



Protecting Young People 2018

Guidelines and Information for Foróige Volunteers regarding Child Protection and Welfare concerns

March 2018



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FORÓIGE'S CHILD PROTECTION STATEMENT

POLICY STATEMENT

The Board of Foróige believes that the protection and welfare of children and young people is of paramount importance.

It is the policy of the Board of Foróige that the organisation's staff and adult volunteers take all reasonable care to ensure that all children and young people involved in its services are protected from abuse of any kind. This policy is grounded in Foróige's philosophy which outlines the importance of children and young people being treated with respect, listened to and having their views taken into consideration.

The Board of Foróige commits to reviewing this Child Protection Policy and the Guidelines for Staff regarding Child Protection and Welfare every two years.

WHO ARE FORÓIGE VOLUNTEERS?

A Foróige volunteer is someone who freely contributes time, skills and service at the direction of and by agreement with Foróige, but is not paid nor expects to be paid. Volunteers are in roles with young people in clubs, BBBS, or in joint groups with staff and in some roles which do not involve regular contact with young people. The term also covers students on placement.

Many volunteers are known as "Leaders". This document applies to all Foróige volunteers regardless of title.

National Designated Liaison Person:

You must contact the Foróige staff person who normally supports you as a volunteer if you become aware of a child protection concern in your role in Foróige.

The person with overall responsibility for child protection in Foróige is

John Cahill

Assistant Chief Executive Officer

Foróige HQ, Block 12d, Joyce Way, Parkwest, Dublin 12

Tel: 01 6301 560

Email: john.cahill@foroige.ie

CHAPTER 1: Responsibility to Protect and Report

1. PURPOSE OF THESE GUIDELINES

- 1.1 These guidelines are for use by Foróige Volunteers in their role within Foróige.
- 1.2 The purpose of the guidelines is to inform volunteers as to :
 - (a) The nature of child¹ abuse and child welfare concerns
 - (b) The procedures they should follow in their role, when they become aware of child protection or welfare concern
 - (c) The role of Foróige staff in supporting volunteers involved in responding to a child protection or welfare concern, and in the reporting of these to Tusla;and to ensure consistent best practice in Foróige in responding to and recording of child protection or welfare concerns.
- 1.3 **Note:** All Foróige volunteers receive mandatory training in relation to child protection and the organisation's child protection policy and guidelines. This is called the "Child Protection Awareness Programme" (CPAP) delivered as part of, or quickly following on "Starting Out in Foróige", level 1 Volunteer Training.

2. RESPONSIBILITY TO PROTECT YOUNG PEOPLE

- 2.1 Good practice in how we go about our day to day youth work and interaction with young people in Foróige, will help minimise the risk of children and young people experiencing any form of child abuse within the Foróige Organisation. These child protection guidelines should be used in conjunction with the range of other Foróige good practice guidelines and documents available from the organisation.
- 2.2 These include:
 - (a) Code of Good Practice for Volunteers/Staff in working with young people
 - (b) Code of Conduct for Volunteers in Foróige
 - (c) Procedures for Recruiting and Selecting Adult Volunteers in Foróige
 - (d) Guidelines for Foróige Clubs and Groups Undertaking a Trip Involving Overnight Stays Away from Home
 - (e) Guidelines for Foróige Clubs and Groups Undertaking a Day Trip
 - (f) Going Abroad with Foróige - Guidelines for trips abroad
 - (g) Interclub Events: Guidelines for District Councils
 - (h) Foróige Social Media Guidelines

¹ The Child Care Act, 1991 defines "child" as "a person under the age of 18 years other than a person who is or has been married". In these guidelines the word child and young person are used interchangeably and refer to a person under 18 years of age.

3. RESPONSIBILITY TO REPORT CHILD ABUSE OR WELFARE CONCERNS

- 3.1 Everyone must be alert to the possibility that children and young people with whom they are in contact may be suffering from or at risk of suffering from abuse or neglect. It is an important responsibility. Tusla (The Child and Family Agency) should always be informed when a person has reasonable grounds for concern that a child/young person may have been, is being or is at risk of being abused or neglected.
- 3.2 Any reasonable concern or suspicion of abuse or neglect must elicit a response. Ignoring the signals or failing to intervene may result in ongoing or further harm to the child or young person. The seriousness of not doing so is underlined by legislation; Section 176 of the Criminal Justice Act 2006 introduced the criminal charge of reckless endangerment of children.²
- 3.3 Dealing with the issue of child abuse can be a difficult undertaking and each case may present its own unique difficulties. It is therefore important to **get help from the Foróige staff member normally responsible for supporting your role, immediately or as soon as possible**. This staff member is the Designated Liaison Person in Foróige that a volunteer should discuss a child protection or welfare concern with.

4. MANDATED REPORTING

- 4.1 The Children First Act 2015 places a legal obligation on certain people, including staff in Foróige, to report child protection concerns at or above a defined threshold to Tusla. The law does not place a legal obligation on volunteers, so **Foróige Volunteers are not mandated persons**. In line with Section 2 above, volunteers bring concerns to their staff person who, if the concern is to be reported to Tusla, will normally make a joint report with you. For more on this, see Chapter 4.

5. VALIDITY OF THESE GUIDELINES

- 5.1 These Guidelines were updated in 2018 to be consistent with the Children First Act 2015 and Children First: National Guidance for the Protection and Welfare of Children (Tusla 2017).
- 5.2 These guidelines replace all previous versions and are the only version to be used. They will be reviewed regularly by Foróige. Volunteers who wish to read further in this area should view the key documents listed in appendix 1 and available on the Volunteer Portal child protection page.

² Please refer to the Foróige volunteer portal for “The Legal Position, Legislation, Key Agencies and Personnel”

CHAPTER 2: Understanding Child Abuse and Welfare Concerns

This chapter describes what might constitute a child welfare concern and outlines the main types of child abuse as described by Tusla's National Guidance document (2017). It also looks at peer abuse, organised abuse and bullying.

Often cases encountered are of a welfare nature and **may not be recognised as obvious or deliberate (abuse)** but the effect of the problem may have similarly negative consequences for the child or young person and so needs to be responded to. It is equally important that we apply the same procedures to matters relating to the welfare of children and young people as well as that of abuse.

1. CHILD WELFARE CONCERNS

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Definition of Child Welfare Concern

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

HSE Child Protection and Welfare Practice Handbook

Examples of welfare issues may include:

- There may be a hygiene issue with the young person because of insufficient finances of the parents/guardians to provide clean clothes for the young person.
- A series of concerns which when combined, creates an overall picture of the circumstances which the child may be living in.
- The young person may have specific needs and the parents are unable to support the young person.
- Young person has mental health issues and the parents/guardians are unable to meet their children's needs and support is required.

2. CHILD PROTECTION CONCERNS

A Child Protection Concern arises when child abuse occurs where a child is ill-treated in some manner and requires protection. 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. More detail on each type of abuse is given below.

Unfortunately, child abuse is not a rare occurrence. Abusers can come from all walks of life. They may be members of the child or young person's immediate family, relations, "friends", strangers, people in positions of trust in relation to children or young people or other young people themselves. Child abuse can occur in many different situations including in the home, in school, in sports or youth activities, online and elsewhere.

A volunteer could encounter a situation regarding child abuse in a number of ways including the following:

- A young person discloses to the volunteer that he or she is being abused

- A young person discloses to a third party who, in turn, tells the volunteer
- A volunteer overhears other young people discussing their concerns about a particular young person
- A volunteer witnesses abuse
- A volunteer becomes suspicious for some other significant reason such as unexplained injuries, especially if repeated, to a young person
- A third party informs the volunteer in confidence of his/her suspicions or concerns that a young person is being subjected to abuse
- A volunteer witnesses signs of neglect over a period of time
- A person causing the abuse tells you

3. DEFINITIONS OF DIFFERENT TYPES OF CHILD ABUSE

3.1 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 or young person and may have serious long-term negative consequences.

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 can be associated with poverty but not necessarily caused by it. It is often 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.³

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

³ In Foróige, if a staff person has reasonable grounds for concern, this will lead to a mandated report – see Chapter 3.

- 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

3.2 Emotional Abuse

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.

3.3 Physical Abuse

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.**⁴

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.

3.4 Sexual Abuse

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. **All sexual abuse seriously affects a child's or young person's health, welfare or development and always results in reasonable concern.**

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.

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 objects 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:

⁴ In Foróige, if a volunteer brings a reasonable grounds for concern to staff this will lead to a mandated report – see Chapter 4.

- 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)
- Inviting, coercing or inducing a child to participate in, or to observe, any sexual, indecent or obscene act
- 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 abuse material through information and communication technology including social media
- Consensual sexual activity involving an adult and an underage person

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

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.

Underage Consensual Sexual Activity

Under the Criminal Law (Sexual Offences) Act 2006 the legal age of consent is 17 years. While a sexual relationship where one or both parties is under 17 years of age is illegal, when making a mandated report to Tusla, it might not be regarded as child sexual abuse.

There are certain exemptions from reporting underage consensual sexual activity under section 14(3) of the Children First Act 2015. If you are satisfied that all of the following criteria are met, you are not required to make a report to Tusla:

- The young person(s) concerned are between 15 and 17 years old
- The age difference between them is not more than 24 months
- There is no material difference in their maturity or capacity to consent
- The relationship between the people engaged in the sexual activity does not involve intimidation or exploitation of either person
- The young persons concerned state clearly that they do not want any information about the activity to be disclosed to Tusla

In effect, this means that if **all** of the above criteria are met, you do not have to report consensual sexual activity between older teenagers as sexual abuse to Tusla. **This should only be decided in consultation with your staff member.**

All persons must uphold the key principle that the welfare of the child is paramount and if you have any concerns, even where all the above criteria are met, you may make a report to Tusla.

3.5 Other factors in relation to Child Abuse

Special consideration must be given to the range of situations in which abuse can occur. The following examples illustrate some of these situations, but it is imperative that the response remains consistent, and that child protection procedures as outlined in Chapter 4 are carried out.

3.5.1 Peer Abuse

In some cases of child abuse the alleged perpetrator will also be a child or young person. In a situation where child abuse is alleged to have been carried out by another child or young person, the child protection procedures must be adhered to for both the victim and the alleged abuser, that is, it should be considered a child care and protection issue for both children and/or young people.

Abusive behaviour that is perpetrated by a young person must be acted upon. If there is any conflict of interest between the welfare of the alleged abuser and the victim, the victim's welfare is of paramount importance. It is known that some abusers begin abusing during childhood and adolescence, that significant numbers will have suffered abuse themselves and that the abuse is likely to become progressively more serious. Early referral and intervention is therefore essential.

Research shows that teenagers perpetrate a considerable proportion of child sexual abuse. Obviously it is important that behaviour of this nature is not ignored. However it is also very important that the different types of behaviour are clearly identified and that no young person is wrongly labelled 'a child abuser', without a clear analysis of the particular behaviour by professionals.

3.5.2 Organised Abuse

Cases of organised abuse comprise only a very small proportion of the child protection concerns that come to the attention of Tusla. Nevertheless, they are complex and require particularly careful handling. Essentially, organized abuse occurs when either one person moves into an area or institution and systematically entraps children for abusive purposes (mainly sexually) or when two or more adults conspire to similarly abuse children, using inducements. Organised abuse can occur in different settings such as the community, the family or extended family or an institution. Another form of organised abuse is child trafficking, whereby the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or the giving or receiving of payments is used for the purpose of either sexual or labour exploitation. In Ireland there have been instances of child trafficking, involving both Irish victims and foreign national victims. While public perception may focus on transnational trafficking, it also occurs within Ireland.

4. CIRCUMSTANCES WHICH MAY MAKE CHILDREN MORE VULNERABLE TO HARM

If you are dealing with children and young people, you need to be alert to the possibility that a welfare or protection concern may arise in relation to children and young people you come in contact with. A child or young person needs to have someone they can trust in order to feel able to disclose abuse or harm they may be experiencing. They need to know that they will be believed and will get the help they need. Some children and young people may be more vulnerable to abuse or harm than others. Also, there may be particular times or circumstances when a child or young person may be more vulnerable to abuse or harm in their lives. In particular, children and young people with disabilities, with communication

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

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

<p>Parent or carer factors:</p>	<p>Community factors:</p>
<ul style="list-style-type: none"> • Drug and alcohol misuse • Addiction, including gambling • Mental health issues • Parental disability issues, including learning or intellectual disability • Conflictual relationships • Domestic violence • Adolescent parents 	<ul style="list-style-type: none"> • 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 the jurisdiction • Culture-specific practices, including: <ul style="list-style-type: none"> ○ Female genital mutilation ○ Forced marriage ○ Honour-based violence ○ Radicalisation
<p>Child factors:</p>	<p>Environmental factors:</p>
<ul style="list-style-type: none"> • Age and Gender • Sexuality • Disability • Mental health issues, including <ul style="list-style-type: none"> ○ self-harm and suicide • Communication difficulties • Trafficked/Exploited • Previous abuse • Young carer 	<ul style="list-style-type: none"> • 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
<p>Poor motivation or willingness of parents/guardians to engage:</p>	
<ul style="list-style-type: none"> • Non-attendance at appointments • Lack of insight or understanding of how the child is being affected • Avoidance of contact and reluctance to work with services • Inability or unwillingness to comply with agreed plans • Lack of understanding about what needs to be done to bring about change 	

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

There can be an increased vulnerability to bullying among children and young people with special educational needs. This is particularly so among those who do not understand social cues and/or have difficulty communicating. Some children and young people with complex needs may lack understanding of social situations and therefore trust everyone implicitly. Such children and young people may be more vulnerable because they do not have the same social skills or capacity as others to recognise and defend themselves against bullying behaviour.

Bullying in schools is a particular problem due to the fact that children and young people spend a significant portion of their time there and are in large social groups. In the first instance, the school's authorities are responsible for dealing with such bullying. In cases of serious instances of bullying where the behaviour is regarded as possibly abusive, you may need to make a referral to Tusla and/or An Garda Síochána.

CHAPTER 3: Recognising Risk of Child Protection or Welfare Concerns

Child neglect or abuse can often be difficult to identify and may present in many forms. In some instances a disclosure is made by an alleged victim of abuse or by a third party in relation to abuse. However, at other times a person may become suspicious of child neglect or abuse as a result of signs and symptoms they become aware of. A list of signs and symptoms of child abuse is contained in Appendix 2. No one indicator should be seen as conclusive in itself of abuse. It may indicate conditions other than child abuse. All signs and symptoms must be examined in the context of the child's situation and family circumstances.

6.1 GUIDELINES FOR RECOGNITION

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

- (a) Stage 1: Considering the possibility;
- (b) Stage 2: Looking out for signs of neglect or abuse;
- (c) Stage 3: Recording of information.

Stage 1: Considering the possibility

The possibility of child abuse should be considered if a child appears to have suffered a suspicious injury for which no reasonable explanation can be offered. It should also be considered if the child seems distressed without obvious reason or displays persistent or new behavioural problems. The possibility of child abuse should also be considered if the child displays unusual or fearful responses to parents/guardians/carers or older children. A pattern of ongoing neglect should also be considered even when there are short periods of improvement.

Stage 2: Looking out for signs of neglect or abuse

Signs of neglect or abuse can be physical, behavioural or developmental. They can exist in the relationships between children and parents/carers or between children and other family members/other persons. A cluster or pattern of signs is more likely to be indicative of neglect or abuse. Children who are being abused may hint that they are being harmed and sometimes make direct disclosures. Disclosures should always be taken very seriously and should be acted upon. Many signs of abuse are non-specific and must be considered in the child's social and family context. It is important to be open to alternative explanations for physical or behavioural signs of abuse.

Stage 3: Recording of information

If neglect or abuse is suspected and to be acted upon, for example, by informing Tusla, it is important to establish the grounds for concern.

Observations should be accurately recorded and should include dates, times, names, locations, context and any other information that may be relevant. All material and documentation relating to any such information must be given to staff who will keep it in the Child Protection Case (CPC) File which must be stored securely (see Chapter 5).

Note: Foróige volunteers and staff do not investigate child protection or welfare concerns. We record what we see or hear and pass it on to Tusla – or the Gardaí in an emergency situation.

6.2 REASONABLE GROUNDS FOR CONCERN

6.2.1 What would constitute reasonable grounds for concern about the protection and welfare of children within Foróige?

The following is a set out examples, which are by no means an exhaustive list, of reasonable grounds for concern to report to Tusla:

- a) A specific indication from the young person that he/she was abused
- b) A specific indication from a third party that a young person was abused
- c) Evidence, such as an injury, consistent with abuse and unlikely to be caused another way
- d) Signs of injury, consistent with abuse and unlikely to be caused another way
- e) An injury or behaviour which is consistent both with abuse and with an innocent explanation but there are corroborative indicators supporting the concern that it may be a case of abuse. An example of this would be a pattern of injuries, an implausible explanation, other indications of abuse, dysfunctional behaviour.
- f) Consistent indication, over a period of time that a child or young person is suffering from emotional and physical neglect.

Note: A suspicion, which is not supported by any objective indication of abuse or neglect, would not constitute a reasonable ground for concern.

It is important to re-emphasise that the protection and welfare of the child must always be the first priority and if there is any reasonable grounds for concern that abuse exists the matter must be reported to Tusla.

6.2.2 Considering whether there is a Welfare or Protection concern

Here are questions you can ask yourself when you are concerned about a child:

- Is the child or young person behaving normally for his or her age and stage of development?
- Does the child or young person present a change in behaviour?
- For how long has this behaviour been observed?
- How often does it occur? Where?
- Has something happened that explains the child's or young person's behaviour?
- Is the child or young person showing signs of distress? If so, describe (e.g. behavioural, emotional, physical signs).

- Does the behaviour happen everywhere or just in the school, childcare or youth work setting?
- Is the child or young person suffering?
- Does the behaviour restrict the child or young person socially?
- Does the behaviour interfere with the child's or young person's development?
- What effect, if any, does it have on others (e.g. other children or young people)?
- What are the child's or young person's parents(s) /guardian(s) views, if known?

Chapter 4: Procedures to be followed by volunteers in Responding to Child Protection and Welfare Concerns

This chapter is about what to do if as a Foróige volunteer, you are concerned, or suspect that children /young people may have been, are being or are at risk of being abused or neglected. It includes details on how to make a report to the correct authorities with help from Foróige staff.

Any volunteer in Foróige who becomes aware of a child protection or welfare concern has a duty to act. Staff will support him/her in all aspects of responding to the situation, including helping the volunteer to report it to Tusla jointly with the staff member.

To enable this to happen:

- (a) Volunteers must avail of the Child Protection Awareness training in line with organisational policy⁵.
- (b) Each volunteer must have the staff member's telephone number and in case the staff person is not available, the Line Manager's number; stored in a location where it is easily accessible or on a mobile phone if possible. Foróige office contact phone numbers are available on the Foróige website www.foroige.ie
- (c) Each volunteer must have read and be able to use the guidance in chapter 7 "Responding to & supporting young people, parents/guardians" and "Support for volunteers reporting a child protection concern"

1. PROCEDURES TO BE FOLLOWED

- 1.1 When a Foróige volunteer is told or becomes otherwise aware or suspicious that a young person may have been, is being or is at risk of being abused or neglected⁶, he/she should consider the situation calmly and be guided by the **paramountcy principle**, that the young person's protection & welfare must be the volunteers over-riding concern.
- 1.2 Applying this principle the volunteer should act confidentially⁷ and implement the following procedures, set out on the next page.

⁵ This is training designed by the National Youth Council of Ireland and facilitated by trained Foróige personnel.

⁶ the volunteer may be told by the person claiming to be abused or by a third party. There may be a concern about the potential risk to children posed by a specific person. Even if the child is unidentifiable, this should also be communicated to the Duty Social Worker

⁷ See page 21 for a Definition of Confidentiality.

A. Write down accurate notes as soon as possible.

B. Contact your staff member immediately or as soon as possible. (You may phone the staff member before making notes if you need to)

C. Decide in consultation with your staff member:

Whether the matter should be discussed informally with the Tusla duty social worker.

OR

Whether to make a report to Tusla and whether this will be a verbal and written report or just a written report.

Staff will decide whether or not the report reaches the threshold for a mandated report.

D. If decision is to report

- The staff member or you will inform parents, if appropriate.
- From your notes, the staff member will prepare with your assistance, the standard Tusla reporting form even if a report has been submitted verbally.
- The staff (occasionally the volunteer) submits the written report to Tusla within 3 days as is required.
- Your Staff person will place a copy of the Report in the Individual Young Person's Child Protection Case (CPC) File. Normally you will not keep a copy yourself.

If decision is NOT to report

- Have the staff member note the reason for not reporting and file this note in the Individual Young Person's CPC File
- Continue to record worrying observations, suspicions, concerns, behavioural changes. Forward these to the staff member who will consider them with you and file them
- This may lead to a future report being made.
- If further concerns come to your attention follow **A** above.

2. DETAILED STEPS TO BE FOLLOWED WHEN CONSIDERING MAKING A REPORT

A. Write down accurate notes as soon as possible (You may phone the staff member first if you need to)

Write down, as soon as possible, accurate notes on everything that is relevant.

It is important to do the following:

- Record all facts that support your concern(s).
- Stick to the facts of what you have heard and/or seen.
- Do not interpret situation or imagine what is in other people's minds.
- Be as concrete and specific as possible in establishing the basis of your concern.
- Write down as accurately as possible what you were told.

- Write specifically where, when and by whom you were told it.
- Write, if possible, the exact words used by the person.
- Write down as accurately and specifically as possible anything you observed and when and where you observed it.
- All notes and documentation must be forwarded to your staff member to be placed on the Individual Young Person's CPC file and stored securely.
- **It is important to note, unlike a disclosure or allegation, a suspicion or concern may be arrived at over a period of time.** It is for this important reason all worrying observations, concerns, suspicions and behaviour changes are recorded and forwarded to the staff person. This information may assist a Tusla investigation. A template for notes is outlined in Appendix 2.

B. Contact your staff member immediately or as soon as possible

Contact your staff member immediately and discuss the matter in confidence (your staff member is the designated liaison person in Foróige for dealing with child protection and welfare matters). This is also to help you clarify what you have heard or seen, and to give you support both for yourself and in reporting the matter further. You should not discuss the matter with any other persons.

If your staff member is unavailable contact an area manager or the Foróige Assistant Chief Executive Officer. Office contact details are available on www.foroige.ie

C. Decide, in consultation with your staff member, whether you and where possible the staff member, will discuss the matter informally with the Tusla Duty Social Worker

Or

If you and the staff member will immediately make a report to Tusla

Consult with your staff member and together, report the matter to Tusla without delay, unless you **both** conclude that there is no definite knowledge or reasonable grounds for concern of child protection or a child welfare issue (for further information in relation to "reasonable grounds for concern", see (Chapter 3).

If you and / or the staff have submitted a report verbally or in person, this must be supported by submitting a completed Tusla Standard Report Form within 3 days. This will normally be done by staff but also signed by you as the person who raised the concern.

If one of you concludes that there is definite knowledge or reasonable grounds for concern of abuse or a child welfare issue, then the report is made. If a Volunteer disagrees with a staff person's decision not to report, the volunteer is entitled to report their concerns anyway.

Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending Tusla intervention.

In the event of two people from Foróige having concerns about the same child or the same incident, a joint report may be made. A volunteer should never be instructed not to make a report.⁸

The process of making the decision to report or not may involve informal consultation with the Tusla duty social worker. If your staff member and you decide that an **informal consultation** with Tusla is needed, telephone the duty social worker describing what you have seen or heard. It may be useful for you and the staff person to do this together if you are near each other. Staff can do this based on the volunteer's written notes. Make clear that you want to have an informal consultation in confidence. If not done with the staff member present, it is important to report back to the staff member on the outcome of this consultation. If the social worker believes that the information you have constitutes reasonable grounds for concern, make a formal report jointly with your staff member. See Chapter 3 for guidance on reasonable grounds for concern. A record should be kept of this informal consultation and any decisions arising out of it and stored by the staff person on CPC file.

Note: Foróige volunteers have no function in investigating child protection matters. If the social worker does not consider that the matter needs to be reported, but you still have concerns; with the staff member you should immediately record in writing the outcome of your discussions with the social worker. The staff person will store this on the (CPC) File.

Then discuss the matter again with your staff member who will discuss it with his or her manager. It is possible for Foróige volunteers and/ or staff to report even if the advice has been that the Social Worker does not think there are reasonable grounds for concern.

D. Making a decision...

If the decision is made not to report the matter to Tusla

- The Staff member or volunteer will note the reason for not making an official report to Tusla, and the staff person will file this note in the individual young person's CPC file
- Continue to record worrying observations, suspicions, concerns, behavioural changes and forward these to the staff member to be placed in the individual young person's File. This may lead to a future report being made.
- If a further concern or concerns come to your attention follow "A" above.

If the decision is made to report the matter

- Discuss and decide with your staff member if it is appropriate to inform the parents/guardians. If you suspect child abuse or neglect and are making a report to Tusla, the parents/guardians of the child should be informed unless doing so is likely to endanger the child, volunteer or staff member (see Chapter 7 for guidance on speaking to parents). If it is decided to inform the parents/guardians, you and the staff member will need to decide whether to tell parents/guardians **before or after** the Tusla report is submitted, you may also wish to discuss this with the Duty Social

⁸ Please refer to CHAPTER 6 for further reading on the guidance and legislation underpinning child protection and welfare concerns.

Worker. The staff member will normally be the person who informs the parent, but if appropriate, the volunteer may have a role in this.

- The Staff member will complete the Tusla Standard Report Form for Reporting Child Protection and/or Welfare Concerns with your help. See sample in Appendix 4.
 - (a) Staff will Submit a cover letter with the report form marking both the cover letter and the envelope “Private and Confidential”. The cover letter may note any comments you or the staff member wish to make such as asking for as much anonymity as possible regarding disclosure of the referral source. Refer to Appendix 3 for sample copy of cover letter. **Foróige cannot guarantee that Tusla will give anonymity even if requested to so do.**
 - (b) Tusla should also be asked, in writing, to acknowledge receipt of this report. Forward this to the staff member for filing.
 - (c) The staff member will file a copy of the Report in the individual Young Person’s CPC) File and send a copy to his /her line manager.

Any written report on this matter should be marked "**Strictly Private & Confidential Addressee Only**" to the person to whom the report is sent.

E. After a Report is submitted.....

After the report has been submitted to Tusla, leave the matter be, apart from:

- (a) any necessary contact with Tusla including attending and sharing information, as required, at formal child protection and welfare meetings e.g. child protection conferences at which you would be accompanied by staff
- (b) being available to listen to and reassure the young person as appropriate⁹
- (c) maintaining contact with your staff member to acquire support for yourself which may include additional one to one supervision;
- (d) any additional and/or ongoing concerns, in which case the matter should be reported using the same procedures as above.

It may be appropriate to arrange for you or the staff member to check in with the young person later that evening or the next day either by phone or in person.

The staff member will contact the volunteer to see how he or she is doing.

Note: If a child abuse/child welfare concern is brought to your attention by a third party and it is decided not to report this to Tusla Child and Family Services, you must inform the person of the decision not to report; inform them that they can report directly to Tusla Child and Family Services, Social Work Department; and that the provisions of the **Protection of Persons Reporting Child Abuse Act 1998** would pertain. Your staff person can guide you through this.

⁹ Refer to Chapter 7 “Responding to & supporting young people& parents/guardians, and support for volunteers”

3. DEALING WITH EMERGENCY SITUATIONS

An emergency situation is one in which a child or young person's immediate safety is deemed to be at risk. In these circumstances the volunteer must maintain regular contact with the staff.

Under no circumstances should a child be left in a situation that exposes him or her to harm or to risk of harm pending Tusla intervention. In cases of emergency where a child appears to be at serious and immediate risk, follow the procedures as outlined here and on the following page.

As may be the case, an emergency may arise when the Tusla Duty Social Worker is not immediately available. In this event An Garda Síochána should be contacted. An Garda Síochána are available 24 hours a day either by ringing the local station or by dialling 999 or 112.

Procedure which **MUST** be followed in Emergency Situations

Reassure the young person and immediately contact your staff member. If they aren't available contact your area manager

Tell the staff member what has happened.

Take steps to ensure that the young person does not overhear the conversation.



In consultation with staff, telephone the Tusla duty social worker and describe the situation.

If a social worker is not available, ring the Gardaí at the local station or by dialling 999 or 112.

The Gardaí have responsibility for the safety of a young person in circumstances when social workers are not available (Child Care Act, 1991).



Give the social worker/Garda a verbal report including information you have about the young person and their family or other circumstances. Do not agree to contact the family for other information.



SAFE FOR THE YOUNG PERSON TO GO HOME

In agreement with your staff member decide if it is appropriate to inform the parents about the matter. He/she may need to consult with the Duty Social Worker or Garda before making the decision.

After the young person is safely home and as soon as possible:

- Prepare with staff the standard Tusla reporting form which you will both sign.
- The Staff member submits the report to Tusla Child and Family Services. This must be done within 3 days.
- Staff member securely files a copy in the CPC file.



UNSAFE FOR THE YOUNG PERSON TO GO HOME

Discuss a course of action with social worker or Garda and the staff member

It is important to handle the situation as sensitively as possible by giving due consideration to the welfare of the young person.

If the young person does have to be taken to a place of safety by a person that they may not know, you should if possible remain with them until he/she has become more comfortable with the social worker or Gardaí. When you do have to leave, reassure the young person you will continue to be available to listen to and reassure, if appropriate.

As soon as possible after the young person is safe:

- The staff person will prepare the standard Tusla reporting form with you.
- The staff member submits the report to Tusla Child and Family Services. This must be done within 3 days.
- Staff member securely files a copy in the CPC file

3.1 Follow Up with Emergency Situations

It may be appropriate to arrange to check in with the young person later that evening or the next day either by phone or in person.

After completing the above, leave the matter be apart from:

- (a) Any necessary contact with the Gardaí or Tusla including attending and sharing information, as required, at formal child protection and welfare meetings e.g. child protection conferences. In the rare event of this happening, staff would accompany you to this.
- (b) Being available to listen to and reassure the young person as appropriate or in some project settings arranging for the staff member to be so available.¹⁰
- (c) Maintaining contact with the staff member to acquire support for yourself which may include additional one to one supervision.
- (d) Any additional and/or ongoing concerns, in which case the matter should be reported using the same procedures as above.

In an emergency situation where your staff member is unavailable contact another staff person, a line manager or the Assistant Chief Executive Officer. In the unlikely event that none of these are available contact the Gardaí.

(The Assistant Chief Executive Officer is the National Designated Liaison Officer)

4. DEALING WITH AN ALLEGATION AGAINST A FORÓIGE VOLUNTEER, STAFF PERSON OR MANAGER

All allegations against volunteers who work with children and young people must be reported to the staff person. A suspicion or allegation against a staff person should be reported to their line manager. A suspicion or allegation against a manager should be reported to the Assistant CEO, CEO or Chairperson of the Board of Foróige as appropriate. The same reporting procedures to Tusla or the Gardaí, as outlined earlier in this chapter, will be also applied to these allegations.

5. DEALING WITH RETROSPECTIVE DISCLOSURES

An increasing number of adults are disclosing abuse that took place in their childhoods. The HSE National Counselling Service is in place to listen to, value and understand those who have been abused in childhood. This service is professional, confidential and free of charge in all regions of the country and can be accessed by self-referral (Freephone 1800 477477).

If it is felt by a volunteer or their staff member that, arising from a retrospective disclosure by an adult to the volunteer, there is any risk to a child or young person who may be in contact with an alleged abuser, the allegation must be reported to Tusla Children and Family Services without delay following the procedures outlined in Chapter 4 of these Guidelines.

¹⁰ Refer to Chapter 7 “Responding to & supporting young people, parents/guardians & support for volunteers”

A concern about *a potential risk* to children posed by a specific person, even if the children are unidentifiable, should also be communicated to the Tusla Children and Family Services.

6. COMMON DIFFICULTIES IN DEALING WITH CHILD ABUSE

6.1 Many complications can arise in dealing with child abuse including the following:

- (a) The child's family or the alleged abuser may be known to the volunteer as neighbours, friends or relatives.
- (b) Disclosure is made and then withdrawn.
- (c) The young person attempts to swear the volunteer to secrecy.
- (d) The young person threatens self-harm if the volunteer tells anyone.
- (e) The young person may seek to protect or express love for his/her abuser.

Despite these, the volunteer must always follow the procedures set out in these guidelines.

7. CONFIDENTIALITY

Confidentiality is about managing sensitive information respectfully and professionally.

Foróige is committed to ensuring people's rights to confidentiality. However, in relation to child protection and welfare it is important that:

- Information will only be shared on a 'need to know' basis in order to safeguard the young person. This is normally with the staff member only. If other volunteers or staff need to be aware that something is going on, decide with the staff member what information is given and to whom.
- Giving such information to others for the protection of a child or young person is not a breach of confidentiality
- The provision of information to the statutory agencies for the protection of a child is not a breach of confidentiality or data protection.
- No guarantee of confidentiality is given where the best interests of the child or young person are at risk
- Parents and children have a right to know if personal information is being shared, unless doing so could put the child at further risk

SUMMARY OF DO'S AND DON'TS REGARDING CHILD ABUSE AND CHILD WELFARE CONCERNS

- **Do** write down accurate notes based on what you have heard and observed.
- **Do** discuss the matter in confidence with your staff member.
- **Do** complete from your notes with staff support, an accurate, detailed, factual account of what you have seen and heard.
- **Do** report the matter to Tusla jointly with the staff member, unless both you and the staff member conclude that reasonable grounds for concern do not exist, following staff consultation with the Foróige line manager.
- **Do** treat the matter in the strictest confidence.
- **Do not** make accusations or allegations against anyone.
- **Do not** investigate any alleged instances or suspected instances of child abuse or child welfare concerns.
- **Do not** attempt to diagnose cases of child abuse.
- **Do not** make promises that cannot be kept, for example, a promise not to tell anyone.

CHAPTER 5: Guidance for volunteers regarding Written Records and notes

Written records are of critical importance in managing child protection /child welfare cases. It is critical that Foróige has accurate, up to date files and strictly adheres to the record keeping procedures outlined below. These procedures are governed by the Data Protection Acts 1988 and 2003 (See Legislation related to child protection” on the Child Protection page on the Volunteer Portal for further information. This is likely to be update in May 2018). Following receipt of a written request Foróige is committed to cooperating with Tusla on the sharing of records where a child welfare or protection issue arises, and attending and sharing information as required at formal child protection & welfare meetings as organised by Tusla. Foróige staff, but not volunteers, may be required to do this by law as mandated persons.

Procedures for volunteers regarding written records on child protection concerns

1. Any notes should be written or typed where no one else such as other volunteers or your family will see what you are doing. They should be kept temporarily in a safe place – such as a household safe, bedroom drawer or other private place not likely to be accessed by others in the household.
2. All written or typed notes and reports should be posted or hand delivered to the staff member as soon as possible for storage. All correspondence by post or hand delivered, should be sent within an envelope clearly marked “Strictly Private and Confidential— Addressee Only”.
3. Copies should be kept by the volunteer only if needed to prepare another document or until it is no longer needed in the immediate future. It should then be sent to the staff member for secure shredding.
4. It is only allowable to email the staff member if speed is a priority and if the staff member agrees to this, but the email must be from an address only you can access and must be deleted immediately after sending and the recycle bin cleared.
5. The staff member will open and securely store a Child Protection Case (CPC) file, following the organisations procedure for this.
6. If the volunteer needs access to this file for further steps, the staff will make this available.
7. Any documents prepared on a home/work computer by a volunteer should be deleted from the computer and the recycle bin cleared after the document has been sent to the staff member.
8. When a decision is made to report to Tusla Child and Family Services the formal report is made by completing Tusla Standard Report Form. Appendix 4 outlines a sample of a completed reporting form. If you have submitted a report verbally or in person we must still submit the Tusla form within 3 days. The staff member will do this with you. Do not use the online version of the form on the Tusla portal, as it doesn’t allow us to keep a copy for our records.
9. Ask Tusla for a formal acknowledgement in writing of their receipt of the report

10. After a report has been made, the volunteer or staff member may receive further co-correspondence from Tusla. This should be read by both. The staff member will support the volunteer in any action necessary, or store the document if no action is requested.
11. For the purposes of expedience, information may be requested electronically by Tusla. If this situation arises, you may e-mail relevant information or report forms. Ensure to treat email correspondence in as formal a manner as you would treat a letter. You should forward any email communication to the staff member who will print it, file it in the CPC File. You should delete the electronic version from your e-mail and computer immediately.
12. All documents prepared by the volunteer should be clearly written or typed, signed and dated by the volunteers, and counter signed and dated by the staff member.
13. Any further concerns observations or suspicions should be recorded in writing, signed and dated by the volunteer and forwarded to the staff member for consideration by both of you and the staff member's line manager.
14. A volunteer may have ongoing concerns about a young person which individually don't appear to be a problem, but taken together would indicate a concern. Any notes taken of this by the volunteer should be stored in a locked space or passed to the staff person for storage (See appendix 2 for help on writing notes).

CHAPTER 6: The Legal Position and the Role of Foróige Staff

1. THE LEGAL POSITION (For more see “Key Legislation relevant to Child Protection” on the Child Protection Page on the Volunteer Portal)

- a. Should a Foróige volunteer make a report or furnish information with regard to suspicions or an allegation of child abuse to the appropriate person, such communication is privileged. Privilege in this case means immunity from civil liability. This means that they will not be liable for damages in respect of that communication if they acted reasonably and in good faith in forming the opinion and communicating it to the appropriate person. An appropriate person is your immediate staff member, a Tusla duty social worker or a member of An Garda Síochána.
- b. Those making a report should not accuse or bring a charge but merely pass on a report. They are expected to act in the best interest of the young person.
- c. Privilege can be displaced where it is established that the person making the report acted maliciously or recklessly. **The Protection of Persons Reporting Child Abuse Act 1998** also creates a new criminal offence of false reporting of child abuse where a person makes a report of child abuse to the appropriate authorities knowing that the statement to be false.
- d. In very rare circumstances there is a possibility that parties reporting suspicions of child abuse under these guidelines would be required to attend court in the event of civil or criminal proceedings arising. The circumstances of the particular case may result in such a situation. In all cases, leaders and staff must consult with the Assistant Chief Executive Officer of Foróige, and where appropriate, the Chairperson of the National Council, for further guidance and advice in the event of being requested to give evidence in civil or criminal proceedings relating to abuse cases which affect or involve Foróige.
- e. Please note that Foróige, in providing guidelines on the legal position, does not attempt to give legal advice in relation to these issues. Parties with a legal query should seek appropriate legal advice on the issues concerned.

2. The Role of Foróige Staff in Child Protection Concerns

The Legal Situation.

Foróige staff are mandated persons under legislation called “The Children First Act 2015”. This means that they have a legal obligation to report suspected or disclosed harm to a child above a defined threshold to Tusla. **Volunteers are not mandated persons.** If the concern you bring to staff is considered by them or by Tusla to be above the mandated reporting threshold they will prepare a joint report with you and it will be submitted by the staff person and countersigned by you as the adult who first became aware of the matter in Foróige.

If it is “a Reasonable Concern” (See Chapter 3) but does not reach the threshold for a mandated report, staff will still submit this as a joint report between you and the staff member and signed by you both.

The role of a Foróige staff member acting as a **Designated Liaison Person** is to manage a child protection concern including:

- Receiving and considering child protection concerns from Foróige as reported by volunteers or staff and consult with his/ her line manager
- Making a report directly to Tusla jointly with the volunteer
- Supporting the volunteer in consulting with the Tusla/An Garda Síochána as appropriate
- Speaking to parent(s)/guardian(s) as appropriate with or on behalf of the volunteer
- Supporting implementation of Foróige's child protection policies
- Maintaining confidential records & following Foróige record keeping guidelines
- Facilitating volunteer training opportunities
- Providing information and advice
- Keeping up to date on relevant policy and legislation
- Communicating or further consulting with National Designated Liaison Person as required

CHAPTER 7: Responding to and Supporting Young People, Parents/Guardians and supports for volunteers

1. RESPONDING TO A CHILD OR YOUNG PERSON WHO DISCLOSES ABUSE

A child or young person may disclose abuse or a welfare concern to a volunteer at any time. It is important that the volunteer is prepared for this.

- Be as **calm** and natural as possible
- Remember that you have been approached because **you are trusted**. Do not panic.
- Disclosures can be very difficult. The child or young person may be under severe emotional stress and you may be the only adult whom he/she is prepared to trust.
- **Listen** to what the child or young person has to say. Give them the time and opportunity to tell as much as they are able and wish to.
- The child or young person may initially be testing your reactions and may only fully open up over a period of time. Keep an open mind; do not jump to conclusions.
- **Do not pressurise** the child or young person but reassure him/her of your concern. Allow him or her to disclose at their own pace and in their own language.
- **Conceal** any signs of disgust, anger or disbelief.
- Accept what the child or young person has to say – false disclosures are very rare.
- It is important to **differentiate** between the person who carried out the abuse and the act of abuse itself. The child or young person quite possibly may love the alleged abuser while also disliking what was done to them. Avoid expressing any judgement on, or anger towards, the alleged perpetrator while talking with the young person.
- It may be necessary to **reassure** the child or young person that your feelings towards him or her have not been negatively affected as a result of what they have disclosed.
- Tell the child or young person that everything possible will be done to protect and support him/her.
- **Do not make promises** that cannot be kept, (for example, promising not to tell anyone else), tell the child or young person that you are now obliged to follow certain procedures which involves reporting to people who may be able to help.

When asking questions:

- Questions should be supportive and for the purpose of clarification only.
- **Avoid** leading questions, such as asking whether a specific person carried out the abuse. Also, avoid asking about intimate details or suggesting that something else may have happened other than what you have been told. Such questions and suggestions could complicate the official investigation.

2. SUPPORTING THE CHILD OR YOUNG PERSON AFTER A DISCLOSURE

Disclosure is a huge step. It is important that the volunteer continues in a supportive relationship with the child or young person. The volunteer and staff member will together work out how this should be done, but it may include some of the following:

- Keeping in contact with the child or young person and maintaining a positive relationship with them.
- Keeping in touch with the child or young person's family if appropriate.
- Keeping lines of communication open by listening carefully to the child or young person while being sensitive to the vulnerability they may feel.
- Continuing to include the child or young person in the usual activities.
- Offering extra one-to-one sessions with a staff member or volunteer, or group activities with other young people, as necessary to support the child or young person.
- Being aware of support services which they could access to refer the child or young person to, as necessary and in consultation with the staff member.
- Being aware of maintaining appropriate boundaries.

Any further disclosure should be treated as a first disclosure and responded to as indicated above. Where necessary, immediate action should be taken to ensure the child's safety.

3. GUIDELINES ON SPEAKING TO PARENTS/GUARDIANS ABOUT A REPORT

While a staff person may be the one speaking to the parents/guardians, the volunteer is involved in making the decision as to whether or not they should be spoken to and so the volunteer needs to be aware of how this is dealt with, as outlined below.

One part of reporting a child protection or abuse concern to Tusla is informing parents/guardians, as appropriate, that a report will be/has been submitted to Tusla.

Where there is a positive relationship between the volunteer and the family, informing parents/guardians of a concern for the safety and welfare of the child will help to maintain this relationship, and will help ensure that supports can be put in place to help the child or young person and family during this time. Your staff member will inform the parents on your behalf or with you, and in either event will help you prepare for this.

Parents/guardians should be informed of any child protection concern or allegation of abuse made by their child or young person against a third party unless doing so further endangers the child or endangers the volunteer or staff member.

Use the following steps as a guide to support you in informing parents/guardians:

- 3.1 The volunteer and staff member decide, in consultation with the line manager, if informing parents/guardians is the appropriate action to take, and discusses when parents/guardians should be informed, that is, either before or after the report to Tusla is made. **If the volunteer/ staff member has concerns about speaking with**

the parents/guardians then they should seek an informal consultation with and advice from the Tusla Duty Social Worker.

- 3.2 The volunteer informs their staff member if they have concerns regarding what the perceived reaction of the parent may be to them. Volunteers/staff should not inform parents/guardians if they think that in doing so will put their own safety at risk. In making this decision, volunteers should consider their own knowledge of the family, check the parent permission form and consult the staff member. In a group led by staff and volunteers, the staff may have more information than in a large club situation. If you decide against informing the parents, the volunteer and staff member should inform Tusla when making a child protection report, that a decision has been made not to inform the parents/guardians of the child or young person because doing so would present a risk to the safety of the staff member or volunteer.
- 3.3 If informing the parents/guardians, meet them in a place where you can convey the information in a confidential and secure manner. A neutral venue might be best, however, if a volunteer and staff member decide to meet the parent/s in their home then they should ensure that they carry a mobile phone and adhere to the guidelines on “Good Practice on Home Visits”. The staff member /Volunteer will inform parent/s that a child protection concern or abuse allegation has arisen in relation to their child and that, as required by the organisations own policies, it has/will be referred to Tusla. They should state that the matter will be treated in the strictest of confidence and that the volunteer will continue to engage with the young person.
- 3.4 In the meeting with parents, information with regard to the type of alleged child protection issue or alleged abuse and the alleged perpetrator of same **will only be given where it is appropriate**. What deems it to be appropriate or inappropriate can be determined as the likely consequences of the disclosure of this information and the potential risk of harm it may or may not bring to the young person and/or the alleged perpetrator. The staff member will consult with their line manager prior to speaking to parents/guardians even if the meeting also involves the volunteer.
- 3.5 In the event that the parent/s demands this information and **it is not appropriate for this information to be given** then the staff member/Volunteer should refer them to the person in Tusla that received/will receive the report.

4. **SUPPORT FOR VOLUNTEERS IN DEALING WITH CHILD PROTECTION OR WELFARE CONCERNS**

Foróige is very conscious that a child protection or child welfare concern can be difficult for a volunteer and it is important that he or she is and feels supported effectively and appropriately. Foróige staff members are trained to consider the circumstances of the volunteer and their fears or concerns and to support appropriately while maintaining the principle that the interests of the child are the paramount concern.

The staff member should provide the following support to a volunteer making a Child Protection Report:

- Being available to listen to the volunteer and help them talk through the disclosure

- Help decide if the situation is an emergency and, if so, what course of action to take
- Assisting the volunteer to keep appropriate confidentiality and identify what information may be shared with those who need to know
- Reassuring the volunteer that they will not have to deal with this alone
- Assist the Volunteer to make notes and on behalf of the volunteer, filing them securely in a Child Protection Case File.
- Help decide if an informal conversation with the duty Social Worker is appropriate and where possible participating with the volunteer in that conversation.
- Help the volunteer reach a decision as to whether or not to make a report to Tusla.
- Decide with the volunteer if the parent/s are to be informed, where; and what information is it appropriate to give the parent/s.
- Inform the parents or accompanying the volunteer to do it after considering the procedures for carrying out home visits, if they are to be informed in their home.
- Being available to listen to and provide consultancy to the volunteer through support and supervision either on the phone or face to face as is needed and feasible.
- Reassurance that the volunteer has followed procedure correctly and that their swift actions will enable the allegations to be handled appropriately.
- Support and supervision for the volunteer in relation to the disclosure, reporting and any consequences resulting.
- Sending the form to Tusla unless it is appropriate for the volunteer to do it.

APPENDIX 2

SAMPLE COMPLETED REPORTING FORM



Child Protection and Welfare 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 child resides)*	Donegal
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2. Date of Report*	12/12/2017
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3. Details of Child

First Name*	C	Surname*	D
Male*	<input type="checkbox"/>	Female*	<input checked="" type="checkbox"/>
Address*	Main Street, Bridgetown	Date of Birth*	01/01/2004
		Estimated Age*	13
		School Name	Bridgetown School
		School Address	Bridgetown
Eircode	1234567		

4. Details of Concerns*

Please complete the following section with as much detail about the specific child protection or welfare concern or allegation as possible. Include dates, times, incident details and names of anyone who observed any incident. Please include the parents and child's view, if known. Please attach additional sheets, if necessary

Please see 'Tusla Children First – A Guide for the Reporting of Child Protection and Welfare Concerns' for additional assistance on the steps to consider in making a report to Tusla

Describe the details including dates/times/relevant:

When/Who:

Response:

Current Situation:

5. Type of Concern

Child Welfare Concern	<input type="checkbox"/>		
Emotional Abuse	<input type="checkbox"/>	Physical Abuse	<input type="checkbox"/>
Neglect	<input checked="" type="checkbox"/>	Sexual Abuse	<input type="checkbox"/>

6. Details of Reporter

First Name	F	Surname	B
Address if reporting in a professional capacity, please use your professional address	Youth Project Bridgetown	Organisation	Foroige
		Position Held	Project Worker
		Mobile No.	012-3456789
		Telephone No.	001-2345678
Eircode	12345678	Email Address	

Child Protection and Welfare Report Form

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

Is this a Mandated Report made under Sec 14, Children First Act 2015?*				Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Mandated Person's Type		Youth Worker					

7. Details of Other Persons Where a Joint Report is Being Made

First Name	E	Surname	G
Address if reporting in a professional capacity, please use your professional address	Bridge Street Bridgetown	Organisation	Foroige
		Position Held	Volunteer
		Mobile No.	987654321
		Telephone No.	
Eircode	5678910	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	
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8. Parents Aware of Report

Are the child's parents/carers aware that this concern is being reported to Tusla?*	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If the parent/carer does not know, please indicate reasons:				

9. Relationships

Details of Mother			
First Name	A	Surname	D
Address	Main St, Bridgetown	Mobile No.	0123456789
		Telephone No.	
		Email Address	
Eircode	1234567		

Is the Mother a Legal Guardian?*	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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Details of Father			
First Name	B	Surname	D
Address	Main St, Bridgetown	Mobile No.	1234567890
		Telephone No.	
		Email Address	
Eircode	1234567		

Child Protection and Welfare Report Form

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

Relationship to Child	Father
Address at time of alleged incident	Main St, Bridgetown
If name unknown please indicate reason	

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	C	C	Bridgetown Social Work Dept	123456789	8 months ago
Public Health Nurse					
GP	Dr. S	S	Bridgetown Practice	987654321	2 weeks ago
Hospital					
School	E	E	Principal, Bridgetown School	098765432	weekly
Gardaí					
Pre-school/ crèche					
Other					

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

Detail relevant information here:

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