusla usually will not share the detail of any assessment regarding allegations of abuse against a worker/volunteer until the worker/volunteer has had an opportunity to fully respond to the allegation and any findings and decisions of Tusla.
- Disciplinary procedures should be followed by the organisation.

CODE OF CONDUCT FOR WORKING WITH CHILDREN AND YOUNG PEOPLE

The following are a guide to helping create a safe and protective culture for young people, staff and volunteers.

Practice to be encouraged:

- Treat all children and young people with respect and dignity
- Involve young people in the decisions that affect them
- Always work in an open environment, avoiding private or unobserved situations
- Maintain a safe and appropriate distance with young people (e.g., not sharing tents, shower facilities or having an inappropriate or intimate relationship)
- When organising events and meetings for children and young people, or their attendance at events/meetings, the following information/documentation should be requested by Galway Arts Centre staff in relation to the child or young person attending the event/meeting:
 - A consent form for all events or specific activities;
 - Contact details for the family/guardians, including emergency contact numbers;
 - Information relating to any special issues, needs or requirements (e.g., medical, health, diet, language assistance).
- Use a reporting form to keep a clear note of any incidents or concerns
- If physical contact is necessary (e.g., in an emergency), tell the young person clearly what you are doing and why, seek their permission and give choices where possible. If possible, have another worker present
- Every activity, event or session should be risk assessed to maintain the safety of young people

Practice to be avoided:

- Workers should not give lifts in their car to individual children or young people or travel alone with young people. Where not doing this would compromise Galway Arts Centre's Health and Safety Policy (e.g., leaving a young person alone at a venue) you should attempt to phone the parent/guardian of the young person to confirm what you will be doing. You should also ask the young person to sit in the back seat.
- Workers should not take young people to their home or that of another worker
- Workers should avoid situations where they are alone with young people. Where a private meeting with a lone child/young person is unavoidable it should be held in an open place in view of others or in a room visible to those outside and where a colleague has agreed to visually monitor the meeting. If a young person participates in a review of their involvement in a programme as a result of disruptive or unacceptable

- behaviour, it is advisable that this review is witnessed by a second staff member/volunteer
- Workers should not use their own 'personal' electronic communications (e.g., mobile
- phones, social networking sites) for contacting young people, unless agreed by management in advance
- Unacceptable practice:
 - Invading the privacy of children and young people when they are toileting or showering, changing or dressing
 - Inappropriate physical or sexually provocative games
 - Sharing sleeping accommodation with an individual child or young person
 - Making sexually suggestive comments about or to a child or young person even in fun
 - Inappropriate and intrusive touching of any form
 - Scape-goating or ridiculing a child or young person
 - Allowing inappropriate, foul, sexualised or discriminatory language to remain unchallenged
 - Any form of physical punishment
 - Illegal use of drugs
 - Use of alcohol during an event
 - Bullying of any form, including name calling or constant criticism
 - 'Picking on' a young person because of their family background, manner of dress or physical characteristic
 - Racism or sectarianism of any form
 - Favouritism and exclusion all young people should be equally supported and encouraged
 - Abusive language or gestures

ENQUIRES AND COMPLAINTS PROCESS

Please contact us in writing with your enquiry or complaint in the first instance to info@galwayartscentre.ie or write to us at 47 Dominick Street Lower, Galway H91 X0AP.

We will respond to you within 20 working days of making your enquiry or complaint.

When writing to us please make sure you:

- include as much detail as you can about the issue
- let us know why you feel your initial enquiry was not dealt with satisfactorily
- tell us what you think should happen to resolve the complaint

If you feel your initial complaint or enquiry has not been dealt with satisfactorily, or concerns an individual member of staff, please contact Tara O'Connor, General Manager directly by email on tara@galwayartscentre.ie or through reception on (091) 565 886.

If within a further 20 working days or if you are not satisfied with the outcome of your complaint please contact Galway Arts Centre's Director, Megs Morley by email on megsmorley@galwayartscentre.ie or through reception on (091) 565 886.

Important information - Enquiries and Complaints

If you don't adhere to the enquiries and complaints procedure steps in order, we will re-route your complaint to the appropriate staff member, as detailed above.

The details of all enquiries and complaints will be kept confidential. However, we reserve the

right to discuss your complaint with relevant staff.

Please submit your enquiry or complaint in a timely manner. We will be unable to resolve your complaint if it is regarding an issue more than 18 months ago with the exception of child protection issues.

ACCIDENT/INCIDENT POLICY AND PROCEDURE

It is essential that all accidents and incidents be reported. Accident/Incident data is used to identify and evaluate risks and it allows management to consider the frequency and severity of these risks, in order that effective control measures may be implemented. Failure to report accidents or incidents can result in re-occurrence and often consequences can be more severe when an accident re-occurs.

- 1. All accidents/incidents must be reported as soon as possible using the internal accident/incident report form. Staff should report directly to the Safety Officer in the event of an accident/incident however minor. The accident report file is kept in the Office where the Safety Officer will examine it on a regular basis.
- 2. All significant injuries to be reported to the Safety Officer within 24 hours of the occurrence of the incident.
- 3. All accidents resulting in lost work time must be communicated to the Manager.
- 4. If first aid treatment is provided the First Aider must make an entry in the First Aid file The First Aider will record details of the incident in the accident register.
- 5. Accident reports should be made before the end of the day in which the incident took place.
 - a. A copy of the accident report should be made and forwarded to the Safety Officer.
 - b. Accidents resulting in personnel being absent from work for more than 3 consecutive days should be reported using form IR1 to the Health and Safety Authority by the Safety Officer. Weekends and other normal days off are included when calculating the period of absence. For Example, an employee who normally has Saturday and Sunday off work is injured on Wednesday and returns to work the following Monday, the incident is reportable.

Completed forms should be sent to:

Health and Safety Authority 10, Hogan Place, Dublin

Accidents can also be reported through the HSA Web Page at: www.hsa.ie

c. Records must be kept, for a minimum of ten years, of all reportable accidents.

APPENDICES

APPENDIX 1

REFERENCE MATERIAL

Children First: National Guidance for the Protection and Welfare of Children: https://www.tusla.ie/uploads/content/Children First National Guidance 2017.pdf

Guidance on Developing a Child Safeguarding Statement:

https://www.tusla.ie/uploads/content/4214-TUSLA Guidance on Developing a CSS LR.PDF

Child Safeguarding: A Guide for Policy, Procedure and Practice (2nd Edition):

https://www.tusla.ie/uploads/content/Tusla - Child Safeguarding - A Guide for Policy, Procedure_and_Practice.pdf

CONTACT DETAILS CHILD PROTECTION (CHILDREN FIRST)

GALWAY

Galway City, Social Work Department, Local Health Office, 25 Newcastle Road, Galway, Co. Galway
091 546366

GALWAY COUNTY

Tuam Social Work Department, Health Centre, Vicar Street, Tuam, Co. Galway 093 37200

Loughrea Social Work Department, Health Centre, Loughrea, Co. Galway 091 847820

Ballinasloe Social Work Department, Health Centre, Brackernagh, Ballinasloe, Co. Galway 090 964 6200

Oughterard Social Work Department, Health Centre, Oughterard, Co. Galway 091 552200

RELEVANT LEGISLATION

Child Care Act 1991

https://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/html

This is the key piece of legislation which regulates child care policy in Ireland.

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

Protections for Persons Reporting Child Abuse Act 1998 -

https://www.irishstatutebook.ie/eli/1998/act/49/enacted/en/html

This Act protects you if you make a report of suspected child abuse to designated officers of Tusla, the Health Service Executive (HSE) or to members of the Gardaí as long as the report is made in good faith and is not malicious. Designated officers also include persons authorised by

the Chief Executive Officer of Tusla to receive and acknowledge reports of mandated concerns

about a child from mandated persons under the Children First Act 2015.

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

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

Criminal Justice Act 2006

https://www.irishstatutebook.ie/eli/2006/act/26/enacted/en/print

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

https://www.irishstatutebook.ie/eli/2012/act/24/enacted/en/html

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

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

National Vetting Bureau (Children and Vulnerable Persons) Acts 2012-2016 https://www.irishstatutebook.ie/eli/2012/act/47/enacted/en/html

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.

Children First Act 2015

https://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/html

The Children First Act 2015 is an important addition to the child welfare and protection system as it will help to ensure that child protection concerns are brought to the attention of Tusla

without delay.

The Act provides for mandatory reporting of child welfare and protection concerns by key professionals; comprehensive risk assessment and planning for a strong organisational culture of safeguarding in all services provided to children; a provision for a register of non-compliance; and the statutory underpinning of the existing Children First Interdepartmental Implementation Group which promotes and oversees cross-sectoral implementation and compliance with Children First.

Criminal Law (Sexual Offences) Act 2017

https://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html

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.

MANDATED PERSONS

The *Children First Act 2015*, Schedule 2, provides a full list of people who are classified as mandated persons:

https://www.tusla.ie/children-first/mandated-persons/am-i-a-mandated-person/

As a mandated person, under the legislation you are required to report any knowledge, belief, or reasonable suspicion that a child has been harmed, is being harmed, or is at risk of being harmed, to the Authorised Person within Tusla.

What is the threshold for making a mandated report?

Definition of Harm:

The threshold of harm for each category of abuse at which mandated persons have a legal obligation to report concerns is outlined below.

"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. (b) sexual abuse of the child

Neglect

Neglect is defined as 'to deprive a child of adequate food, warmth, clothing, hygiene, supervision, safety or medical care'. The threshold of harm, at which you must report to Tusla under the Children First Act 2015, is reached when you know, believe or have reasonable grounds to suspect that a child's needs have been neglected, are being neglected, or are at risk of being neglected to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Emotional Abuse / Ill-treatment

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*.

The threshold of harm, at which you must report to Tusla under the *Children First Act 2015*, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being ill-treated to the point where the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Physical Abuse

Physical abuse is covered in the references to assault in the *Children First Act 2015*. The threshold of harm, at which you must report to Tusla under the *Children First Act 2015*, is reached when you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being assaulted and that as a result the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected.

Sexual Abuse

If, as a mandated person, you know, believe or have reasonable grounds to suspect that a child has been, is being, or is at risk of being sexually abused, then you must report this to Tusla under the *Children First Act 2015*.

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*.

A full list of relevant offences against the child which are considered sexual abuse is set out in Appendix 3 of *Children First: Guidance for the Protection and Welfare of Children*.

As all sexual abuse falls within the category of seriously affecting a child's health, welfare or development, you must submit all concerns about sexual abuse as a mandated report to Tusla. There is one exception, which deals with certain consensual sexual activity between teenagers, which is outlined here.



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 child resi	des)*				
2 Date of Dan	aut*			\neg		
2. Date of Rep	ort*					
1. Details of Cl	hild					
First Name*		Surnar	me*			
Male*		Female	e*			
Address*		Date o	f Birth*			
		Estima	ited Age	*		
		Schoo	l Name			
		School	Addres	s		
Eircode						
2. Details of Co						
	te the following section wit				•	
	egation as possible. Include				•	
_	ncident. Please include the	parents an	d child's	view, if kn	iown. Please attach addit	ional
sheets, if nece	ssary					
Please see 'Tus	sla Children First – A Guide fo	r the Renort	ing of Ch	ild Protecti	on and Welfare Concerns' f	or
	istance on the steps to consid	-			on and weighte concerns 1	"
			,р			
3. Type of Con	cern					
Child Welfare C	oncern					
Emotional Abus	se		Physica	al Abuse		
Neglect			Sexual	Abuse		
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4. Details of Re	eporter					
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reporting in a professional			Position	on Held		
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professional address						
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MANDATED PERSONS AND NON MANDATED PERSONS (Children First Act 2015 & Children First National Guidance)

Is this a Mandat	Is this a Mandated Report made under Sec 14, Children First Act 2015?* Yes								
Mandated Perso					•				
		•							
	er Persons Where a Joint Report is E								
First Name		Surname							
Address If		Organisatio							
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6. Parents Aware	e of Report								
	Are the child's parents/carers aware that this				No				
concern is being	reported to Tusla?*								
If the parent/car	rer does not know, please								
indicate reasons	:								
7. Relationships									
Details of Mothe	er I								
First Name		Surname							
Address		Mobile No.							
		Telephone Email Addre							
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Eircode		1							
Is the Mother a Legal Guardian?* Yes					No				
			•			<u> </u>			
Details of Father									
First Name		Surname		-					
Address		Mobile No.							
		Telephone No.							
		Email Addr	ess						
Eircode		1							



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

to the model of					Vas		7	No				
Is the Father a L	egal Guardian?*				Yes	L		No				
8. Household C	`omnosition											
First Name	Surname	Relatio	onship	Date of Birth		nship D		Estim Age	nated	Inf e.g	dition orma g. sch cupat ther	tion ool,
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	rson(s) Allegedly C	ausing H	arm									
First Name*					ırname*							
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MANDATED PERSONS AND NON MANDATED PERSONS (Children First Act 2015 & Children First National Guidance)

10. 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



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

First Name		Surname		Date	Sent				
Authorised	Authorised Person Signature*								
Date*									
Child Previo	usly Known		Yes		No				
Allocated Ca									