

Catholic Institute for Deaf People
Child Safeguarding and Protection Policy
March 2018

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Introduction

This is the child safeguarding and protection policy of the Catholic Institute for Deaf People (CIDP). It has been prepared to comply with the *Children First Act, 2015* and *Children First: National Guidance for the Protection and Welfare of Children, 2017* and other related laws and guidelines detailed in Chapter 1.

Safeguarding refers to all the policies, procedures and practices that contribute to the creation and maintenance of a safe environment for children. Child protection concerns are concerns that a child may have been, is being or is at risk of being abused or neglected. The work of child protection consists in the recognition of, response to, and reporting of such concerns.

A child, as defined by the *Child Care Act 1991*, is a person under the age of 18 years excluding a person who is or has been married. In this document the terms 'child' and 'young person' both refer to children, so defined. Thus, the term 'young Deaf person' refers to a child who is Deaf or Hard of Hearing.

All of those who work for or on behalf of CIDP are required to familiarise themselves with this policy and to operate in accordance with its requirements. Training in child safeguarding and protection will be provided in order to assist them to do so.

In their work for or on behalf of CIDP, staff and volunteers are required to operate in compliance with this policy in their dealings with all children, that is, children who avail of CIDP services and children who visit CIDP premises or are involved in any activities run by CIDP.

This policy sits alongside of the child protection policy of Holy Family School for the Deaf. An appropriate information sharing protocol is in place between CIDP and Holy Family School to ensure seamless child protection procedures apply across the school and boarding campus (see Addendum).

Some of the students attending Holy Family School and staying in the boarding campus are over 18 and not, therefore, children. CIDP has the same commitment to the safety and protection from abuse of these young adults as it does to the safety and protection of children. The safeguarding practices outlined in Chapter 4 of this document apply when dealing with young adults availing of services provided by CIDP. However, the reporting requirements differ when it comes to dealing with concerns for the welfare and protection of young adults. The reporting requirements outlined in Chapter 3 do not apply.

This is not a vulnerable adult protection policy. Some of the young adults availing of the services provided by CIDP may fall within the definition of a vulnerable adult and thus come within the remit of the HSE's *Safeguarding Vulnerable Persons at Risk of Abuse: National Policy and Procedures* but not all of them do. These issues will be addressed in a CIDP adult safeguarding policy to be developed to complement this one.

This policy will be discussed with new staff members as part of their induction. All staff are required to participate in child safeguarding and protection training. The policy will also be explained to the young Deaf people and their parents and it will be made available on the CIDP website.

The primary focus of this policy is on the protection and welfare of the children within CIDP. In accordance with *Children First: National Guidance for the Protection and Welfare of Children*, however, CIDP recognises its responsibility to take appropriate steps to address

concerns for the protection and welfare of children with whom it comes into contact where such concerns arise outside of the organisation. This responsibility is primarily to report such concerns to the civil authorities and to assist these authorities, wherever possible and appropriate, in conducting such assessments and investigations as they deem appropriate. CIDP recognises and respects the rights and responsibilities of the parents and guardians of the children concerned and will inform the parents and guardians when sending reports to the civil authorities about their children unless to do so would place the children concerned at further risk, as discussed in Chapter 3.

Chapter 1

Mission Statement

Catholic Institute for Deaf People

CIDP is committed to the creation and maintenance of a welcoming, nurturing and safe environment for all children. CIDP supports the physical, spiritual, social, educational and moral development of each young Deaf person so that he or she may take his or her place in society as a mature person. CIDP operates within a Christian ethos that welcomes children from all backgrounds and faith traditions.

Child Safeguarding Policy Statement

CIDP recognises the right of every child to dignity of life and bodily integrity and is committed to ensuring that she or he is respected, nurtured, cared for and protected. This commitment is binding on all those who work for and on behalf of CIDP.

In accordance with Article 3 of the UN Convention on the Rights of the Child and Irish domestic law and guidelines, CIDP places the best interests of children as the primary consideration in all matters that relate to their welfare.

CIDP discharges its responsibility for the care and protection of the young Deaf people in partnership with their parents or guardians and in close cooperation with the civil authorities, most particularly Tusla, the Child and Family Agency, and An Garda Siochana.

This policy has also been written to take account of and/or comply with:

- The Irish Constitution;
- The Child Care Act, 1991;
- The Protection for Persons Reporting Child Abuse Act, 1998;
- The Criminal Justice Act, 2006;
- The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012;
- Children First Act, 2015;
- National Vetting Bureau (Children and Vulnerable Persons) Act, 2012 – 2016.
- Children First: National Guidance for the Protection and Welfare of Children, Department of Children and Youth Affairs, 2017;
- Child Safeguarding: A Guide for Policy, Procedure and Practice, Tusla
- The General Data Protection Regulation, 2018

CIDP: Core Values and Principles

CIDP is committed to:

1. A child – centred approach. This involves:
 - a. Valuing children and demonstrating respect for them;
 - b. Listening to them and taking their views seriously;
 - c. Valuing the child’s language of choice and respecting their right to communicate through their preferred language;
 - d. Involving them in decision making in accordance with their age and stage of development;
 - e. Dealing with their concerns and complaints and those of their parents/ guardians promptly and effectively;
 - f. Setting clear limits, appropriate to their age and stage of development, for their behaviour.

2. Working in partnership with the parents or guardians of young Deaf people availing of services provided by CIDP.

CIDP acknowledges that it provides services for young Deaf people only with the informed consent of their parents or guardians. CIDP is committed to discharging its responsibility to parents and guardians by providing for the care of their children in a manner that acknowledges and respects the parents’ and guardians’ role as the primary guardians of their children.

3. Operating in accordance with *Children First* legislation and national guidance and the requirements for the reporting of offences against children as set out in the *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012*.

The reporting procedures are set out in Chapter 3 of this document.

4. Choosing carefully those who work with young Deaf people.

Recruitment procedures are described in the employee handbook of CIDP. Those working with CIDP undergo vetting both before taking up their position and at intervals of three years thereafter.

5. Ensuring that those working for and on behalf of CIDP and its subsidiaries understand what is expected of them in their dealings with children as described in Chapter 4.

6. Making proper arrangements for the care of the children on the campus and when taken off-campus by CIDP staff, as set out in the operational policies of CIDP.

7. Keeping good records of work with children.

Evaluation and Review

The implementation of this policy will be assessed on a continuing basis by the Chief Executive Officer (CEO) and staff of CIDP. It will be subject to systematic review by the Safeguarding Policy Committee of the CIDP Board at regular intervals of no less than two years as required under the *Children First Act 2015*.

Chapter 2

The Safeguarding Structure of CIDP

The CEO, Keith Adams, has overall responsibility for the protection and welfare of children in CIDP and is the designated liaison person (DLP) under *Children First* for CIDP. Keith Adams can be contacted on the main CIDP office number: 01 830 0522 or by email at kadams@cidp.ie.

A child protection concern that comes to light in any part of the organisation must be reported to the CEO.

The CEO reports to the Board of CIDP on child protection matters at each meeting of the Board. The CEO maintains regular contact with the Chair and alerts her to any issues of concern in accordance with the requirements of good governance.

The Safeguarding Policy Committee is a committee of the Board of CIDP. The Board appoints the members of this committee. It is comprised of the Chair and other members of the Board, the CEO and such other persons as the Board has determined can contribute to its work. It reports to the Board. Its role is to present safeguarding and related policies to the Board in draft form for consideration, approval and adoption. It also exercises oversight, on behalf of the Board, of the implementation of such policies and of their evaluation and review. It is not directly responsible for the implementation of safeguarding policy. This responsibility rests with the CEO and those who work for CIDP in the boarding campus, chaplaincy and other services.

The DLP:

- acts as liaison with outside agencies and a resource person to any staff member or volunteer who has child protection concerns,
- is responsible for ensuring that the reporting procedure (described in the next chapter) is followed,
- is knowledgeable about child protection and undertakes training to keep himself updated on new developments,
- maintains a copy of all reports sent to Tusla and a file on all such cases.

The Residential Managers are the deputy DLPs for the boarding campus and can act for the DLP in his absence. They must, however, report to him on his return.

Mandated persons

Under the Children First Act 2015, the relevant section of which came into effect on 11 December 2017, a mandated person is required by law to report to Tusla, the Child and Family Agency, where he or she: "knows, believes or has reasonable grounds to suspect that a child is being harmed, has been harmed or is at risk of being harmed". Included in the definition of a mandated person are teachers, persons employed to perform a safeguarding function and health and social care professionals including social care workers eligible for registration under the Health and Social Care Professionals Act 2005.

Further guidance on mandatory reporting is contained in Chapter 3.

The mandatory reporting requirements are additional to the other reporting requirements described in this document.

All concerns for the protection and welfare of children within CIDP must be reported without delay to the DLP. The DLP will decide on notification to the civil authorities, having consulted with other staff as appropriate. He will make a joint report with the mandated person where the mandated person has received the information in the first instance.

Every other person who works for or on behalf of CIDP has a responsibility for the protection and welfare of children. In particular they are required to:

- acquaint themselves with this policy and sign to confirm that they have done so;
- behave in accordance with practice requirements set out in Chapter 4;
- attend CIDP safeguarding training (in addition to any training required by the HSE), which will be delivered on a three year cycle to include full one-day training, refresher training and training in relation to specific areas of safeguarding, as determined by the DLP;
- report any concerns that they have for the protection and welfare of children to their line manager or directly to the DLP.

Sharing of Information with Holy Family School for the Deaf

In order to provide for the protection and welfare of the children availing of services provided by CIDP in a comprehensive and seamless manner, information relating to the welfare and protection of those children who attend Holy Family School for the Deaf and stay in the CIDP boarding campus is shared between teaching and care staff on a need to know basis. That is, teachers share with care staff and care staff share with teachers information that they each need to know in order to care for and protect the children for whom they share a responsibility. It is the responsibility of the CEO and the School Principal, respectively, to oversee the necessary steps within their organisations to ensure timely and appropriate sharing of information between the school and all other CIDP services.

Child protection concerns that arise within Holy Family School for the Deaf are notified to the civil authorities by the Principal and those that arise within CIDP are notified by the CEO, both acting as DLPs for their respective organisations. Where they are sending notifications that relate to young people who attend the school and live on the CIDP boarding campus they alert each other that they are doing so, taking account of data protection requirements (discussed further in the next chapter).

The school Principal and Deputy Principal, the CEO and Residential Managers of CIDP and representatives of the Child Safeguarding and Protection Service of the Archdiocese of Dublin meet regularly in order to:

- Provide a systems check to ensure that the proper procedures have been followed in relation to child protection concerns arising within the school and residences and/or in relation to the pupils and residents, with particular reference to notification to the civil authorities and to necessary information sharing,

- Provide an opportunity for the diocesan Child Safeguarding and Protection Service to offer advice and assistance to the school and boarding campus on child protection and welfare issues,
- Provide a learning environment where best practice can be shared across the school and boarding campus,
- Identify the training needs of those working in the school and boarding campus and draw up plans to address these,
- Review policy and procedure and amend these in light of experience,
- Identify gaps in the service provided to the school pupils and those staying in the boarding campus and to consider how such gaps can best be addressed.

The parents of the children attending Holy Family School for the Deaf and boarding on the CIDP campus sign a consent form to permit sharing of information relating to the protection and welfare of their children between teaching and care staff.

Chapter 3

Dealing with Child Protection Concerns

3.1 Definition of a child protection concern

Children First states that Tusla, the Child and Family Agency should always be informed when a person has “reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected”.

The abuse of children is generally categorised under four headings:

- physical abuse;
- emotional abuse;
- sexual abuse and
- neglect.

It is important to remember that children may suffer different forms of abuse. The sexual abuse of children, for example, is also a form of emotional abuse especially when it takes place in the context of a relationship of trust.

Physical abuse

Physical abuse is when someone deliberately hurts a child or puts them at risk of being physically hurt. It can be a single incident or a pattern of incidents. It 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 or induced illness,
- female genital mutilation.

Note: corporal punishment by parents or guardians has not been banned in Ireland, as is sometimes stated. However, parents or guardians and others in authority who were prosecuted in the past for the alleged assault of children could make a defence of “reasonable chastisement”. This was abolished by the *Children First Act 2015* so that the protections in law relating to assault now apply to children in the same way as they do to adults.

Emotional abuse

Emotional abuse is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a parent or guardian/carer and a child. Once-off and occasional difficulties in such relationships 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 guardians/ carers. Emotional abuse may take the form of:

- rejection,
- continuous lack of praise and encouragement,
- lack of love and comfort,
- lack of attachment,
- lack of proper stimulation (for example, fun and play),
- lack of continuity of care (for example, frequent unplanned moves),
- persistent criticism, sarcasm, hostility or blaming,
- bullying,
- conditional parenting in which care or affection of a child depends on his or her behaviours or actions,
- extreme over-protectiveness,
- inappropriate non-physical punishments (for example, locking in bedrooms),
- ongoing family conflicts and/ or violence,
- inappropriate expectations of a child's behaviour relative to his or her age and stage of development.

Emotional abuse is often not easy to detect. A child may show signs of emotional abuse through insecure attachment, unhappiness, low self-esteem, educational and developmental underachievement, risk taking and aggressive behaviour.

Sexual abuse

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

- any sexual act deliberately performed in the presence of a child,
- an invitation to sexual touching or intentional touching or molesting of a child's body whether by a person or object for the purpose of sexual arousal or gratification,
- masturbation in the presence of a child, or the involvement of a child in the act of masturbation,
- sexual intercourse with a child whether oral, vaginal or anal,
- Sexual exploitation of a child, which includes:
 - Inviting, inducing or coercing a child to engage in prostitution or the production of child pornography or the manipulation of an image of a child for the production of child pornography,
 - 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 process of grooming children for abuse,
- exposing a child to inappropriate or abusive material through information and communication technology
- consensual sexual activity involving an adult and an under-age person

Note: the age of consent to sexual intercourse is 17 years for both boys and girls and any sexual relationship where one or both parties is under the age of consent is illegal. However, a consensual sexual relationship between, for example, two 16 year olds of a similar level of understanding and maturity is not considered to be sexual abuse (this matter is considered further below).

Neglect

Neglect occurs where 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. Emotional neglect may lead to the child having attachment and relationship difficulties. The following are features of child neglect:

- children persistently left alone, without adequate care or supervision,
- malnourishment, lacking food, inappropriate food or erratic feeding,
- inadequate living conditions,
- lack of warmth,
- 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,
- non-organic failure to thrive, that is, a child not gaining weight, not alone due to malnutrition but also due to emotional deprivation,
- failure to provide adequate care for a child's medical and emotional needs, including intellectual stimulation,
- abandonment or desertion.

Note: neglect is associated with poverty but not necessarily caused by it. It is strongly associated with parental substance abuse, domestic violence, parental mental illness and disability.

It may sometimes happen that there is a concern for the welfare of a child that does not appear to fit any of these four categories. These concerns should be discussed with the DLP who will, if necessary, seek advice from Tulsa on whether or not the situation requires formal notification and on any action that needs to be taken in relation to the situation.

3.2 Role of the Designated Liaison Person

All concerns for the protection and welfare of a child within CIDP must be reported to the Designated Liaison Person. The first step in dealing with a child protection concern is to recognise the possibility of abuse. This can be difficult to contemplate in any circumstances. It is particularly hard for staff to recognise the actions of colleagues as harmful to, or abusive of, children in their care. This highlights the importance of training and of an organisational ethos that prioritises the protection and welfare of children over all other considerations.

Staff or volunteers should report any child protection concerns to their immediate line manager in the first instance. However, if the safety of children requires it they may go directly to the DLP. Similarly, staff and volunteers may take their concerns directly to the civil authorities, if they have grounds to believe that the safety of a child requires them to do so. Having done so, they should inform the DLP.

The DLP will:

- conduct such preliminary enquiries as are required to determine whether the concern reaches the threshold for reporting to the civil authorities;

- inform the parents of the child concerned that the concern is being reported to the civil authorities unless to do so would place the child at risk of harm/ further abuse;
- report the concern to Tusla without delay using the Standard Reporting Form (available from <http://www.tusla.ie/children-first/publications-and-forms#SRP>) , where the threshold for reporting has been reached,
- report to An Garda Siochana information that a person has committed a serious offence against a child,
- draw up an interim safety plan to minimise risk to the young Deaf person in question in consultation with care and other staff (as appropriate),
- consider whether there are implications for the safety of other young Deaf people within the boarding campus and, if so, take appropriate protective measures;
- liaise with Tusla and, as appropriate, An Garda Siochana, and assist with any assessment or investigation,
- inform Tusla of the interim safety plan and invite feedback on its adequacy;
- assess the need for further safety measures once the outcome of the Tusla assessment and/ or Garda investigation is known and ensure that these are implemented
- ensure that proper records of child protection concerns and how they were addressed are created, maintained and stored in accordance with best practice .

3.3 Reasonable grounds for concern

Reasonable grounds for concern exist when there is:

- a specific indication from a child that he or she was abused (see next section);
- an account from a person who saw a child being abused;
- an admission or indication by someone that he or she has abused a child;
- evidence, such as an injury to a child or a child's behaviour, which is consistent with abuse and unlikely to have been caused in any other way;
- any concern about possible sexual abuse as per the indicators listed above.

The DLP who will determine whether the threshold for reporting to Tusla has been reached. If in any doubt the DLP will consult with Tusla on whether formal notification is required and follow the advice given.

The DLP may decide against notification of a concern reported to him. If so, the DLP will give reasons in writing to the person who reported the concern who can then, if he or she deems it appropriate, take the concern directly to the civil authorities.

Concerns not reported to the civil authorities must, nonetheless, be recorded, taking account of data protection requirements. A pattern of such concerns may warrant notification to the civil authorities even if each individual concern, considered in isolation, fails to meet the threshold for reporting.

Concerns received from third parties (people not employed by or connected with CIDP) must be reported to Tusla and, in certain circumstances, to An Garda Siochana (see next section). This should be explained to the person raising the concern and should be done even if they do not wish to be identified as the source of the information.

There may be a concern that a particular person represents a risk to the safety of children, even though the children at risk from this person cannot be identified. This could arise when, for example, a person known to have abused children in the past is seen in or around the CIDP campus. Such a concern should be reported to Tusla and An Garda Siochana.

When a child goes missing from the campus this should be reported to Tusla and An Garda Siochana.

Reports to Tusla should be made to the social work department covering the area of the child's home address, using the Tusla Standard Reporting Form. The contact details for these offices are to be found on www.tusla.ie

3.4 Reporting to An Garda Siochana

Information that a person has committed a serious offence against a child must be reported to the Gardai in addition to Tusla. The relevant offences are specified in the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act. They include most sexual offences and others such as assault causing harm, abduction, manslaughter and murder.

Offences alleged to have been committed on the CIDP campus should be reported to the Superintendent in Blanchardstown Garda Station, Main Street, Blanchardstown D15 F6V9. The matter will be dealt with from Cabra Station where a specialist unit has been established. Detective Sergeants Amanda Timmons and Mary Doherty are available for consultation on 666 7460 / 666 7467 or by email at dpsu_cabra@garda.ie

Alleged offences not committed on the CIDP campus should be reported to the Garda station covering the area in which the offence is alleged to have occurred.

The parents of a child about whom an alleged offence is being reported to the Gardai should be informed unless to do so would expose the child to the risk of harm/ further abuse.

The Tusla Standard Reporting Form can be used for reporting to An Garda Siochana.

3.5 Dealing with concerns that arise within the boarding campus

Measures for dealing with concerns for the protection and welfare of young Deaf people arising from their contact with each other must take account of CIDP's duty of care to all of those involved. This issue is considered in more detail in Chapter 4 under 'Anti-bullying policy and procedures for dealing with peer abuse'.

Measures for dealing with concerns for the protection and welfare of children arising from their contact with those working for or on behalf of CIDP must take account of the principle that the interests of the child is the primary consideration. Fair procedures for dealing with allegations of assault or abuse against members of staff or volunteers should be followed. These are set out in the CIDP employee handbook.

3.6 Direct reporting to the civil authorities

There may be a variety of reasons why a member of staff or a volunteer would choose to bypass the normal reporting channels and report directly to the civil authorities. It may be, for example, that in a situation where there is an immediate threat to a child's safety the most appropriate intervention is to call An Garda Siochana. This should be reported as soon as possible to the DLP.

The DLP may decide that notification to the civil authorities of a particular concern is not appropriate. Any person is entitled to take their concerns directly to the civil authorities, if they disagree with the DLP's decision. This should also be reported as soon as possible to the DLP.

A person may have concerns about the practice of colleagues or managers or the organisation as a whole and may decide to bring these concerns to the attention of the civil authorities. The CIDP 'Whistle-blower Policy' (Chapter 4) covers such situations and is designed to ensure that those who raise such concerns will not suffer adverse consequences for doing so.

3.7 Mandatory Reporting

From 11 December 2017 people holding certain positions ('mandated persons') are required by law to report to Tusla where he or she: "knows, believes or has reasonable grounds to suspect that a child is being harmed, has been harmed or is at risk of being harmed". Mandated persons may also be required to assist Tusla in the assessment of such concerns. As stated in Chapter 2, many of these employed by CIDP are mandated persons.

Where a social care worker, for example, comes across a child protection concern that reaches the threshold described below her legal obligation is not discharged if this is reported to Tusla by the DLP. In this instance a joint notification should be sent in the name of both the social care worker and the DLP if the issue relates to CIDP. If the matter relates to a child's family circumstances revealing the identity of those concerned may be a breach of data protection regulations. The social care worker in this situation is required to notify Tusla herself. In order to ensure the safety of the child concerned and to ensure he receives the support he requires some sharing of information about this matter with colleagues within CIDP is likely to be required. The social care worker should alert her line manager that she is making a mandated report. A decision will then be made as to how much information needs to be shared and with whom. This decision will be made by the DLP, having consulted with senior staff of CIDP and with the civil authorities, and noted on the young person's file. In such matters the safety and protection of the child is the primary consideration.

Those working for CIDP who are also mandated persons should continue to report child protection concerns that relate to CIDP to the DLP as has been the practice to date.

Reporting mandated concerns

Children First guidelines place a moral obligation on anyone who comes into contact with a child to report to Tusla where he or she has reasonable grounds for concern that the child has been abused, is being abused or is at risk of abuse. **The Children First Act 2015 places a legal obligation on mandated reporters to report to Tusla any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed.** The threshold for mandated reports is higher than for non-mandated reports. The threshold is 'harm' as compared with 'reasonable grounds for concern' that abuse may have occurred.

Mandated reporting of neglect, physical and emotional abuse

The threshold for mandated reporting of neglect, emotional abuse/ ill-treatment and physical abuse is reached when the mandated person knows, believes or has reasonable grounds to suspect that the child's health, development or welfare have been or are being seriously affected, or are likely to be seriously affected by these forms of abuse. Deciding when the threshold for a mandated report has been reached may not be easy. The advice of Tusla or the diocesan Child Safeguarding and Protection Service (CSPS) should be sought if there is

any doubt as to whether a child protection concern reaches the threshold for a mandated report to Tusla.

Mandated reporting of sexual abuse

In the case of sexual abuse, the situation is clearer. All sexual abuse falls within the category of seriously affecting a child's health, welfare and development and all concerns about sexual abuse require a mandated report to Tusla. There is one exception, however, and this concerns consensual sexual activity between older teenagers. The age of consent to sexual intercourse is 17 and sexual intercourse below that age is against the law.

There is no requirement to make a mandated report of sexual activity between young people where **all** of the following criteria apply:

- Either or both young persons is aged between 15 and 17 years,
- The age difference between them is not more than 24 months,
- There is no material difference in their maturity or capacity to consent,
- There is no intimidation or exploitation of either young person,
- The young people concerned state clearly that they do not want the matter reported to Tusla.

Whether or not all of these conditions apply in a particular situation may be difficult to determine. The advice of Tusla or the diocesan CSPA may need to be sought (without, at that point, identifying the young people involved) and the views of parents taken into account. The decision should be made by the DLP in consultation with senior staff and the advice of the civil authorities may be sought.

Exemptions from requirements to report

Apart from the limited exemption concerning consensual sexual activity between teenagers there are two other situations where mandatory reporting does not apply:

- The legal obligation under the *Children First Act 2015* applies only to information acquired in the course of the mandated person's professional work or employment. However, there is a general obligation to report concerns (as defined above) under *Children First Guidance*.
- The legal obligation does not apply retrospectively, that is, mandated reporting only applies to information received or that the mandated person became aware of after the relevant section of the *Children First Act 2015* came into force on 11 December 2017.

How to make a mandated report

Reports should be sent to Tusla 'as soon as practicable' using the required form (available from <http://www.tusla.ie/children-first/publications-and-forms#SRP>). The form can be posted or sent electronically. However, a report that is sent electronically cannot (as of March 2018) be printed off for retention on the young person's file so it should be downloaded, completed and then posted to Tusla, with a copy added to the young person's file. If the matter is urgent Tusla can be contacted in advance of submitting the form but it must be submitted within three working days.

Failure to report

There are no criminal sanctions under the *Children First Act 2015* on mandated persons who fail to make a report to Tusla. Tusla may, however, report the matter to the professional regulatory body to which the person belongs. The matter may also be reported to the National Vetting Bureau and could, therefore, be disclosed in the course of the person's next vetting application.

As stated in 3.4 (above) the *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* makes it a criminal offence to fail to report to the Gardai information about a serious offence against a child. This requirement is additional to the requirement to make mandatory reports to Tusla.

CIDP requires all of those who work for CIDP whether as employees or volunteers to comply with the requirements of this policy and to meet their obligations under both the *Children First Act 2015* and the *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012*.

Mandated Assisting

The *Children First Act 2015* provides that all mandated persons can be asked by Tusla to provide assistance to it in assessing the risk to children arising from a mandated report.

3.8 The Child Safeguarding and Protection Service of the Archdiocese of Dublin

The diocesan Child Safeguarding and Protection Service (CSPS) is available to offer advice and assistance.

Andrew Fagan is contactable on 01 8360314 or andrew.fagan@dublindiocese.ie

Chapter 4

Keeping Children Safe: Policies and Practice Guidelines

CIDP has a range of policies that, while not specifically safeguarding policies, contribute to the creation and maintenance of safe environments for children. These include policies such as those for the recruitment, induction and training of staff that are set out in the employee handbook. There are also policies followed in the boarding campus, such as those on key working and intimate care, that contribute to the safety of children. All of these policies are available on request. They are kept under review to reflect best practice and changes to guidelines and legislation.

4.1 Good practice guidelines for all those working with children on behalf of CIDP

These guidelines apply to all those working for CIDP in the boarding campus, chaplaincy and other services and activities involving children. They express core CIDP values set out in Chapter 1 of this document. They are intended to sit alongside the professional ethics of particular professionals, such as social care workers, who work for CIDP.

Good safeguarding practices can never be reduced to a set of rules. Not every situation can be anticipated. Professional staff must bring their training and professional judgment to bear in their work. While good safeguarding practice protects those who work with children, reference to 'safeguarding rules' is never an acceptable reason not to respond to the needs of a child. It could never be acceptable, for example, to leave a child or children unattended on the basis that the recommended number of staff or volunteers are not available.

Two principles underpin safeguarding practice with children. These are transparency and accountability. Transparency means openness in dealing with children. In many instances, though not in all, it means being visible to colleagues when dealing with children. It always means the worker explaining what she/ he is doing, especially if it marks a departure from normal practice. The explanation is given to the child, to colleagues and to others who have a legitimate interest in knowing about the matter.

Accountability is closely related to transparency. It is about explaining the reason for taking a particular course of action. As with transparency, the account is given to the child, to colleagues and to others with a legitimate interest in the matter which will, for time to time, include parents or guardians. The requirements of transparency and accountability are additional to the ordinary requirements that employees have to report to their managers and employers. Safe environments are those in which there are clear and open lines of communication across the organisation as well as up and down the reporting lines.

Those working for or on behalf of CIDP commit to:

- treating all children equally in accordance with the Equal Status Acts 2000 – 2015;
- treating children, their parents or guardians with justice, courtesy and respect;

- learning appropriate means of communicating with young Deaf people, with particular reference to the use of Irish sign language (ISL);
- listening to and demonstrating respect for the views of children;
- respecting each child's personal boundaries;
- assisting children to develop their own sense of their rights and their responsibilities to others;
- developing a culture where children can speak openly about anything that may be worrying them;
- operating in accordance with this policy and national law and child protection guidelines;
- challenging and reporting abusive or potentially abusive behaviour;
- maintaining confidentiality with respect to sensitive information;
- developing and maintaining appropriate working relationships with other staff and volunteers.

Those working for or on behalf of CIDP will not:

- physically chastise a child;
- develop a sexual relationship with a child;
- develop a relationship with a child which is in any way exploitative or abusive;
- place a child at risk of abuse;
- permit a child to be bullied;
- use sanctions that humiliate or harm a child;
- condone rule violations by a child;
- show favouritism to a particular child;
- take a child to their own home;
- use foul or inappropriate language with a child;
- tell inappropriate or sexually suggestive jokes to a child;
- present for work under the influence of alcohol or illegal substances;
- smoke in front of a child;
- do things of a personal nature for a child that they can do for themselves.

This code of practice for staff will be discussed with the young Deaf people living in the boarding campus and it will be displayed there.

4.2 Responding to a disclosure of child abuse

These guidelines, originally developed by Barnardos in 2011 and here adapted, have been developed with children in mind. However, the same principles apply when dealing with an adult who discloses that he or she was abused as a child. Following disclosure, the reporting procedure, as set out in Chapter 3, must be followed.

It is important to be aware that a child's decision to disclose abuse is a key moment in the child's life and must be handled with the utmost sensitivity

If a child asks to speak to a staff member in confidence the child should be informed, before proceeding, that certain kinds of information have to be shared. At the earliest opportunity tell the child that:

- 1. You understand that he or she has come to you because they trust you;*
- 2. You will be sharing this information only with people who understand this area and who can help;*
- 3. There are secrets which are not helpful and should not be kept because they make matters worse. Such secrets hide things that need be known if people are to be helped and protected from further harm.*

By refusing to make a commitment to secrecy to the child there is a risk that he or she may decide not to disclose that he or she has been abused, there and then. This is preferable to lack of candour with the child which will undermine his or her confidence in the adults who are caring for him or her. By being honest with a child it is more likely that he or she will return to the matter at another time.

It is important to:

- remain calm, bearing in mind that the child has chosen to disclose this information to a person he or she has come to trust,
- be aware that disclosing abuse can be very difficult for the child,
- be aware that the child may initially test the reactions of the staff member and may only fully open up over a period of time,
- listen to what the child has to say, giving time to allow the child to tell as much as he or she wishes or is able to,
- allow the child to disclose at his or her own pace and in his or her own words,
- conceal any signs of disgust, anger or disbelief,

- ask questions only for the purpose of clarification. Leading question, such as asking whether a specific person carried out the abuse or pressing for detail, should be avoided. Such questions could complicate the official investigation,
- provide assurance that the child that the child is believed. False disclosures are very rare in young children,
- differentiate between the person who carried out the abuse and the act of abuse itself and avoid expressing any judgment on, or anger towards, the perpetrator. The child may have a strong attachment to the abuser and simply wish for the abuse to cease,
- reassure the child that he or she has done the right thing by disclosing the abuse and that the attitude of CIDP and the people who work in it towards the child will not change as a result, except in so far as all those working with the child will wish to help him or her through this difficult time,
- avoid giving the child false reassurance, for example, that the matter will be addressed and resolved quickly. Dealing with child abuse allegations is complex and time consuming, not least because a number of different professionals, agencies and procedures are involved.

At the earliest possible opportunity:

1. the disclosure should be recorded in a factual manner using, as far as possible, the exact words used by the child,
2. the DLP should be informed.

Disclosure is a huge step for many children. Staff should continue to offer support particularly through:

- maintaining a positive relationship with the child,
- keeping lines of communication open by listening carefully to the child,
- continuing to include the child in the usual activities.

Any further disclosure should be treated as a first disclosure and responded to as outlined above.

Where necessary, immediate action should be taken to ensure the child's safety.

4.3 Information sharing, confidentiality and data protection

Information sharing for the purposes of protecting children is not a breach of professional confidentiality, provided it is shared only with those who need to know it.

CIDP recognises the importance of ensuring every person's right to confidentiality and is committed to keeping confidential all personal information in so far as this is possible and lawful. When a child protection concern arises the information is shared on a "need to know" basis, that is, it is shared with those who need to know it in order to ensure that children are protected from harm. The information is shared in accordance with the requirements of national child protection guidelines, this policy and as required by law. Sharing information about child protection concerns, following the procedure outlined in this policy, with the appropriate authorities is not a breach of confidentiality. Those who work for or on behalf of

CIDP cannot give an undertaking to any person not to disclose information about child protection concerns on the grounds of confidentiality.

The **Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012** creates an offence of failing to disclose to the Gardai, without reasonable excuse, information relating to certain specified serious offences against a child or a vulnerable person, where it is known or believed that the information will be of material assistance in securing the apprehension, prosecution or conviction of another person known or believed by the first person to have committed an offence. The specified offences include most sexual offences and others such as assault causing harm, abduction, manslaughter and murder.

The **Protection for Persons Reporting Child Abuse Act 1998** provides immunity from civil liability to persons who report child abuse to the relevant authorities "reasonably and in good faith". Even if the reported concern proves unfounded, the person taking action against a reporter would have to prove that he or she had not acted "reasonably and in good faith". As well as providing protection from civil liability, the Act protects reporters from being penalised by their employers for reporting child abuse. However, it is an offence to report child abuse in the knowledge that the information reported is false.

Data protection legislation attempts to ensure that an individual's right to privacy and dignity are respected, particularly regarding the use and sharing of personal data (information), whether the personal data is held electronically or in manual form. Up until now CIDP has complied with the Data Protection Acts 1988 & 2003. From May 2018 CIDP will be compliant with the new General Data Protection Regulation (GDPR) whose principles include;

- a) **Lawful, Fair and Transparent processing**
- b) **Specified and Lawful Purpose**
- c) **Data Minimisation**
- d) **Accuracy**
- e) **Storage Limitation**
- f) **Security, Integrity and Confidentiality**
- g) **Liability and Accountability**

The records of CIDP that contain personal information are stored in secure, locked fireproof cabinets and can only be accessed by members of staff. Computer records are password protected and encrypted. Those staff members accessing computer records are required to log on to CIDP computers using their own personalised password.

Records relating to child protection concerns are retained for 100 years. Other records are removed once they are no longer required for the purpose for which they were created.

Those on whom CIDP holds personal data are entitled to it subject to limited exceptions. Applications to obtain such personal data should be made to the CEO in writing accompanied by proof of identity. There is no charge for this.

4.4 Anti bullying policy including procedure for dealing with peer abuse

Bullying is defined as repeated acts of physical, verbal or psychological aggression. CIDP does not tolerate bullying of children in the boarding campus or in any of its facilities or activities.

This policy is supported by strategies designed to minimise the risk of bullying and to deal with incidents if and when they arise.

CIDP promotes a culture of openness that encourages children and young people to express their concerns and worries (see, for example, 4.5 on dealing with complaints).

Young Deaf people staying in the boarding campus are encouraged to share responsibility for each other's welfare with those caring for them, in accordance with their age and stage of development. This is achieved by assisting the children and young people to develop a code of behaviour to guide them in their dealings with each other and by addressing, in an appropriate manner, any breaches of this code.

When issues of victimisation of particular young people arise, these are addressed with the young people both individually and, as appropriate, in groups. The focus of these interventions is on the behaviour that is causing distress, rather than the personality of the young person whose behaviour is problematic. Assistance is provided to those who have engaged in bullying behaviour to help them to address and overcome their unacceptable behaviour.

Any young person who is victimised is offered immediate support. S/he is assured that s/he is not to blame for what has or is happening and that concrete steps will be taken to address the issue.

In any situation where a young person is physically or sexually assaulted by another young person, this is dealt with as a child protection concern that requires to be notified to Tusla and, in certain circumstances, to An Garda Síochána. A notification is required in relation to **both** the victim and the perpetrator of the assault. The threshold for reporting a physical assault to An Garda Síochána is reached when any of the following apply:

- the assault is not the first such incident;
- harm has been caused;
- medical attention beyond immediate first aid is required.

A sexual assault is always reported to An Garda Síochána.

The DLP will decide on reporting to An Garda Síochána, taking account of the views of professional colleagues. In any situation where there is doubt the advice of the Gardai will be sought (see Section 3.4).

Where one young person has assaulted another, the parents or guardians of both must be informed at the earliest opportunity. The DLP will decide who is best placed to do this. The parents or guardians will be given a full account of what has occurred and of the steps taken by CIDP to address the matter. They will also be advised of their right to discuss the matter with the civil authorities (Tusla and/or Gardai) irrespective of whatever CIDP has done in terms of notification/ reporting.

A young person who persistently acts in a manner that presents a risk or causes harm to others presents a particular challenge for CIDP. A careful assessment of the needs of the young person will be carried out and shared with Tusla. The capacity of CIDP to meet these needs will be considered and discussed with Tusla who may be asked to source or provide additional services.

CIDP may conclude that it cannot discharge its responsibility for the safety and protection of all of the young people in the boarding campus by continuing to provide a service to a young person who consistently harms other young people. Such a position will be arrived at only after very careful consideration by all of those concerned and the advice of the Safeguarding Committee of the Board of CIDP will be sought. A careful record will be made and retained of the steps taken to address the problematic behaviour, the discussions with parents/guardians, other professionals and the civil authorities. In addition, CIDP will work with the parents/guardians and other professionals involved to identify a suitable alternative service for the young person.

4.5 Complaints policy

CIDP welcomes complaints as a means of learning how its services are received so that it can improve them. CIDP further understands that effective complaints systems contribute to keeping children safe by giving them a voice.

A simple way of understanding a complaint is as an expression of dissatisfaction. The children and young people with whom CIDP works and their parents and guardians have a right to complain about any aspect of the service, are encouraged to do so and are assured that their complaints are taken seriously and acted upon.

CIDP recognises that children and their parents or guardians may never use the term 'complaint' when expressing dissatisfaction with some aspect of the service. There is a responsibility on CIDP staff to recognise a complaint and to respond appropriately. Professional staff are expected to be sensitive to the children with whom they work and to be able to tell from their behaviour, demeanour or from their language use, signed or spoken, when children are unhappy or upset.

Complaints are best addressed as close as possible to the source of the problem. For example, if a member of staff inadvertently does something to upset a young Deaf person a simple, direct and unqualified apology is the most appropriate response.

Where a matter cannot be resolved in this simple and direct manner, another member of staff should assist in bringing about resolution through negotiation and mediation. If this does not work, the matter should be referred to the person in charge, such as the Residential Manager.

Complaints that cannot be resolved within the service in question should be referred to the CIDP Complaints Officer. The Complaints Officer will meet with the parties and attempt to resolve the matter to the satisfaction of those involved. The Complaints Officer may find that there has been poor or inappropriate practice and make recommendations for improvements in the service provided. These recommendations will be acted on without delay. The Complaints Officer will provide a report on the matter to the CEO and Board of CIDP.

When complaints relate to the behaviour of staff or another young people other procedures may have to be invoked such as the staff disciplinary procedure (see employee handbook) or the child protection procedure, as outlined in the previous chapter. Where such procedures are invoked they are additional to and not a substitute for attempts to resolve the unhappiness or dissatisfaction of the child or parent/guardian.

All complaints, other than those dealt with immediately are recorded in a complaints book detailing the efforts made at resolution and their outcome. The DLP will examine this book on a regular basis.

Exceptionally, there may be complaints that cannot be resolved through a process of negotiation and mediation and a formal process may be required with the involvement of an independent third party. Such a process will only be used after all other means of resolution have been exhausted. The decision to proceed on this basis will be taken by the Chair of CIDP having consulted with the CEO and the Safeguarding Committee, as appropriate.

4.6 Whistleblowing policy

The purpose of this policy is to encourage those who have concerns for the welfare or safety of children receiving services provided by CIDP to express their concerns without the fear that they will be victimised or harassed for so doing. This policy applies to all of those who work for or on behalf of CIDP.

There is protection under civil law for those who report child protection concerns (4.3 above).

It may be difficult to raise concerns about the practice of colleagues. There can be a reluctance due to:

- fear of getting it wrong and damaging the career or reputation of a colleague;
- fear of disrupting working relationships;
- fear of not being believed;
- fear that the information will be used inappropriately, precipitating a chain of events that spirals out of control.

These considerations have to be considered in the light of the following:

- the responsibility of everyone working for or on behalf of CIDP for the protection and welfare of children;
- that raising a concern in a timely manner can prevent a bad situation from spiralling out of control;
- that raising a concern about one situation can reduce the risk of a similar situation arising in another part of the organisation;
- that raising a concern about poor or inappropriate practice will prevent the person raising the concern from becoming implicated in such practice.

CIDP is committed to ensuring that any person who raises a concern for the protection and welfare of a child arising from their involvement with the organisation will not be victimised, harassed or in any way disadvantaged provided that the person is acting reasonably, that is, the person can articulate the grounds for their concern by reference to this policy, *Children First*, or other relevant legislation or guidelines.

As described in Chapter 3 of this document, the concern should be first reported to the person's line manager. However, the person may decide to take the concern directly to the DLP or to the civil authorities. Whatever decision the person takes, the concern will be taken seriously, investigated and the appropriate action taken. At another point, there may need to be a discussion as to why the person was unable to take their concern to their line manager or to the DLP (if he or she has gone directly to the civil authorities) but this will be after the concern itself has been addressed. If the person concerned believes that their concern has not been heard or taken seriously or that they have suffered negative consequences for raising the concern, they should bring the matter to the attention of the CEO who will, in turn, inform the Chair of the Board.

The Child Safeguarding and Protection Service is available to provide advice and support to any person who is concerned about the protection and welfare of any child in CIDP. Andrew Fagan (Director) is available during office hours on 01 8360314. He can also be contacted by email on: andrew.fagan@dublindiocese.ie.

4.7 Use of mobile phones, IT equipment and social media

All staff and volunteers are expected to familiarise themselves with the policy on use of information technology and social media set out in the employee handbook and to operate in accordance with it.

Those who work for and on behalf of CIDP must observe appropriate professional boundaries with the children they encounter through their work and this requirement applies to their use of information technology, mobile phones and social media. Staff and volunteers should not use any of these media to initiate or maintain personal relationships with the children. In particular, they should not:

- gather or retain a young person's mobile phone number except where this is done for a specific purpose related to their work with CIDP;
- provide a young person with their own personal mobile phone number or email address;
- access the internet with a young person unless authorised to do so as part of their work with CIDP;
- befriend a young person on a social media website such as Facebook;
- take photographs of young people without obtaining their permission and that of their parents;
- communicate with a young person by email except where this is done with CIDP approval and from a CIDP email address;
- communicate with a young person by text except where this is done with CIDP approval and from a CIDP mobile phone.

The young people staying in the boarding campus require guidance and assistance in their use of these new media and they should be protected from online bullying. Use of IT and social media should be addressed within the code of behaviour for young people mentioned above (4.4).

Care staff should engage with the young people in relation to their use of the internet and assist them to understand, for example, the dangers of grooming and the implications of sharing personal information and photographs on social media sites.

Any computers used by the young people in the boarding campus should be suitably protected and their use monitored.

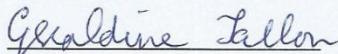
Addendum



Addendum to Interim Child Protection Policy for CIDP - May 2017

1. This Addendum supplements the Interim Child Safeguarding Policy of CIDP and the Safeguarding Policy of the Holy family School for the Deaf.
2. The parties to this Addendum are: The Catholic Institute for Deaf People (CIDP) and The Holy Family School for the Deaf, being the co-authors of this addendum.
3. In the event of a dispute or conflict between this Addendum and either policy that the appropriate statutory body, i.e. TUSLA, HIQA or the Diocesan Child Safeguarding and Protection service be consulted for advisement and adjudication.
4. This addendum shall become effective from the date of signing.
5. The author and co-author of this addendum agree as follows:
 - a. For the purposes of ensuring the safety of all children attending Holy Family School and St Josephs & St Marys Boarding any information pertaining to a potential for risk for a child or children shall be shared between the school and the boarding
 - b. The Principal of the school, acting as the Designated Liaison Person (DLP) for the purposes of the school policy under the Department of Education Child Protection Policy and Procedures, will keep the CEO of CIDP informed of all safeguarding concerns pertaining to the children in the school. This will relate to any issues raised whether dealt with locally or escalated.
 - c. Likewise the boarding managers will advise the school Principal of any safeguarding concerns relating to any child and communicate this information to the CEO of CIDP
 - d. The DLP's in both boarding and school will share information as appropriate in a timely manner
 - e. To assist in the matter of open communication between boarding and school a copy of the parental consent must be held on both boarding and school pupil files. If this does not exist it must be obtained immediately.
 - f. The Dublin diocese Safeguarding Team will provide all safeguarding training for both the school and boarding staff ensuring a consistency of approach and a letter of commitment to same shall be issued by the Chair of the Board of Management of the School. For the staff in the school this training provided by the Diocese will be in addition to specific training that school staff will attend through the Department of Education.
6. Any changes to the CIDP Interim policy or the school policy must be communicated with all parties to the addendum and where necessary an updated agreement put in place
7. Signing of this addendum constitutes acceptance of the terms of the policy

Chairperson of the Catholic Institute
for Deaf People


Ms Geraldine Tallon

Date

30/5/17

Chairperson Holy family School
for the Deaf


Fr. Paddy Boyle

Date

30/05/17